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DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 301

[Docket No. APHIS–2013–0078]

Asian Longhorned Beetle; Quarantined Areas in New Jersey

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Affirmation of interim rule as final rule.

SUMMARY: We are adopting as a final rule, without change, an interim rule that amended the Asian longhorned beetle regulations by removing portions of Middlesex and Union Counties, NJ, from the list of quarantined areas based on our determination that those areas meet our criteria for removal. The interim rule was necessary to relieve restrictions that are no longer necessary because there are no longer any areas in New Jersey that are quarantined because of Asian longhorned beetle.

DATES: Effective on July 18, 2014, we are adopting as a final rule the interim rule published at 79 FR 17387–17388 on March 28, 2014.

FOR FURTHER INFORMATION CONTACT: Ms. Claudia Ferguson, Senior Regulatory Policy Specialist, Regulatory Coordination and Compliance, PPQ, APHIS, 4700 River Road Unit 133, Riverdale, MD 20737–1236; (301) 851–2352.

SUPPLEMENTARY INFORMATION:

Background

The Asian longhorned beetle (ALB, Anoplophora glabripennis), an insect native to China, Japan, Korea, and the Isle of Hainan, is a destructive pest of hardwood trees. The ALB regulations in 7 CFR 301.51–1 through 301.51–9 (referred to below as the regulations) restrict the interstate movement of regulated articles from quarantined areas to prevent the artificial spread of ALB to noninfested areas of the United States.

In an interim rule [1] effective and published in the **Federal Register** on March 28, 2014 (79 FR 17387–17388, Docket No. APHIS–2013–0078), we amended the regulations by removing the entry for Middlesex and Union Counties, NJ. That action relieved restrictions on the movement of regulated articles from those areas that are no longer warranted. With that change, there are no longer any areas in New Jersey that are quarantined because of ALB.

Comments on the interim rule were required to be received on or before May 27, 2014. We did not receive any comments. Therefore, for the reasons given in the interim rule, we are adopting the interim rule as a final rule without change.

This action also affirms the information contained in the interim rule concerning Executive Order 12866 and the Regulatory Flexibility Act, Executive Orders 12372 and 12988, and the Paperwork Reduction Act.

Further, for this action, the Office of Management and Budget has waived its review under Executive Order 12866.

List of Subjects in 7 CFR Part 301

Agricultural commodities, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Transportation.

PART 301—DOMESTIC QUARANTINE NOTICES

Accordingly, we are adopting as a final rule, without change, the interim rule that amended 7 CFR part 301 and that was published at 79 FR 17387–17388 on March 28, 2014.

Done in Washington, DC, this 14th day of July 2014.

Kevin Shea,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2014–16924 Filed 7–17–14; 8:45 am]

BILLING CODE 3410–34–P

[1] To view the interim rule, go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2013-0078.*

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2013–0956; Airspace Docket No. 13–AWP–17]

Establishment of Class E Airspace; Phoenix, AZ

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class E airspace at the Phoenix VHF Omni-Directional Radio Range Tactical Air Navigation Aid (VORTAC), Phoenix, AZ, to facilitate vectoring of Instrument Flight Rules (IFR) aircraft under control of Albuquerque Air Route Traffic Control Center (ARTCC). This improves the safety and management of IFR operations within the National Airspace System.

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: Bill Nugent, Federal Aviation Administration, Operations Support Group, Western Service Center, 1601 Lind Avenue SW., Renton, WA 98057; telephone (425) 203–4518.

SUPPLEMENTARY INFORMATION:

History

On December 26, 2013, the FAA published in the **Federal Register** a notice of proposed rulemaking (NPRM) to establish controlled airspace at Phoenix, AZ (78 FR 78298). Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. One comment was received from the National Business Aviation Association in support of the recommended change.

Class E airspace designations are published in paragraph 6006, of FAA Order 7400.9X dated August 7, 2013, and effective September 15, 2013, which is incorporated by reference in 14 CFR Part 71.1. The Class E airspace designations listed in this document will be published subsequently in that Order.

The Rule

This action amends Title 14 Code of Federal Regulations (14 CFR) Part 71 by establishing Class E en route domestic airspace extending upward from 1,200 feet above the surface, at the Phoenix VORTAC navigation aid, Phoenix, AZ, to accommodate IFR aircraft under control of Albuquerque Air Route Traffic Control Center (ARTCC) by vectoring aircraft from en route airspace to terminal areas. This action is necessary for the safety and management of IFR operations.

The FAA has determined this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation: (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that only affects air traffic procedures and air navigation, it is certified this rule, when promulgated, does not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the U.S. Code. Subtitle 1, Section 106 discusses the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it establishes controlled airspace at the Phoenix VORTAC navigation aid, Phoenix, AZ.

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 part 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 6006 En Route Domestic Airspace Areas.

* * * * *

AWP AZ E6 Phoenix, AZ [New]

Phoenix VORTAC, AZ

(Lat. 33°25′59″ N., long. 111°58′13″ W.)

That airspace extending upward from 1,200 feet above the surface within an area bounded by lat. 34°01′00″ N., long. 114°00′00″ W.; to lat. 33°33′12″ N., long. 111°51′21″ W.; to lat. 33°29′30″ N., long. 110°45′45″ W.; to lat. 33°52′30″ N., long. 108°45′00″ W.; to lat. 33°50′00″ N., long. 108°00′00″ W.; to lat. 33°35′00″ N., long. 107°36′00″ W.; to lat. 33°35′00″ N., long. 107°28′00″ W.; to lat. 32°25′00″ N., long. 108°00′00″ W.; to lat. 32°25′00″ N., long. 108°12′00″ W.; to lat. 31°20′00″ N., long. 108°12′00″ W.; to lat. 31°20′00″ N., long. 111°05′00″ W.; to lat. 32°06′00″ N., long. 113°30′30″ W.; to lat. 32°44′15″ N., long. 113°41′05″ W.; to lat. 32°41′00″ N., long. 114°00′00″ W., thence to the point of beginning.

Issued in Seattle, Washington, on July 7, 2014.

Clark Desing,

Manager, Operations Support Group, Western Service Center.

[FR Doc. 2014–16634 Filed 7–17–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

Docket No. FAA–2013–0995; Airspace Docket No. 13–ASW–30

Establishment of Class E Airspace; Truth or Consequences, NM

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class E airspace at the Truth or Consequences VHF Omni-Directional Radio Range Tactical Air Navigation Aid (VORTAC), Truth or Consequences, NM, to facilitate vectoring of Instrument Flight Rules (IFR) aircraft under control of Albuquerque Air Route Traffic Control Center (ARTCC). This improves the safety and management of IFR operations within the National Airspace System.

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: Bill Nugent, Federal Aviation Administration, Operations Support Group, Western Service Center, 1601 Lind Avenue SW., Renton, WA 98057; telephone (425) 203–4518.

SUPPLEMENTARY INFORMATION:

History

On December 26, 2013, the FAA published in the **Federal Register** a notice of proposed rulemaking (NPRM) to establish controlled airspace at Truth or Consequences, NM (78 FR 78299). Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. One comment National Business Aviation Association was received in support of the recommended change.

Class E airspace designations are published in paragraph 6006, of FAA Order 7400.9X dated August 7, 2013, and effective September 15, 2013, which is incorporated by reference in 14 CFR Part 71.1. The Class E airspace designations listed in this document will be published subsequently in that Order.

The Rule

This action amends Title 14 Code of Federal Regulations (14 CFR) Part 71 by establishing Class E en route domestic

airspace extending upward from 1,200 feet above the surface, at the Truth or Consequences VORTAC navigation aid, Truth or Consequences, NM, to accommodate IFR aircraft under control of Albuquerque Air Route Traffic Control Center (ARTCC) by vectoring aircraft from en route airspace to terminal areas. This action is necessary for the safety and management of IFR operations.

The FAA has determined this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation: (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that only affects air traffic procedures and air navigation, it is certified this rule, when promulgated, does not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the U.S. Code. Subtitle 1, Section 106 discusses the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it establishes controlled airspace at the Truth or Consequences, NM VORTAC navigation aid, Truth or Consequences, NM.

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 Part 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 6006 En Route Domestic Airspace Areas

* * * * *

ASW NM E6 Truth or Consequences, NM [New]

Truth or Consequences VORTAC, NM
(Lat. 33°16′57″ N., long. 107°16′50″ W.)

That airspace extending upward from 1,200 feet above the surface within an area bounded by lat. 33°38′15″ N., long. 103°29′15″ W.; to lat. 33°24′10″ N., long. 103°41′30″ W.; to lat. 33°23′00″ N., long. 103°48′00″ W.; to lat. 33°00′00″ N., long. 103°48′00″ W.; to lat. 32°28′00″ N., long. 103°56′00″ W.; to lat. 32°02′00″ N., long. 103°48′00″ W.; to lat. 31°39′00″ N., long. 103°20′00″ W.; to lat. 31°35′00″ N., long. 103°07′00″ W.; to lat. 31°17′00″ N., long. 102°09′00″ W.; to lat. 30°57′08″ N., long. 102°58′33″ W.; to lat. 30°17′54″ N., long. 103°57′17″ W.; to lat. 30°42′00″ N., long. 105°00′00″ W.; to lat. 31°45′00″ N., long. 106°23′00″ W.; to lat. 31°48′00″ N., long. 106°32′00″ W.; to lat. 31°47′00″ N., long. 108°12′00″ W.; to lat. 32°25′00″ N., long. 108°12′00″ W.; to lat. 32°25′00″ N., long. 108°00′00″ W.; to lat. 33°35′00″ N., long. 107°28′00″ W.; to lat. 33°35′00″ N., long. 106°48′10″ W.; to lat. 33°49′45″ N., long. 106°45′20″ W.; to lat. 33°49′30″ N., long. 106°16′30″ W.; to lat. 33°44′45″ N., long. 106°04′00″ W.; to lat. 34°17′00″ N., long. 106°04′00″ W.; to lat. 34°17′00″ N., long. 105°51′00″ W.; to lat. 33°58′00″ N., long. 105°27′00″ W.; to lat. 34°08′45″ N., long. 105°09′00″ W., thence to the point of beginning.

Issued in Seattle, Washington, on July 7, 2014.

Clark Desing,

Manager, Operations Support Group, Western Service Center.

[FR Doc. 2014–16633 Filed 7–17–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

15 CFR Part 922

[Docket No. 130813710–4485–02]

RIN 0648–BD60

Gray's Reef National Marine Sanctuary Regulations and Management Plan

AGENCY: Office of National Marine Sanctuaries (ONMS), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

ACTION: Final rule.

SUMMARY: NOAA is updating the regulations and management plan for Gray's Reef National Marine Sanctuary (GRNMS or Sanctuary). The regulations are revised to clarify the prohibition on anchoring and add an exemption to allow the use of weighted marker buoys that are continuously tended by vessel operators during otherwise lawful fishing or diving activities, not attached to a vessel, and not capable of holding a boat at anchor. An environmental assessment has been prepared that includes analysis of the consequences of this action. A revised management plan outlining management priorities for GRNMS for the next 5–10 years has also been prepared. No changes were made from the proposed to final rule.

DATES: Effective August 18, 2014.

ADDRESSES: Copies of the environmental assessment and final management plan described in this rule are available upon request to Gray's Reef National Marine Sanctuary, 10 Ocean Science Circle, Savannah, GA 31411, Attn: Becky Shortland, Resource Protection Coordinator. These documents can also be viewed on the Web and downloaded at *http://graysreef.noaa.gov.*

FOR FURTHER INFORMATION CONTACT: Becky Shortland at (912) 598–2381 or *becky.shortland@noaa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

A. Gray's Reef National Marine Sanctuary

Gray's Reef National Marine Sanctuary (GRNMS or sanctuary) off the coast of Georgia contains one of the largest nearshore, live-bottom reefs of the southeastern United States. Located 16 miles offshore from Sapelo Island, GRNMS is currently the only protected natural reef on the continental shelf off the Georgia coast and one of only a few marine protected areas in the ocean

between Cape Hatteras, North Carolina and Cape Canaveral, Florida. NOAA designated GRNMS as the nation's fourth national marine sanctuary in 1981 for the purposes of: Protecting the quality of this unique and fragile ecological community; promoting scientific understanding of this live bottom ecosystem; and enhancing public awareness and wise use of this significant regional resource. GRNMS protects 22 square miles of open ocean and submerged lands of particularly dense and nearshore patches of productive live bottom habitat. The sanctuary is influenced by complex ocean currents and serves as a mixing zone for temperate (colder water) and sub-tropical species. The series of rock ledges and sand expanses provide a solid base upon which temperate and tropical marine flora and fauna attach and flourish.

B. Need for action

The National Marine Sanctuaries Act of 1972 (NMSA; 16 U.S.C. 1431 et seq.) section 304(e) requires that NOAA review and evaluate, among other things, the site-specific management techniques and strategies to ensure that each sanctuary continues to fulfill the purposes and policies of the NMSA. Emerging issues, such as the effects of invasive lionfish on sanctuary resources, were not adequately addressed in the 2006 GRNMS plan. The new management plan reflects some of these emerging issues and presents management priorities for GRNMS for the next 5–10 years. The regulatory changes will, in the case of the anchoring prohibition, clarify that attempting to anchor is also prohibited because deployment of anchors, even if the anchors do not set on the bottom, can result in negative impacts to the submerged lands. The regulatory changes will also allow the placement of weighted marker buoys used during otherwise lawful fishing or diving activities. The weighted marker buoys will be used for diving safety (markers provide a stationary point for divers to more accurately locate a site and for boat operators to find divers on their ascent), and to assist recreational fishers for marking and relocating a fishing spot as their boat drifts. Therefore, the purpose of deployment of a weight on the bottom is for safety or convenience while conducting diving and recreational fishing activities, since anchoring is not allowed.

II. Summary of the Revisions to GRNMS Regulations

The regulatory action will clarify a prohibition and add an exemption.

a. Clarification of anchoring prohibition: NOAA is clarifying the prohibition on anchoring in the sanctuary (15 CFR 922.92(a)(10)) by adding ''. . . or attempting to anchor'' to GRNMS's existing anchoring regulation. This will facilitate law enforcement efforts and protect sanctuary resources by allowing authorized officers to enforce the anchoring prohibition even when an anchor has not yet been set in the submerged lands of the sanctuary. Enforcement officials have experienced occasions where sanctuary users were ''attempting'' to anchor in GRNMS despite the prohibition, but because the anchor had not yet been ''set,'' the prohibition did not apply. This amendment will better align the regulation with its original intent.

b. Exemption for marker buoys: Current GRNMS regulations prohibit placing any material on the submerged lands of the sanctuary, including weights for marker buoys that sit on the seafloor to mark locations during recreational diving or fishing (15 CFR 922.92(a)(2)). NOAA is adding an exemption to this regulation for bottom placement of weighted marker buoys that are continuously tended and used during otherwise lawful fishing or diving activities, are not attached to a vessel, and are not capable of holding a boat at anchor. Weights used with a marker buoy must not have a combined weight of more than 10 pounds, must be attached with not greater than one-fourth inch (¼″) line and must be removed from the sanctuary within twelve (12) hours of deployment. NOAA (or any authorized officer) could remove any weighted marker buoy that is not continuously tended, without notice. By ''continuously tended'', NOAA means that the buoy is in use by fishers or divers at the time it is observed and that the fishers' or divers' boat is in some proximity to the buoy.

The weighted marker buoys will be used for diving safety (markers provide a stationary point for divers to more accurately locate a site and for boat operators to find divers on their ascent), and to assist recreational fishers for marking and relocating a fishing spot as their boat drifts. Because anchoring in GRNMS is currently prohibited, recreational diving must be conducted by ''live-boat'' (non-anchored vessels), and recreational fishing by trolling or drifting with a vessel. Public comment and Sanctuary Advisory Council discussion during scoping for the management plan review indicated strong support for regulatory exemption of weighted marker buoys. Although the use of marker buoys for recreational fishing is more a matter of convenience than safety, the impact of weighted marker buoys from diving or fishing on sanctuary resources is negligible and therefore, NOAA will allow this practice for both of these activities.

III. Responses to Public Comments

During the public comment period, four (4) written comments were received through the electronic rulemaking portal *http://www.regulations.gov.* Three (3) public hearings were also held to receive comment, but no members of the public attended any of the three. The written comments were grouped into two (2) general topics that are summarized below, followed by NOAA's response.

Comment 1: NOAA should move forward with the proposed rule, specifically the exemption for weighted marker buoys.

Response: Comment noted.

Comment 2: Although weighted marker buoys are proposed with certain limitations to reduce impacts to the submerged lands, impacts are still possible. Therefore, the exemption should be allowed only for a set, temporary period of time to benefit diving safety and to document actual effects, if any, on GRNMS resources. Once documented, a decision could be made to eliminate or continue the exemption to allow the use of weighted marker buoys in GRNMS.

Response: NOAA agrees that the proposed rule to allow the use of weighted marker buoys will contribute to diving safety in GRNMS. NOAA also determined that the expected effects on sanctuary resources from weights of ten (10) pounds or less placed temporarily on the submerged lands will be minimal.

In addition, NOAA is committed to managing the resources of GRNMS in an adaptive manner, as demonstrated by the deliberate and transparent management plan review process that takes place every 5–10 years. Any impacts of weighted markers on sanctuary resources would be brought to NOAA's attention during the next management plan review, which is open to public participation. Instead of an automatic end date for the regulation on weighted marker buoys, the next management plan review would be the appropriate mechanism for modifying this regulation, if appropriate.

IV. Changes From the Proposed Rule

No changes were made from the proposed to final rule.

V. Classification

A. National Environmental Policy Act

NOAA has prepared an environmental assessment to evaluate the impacts of the rulemaking. Copies are available at the address and Web site listed in the **ADDRESSES** section of this final rule.

B. Executive Order 12866: Regulatory Impact

This final rule has been determined to be not significant as that term is defined in Executive Order 12866.

C. Executive Order 13132: Federalism Assessment

NOAA has concluded this regulatory action does not have federalism implications sufficient to warrant preparation of a federalism assessment under Executive Order 13132.

D. Regulatory Flexibility Act

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration (SBA) at the proposed rule stage that this final rule would not have a significant economic impact on a substantial number of small entities. The factual basis for the certification was published with the proposed rule. No comments were received regarding this certification. Accordingly, no regulatory flexibility analysis is required and none has been prepared.

E. Paperwork Reduction Act

This proposed rule would not require any additional collection of information, and therefore no paperwork reduction act action is required. Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the PRA, unless that collection of information displays a currently valid OMB Control Number.

VI. References

A complete list of all references cited herein is available upon request (see **ADDRESSES** section).

List of Subjects in 15 CFR Part 922

Administrative practice and procedure, Coastal zone, Fishing gear, Marine resources, Natural resources, Penalties, Recreation and recreation areas, Wildlife.

(Federal Domestic Assistance Catalog Number 11.429 Marine Sanctuary Program)

Dated: July 9, 2014.

Christopher Cartwright,

Chief Financial Officer, National Ocean Service, National Oceanic and Atmospheric Administration.

Accordingly, for the reasons set forth above, NOAA is amending part 922, title 15 of the Code of Federal Regulations as follows:

PART 922—NATIONAL MARINE SANCTUARY PROGRAM REGULATIONS

■ 1. The authority citation for part 922 continues to read as follows:

Authority: 16 U.S.C. 1431 et seq.

■ 2. In § 922.92, revise paragraphs (a)(2) and (10) to read as follows:

§ 922.92 Prohibited or otherwise regulated activities—Sanctuary-wide.

(a) * * *

(2) Constructing any structure other than a navigation aid, or constructing, placing, or abandoning any structure, material, or other matter on the submerged lands of the Sanctuary except weighted marker buoys that are continuously tended and used during otherwise lawful fishing or diving activities and that are not attached to a vessel and not capable of holding a boat at anchor. Weights used with a marker buoy shall not have a combined weight of more than 10 pounds, shall be attached with not greater than one-fourth inch (¼″) line and shall be removed from the Sanctuary within twelve (12) hours of deployment. Any weighted marker buoy that is not continuously tended may be removed by the Assistant Administrator or designee or an authorized officer, without notice.

* * * * *

(10) Anchoring, or attempting to anchor, any vessel in the Sanctuary, except as provided in paragraph (d) of this section when responding to an emergency threatening life, property, or the environment.

* * * * *

[FR Doc. 2014–16632 Filed 7–17–14; 8:45 am]

BILLING CODE 3510–NK–P

SOCIAL SECURITY ADMINISTRATION

20 CFR Parts 404 and 416

[Docket No. SSA–2014–0034]

RIN 0960–AH67

Extension of Expiration Date for Temporary Pilot Program Setting the Time and Place for a Hearing Before an Administrative Law Judge

AGENCY: Social Security Administration.

ACTION: Final rule.

SUMMARY: We are extending for one year our pilot program that authorizes the agency to set the time and place for a hearing before an administrative law judge (ALJ). Extending the pilot program continues our commitment to improve the efficiency of our hearing process and provide accurate, high-quality decisions for claimants. The current pilot program will expire on August 9, 2014. In this final rule, we are extending the expiration date to August 10, 2015. We are making no other substantive changes.

DATES: This final rule is effective July 18, 2014.

FOR FURTHER INFORMATION CONTACT: Rainbow Forbes, Social Security Administration, 5107 Leesburg Pike, Falls Church, VA 22041–3260, 703–605–8100 for information about this final rule. For information on eligibility for 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

Over the past several years, one of our highest priorities has been to improve the efficiency of our hearing process for the Old Age, Survivors, and Disability Insurance (OASDI) programs under title II of the Social Security Act (Act) and the Supplemental Security Income (SSI) program under title XVI of the Act. Toward that end, we began a pilot program in July 2010 (75 FR 39154), under which the agency, rather than the ALJ, may set the time and place of the hearing under certain circumstances. Because we expect to continue to face significant challenges in dealing with the historically large number of hearing requests, we must maintain programs and policies that can provide us with the flexibility we need to improve the efficiency of our hearing process.

On November 10, 2008, we published a notice of proposed rulemaking to amend our rules to allow the agency to set the time and place for a hearing before an ALJ. (73 FR 66564). Following receipt of public comments, we issued a final rule on July 8, 2010. (75 FR 39154). Under the rule, the agency acquired the authority to set the time and place for a hearing before an ALJ. In the rule, we explained that we would implement our authority to set the time and place for a hearing before an ALJ as a temporary pilot program. Therefore, we included in sections 404.936(h) and 416.1436(h) of the final rule a provision

that the pilot program would end on August 9, 2013, unless we decided to either terminate the program earlier, or extend it beyond that date by publication of a final rule in the **Federal Register**. On July 29, 2013, we extended the sunset date of the program until August 9, 2014.[1] (78 FR 45451).

Explanation of Extension

During the pilot program, we track ALJ productivity closely. We work with our ALJs to address any concerns about our hearing process. In situations where hearings were not being promptly scheduled, we worked with ALJs to correct these situations, and we continue to work with some ALJs on scheduling hearings with the expectation of using all authorities available. To date, our efforts to correct situations have been largely successful. We our retaining this authority in order to provide us with the flexibility we need to manage the hearing process appropriately. We consider the pilot program an important tool to better manage the number of hearings held and keep our hearing process as efficient as possible in our overall effort to reduce hearing backlogs.

During this extension of the pilot program, we will continue to monitor the productivity of ALJs, and we will continue to work with our ALJs to address any concerns regarding our hearing process. Accordingly, we are extending our authority to set the time and place for a hearing before an ALJ for another year, until August 10, 2015. As before, we are reserving the authority to end the program earlier, or to extend it by publishing a final rule in the **Federal Register**.

Part 405

We are making one change to Part 405 for consistency with this final rule.

Regulatory Procedures

Justification for Issuing Final Rule Without Notice and Comment

We follow the Administrative Procedure Act (APA) rulemaking procedures specified in 5 U.S.C. 553 when developing regulations. Section 702(a)(5) of the Social Security Act, 42 U.S.C. 902(a)(5). Generally, the APA requires that an agency provide prior notice and opportunity for public comment before issuing a final rule. The APA provides exceptions to its notice and public comment procedures when an agency finds there is good cause for dispensing with such procedures because they are impracticable, unnecessary, or contrary to the public interest. We have determined that good cause exists for dispensing with the notice and public comment procedures for this rule. 5 U.S.C. 553(b)(B). This final rule only extends the date on which the pilot program will no longer be effective. It makes no substantive changes to our rules. Our current regulations expressly provide that we may extend the expiration date of the pilot program by notice of a final rule in the **Federal Register**. Therefore, we have determined that opportunity for prior comment is unnecessary, and we are issuing this rule as a final rule.

In addition, for the reasons cited above, we find good cause for dispensing with the 30-day delay in the effective date of this final rule. 5 U.S.C. 553(d)(3). We are not making any substantive changes in our rules. Without an extension of the expiration date for the pilot program, we will not have the flexibility we need to ensure the efficiency of our hearing process. Therefore, we find it is in the public interest to make this final rule effective on the publication date.

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. Thus, OMB did not review the final rule.

Regulatory Flexibility Act

We certify that this final rule will not have a significant economic impact on a substantial number of small entities because it affects individuals only. Therefore, the Regulatory Flexibility Act, as amended, does not require us to prepare a regulatory flexibility analysis.

Paperwork Reduction Act

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

(Catalog of Federal Domestic Assistance Program Nos. 96.001, Social Security—Disability Insurance; 96.002, Social Security—Retirement Insurance; 96.004, Social Security—Survivors Insurance; 96.006, Supplemental Security Income.)

List of Subjects

20 CFR Part 404

Administrative practice and procedure; Blind; Disability benefits; Old-age, Survivors, and Disability Insurance; Reporting and recordkeeping requirements; Social Security.

20 CFR Part 405

Administrative practice and procedure, Blind, Disability benefits, Old-Age, Survivors, and Disability Insurance, Public assistance programs, Reporting and recordkeeping requirements, Social Security, Supplemental Security Income (SSI).

20 CFR Part 416

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

Carolyn W. Colvin,

Acting Commissioner of Social Security.

For the reasons set out in the preamble, we are amending 20 CFR chapter III, parts 404, 405, and 416, as set forth below:

PART 404—FEDERAL OLD-AGE, SURVIVORS AND DISABILITY INSURANCE (1950–)

Subpart J—[Amended].

■ 1. The authority citation for subpart J of part 404 continues to read as follows:

Authority: Secs. 201(j), 204(f), 205(a)–(b), (d)–(h), and (j), 221, 223(i), 225, and 702(a)(5) of the Social Security Act (42 U.S.C. 401(j), 404(f), 405(a)–(b), (d)–(h), and (j), 421, 423(i), 425, and 902(a)(5)); sec. 5, Pub. L. 97–455, 96 Stat. 2500 (42 U.S.C. 405 note); secs. 5, 6(c)–(e), and 15, Pub. L. 98–460, 98 Stat. 1802 (42 U.S.C. 421 note); sec. 202, Pub. L. 108–203, 118 Stat. 509 (42 U.S.C. 902 note).

■ 2. In § 404.936, revise the second sentence in paragraph (h) to read as follows:

§ 404.936 Time and place for a hearing before an administrative law judge.

* * * * *

(h) *Pilot program.* * * * These provisions will no longer be effective on August 10, 2015, unless we terminate them earlier or extend them beyond that date by notice of a final rule in the **Federal Register**.

PART 405—ADMINISTRATIVE REVIEW PROCESS FOR ADJUDICATING INITIAL DISABILITY CLAIMS

Subpart D—[Amended]

■ 3. The authority citation for part 405 continues to read as follows:

Authority: Secs. 201(j), 205(a)–(b), (d)–(h), and (s), 221, 223(a)–(b), 702(a)(5), 1601, 1602, 1631, and 1633 of the Social Security Act (42 U.S.C. 401(j), 405(a)–(b), (d)–(h), and (s), 421,

[1] *http://www.gpo.gov/fdsys/pkg/FR-2013-07-29/pdf/2013-18143.pdf.*

423(a)–(b), 902(a)(5), 1381, 1381a, 1383, and 1383b).

■ 4. In § 405.315, revise the second sentence in paragraph (e) to read as follows:

§ 405.315 Time and place for a hearing before an administrative law judge.

* * * * *

(e) *Pilot program.* * * * These provisions will no longer be effective on August 10, 2015, unless we terminate them earlier or extend them beyond that date by notice of a final rule in the **Federal Register**.

PART 416—SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED

Subpart N—[Amended]

■ 5. The authority citation for subpart N of part 416 continues to read as follows:

Authority: Secs. 702(a)(5), 1631, and 1633 of the Social Security Act (42 U.S.C. 902(a)(5), 1383, and 1383b); sec. 202, Pub. L. 108–203, 118 Stat. 509 (42 U.S.C. 902 note).

■ 6. In § 416.1436, revise the second sentence in paragraph (h) to read as follows:

§ 416.1436 Time and place for a hearing before an administrative law judge.

* * * * *

(h) *Pilot program.* * * * These provisions will no longer be effective on August 10, 2015, unless we terminate them earlier or extend them beyond that date by notice of a final rule in the **Federal Register**.

[FR Doc. 2014–16782 Filed 7–17–14; 8:45 am]

BILLING CODE 4191–02–P

AGENCY FOR INTERNATIONAL DEVELOPMENT

22 CFR Part 236

Republic of Tunisia Loan Guarantees Issued Under the Further Continuing Appropriations Act, 2013—Standard Terms and Conditions

AGENCY: Agency for International Development (USAID).

ACTION: Final rule.

SUMMARY: This regulation prescribes the procedures and standard terms and conditions applicable to loan guarantees to be issued for the benefit of the Republic of Tunisia pursuant to Title III of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2012, as applied to FY 2013 funding by section 1706(j) of the Further Continuing Appropriations Act, 2013.

DATES: Effective July 17, 2014.

FOR FURTHER INFORMATION CONTACT: Maryam Khosharay, Office of General Counsel, U.S. Agency for International Development, Washington, DC 20523–6601; tel. 202–712–1324, fax 202–216–3058.

SUPPLEMENTARY INFORMATION: Pursuant to Title III of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2012 (Div. I, Pub. L. 112–74), as applied to FY 2013 funding by section 1706(j) of the Further Continuing Appropriations Act, 2013 (Div. F, Pub. L. 113–6), the United States of America, acting through the U.S. Agency for International Development, may issue certain loan guarantees applicable to sums borrowed by Banque Centrale de Tunisie, acting on behalf of the Republic of Tunisia (the ''Borrower''), not exceeding an aggregate total of U.S. $500 million in principal amount. Upon issuance, the loan guarantees shall ensure the Borrower's repayment of 100% of principal and interest due under such loans and the full faith and credit of the United States of America shall be pledged for the full payment and performance of such guarantee obligations.

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

List of Subjects in 22 CFR Part 236

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

Authority and Issuance

Accordingly, a new Part 236 is added to Title 22, Chapter II, of the Code of Federal Regulations, as follows:

PART 236—REPUBLIC OF TUNISIA LOAN GUARANTEES ISSUED UNDER THE FURTHER CONTINUING APPROPRIATIONS ACT, 2014, DIV. F, PUBLIC LAW 113–6—STANDARD TERMS AND CONDITIONS

Sec.

236.1 Purpose.
236.2 Definitions.
236.3 The Guarantee.
236.4 Guarantee eligibility.
236.5 Non-impairment of the Guarantee.
236.6 Transferability of Guarantee; Note Register.
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236.10 Payment to USAID of excess amounts received by a Noteholder.
236.11 Subrogation of USAID.
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236.13 Change in agreements.
236.14 Arbitration.
236.15 Notice.
236.16 Governing Law.

Appendix A to Part 236—Application for Compensation

Authority: Sec. 1706(j), Div. F, Public Law 113–6.

§ 236.1 Purpose.

The purpose of the regulations in this part is to prescribe the procedures and standard terms and conditions applicable to loan guarantees issued for the benefit of the Borrower, pursuant to Title III of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2012 (Div. I, Pub. L. 112–74), as applied to FY 2013 funding by section 1706(j) of the Further Continuing Appropriations Act, 2013 (Div. F, Pub. L. 113–6). The loan guarantees will be issued as provided herein pursuant to the Loan Guarantee Agreement, dated June 3, 2014, between the United States of America and the Republic of Tunisia (the ''Loan Guarantee Agreement''). The loan guarantee will apply to sums borrowed during a period beginning on the date that the Loan Guarantee Agreement enters into force and ending thirty days after such date, not exceeding an aggregate total of five hundred million United States Dollars ($500,000,000) in principal amount. The loan guarantees shall ensure the Borrower's repayment of 100% of principal and interest due under such loans. The full faith and credit of the United States of America is pledged for the full payment and performance of such guarantee obligations.

§ 236.2 Definitions.

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

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

Application for Compensation means an executed application in the form of Appendix A to this part which a Noteholder, or the Fiscal Agent on behalf of a Noteholder, files with USAID pursuant to § 236.8.

Borrower means Banque Centrale de Tunisie, acting on behalf of Republic of Tunisia.

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

Date of Application means the date on which an Application for Compensation is actually received by USAID pursuant to § 236.15.

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

Eligible Note(s) means [a] Note[s] meeting the eligibility criteria set out in § 236.4.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

§ 236.3 The Guarantee.

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

§ 236.4 Guarantee eligibility.

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

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

(2) Must contain a certificate of authentication manually executed by a Fiscal Agent whose appointment by the Borrower is consented to by USAID in the Fiscal Agency Agreement; and

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

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

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

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

§ 236.5 Non-impairment of the Guarantee.

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

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

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

§ 236.6 Transferability of Guarantee; Note Register.

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

§ 236.7 Fiscal Agent obligations.

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

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

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

§ 236.9 No acceleration of Eligible Notes.

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

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

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

§ 236.11 Subrogation of USAID.

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

§ 236.12 Prosecution of claims.

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

§ 236.13 Change in agreements.

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

§ 236.14 Arbitration.

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

§ 236.15 Notice.

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

§ 236.16 Governing Law.

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

Appendix A to Part 236—Application for Compensation

United States Agency for International Development

Washington, DC 20523

Ref: Guarantee dated as of ___, 20__:

Gentlemen: You are hereby advised that payment of $____ (consisting of $____ of principal, $____ of interest and $____ in Further Guaranteed Payments, as defined in § 236.2 of the Standard Terms and Conditions of the above-mentioned Guarantee) was due on _____, 20__, on $____ Principal Amount of Notes issued by Banque Centrale de Tunisie, acting on behalf of the Republic of Tunisia (the ''Borrower'') held by the undersigned. Of such amount $____ was not received on such date and has not been received by the undersigned at the date hereof. In accordance with the terms and provisions of the above-mentioned Guarantee, the undersigned hereby applies, under § 236.8 of said Guarantee, for payment of $____, representing $____, the Principal Amount of the presently outstanding Note(s) of the Borrower held by the undersigned that was due and payable on _____ and that remains unpaid, and $____, the Interest Amount on such Note(s) that was due and payable by the Borrower on ____ and that remains unpaid, and $____ in Further Guaranteed Payments,[1] plus accrued and unpaid interest thereon from the date of default with respect to such payments to and including the date payment in full is made by you pursuant to said Guarantee, at the rate of __ % per annum, being the rate for such interest accrual specified in such Note. Such payment is to be made at [state payment instructions of Noteholder].

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

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

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

Dated: July 10, 2014.

Maryam Khosharay,

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

[FR Doc. 2014–16631 Filed 7–17–14; 8:45 am]

BILLING CODE P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[TD 9674]

RIN 1545–BM07

Guidelines for the Streamlined Process of Applying for Recognition of Section 501(c)(3) Status

Correction

In rule document 2014–15623 on pages 37630–37632 of the issue of Wednesday, July 2, 2014 make the following corrections:

§ 1.501(a)-1T [Corrected]

■ 1. On page 37631, in the third column, in § 1.501(a)–1T(f)(2), in the third line, ''July 1, 2017'' should read ''*June 30, 2017''.*

§ 1.501(c)(3)–1T [Corrected]

■ 2. *On page 37632, in the first column, in § 1.501(c)(3)–1T(h)(2), in the third line, ''July 1, 2017'' should read ''June 30, 2017''.*

§ 1.508–1T [Corrected]

■ 3. *On page 37632, in the third column, in § 1.508–1T(c)(2), in the third and fourth lines, ''July 3, 2017'' should read ''June 30, 2017''.*

[FR Doc. C2–2014–15623 Filed 7–17–14; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[TD 9678]

RIN 1545–BK99

Mixed Straddles; Straddle-by-Straddle Identification Under Section 1092

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Final regulations and removal of temporary regulations.

SUMMARY: This document contains final regulations relating to section 1092 identified mixed straddles established after August 18, 2014. The final regulations explain how to account for unrealized gain or loss on a position held by a taxpayer prior to the time the taxpayer establishes a mixed straddle using straddle-by-straddle identification.

DATES: *Effective Date:* These regulations are effective on July 18, 2014.

Applicability Date: For the date of applicability, see § 1.1092(b)–6(e).

FOR FURTHER INFORMATION CONTACT: Pamela Lew of the Office of Associate Chief Counsel (Financial Institutions and Products) at (202) 317–6945 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The Deficit Reduction Act of 1984, Public Law 98–369, amended section 1092 of the Internal Revenue Code (Code) relating to straddles. As amended, section 1092(b) instructed the Treasury Department and the IRS to write regulations governing mixed straddles. Regulations governing mixed straddles were issued in 1985, including § 1.1092(b)–2T (relating to holding periods and losses with respect to straddle positions) and § 1.1092(b)–3T (relating to mixed straddles) (collectively, the 1985 temporary regulations).

This document contains amendments to the Income Tax Regulations (26 CFR part 1) relating to mixed straddles subject to straddle-by-straddle identification under section 1092(b)(2)(A)(i)(I) (identified mixed straddles). On August 2, 2013, the Treasury Department and the IRS published in the **Federal Register** temporary regulations relating to identified mixed straddles (TD 9627 at 78 FR 46807) and a notice of proposed rulemaking cross-referencing the temporary regulations (REG–112815–12 at 78 FR 46854). The temporary regulations added § 1.1092(b)–6T, which provides that unrealized gain or loss on a position held prior to the establishment of an identified mixed straddle is taken into account at the time and has the character provided by provisions of the Code that would apply if the identified mixed straddle had not been established. The temporary regulations changed the timing of the recognition of the unrealized gain or loss as compared to § 1.1092(b)–3T(b)(6) of the 1985 temporary regulations, which provides that unrealized gain or loss on a position that becomes a position in an identified mixed straddle is recognized on the day prior to establishing the identified mixed straddle.

Section 1.1092(b)–6T applied to identified mixed straddles established after August 1, 2013, the date of filing of TD 9627 in the **Federal Register**. However, in response to comments raising concerns about the immediate applicability date of the temporary regulations, the regulations were corrected on October 29, 2013, to revise the applicability date (TD 9627 at 78 FR 64396 and REG–112815–12 at 78 FR 64430). As corrected, § 1.1092(b)–6T would apply to identified mixed straddles established after the date of publication of the final regulations in the **Federal Register**.

Written comments were received on the notice of proposed rulemaking and a public hearing was held on December 4, 2013. All comments were considered and the written comments are available for public inspection at *http://www.regulations.gov* or upon request.

After consideration of all comments, these final regulations adopt the provisions of the proposed regulations with certain clarifications, and the corresponding temporary regulations are removed. The comments and clarifications are discussed in this preamble.

Summary of Comments and Explanation of Revisions

In response to the request for comments in the notice of proposed rulemaking, several comments were received. The comments address three general categories of issues: (1) the immediate applicability date of § 1.1092(b)–6T; (2) the character mismatch and timing of gain or loss recognition for assets held by insurance companies; and (3) certain technical rules in the 1985 temporary regulations and the temporary regulations relating to identified mixed straddles.

1. Applicability Date

As previously noted, in response to comments raising concerns about the immediate applicability date of the temporary regulations, the regulations were corrected on October 29, 2013, to revise the applicability date. As corrected, § 1.1092(b)–6T would apply to identified mixed straddles established after the date of publication of final regulations in the **Federal Register**. The correction notices informed taxpayers that the Treasury Department and the IRS anticipated finalizing the regulations no later than June 30, 2014.

One commenter asked that the applicability date be delayed for at least six months after the publication date of the final regulations in the **Federal Register**.

Because the Treasury Department and the IRS believe that the additional time provided by the correction notices has provided taxpayers with ample notice, these final regulations apply to identified mixed straddles established after August 18, 2014.

2. Character Mismatch and Timing of Gain or Loss Recognition for Assets Held by Insurance Companies

Commenters noted that insurance companies generally are buy-and-hold investors that hold portfolio bonds to maturity absent other events compelling disposition. Bonds held by an insurance company are capital assets and the interest income generated by those assets is ordinary in nature. Consequently, when an insurance company sells a bond (sometimes pursuant to instructions from a regulator in the case of a bond that has deteriorated in credit quality), the sale may result in a capital loss that does not offset for tax purposes the ordinary income generated by the bond and other portfolio assets. The capital loss may expire unused unless the insurance company recognizes an offsetting capital gain. According to the commenters, the use of the existing regulations to generate capital gains allows an insurance company to avoid the transaction costs, risks of being unable to acquire suitable replacement property, and unfavorable accounting treatment associated with a sale and repurchase of appreciated bonds. The commenters requested that no new regulations on identified mixed straddles be issued because insurance companies rely on the existing regulations to control the timing of capital gain recognition on bonds in their portfolio.

The fact that bonds generate ordinary income on periodic payments but capital gain or loss on disposition (when held as a capital asset) is not unique to insurance companies, and is a fundamental aspect of debt (as well as stock) investments. Section 1092 was not intended to alleviate character mismatches on debt portfolios. The Treasury Department and the IRS believe that using the section 1092(b)(2) identified mixed straddle rules as an alternative to selling or otherwise disposing of a position undermines the realization requirements that generally govern gain and loss recognition. These regulations are therefore being adopted to prevent selective recognition of gains and losses through the mechanism of an identified mixed straddle even though no disposition has occurred.

3. Technical Rules Relating to Identified Mixed Straddles

One commenter stated that the 1985 temporary regulations do not define what it means for gain or loss to be ''attributable to'' a section 1092(b)(2) identified mixed straddle period and asked the Treasury Department and the IRS to modify § 1.1092(b)–3T to address this issue. The commenter also requested an amendment to the 1985 temporary regulations to clarify the treatment of a net loss on the disposition of a section 1256 contract when there is an unrecognized gain in the retained non-section 1256 position.

Because these comments pertain to the operation of the 1985 temporary regulations, they are outside the scope of the proposed regulations, and the Treasury Department and the IRS do not believe that it is appropriate to address these comments in these final regulations. These final regulations are intended to address only the time for recognizing gain or loss that has accrued up to the date a taxpayer enters into an identified mixed straddle. All other rules that apply to an identified mixed straddle under the 1985 temporary regulations continue to apply.

The commenter also requested an amendment to the 1985 temporary regulations to clarify whether the rule in § 1.1092(b)–2T(c)(2) that resets the holding period on positions in an identified mixed straddle (holding period reset rule) continues to apply under these regulations, even to a position that had been held for the long-term holding period prior to the time the identified mixed straddle was established. Under the holding period reset rule, when an identified mixed straddle is established, the holding periods of all positions in that identified mixed straddle are reset to zero, and a position does not begin to accrue holding period until it is no longer part of a straddle.

This comment, requesting guidance on the holding period reset rule, is directly relevant to the computations required with respect to accrued gain or loss on a position when a taxpayer enters into an identified mixed straddle. Both the time period before a position becomes part of an identified mixed straddle and the time period after the identified mixed straddle is created are implicated by this comment. To address gain or loss that has accrued up to the day before a taxpayer enters into an identified mixed straddle, the text of § 1.1092(b)–6(a) has been revised and a new *Example 3* in § 1.1092(b)–6(d) has been added to clarify that any gain or loss that would have been a long-term gain or loss under the 1985 temporary regulations will, when recognized, be a long-term gain or loss under these final regulations. To address gain or loss that accrues on or after the day a taxpayer enters into an identified mixed straddle, § 1.1092(b)–6(b) expressly provides that § 1.1092(b)–2T(a)(1) applies to positions in an identified mixed straddle. Consequently, the holding period reset rule in § 1.1092(b)–2T(a)(1) remains applicable to gain and loss that accrues on or after a position becomes part of an identified mixed straddle. As previously noted, the holding period reset rule resets the holding period on positions in an identified mixed straddle to zero and provides that a position does not begin to accrue holding period until it is no longer part of a straddle.

Finally, one commenter requested clarification as to whether unrecognized gain that accrued prior to a position becoming part of an identified mixed straddle is taken into account in determining whether a realized loss is deferred under section 1092(a). Section 1092(a) provides that any loss with respect to one or more positions shall be taken into account for any taxable year only to the extent that the amount of such loss exceeds the unrecognized gain (if any) with respect to one or more offsetting positions. In response to this comment, § 1.1092(b)–6(c) and a new *Example 4* in § 1.1092(b)–6(d) have been added to clarify that the rules of section 1092(a)(3)(A), which include realized gain in unrecognized gain, apply to an identified mixed straddle. Section 1092(a)(3)(B), which applies to identified straddles that are subject to section 1092(a)(2) and includes only gain accrued after the establishment of the identified straddle, does not apply to the section 1092(b)(2) identified mixed straddles that are the subject of these final regulations.

Applicability Date

The final regulations apply to an identified mixed straddle established after August 18, 2014.

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 preceding these final regulations were submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on their impact on small businesses. No comments were received.

Drafting Information

The principal author of these regulations is Pamela Lew, Office of Associate Chief Counsel (Financial Institutions and Products). However, other personnel from the Treasury Department and the IRS participated in their development.

List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

Adoption of Amendments to the Regulations

Accordingly, 26 CFR part 1 is amended as follows:

PART 1—INCOME TAXES

■ **Paragraph 1.** The authority citation for part 1 is amended by removing the entries for § 1.1092(b)–6T and by adding entries in numerical order to read as follows:

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

Section 1.1092(b)–6 also issued under 26 U.S.C. 1092(b)(1).

Section 1.1092(b)–6 also issued under 26 U.S.C. 1092(b)(2). * * *

■ **Par. 2.** Section 1.1092(b)–3T is amended by revising the paragraph heading and the first sentence of paragraph (b)(6) to read as follows:

§ 1.1092(b)–3T Mixed straddles; straddle-by-straddle identification under section 1092(b)(2)(A)(i)(I) (Temporary).

* * * * *

(b) * * *

(6) *Accrued gain and loss with respect to positions of a section 1092(b)(2) identified mixed straddle established on or before* August 18, 2014. The rules of this paragraph (b)(6) apply to all section 1092(b)(2) identified mixed straddles established on or before *August 18, 2014*; see § 1.1092(b)–6 for section 1092(b)(2) identified mixed straddles established after August 18, 2014. * * * * * * * *

■ **Par. 3.** Section 1.1092(b)–6 is added to read as follows:

§ 1.1092(b)–6 Mixed straddles; accrued gain and loss associated with a position that becomes part of a section 1092(b)(2) identified mixed straddle that is established after August 18, 2014.

(a) *Treatment of unrealized gain or loss that arose before a position becomes part of an identified mixed straddle.* Except as otherwise provided, if one or more positions of a straddle that is an identified mixed straddle described in section 1092(b)(2)(A)(i)(I) (identified mixed straddle) were held by the taxpayer on the day prior to the day the identified mixed straddle is established, any unrealized gain or loss on the day prior to the day the identified mixed straddle is established with respect to such position or positions is taken into account at the time, and has the character, provided by the provisions of the Internal Revenue Code that would apply to the gain or loss if the identified mixed straddle were not established. Thus, if a non-section 1256 capital asset was held for the long-term capital gain holding period before the identified mixed straddle was established, any unrealized gain or loss on that asset on the day prior to the day the identified mixed straddle was established will be long-term capital gain or loss when that asset is sold or otherwise disposed of in a taxable transaction. Unrealized gain or loss on a section 1256 contract that accrued prior to the day the contract became part of an identified mixed straddle will be recognized no later than the last business day of the taxpayer's taxable year. For each position, unrealized gain or loss is the difference between the fair market value of the position at the close of the day before the day the identified mixed straddle is established and the taxpayer's basis in that position. See § 1.1092(b)–2T and paragraph (b) of this section for the treatment of holding periods with respect to such positions. Changes in value of the position or positions that occur on or after the identified mixed straddle is established are accounted for under the provisions of § 1.1092(b)–3T (other than § 1.1092(b)–3T(b)(6)). The definitions in § 1.1092(b)–5T apply for purposes of this section.

(b) *Holding period after a position becomes part of an identified mixed straddle.* Section 1.1092(b)–2T(a)(1) applies to any position that becomes part of an identified mixed straddle, and the long-term or short-term character of any gain or loss on that position that arises on or after the day the position has become a position in an identified mixed straddle will be determined by beginning the taxpayer's holding period on the day after the identified mixed straddle ceases to exist.

(c) *Application of the loss deferral rules of section 1092(a).* When applying section 1092(a) and § 1.1092(b)–3T(b) (other than § 1.1092(b)–3T(b)(6)) to any loss that arises while a position is part of an identified mixed straddle, the amount of unrecognized gain includes both unrecognized gains described in paragraph (a) of this section that accrued prior to the day the identified mixed straddle is established and unrecognized gains that arise on or after the day the identified mixed straddle identification was made for the position.

(d) *Examples.* The rules of this section may be illustrated by the following examples. It is assumed in each example that the positions described are the only positions held directly or indirectly (through a related person or flowthrough entity) by an individual calendar year taxpayer during the taxable year, and no successor positions are acquired or entered into. It is also assumed that gain or loss recognized on any position in the straddle would be capital gain or loss. The following examples assume that the identified mixed straddle is established after the applicability date of this section.

Example 1. (i) *Facts.* On January 13, Year 1, A enters into a section 1256 contract. As of the close of the day on January 15, Year 1, there is $500 of unrealized loss on the section 1256 contract. On January 16, Year 1, A enters into an offsetting non-section 1256 position and makes a valid election to treat the straddle as an identified mixed straddle. A continues to hold both positions of the identified mixed straddle on January 1, Year 2, and there are no further changes to the value of either position in Year 1.

(ii) *Analysis.* On the last business day of Year 1, A recognizes the $500 loss on the section 1256 contract that accrued prior to establishing the identified mixed straddle because the section 1256 contract is treated as sold on December 31, Year 1 (the last business day of the taxable year) under section 1256(a). The loss recognized in Year 1 will be treated as 60% long-term capital loss and 40% short-term capital loss. All gains and losses that arise on or after the identified mixed straddle is established are accounted for under the rules of §§ 1.1092(b)–2T (and paragraph (b) of this section), 1.1092(b)–3T(b) (other than § 1.1092(b)–3T(b)(6)), and paragraph (c) of this section.

Example 2. (i) *Facts.* On December 3, Year 1, A purchases a non-section 1256 position for $100. As of the close of the day on January 22, Year 2, the non-section 1256 position has a fair market value of $500. On January 23, Year 2, A enters into an offsetting section 1256 contract and makes a valid election to treat the straddle as an identified mixed straddle. On February 10, Year 2, A closes out the section 1256 contract at a $500 loss and disposes of the non-section 1256 position for $975.

(ii) *Analysis of pre-straddle gain.* A has $400 of unrealized short-term capital gain attributable to the non-section 1256 position prior to the day the identified mixed straddle was established. This $400 gain is recognized on February 10, Year 2, when the non-section 1256 position is disposed of. Under paragraph (a) of this section, the gain is short-

term capital gain because that would have been the character of the gain if the non-section 1256 position had been disposed of on the day prior to establishing the identified mixed straddle.

(iii) *Analysis of straddle gain and loss.* On February 10, Year 2, the gain of $475 ($975 proceeds minus $500 fair market value on the day prior to entering into the identified mixed straddle) on the non-section 1256 position attributable to the identified mixed straddle period is offset by the $500 loss on the section 1256 contract. The net loss of $25 from the identified mixed straddle is recognized and treated as 60% long-term capital loss and 40% short-term capital loss because it is attributable to the section 1256 contract. See § 1.1092(b)–3T(b)(4).

Example 3. (i) *Facts.* On January 3, Year 1, A purchases 100 shares of Index Fund for $1,000 ($10 per share). The Index Fund shares are actively traded personal property and are not section 1256 contracts. As of the close of the day on June 24, Year 2, the fair market value of 100 shares of Index Fund is $1,200. On June 25, Year 2, A enters into a short regulated futures contract (Futures Contract) referenced to the same index referenced by Index Fund. Futures Contract is a section 1256 contract and A makes a valid election to treat the shares of Index Fund and Futures Contract as an identified mixed straddle. On December 31, Year 2, the fair market value of A's shares of Index Fund is $1,520 and Futures Contract has lost $300. On January 10, Year 3, A closes out Futures Contract at a loss of $400 when the fair market value of 100 shares of Index Fund is $1,590. On November 20, Year 3, A disposes of all 100 shares of Index Fund for $1,600.

(ii) *Year 2 analysis.* On June 24, Year 2, A has held the Index Fund shares for longer than the long-term holding period, and the $200 of unrecognized gain on the Index Fund shares as of June 24, Year 2, will be characterized as long-term gain under paragraph (a) of this section when the gain is recognized. On December 31, Year 2, Futures Contract is marked to market under section 1256(a)(1). Under paragraph (a) of this section and § 1.1092(b)–3T(b)(4), the loss on Futures Contract of $300 is netted with the $320 unrecognized gain on the Index Fund shares that arose while the identified mixed straddle was in place. Because this unrecognized gain is greater than the deemed realized section 1256 loss, the loss on Futures Contract is treated as a short-term capital loss. The loss, however, will be disallowed in Year 2 under paragraph (c) of this section and the loss deferral rules of section 1092(a) because the unrecognized gain in the Index Fund shares that arose while the identified mixed straddle was in place exceeds the deemed realized loss. Even if this gain were only $250 on December 31, Year 2, the deemed realized loss on Futures Contract would be disallowed because there is $200 of unrecognized gain in the Index Fund shares from the time A held the shares prior to establishing the identified mixed straddle.

(iii) *Year 3 analysis.* When A closes out the Futures Contract on January 10, Year 3, the entire amount of the section 1256 $300 loss that was disallowed on December 31, Year 2, continues to be deferred under paragraph (c) of this section. On November 20, Year 3, A recognizes $200 long-term capital gain from the pre-identified mixed straddle period, and $400 short-term capital gain, $390 of which arose during the identified mixed straddle period and $10 of which arose after the identified mixed straddle was closed. See § 1.1092(b)–2T(a)(1) and paragraph (b) of this section. In Year 3, A recognizes the $300 short-term capital loss from Futures Contract disallowed in Year 2 and the $100 loss accrued on Futures Contract in Year 3 because A no longer holds any positions that were part of an identified mixed straddle.

Example 4. (i) *Facts.* On March 1, Year 1, A purchases a 10-year U.S. Treasury Note (Note) at original issue for $100, which is the stated redemption price at maturity of Note. As of the close of the day on March 1, Year 3, Note has a fair market value of $105. On March 2, Year 3, A enters into a regulated futures contract (Futures Contract) that provides A with a short position in U.S. Treasury Notes and A makes a valid election to treat Note and Futures Contract as an identified mixed straddle. A closes her position in Futures Contract on April 15, Year 3, at a $2 loss. On April 15, Year 3, Note has a fair market value of $108. On December 31, Year 3, Note has a fair market value of $106. A holds Note until it matures on February 28, Year 10.

(ii) *Year 3 analysis.* A has $5 of unrealized gain attributable to Note prior to the day the identified mixed straddle was established. Because A acquired a long-term holding period in Note by March 1, Year 3, the $5 of gain will be characterized as long-term capital gain under paragraph (a) of this section when it is recognized. Under § 1.1092(b)–3T(b)(4), when A closes out Futures Contract on April 15, Year 3, the loss of $2 on Futures Contract is netted with the gain of $3 on Note that arose while the identified mixed straddle was in place. Because this gain on Note exceeds the realized loss on Futures Contract, the loss on Futures Contract is disallowed in Year 3 under paragraph (c) of this section. Further, under paragraph (c) of this section and section 1092(a)(1), on December 31, Year 3, the disallowed loss of $2 on Futures Contract cannot be recognized because it is less than the total unrecognized gain of $6 on Note on December 31, Year 3.

(iii) *Year 10 analysis.* When Note matures in Year 10, the $5 of unrecognized long-term capital gain that arose prior to the identified mixed straddle is recognized. Because A receives $100 upon the maturity of Note, A also recognizes a $5 long-term capital loss on Note, for a net gain of $0 (zero). In addition, the termination of all positions in the identified mixed straddle releases the $2 loss disallowed in Year 3 on Futures Contract. The loss on Futures Contract is treated as short-term capital loss in Year 10 under § 1.1092(b)–3T(b)(4).

(e) *Effective/applicability date.* The rules of this section apply to all section 1092(b)(2) identified mixed straddles established after August 18, 2014.

§ 1.1092(b)–6T [Removed]

■ **Par. 4.** Section 1.1092(b)–6T is removed.

John Dalrymple,

Deputy Commissioner for Services and Enforcement.

Approved: July 1, 2014.

Mark J. Mazur,

Assistant Secretary of the Treasury (Tax Policy).

[FR Doc. 2014–17009 Filed 7–17–14; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 301

[TD 9679]

RIN 1545–AJ93

Information Reporting by Passport Applicants

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Final regulations.

SUMMARY: This document contains final regulations that provide information reporting rules for certain passport applicants. These final regulations apply to certain individuals applying for passports (including renewals) and provide guidance to such individuals about the information that must be included with their passport applications.

DATES: *Effective Date:* These regulations are effective on July 18, 2014.

Applicability Date: For dates of applicability, see § 301.6039E–1(d).

FOR FURTHER INFORMATION CONTACT: Rosy Lor at (202) 317–6933 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

On January 26, 2012, the Internal Revenue Service (IRS) and the Department of Treasury (Treasury Department) published in the **Federal Register** (77 FR 3964) a notice of proposed rulemaking (REG–208274–86) (the proposed regulations) that proposed amendments to 26 CFR part 301 under section 6039E of the Internal Revenue Code (Code). Section 6039E provides rules concerning information reporting by U.S. passport and permanent resident applicants, and requires specified federal agencies to provide certain information to the IRS.

The proposed regulations set forth the information a U.S. citizen applying for a U.S. passport (passport applicant),

other than a citizen who applies for an official passport, diplomatic passport, or passport for use on other official U.S. government business, must provide pursuant to section 6039E. They do not address information reporting by permanent resident applicants. The proposed regulations also withdrew a prior notice of proposed rulemaking (REG–208274–86, 1993–1 CB 822) published in the **Federal Register** (57 FR 61373) on December 24, 1992. The proposed regulations are proposed to be effective for applications submitted after the date final regulations are published in the **Federal Register**.

Comments were received on the proposed regulations. No public hearing was requested or held. After consideration of the comments, this Treasury decision adopts the proposed regulations with minor revisions as described in this preamble.

Explanation and Summary of Comments

Scope of Information Reporting by Passport Applicants

The proposed regulations require a passport applicant, other than an individual who applies for an official passport, diplomatic passport, or passport for use on other official U.S. government business, to provide certain information with his or her passport application pursuant to section 6039E. Specifically, the applicant must provide his or her full name and, if applicable, previous name; permanent address and, if different, the applicant's mailing address; taxpayer identifying number (TIN); and date of birth. A commentator requested that the scope of information be limited to the passport applicant's name, TIN, if any, and foreign country of residence, if any. The final regulations do not adopt this comment. Section 6039E(b)(4) grants the Secretary the authority to require any additional information as he may prescribe. The Department of State (State Department) requires the items of information required by these final regulations as part of its application process. Accordingly, the IRS and the Treasury Department believe that requiring this information is not unduly burdensome to the applicant.

Penalty for Failure to Provide Information

The proposed regulations provide guidance on the circumstances under which the IRS may impose a $500 penalty on a passport applicant who fails to provide the required information. Under the proposed regulations, before assessing the penalty, the IRS will provide to the passport applicant written notice of the potential assessment of the penalty, and the applicant has 60 days (90 days if the notice is addressed to an applicant outside of the United States) to respond to the notice. If the passport applicant demonstrates to the satisfaction of the Commissioner or the Commissioner's delegate that the failure to provide the required information is due to reasonable cause and not due to willful neglect, after considering all the surrounding circumstances, then the IRS will not assess the penalty.

A commentator requested clarification with respect to when the period for responding begins to run. In response to the comment, the final regulations provide that a passport applicant has 60 days from the date of the notice of potential assessment of the penalty, or 90 days from such date if the notice is addressed to an applicant outside the United States, to respond to the notice.

A commentator requested that additional guidance be provided with respect to the factors that will be considered in determining whether a passport applicant has established reasonable cause for the failure to provide the required information. The comment was not adopted because this factual determination by the IRS is made on a case-by-case basis and involves consideration of all the surrounding circumstances.

Other Comments Received

Commentators requested that the proposed regulations be withdrawn because they may unduly affect the right of U.S. citizens to travel and apply for a U.S. passport. The IRS and the Treasury Department coordinated with the State Department in promulgating the proposed and final regulations. These regulations do not affect the manner in which the State Department processes passport applications, and Code section 6039E requires information reporting by passport applicants for tax administration purposes. Accordingly, the comments were not adopted.

The proposed regulations provide that the rules would apply to passport applications submitted after the date of publication of the Treasury decision adopting these rules as final regulations. A commentator requested that the regulations be effective for applications submitted after January 1st of the year following the date the regulations are published, rather than for applications submitted after the date the final regulations are published, on grounds that section 7805(b) of the Code requires such a delay of the effective date. This comment was not adopted. Section 7805(b), as amended in 1996 by the Taxpayer Bill of Rights 2, only applies with respect to regulations which relate to statutory provisions enacted on or after July 30, 1996. Because section 6039E was enacted in 1986, section 7805(b) does not apply to these final regulations. Furthermore, even if the version of section 7805(b) cited by the commentator were to apply, section 7805(b) does not require the requested delay of the effective date. This is so because the final regulations apply to passport applications submitted after July 18, 2014, which is not before January 26, 2012, the date of the proposed regulations. See section 7805(b)(1)(B). Accordingly, these final regulations adopt the effective/applicability date included in the proposed regulations.

Special Analyses

It has been determined that this Treasury decision is not a significant regulatory action as defined in Executive Order 12866. Therefore, a regulatory assessment is not required. It also has 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), this regulation has been submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on its impact on small business.

Drafting Information

The principal author of this regulation is Rosy Lor of the Office of Associate Chief Counsel (International). However, other personnel from the IRS and the Treasury Department participated in their development.

List of Subjects in 26 CFR Part 301

Administrative practice and procedure, Alimony, Bankruptcy, Child support, Continental shelf, Courts, Crime, Employment taxes, Estate taxes, Excise taxes, Gift taxes, Income taxes, Investigations, Law enforcement, Oil pollution, Penalties, Pensions, Reporting and recordkeeping requirements, Seals and insignia, Statistics, Taxes.

Adoption of Amendments to the Regulations

Accordingly, 26 CFR part 301 is amended as follows:

PART 301—PROCEDURE AND ADMINISTRATION

■ **Paragraph 1.** The authority citation for part 301 is amended by adding an entry in numerical order to read in part as follows:

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

Section 301.6039E–1 also issued under 26 U.S.C. 6039E.

■ **Par. 2.** Section 301.6039E–1 is added to read as follows:

§ 301.6039E–1 Information reporting by passport applicants.

(a) *In general.* Every individual who applies for a U.S. passport or the renewal of a passport (passport applicant), other than a passport for use in diplomatic, military, or other official U.S. government business, shall include with his or her passport application the information described in paragraph (b)(1) of this section in the time and manner described in paragraph (b)(2) of this section.

(b) *Required information*—(1) *In general.* The information required under paragraph (a) of this section shall include the following information:

(i) The passport applicant's full name and, if applicable, previous name;

(ii) The passport applicant's permanent address and, if different, mailing address;

(iii) The passport applicant's taxpayer identifying number (TIN), if such a number has been issued to the passport applicant. A TIN means the individual's social security number (SSN) issued by the Social Security Administration. A passport applicant who does not have an SSN must enter zeros in the appropriate space on the passport application; and

(iv) The passport applicant's date of birth.

(2) *Time and manner for furnishing information.* A passport applicant must provide the information required by this section with his or her passport application, whether by personal appearance or mail, to the Department of State (including United States Embassies and Consular posts abroad).

(c) *Penalties*—(1) *In general.* If the information required by paragraph (b)(1) of this section is incomplete or incorrect, or the information is not filed in the time and manner described in paragraph (b)(2) of this section, then the passport applicant may be subject to a penalty equal to $500 per application. Before assessing a penalty under this section, the IRS will provide to the passport applicant written notice of the potential assessment of the $500 penalty, requesting the information being sought, and offering the applicant an opportunity to explain why the information was not provided with the passport application. A passport applicant has 60 days from the date of the notice of the potential assessment of the penalty (90 days from such date if the notice is addressed to an applicant outside the United States) to respond to the notice. If the passport applicant demonstrates to the satisfaction of the Commissioner (or the Commissioner's delegate) that the failure is due to reasonable cause and not due to willful neglect, after considering all the surrounding circumstances, then the IRS will not assess the penalty.

(2) *Example.* The following example illustrates the provisions of paragraph (c) of this section.

Example. C, a citizen of the United States, makes an error in supplying information on his passport application. Based on the nature of the error and C's timely response to correct the error after being contacted by the IRS, the Commissioner concludes that the mistake is due to reasonable cause and not due to willful neglect. Accordingly, no penalty is assessed.

(d) *Effective/applicability date.* This section applies to passport applications submitted after July 18, 2014.

John Dalrymple,

Deputy Commissioner for Services and Enforcement.

Approved: June 26, 2014.

Mark J. Mazur,

Assistant Secretary of the Treasury (Tax Policy).

[FR Doc. 2014–16944 Filed 7–17–14; 8:45 am]

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DEPARTMENT OF THE TREASURY

Alcohol and Tobacco Tax and Trade Bureau

27 CFR Part 9

[Docket No. TTB–2013–0008; T.D. TTB–120; Ref: Notice No. 139]

RIN 1513–AC02

Establishment of the Upper Hiwassee Highlands Viticultural Area

AGENCY: Alcohol and Tobacco Tax and Trade Bureau, Treasury.

ACTION: Final rule; Treasury decision.

SUMMARY: The Alcohol and Tobacco Tax and Trade Bureau (TTB) establishes the approximately 690-square mile ''Upper Hiwassee Highlands'' viticultural area in Cherokee and Clay Counties, North Carolina, and Towns, Union, and Fannin Counties, Georgia. The viticultural area does not lie within or contain any other established viticultural area. TTB designates viticultural areas to allow vintners to better describe the origin of their wines and to allow consumers to better identify wines they may purchase.

DATES: This final rule is effective August 18, 2014.

FOR FURTHER INFORMATION CONTACT: Karen A. Thornton, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street NW., Box 12, Washington, DC 20005; phone 202–453–1039, ext. 175.

SUPPLEMENTARY INFORMATION:

Background on Viticultural Areas

TTB Authority

Section 105(e) of the Federal Alcohol Administration Act (FAA Act), 27 U.S.C. 205(e), authorizes the Secretary of the Treasury to prescribe regulations for the labeling of wine, distilled spirits, and malt beverages. The FAA Act provides that these regulations should, among other things, prohibit consumer deception and the use of misleading statements on labels and ensure that labels provide the consumer with adequate information as to the identity and quality of the product. The Alcohol and Tobacco Tax and Trade Bureau (TTB) administers the FAA Act pursuant to section 1111(d) of the Homeland Security Act of 2002, codified at 6 U.S.C. 531(d). The Secretary has delegated various authorities through Treasury Department Order 120–01 (Revised), dated December 10, 2013, to the TTB Administrator to perform the functions and duties in the administration and enforcement of this law.

Part 4 of the TTB regulations (27 CFR part 4) authorizes the establishment of definitive viticultural areas and the use of their names as appellations of origin on wine labels and in wine advertisements. Part 9 of the TTB regulations (27 CFR part 9) sets forth standards for the preparation and submission to TTB of petitions for the establishment or modification of American viticultural areas (AVAs) and lists the approved AVAs.

Definition

Section 4.25(e)(1)(i) of the TTB regulations (27 CFR 4.25(e)(1)(i)) defines a viticultural area for American wine as a delimited grape-growing region having distinguishing features as described in part 9 of the regulations and a name and a delineated boundary as established in part 9 of the regulations. These designations allow vintners and consumers to attribute a given quality, reputation, or other characteristic of a wine made from grapes grown in an area

to the wine's geographic origin. The establishment of AVAs allows vintners to describe more accurately the origin of their wines to consumers and helps consumers to identify wines they may purchase. Establishment of an AVA is neither an approval nor an endorsement by TTB of the wine produced in that area.

Requirements

Section 4.25(e)(2) of the TTB regulations outlines the procedure for proposing an AVA and provides that any interested party may petition TTB to establish a grape-growing region as an AVA. Section 9.12 of the TTB regulations (27 CFR 9.12) prescribes the standards for petitions for the establishment of AVAs. Petitions to establish an AVA must include the following:

- Evidence that the area within the proposed AVA boundary is nationally or locally known by the AVA name specified in the petition;
- An explanation of the basis for defining the boundary of the proposed AVA;
- A narrative description of the features of the proposed AVA that affect viticulture, such as climate, geology, soils, physical features, and elevation, that make the proposed AVA distinctive and distinguish it from adjacent areas outside the proposed AVA boundary;
- The appropriate United States Geological Survey (USGS) map(s) showing the location of the proposed AVA, with the boundary of the proposed AVA clearly drawn thereon; and
- A detailed narrative description of the proposed AVA boundary based on USGS map markings.

Upper Hiwassee Highlands Petition

TTB received a petition from Eric Carlson, owner of Calaboose Cellars, on behalf of himself and members of the Vineyard and Winery Operators of the Upper Hiwassee River Basin group, proposing the establishment of the approximately 690-square mile ''Upper Hiwassee Highlands'' AVA. The proposed AVA is located in the southern Appalachian Mountains within the upper Hiwassee River basin in all or portions of Cherokee and Clay Counties in southwestern North Carolina and Towns, Union, and Fannin Counties in northwestern Georgia. The proposed AVA contains 26 commercially producing vineyards, growing approximately 54 acres of French–American hybrids, American grape varieties, and *Vitis vinifera.* According to the petition, present vineyard operators estimate they will expand their plantings by an additional 75.5 acres within the next 5 years. Five wineries were operating within the proposed AVA at the time the petition was submitted. According to the petition, the distinguishing features of the proposed Upper Hiwassee Highlands AVA include topography, temperature, and soils.

Notice of Proposed Rulemaking and Comments Received

TTB published Notice No. 139 in the **Federal Register** on July 12, 2013 (78 FR 41891), proposing to establish the Upper Hiwassee Highlands AVA. In the document, TTB summarized the evidence from the petition regarding the name, boundary, and distinguishing features for the proposed AVA. The distinguishing features of the proposed AVA include topography, temperature, and soils. The document also compared the distinguishing features of the proposed AVA to the surrounding areas. For a description of the evidence relating to the name, boundary, and distinguishing features of the proposed AVA, and for a comparison of the distinguishing features of the proposed AVA to the surrounding areas, see Notice No. 139.

In Notice No. 139, TTB solicited comments on the accuracy of the name, boundary, climatic, and other required information submitted in support of the petition. The comment period closed on September 10, 2013.

In response to Notice No. 139, TTB received a total of 37 comments, all of which supported the establishment of the Upper Hiwassee Highlands AVA. Among the commenters were the Clay County (NC) Chamber of Commerce; the Clay County Travel and Tourism Board of Directors; the Clay County Economic Development Commission; the Cherokee County (NC) Director of Economic Development; the Cherokee County Board of Commissioners; the Cherokee County Tourism Development Authority; the Cherokee County Chamber of Commerce; the Agricultural Extension Agent for Cherokee County; the Director of Economic Development for Tri-County Community College in Murphy, North Carolina; Southern Appalachian Family Farms, which promotes local and alternative sustainable markets for agricultural products; the Director of Fermentation Sciences at Appalachian State University; the Georgia Department of Agriculture; the Tourism Division of the Georgia Department of Economic Development; the Towns County (GA) Chamber of Commerce; a Commissioner for Union County (GA); and the Blairsville–Union County Chamber of Commerce. After the comment period closed, TTB received a comment by mail from Senator Johnny Isakson of Georgia, expressing support for the proposed AVA. The Senator's comment was added to the rulemaking docket. TTB received no comments opposing the Upper Hiwassee Highlands AVA, as proposed.

TTB Determination

After careful review of the petition and the comments received in response to Notice No. 139, TTB finds that the evidence provided by the petitioner supports the establishment of the approximately 690-square mile Upper Hiwassee Highlands AVA. Accordingly, under the authority of the FAA Act, section 1111(d) of the Homeland Security Act of 2002, and part 4 of the TTB regulations, TTB establishes the ''Upper Hiwassee Highlands'' AVA in Cherokee and Clay Counties, North Carolina, and Towns, Union, and Fannin Counties, Georgia, effective 30 days from the publication date of this document.

Boundary Description

See the narrative description of the boundary of the AVA in the regulatory text published at the end of this final rule.

Maps

The petitioner provided the required maps, and they are listed below in the regulatory text.

Impact on Current Wine Labels

Part 4 of the TTB regulations prohibits any label reference on a wine that indicates or implies an origin other than the wine's true place of origin. With the establishment of this AVA, its name, ''Upper Hiwassee Highlands,'' will be recognized as a name of viticultural significance under § 4.39(i)(3) of the TTB regulations (27 CFR 4.39(i)(3)). The text of the regulation clarifies this point. Once this final rule becomes effective, wine bottlers using the name ''Upper Hiwassee Highlands'' in a brand name, including a trademark, or in another label reference as to the origin of the wine, will have to ensure that the product is eligible to use the AVA name as an appellation of origin.

The establishment of the Upper Hiwassee Highlands AVA will not affect any existing AVA. The establishment of the Upper Hiwassee Highlands AVA will allow vintners to use ''Upper Hiwassee Highlands'' as an appellation of origin for wines made from grapes grown within the Upper Hiwassee Highlands AVA, if the wines meet the

eligibility requirements for the appellation.

For a wine to be labeled with an AVA name or with a brand name that includes an AVA name, at least 85 percent of the wine must be derived from grapes grown within the area represented by that name, and the wine must meet the other conditions listed in § 4.25(e)(3) of the TTB regulations (27 CFR 4.25(e)(3)). If the wine is not eligible for labeling with an AVA name and that name appears in the brand name, then the label is not in compliance, and the bottler must change the brand name and obtain approval of a new label. Similarly, if the AVA name appears in another reference on the label in a misleading manner, the bottler would have to obtain approval of a new label.

Different rules apply if a wine has a brand name containing an AVA name that was used as a brand name on a label approved before July 7, 1986. See § 4.39(i)(2) of the TTB regulations (27 CFR 4.39(i)(2)) for details.

Regulatory Flexibility Act

TTB certifies that this regulation will not have a significant economic impact on a substantial number of small entities. The regulation imposes no new reporting, recordkeeping, or other administrative requirement. Any benefit derived from the use of an AVA name would be the result of a proprietor's efforts and consumer acceptance of wines from that area. Therefore, no regulatory flexibility analysis is required.

Executive Order 12866

It has been determined that this rule is not a significant regulatory action as defined by Executive Order 12866 of September 30, 1993. Therefore, no regulatory assessment is required.

Drafting Information

Karen A. Thornton of the Regulations and Rulings Division drafted this final rule.

List of Subjects in 27 CFR Part 9

Wine.

The Regulatory Amendment

For the reasons discussed in the preamble, TTB amends title 27, chapter I, part 9, Code of Federal Regulations, as follows:

PART 9—AMERICAN VITICULTURAL AREAS

■ 1. The authority citation for part 9 continues to read as follows:

Authority: 27 U.S.C. 205.

Subpart C—Approved American Viticultural Areas

■ 2. Subpart C is amended by adding § 9.234 to read as follows:

§ 9.234 Upper Hiwassee Highlands.

(a) *Name.* The name of the viticultural area described in this section is ''Upper Hiwassee Highlands''. For purposes of part 4 of this chapter, ''Upper Hiwassee Highlands'' is a term of viticultural significance.

(b) *Approved maps.* The 24 United States Geological Survey (USGS) 1:24,000 scale topographic maps used to determine the boundary of the Upper Hiwassee Highlands viticultural area are titled:

(1) Unaka, NC/TN, 1957; photorevised 1978;

(2) McDaniel Bald, NC/TN, 1957; photoinspected 1976;

(3) Marble, NC, 1938; photorevised 1990;

(4) Andrews, NC, 1938; photorevised 1990;

(5) Topton, NC, 1957; photoinspected 1976;

(6) Peachtree, NC, 1937; photorevised 1973;

(7) Hayesville, NC, 1966; photorevised 1978; photoinspected 1987;

(8) Shooting Creek, NC, 1957; photorevised 1990;

(9) Rainbow Springs, NC, 1957; photorevised 1978;

(10) Macedonia, GA/NC, 1988;

(11) Hightower Bald, GA/NC, 1988;

(12) Tray Mountain, GA, 1957; photorevised 1985;

(13) Jacks Gap, GA, 1988;

(14) Hiawassee, GA/NC, 1988;

(15) Blairsville, GA/NC, 1988;

(16) Cowrock, GA, 1988;

(17) Coosa Bald, GA, 1988;

(18) Neels Gap, GA, 1988;

(19) Mulky Gap, GA, 1965;

(20) Wilscot, GA, 1947;

(21) Nottely Dam, GA/NC, 1988;

(22) Culberson, NC/GA, 1988;

(23) Persimmon Creek, NC, 1957; photorevised 1978; and

(24) Isabella, TN/NC, 1957; photorevised 1978.

(c) *Boundary.* The Upper Hiwassee Highlands viticultural area is located in Cherokee and Clay Counties, North Carolina, and Towns, Union, and Fannin Counties, Georgia. The boundary of the Upper Hiwassee Highlands viticultural area is as described below:

(1) The beginning point is in Cherokee County, North Carolina, on the Unaka map at the intersection of the northwestern end of the Hiwassee Dam and an unnamed light-duty road known locally as Hiwassee Dam Access Road.

(2) From the beginning point, proceed northwesterly on Hiwassee Dam Access Road approximately 4.2 miles to the road's intersection with an unnamed light-duty road known locally as Joe Brown Highway; then

(3) Proceed northeasterly on Joe Brown Highway approximately 1.4 miles to the highway's intersection with an unnamed light-duty road known locally as Burrell Mountain Road; then

(4) Proceed east-northeasterly along a straight line (drawn from the intersection of Joe Brown Highway and Burrell Mountain Road to the peak of Bird Knob) to the point where the line intersects the 2,400-foot elevation line west of Bird Knob; then

(5) Proceed initially southerly and then easterly along the meandering 2,400-foot elevation line and continue to follow the elevation line in an overall clockwise direction through Cherokee and Clay Counties, North Carolina, and then Towns and Union Counties, Georgia, crossing over as necessary the McDaniel Bald, Marble, Andrews, Topton, Peachtree, Hayesville, Shooting Creek, Rainbow Springs, Macedonia, Hightower Bald, Tray Mountain, Jacks Gap, Hiwassee, Blairsville, Cowrock, Coosa Bald, Neels Gap, and Mulky Gap maps and ending on the Wilscot map, at the intersection of the 2,400-foot elevation line with the Union–Fannin County boundary line at Skeenah Gap; then

(6) Proceed northerly along the meandering Union–Fannin County boundary line, crossing over the Mulky Gap and Nottely Dam maps and onto the Culberson map, to the summit of High Top Mountain; then

(7) Proceed northwesterly in a straight line approximately one mile to the intersection of two unnamed light-duty roads known locally as Cutcane Road and Mt. Herman Road, near Mt. Herman Church; then

(8) Proceed northwesterly on Mt. Herman Road approximately one mile to the road's intersection with State Spur 60 (Murphy Highway); then

(9) Proceed southwesterly on State Spur 60 (Murphy Highway) approximately 2 miles to the road's intersection with an unnamed light-duty road known locally as Knollwood Road; then

(10) Proceed northwesterly in a straight line approximately 1.75 miles to the summit of Watson Mountain; then

(11) Proceed northeasterly in a straight line approximately 2.15 miles, crossing onto the Persimmon Creek map, to the line's intersection with the wagon and jeep track at the southernmost summit of Vance Mountain in Cherokee County, North Carolina; then

(12) Proceed north-northwesterly along the wagon and jeep track approximately 0.8 mile to the track's intersection with a marked foot trail near the 2,200-foot elevation line on the northern spur of Vance Mountain; then

(13) Proceed north-northwesterly along the foot trail approximately 0.5 mile to the trail's intersection with an unnamed road known locally as Wallace Road, and then continue north-northwesterly along Wallace Road approximately 0.4 mile to the road's intersection with U.S. Highway 64 near Hothouse; then

(14) Proceed westerly along U.S. Highway 64 approximately one mile to the highway's intersection with a marked northerly foot trail at Nealy Gap; then

(15) Proceed northerly along the marked foot trail, briefly crossing to and from the Isabella map, to the foot trail's intersection with an unnamed unimproved road, and then continue northerly on the unimproved road to its intersection with a second unnamed unimproved road known locally as Charles Laney Road, a total approximate distance of 0.75 mile; then

(16) Proceed northwesterly on the unnamed unimproved road known locally as Charles Laney Road, crossing onto the Isabella map, to the road's end, and then continue north-northwesterly on a marked foot trail to the trail's intersection with a wagon and jeep track at Wolfpen Gap, a total approximate distance of one mile; then

(17) Proceed easterly and then northeasterly along the wagon and jeep trail, crossing onto the Persimmon Creek map, to the 3,284-foot benchmark (MLB 1514) on Payne Mountain, then continue northeasterly on the wagon and jeep trail (which is partially marked as a foot trail) along the ridge line of Payne Mountain to the peak of Harris Top, then continue north-northeasterly on the wagon and jeep trail to the peak of Beaver Top, a total approximate distance of 2.75 miles; then

(18) Proceed northeasterly approximately 0.25 mile on the wagon and jeep trail to the point where the trail turns sharply to the southeast at a summit within the 2,480-foot elevation line on the western shoulder of Indian Grave Gap; then

(19) Proceed north in a straight line approximately 0.95 mile to the summit of Candy Mountain, and then continue north-northwest in a straight line approximately 0.45 mile to the line's intersection with an unnamed light-duty road known locally as Candy Mountain Road; then

(20) Proceed east-northeasterly on Candy Mountain Road approximately 0.8 mile to the 1,740-foot benchmark (BM HR 116); then

(21) Proceed northerly in a straight line approximately 1.2 miles to the southernmost peak of Ghormley Mountain (within the 2,440-foot elevation line); then

(22) Proceed north-northeast in a straight line approximately 1.3 miles to the intersection of an unnamed light-duty road known locally as Lower Bear Paw Road and an unnamed unimproved road just south of Reids Chapel (the chapel is shown along the southern edge of the Unaka map); then

(23) Proceed northerly on Lower Bear Paw Road approximately 0.35 mile, crossing onto the Unaka map, to the road's intersection with an unnamed light-duty road known locally as Hiwassee Dam Access Road; then

(24) Proceed easterly and then northerly along Hiwassee Dam Access Road approximately 2.9 miles, returning to the beginning point at the northwestern end of Hiwassee Dam.

Signed: April 15, 2014.

John J. Manfreda,

Administrator.

Approved: May 7, 2014.

Timothy E. Skud,

Deputy Assistant Secretary (Tax, Trade, and Tariff Policy).

[FR Doc. 2014–16919 Filed 7–17–14; 8:45 am]

BILLING CODE 4810–31–P

DEPARTMENT OF THE TREASURY

Alcohol and Tobacco Tax and Trade Bureau

27 CFR Part 9

[Docket No. TTB–2013–0007; T.D. TTB–121; Ref: Notice No. 138]

RIN 1513–AC01

Establishment of the Malibu Coast Viticultural Area

AGENCY: Alcohol and Tobacco Tax and Trade Bureau, Treasury.

ACTION: Final rule; Treasury decision.

SUMMARY: The Alcohol and Tobacco Tax and Trade Bureau (TTB) establishes the ''Malibu Coast'' viticultural area, which covers approximately 44,590 acres in portions of Los Angeles County and Ventura County, California. The viticultural area includes the established Saddle Rock–Malibu and Malibu–Newton Canyon viticultural areas. TTB designates viticultural areas to allow vintners to better describe the origin of their wines and to allow consumers to better identify wines they may purchase.

DATES: This final rule is effective August 18, 2014.

FOR FURTHER INFORMATION CONTACT: Karen A. Thornton, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street NW., Box 12, Washington, DC 20005; phone 202–453–1039, ext. 175.

SUPPLEMENTARY INFORMATION:

Background on Viticultural Areas

TTB Authority

Section 105(e) of the Federal Alcohol Administration Act (FAA Act), 27 U.S.C. 205(e), authorizes the Secretary of the Treasury to prescribe regulations for the labeling of wine, distilled spirits, and malt beverages. The FAA Act provides that these regulations should, among other things, prohibit consumer deception and the use of misleading statements on labels, and ensure that labels provide the consumer with adequate information as to the identity and quality of the product. The Alcohol and Tobacco Tax and Trade Bureau (TTB) administers the FAA Act pursuant to section 1111(d) of the Homeland Security Act of 2002, codified at 6 U.S.C. 531(d). The Secretary has delegated various authorities through Treasury Department Order 120–01 (Revised), dated December 10, 2013, to the TTB Administrator to perform the functions and duties in the administration and enforcement of this law.

Part 4 of the TTB regulations (27 CFR part 4) authorizes the establishment of definitive viticultural areas and the use of their names as appellations of origin on wine labels and in wine advertisements. Part 9 of the TTB regulations (27 CFR part 9) sets forth standards for the preparation and submission to TTB of petitions for the establishment or modification of American viticultural areas (AVAs) and lists the approved AVAs.

Definition

Section 4.25(e)(1)(i) of the TTB regulations (27 CFR 4.25(e)(1)(i)) defines a viticultural area for American wine as a delimited grape-growing region having distinguishing features as described in part 9 of the regulations and a name and a delineated boundary as established in part 9 of the regulations. These designations allow vintners and consumers to attribute a given quality, reputation, or other characteristic of a wine made from grapes grown in an area to its geographic origin. The establishment of AVAs allows vintners to describe more accurately the origin of their wines to consumers and helps consumers to identify wines they may

purchase. Establishment of an AVA is neither an approval nor an endorsement by TTB of the wine produced in that area.

Requirements

Section 4.25(e)(2) of the TTB regulations (27 CFR 4.25(e)(2)) outlines the procedure for proposing an AVA and provides that any interested party may petition TTB to establish a grape-growing region as an AVA. Section 9.12 of the TTB regulations (27 CFR 9.12) prescribes the standards for petitions for the establishment of AVAs. Petitions to establish an AVA must include the following:

- Evidence that the area within the proposed AVA boundary is nationally or locally known by the AVA name specified in the petition;
- An explanation of the basis for defining the boundary of the proposed AVA;
- A narrative description of the features of the proposed AVA affecting viticulture, such as climate, geology, soils, physical features, and elevation, that make the proposed AVA distinctive and distinguish it from adjacent areas outside the proposed AVA boundary;
- The appropriate United States Geological Survey (USGS) map(s) showing the location of the proposed AVA, with the boundary of the proposed AVA clearly drawn thereon; and
- A detailed narrative description of the proposed AVA boundary based on USGS map markings.

Malibu Coast Petition

TTB received a petition from Ralph Jens Carter on behalf of the vintners and grape growers in the Malibu area of California, proposing the establishment of the ''Malibu Coast'' AVA. The proposed AVA is bordered by the city of Los Angeles to the east, the cities of Oxnard and Camarillo to the west, and the communities of Thousand Oaks, Conejo Valley, Calabasas, and Greenwich Village to the north. The proposed AVA contains approximately 44,590 acres of privately owned land within the rugged terrain of the Santa Monica Mountains National Recreation Area. Within the proposed AVA are 52 commercially producing vineyards covering approximately 198 acres. The steep mountains, valleys, and canyons of the proposed AVA make grape growing difficult and contribute to the small size of the individual vineyards.

The proposed Malibu Coast AVA is located in portions of Ventura County and Los Angeles County, California. The proposed AVA is not located within any established AVA. However, the established Malibu–Newton Canyon (27 CFR 9.152) and Saddle Rock–Malibu (27 CFR 9.203) AVAs are located within the boundaries of the proposed Malibu Coast AVA.

Notice of Proposed Rulemaking and Comments Received

TTB published Notice No. 138 in the **Federal Register** on July 8, 2013 (78 FR 40644), proposing to establish the Malibu Coast AVA. In the document, TTB summarized the evidence from the petition regarding the name, boundary, and distinguishing features for the proposed AVA. The distinguishing features of the proposed AVA include topography, soils, and climate. The document also compared the distinguishing features of the proposed AVA to the surrounding areas, as well as a comparison of the proposed AVA to the established Malibu–Newton Canyon and Saddle Rock–Malibu AVAs. For a description of the evidence relating to the name, boundary, and distinguishing features of the proposed AVA, as well as a comparison of the distinguishing features of the proposed AVA to the surrounding areas and the established Malibu–Newton Canyon and Malibu–Saddle Rock AVAs, see Notice No. 138.

In Notice No. 138, TTB solicited comments on the accuracy of the name, boundary, climatic, and other required information submitted in support of the petition. In addition, TTB solicited comments on whether the geographic features of the established Saddle Rock–Malibu and Malibu–Newton Canyon AVAs are so distinguishable from the proposed Malibu Coast AVA that one or both of the established AVAs should not be part of the proposed AVA. The comment period closed on September 6, 2013.

In response to Notice No. 138, TTB received a total of 23 comments, all of which supported the establishment of the Malibu Coast AVA. Commenters included vineyard owners, vintners, local residents, and the editorial director of a wine and food blog. TTB received no comments opposing the Malibu Coast AVA, as proposed. TTB also did not receive any comments in response to its question of whether the established Saddle Rock–Malibu and Malibu–Newton Canyon AVAs are so distinguishable from the proposed AVA that one or both of the established AVAs should not be part of the proposed Malibu Coast AVA.

TTB Determination

After careful review of the petition and the comments received in response to Notice No. 138, TTB finds that the evidence provided by the petitioner supports the establishment of the Malibu Coast AVA. Accordingly, under the authority of the FAA Act, section 1111(d) of the Homeland Security Act of 2002, and part 4 of the TTB regulations, TTB establishes the ''Malibu Coast'' AVA in portions of Los Angeles County and Ventura County, California, effective 30 days from the publication date of this document.

TTB has also determined that the established Saddle Rock–Malibu and Malibu–Newton Canyon AVAs will be part of the Malibu Coast AVA because all three AVAs share similar characteristics, including high elevations, warm temperatures, marine fog, and well-drained soils that contain volcanic material. However, both the Saddle Rock–Malibu and Malibu–Newton Canyon AVAs have unique features that distinguish them from the larger surrounding Malibu Coast AVA. The two smaller AVAs are located in valleys set within the larger mountain range that comprises the Malibu Coast AVA and are somewhat sheltered from the marine fog by the high valley rims. As a result, temperatures within the two smaller AVAs are somewhat warmer than those found in the less-sheltered areas of the Malibu Coast AVA.

Boundary Description

See the narrative description of the boundary of the AVA in the regulatory text published at the end of this final rule.

Maps

The petitioner provided the required maps, and they are listed below in the regulatory text.

Impact on Current Wine Labels

Part 4 of the TTB regulations prohibits any label reference on a wine that indicates or implies an origin other than the wine's true place of origin. With the establishment of this AVA, its name, ''Malibu Coast,'' will be recognized as a name of viticultural significance under § 4.39(i)(3) of the TTB regulations (27 CFR 4.39(i)(3)). The text of the regulation clarifies this point. Once this final rule becomes effective, wine bottlers using the name ''Malibu Coast'' in a brand name, including a trademark, or in another label reference as to the origin of the wine, will have to ensure that the product is eligible to use the AVA name as an appellation of origin.

For a wine to be labeled with an AVA name or with a brand name that includes an AVA name, at least 85 percent of the wine must be derived from grapes grown within the area represented by that name, and the wine

must meet the other conditions listed in § 4.25(e)(3) of the TTB regulations (27 CFR 4.25(e)(3)). If the wine is not eligible for labeling with an AVA name and that name appears in the brand name, then the label is not in compliance and the bottler must change the brand name and obtain approval of a new label. Similarly, if the AVA name appears in another reference on the label in a misleading manner, the bottler would have to obtain approval of a new label.

Different rules apply if a wine has a brand name containing an AVA name that was used as a brand name on a label approved before July 7, 1986. See § 4.39(i)(2) of the TTB regulations (27 CFR 4.39(i)(2)) for details.

The approval of the proposed Malibu Coast AVA will not affect any existing AVA, and any bottlers using ''Saddle Rock–Malibu'' or ''Malibu–Newton Canyon'' as an appellation of origin or in a brand name for wines made from grapes grown within the Saddle Rock–Malibu or Malibu–Newton Canyon AVAs will not be affected by the establishment of this new AVA. The establishment of the Malibu Coast AVA will allow vintners to use ''Malibu Coast'' or ''Saddle Rock–Malibu'' as appellations of origin for wines made primarily from grapes grown within the Saddle Rock–Malibu AVA, if the wines meet the eligibility requirements for the Saddle Rock-Malibu appellation. Similarly, vintners will be allowed to use ''Malibu Coast'' or ''Malibu–Newton Canyon'' as appellations of origin for wines made primarily from grapes grown within the Malibu–Newton Canyon AVA, if the wines meet the eligibility requirements for the Malibu-Newton Canyon appellation. Finally, vintners may use both ''Malibu Coast'' and ''Saddle Rock- Malibu'' or both ''Malibu Coast'' and ''Malibu-Newton Canyon'' on the same label if the wine meets the eligibility requirements to use either ''Saddle-Rock Malibu'' or ''Malibu-Newton Canyon,'' as appropriate, as an appellation of origin. See § 4.25(e)(4) of the TTB regulations (27 CFR 4.25(e)(4)) for details.

Regulatory Flexibility Act

TTB certifies that this regulation will not have a significant economic impact on a substantial number of small entities. The regulation imposes no new reporting, recordkeeping, or other administrative requirement. Any benefit derived from the use of an AVA name would be the result of a proprietor's efforts and consumer acceptance of wines from that area. Therefore, no regulatory flexibility analysis is required.

Executive Order 12866

It has been determined that this rule is not a significant regulatory action as defined by Executive Order 12866 of September 30, 1993. Therefore, no regulatory assessment is required.

Drafting Information

Karen A. Thornton of the Regulations and Rulings Division drafted this final rule.

List of Subjects in 27 CFR Part 9

Wine.

The Regulatory Amendment

For the reasons discussed in the preamble, TTB amends title 27, chapter I, part 9, Code of Federal Regulations, as follows:

PART 9—AMERICAN VITICULTURAL AREAS

■ 1. The authority citation for part 9 continues to read as follows:

Authority: 27 U.S.C. 205.

Subpart C—Approved American Viticultural Areas

■ 2. Subpart C is amended by adding § 9.235 to read as follows:

§ 9.235 Malibu Coast.

(a) *Name.* The name of the viticultural area described in this section is ''Malibu Coast.'' For purposes of part 4 of this chapter, ''Malibu Coast'' is a term of viticultural significance.

(b) *Approved maps.* The 10 United States Geological Survey (USGS) 1:24,000 scale topographic maps used to determine the boundary of the Malibu Coast viticultural area are titled:

(1) Canoga Park, Calif., 1953; photorevised 1967;

(2) Topanga, CA, 1991;

(3) Malibu Beach, CA, 1995;

(4) Point Dume, CA, 1995;

(5) Triunfo Pass, CA, 1994;

(6) Point Mugu, Calif., 1949; photorevised 1967; photoinspected 1974;

(7) Carmarillo, Calif., 1950; photorevised 1967;

(8) Newbury Park, Calif., 1950; photorevised 1967;

(9) Thousand Oaks, Calif., 1950; photorevised 1981; and

(10) Calabasas, Calif., 1952; photorevised 1967.

(c) *Boundary.* The Malibu Coast viticultural area is located in portions of Los Angeles County and Ventura County, in California. The boundary of the Malibu Coast viticultural area is as described below:

(1) The beginning point is on the Canoga Park map beside Mulholland Drive at the 1,126-foot benchmark (BM 1126), located on the marked Los Angeles city boundary line and the northern boundary line of section 24, T1N/R17W. From the beginning point, proceed east-southeasterly along the Los Angeles city boundary line approximately 3.25 miles to the marked 1,718-foot elevation point; then

(2) Proceed south-southwesterly along the Los Angeles city boundary line approximately 4.35 miles, crossing onto the Topanga map, to the northeast corner of section 19, T1S/R16W; then

(3) Proceed east-southeasterly along the Los Angeles city boundary line approximately 1.7 miles to the point east of Topanga Canyon where the city boundary line turns south, and then continue southerly along the city boundary line approximately 1.9 miles to the boundary line's intersection with State Route 1 (the Pacific Coast Highway); then

(4) Proceed westerly on State Route 1, crossing onto the Malibu Beach map and then the Point Dume map, to the road's intersection with the unnamed intermittent creek located within Walnut Canyon (near the Zuma Fire Station); then

(5) Proceed southeasterly (downstream) along the unnamed intermittent creek located within Walnut Canyon to the Pacific Ocean shoreline; then

(6) Proceed southwesterly along the Pacific Ocean shoreline approximately 1.5 miles to Point Dume and then continue northwesterly along the Pacific Ocean shoreline approximately 1.3 miles to the mouth of an unnamed intermittent stream; then

(7) Proceed northeasterly along the unnamed intermittent stream (upstream) approximately 0.35 mile to the stream's intersection with State Route 1 (at BM 30); then

(8) Proceed westerly on State Route 1 approximately 17.4 miles, crossing onto the Triunfo Pass map and then the Point Mugu map, to the road's intersection with an unnamed light-duty road known locally as Calleguas Creek Road; then

(9) Proceed north-northeasterly approximately 1.2 miles on Calleguas Creek Road, crossing onto the Camarillo map, to the road's intersection with an unnamed, unimproved road known locally as Caryl Drive; then

(10) Encircle an unnamed 350-foot hill by proceeding westerly on Caryl Drive approximately 0.2 mile to the road's intersection with an unnamed, unimproved road, then continuing on that unnamed, unimproved road around the hill in a clock-wise direction for

approximately 0.8 mile until the road intersects again with Caryl Drive; then

(11) Proceed easterly on Caryl Drive approximately 0.55 mile to the road's intersection with an unnamed, unimproved road at Broome Ranch; then

(12) Proceed easterly on the unnamed, unimproved road approximately 0.2 mile to the road's intersection with the 80-foot elevation line; then

(13) Proceed initially northeasterly along the meandering 80-foot elevation line, and then continue to follow the meandering 80-foot elevation line westerly, then northeasterly to its intersection with West Potrero Road (near Camarillo State Hospital, now the site of California State University Channel Islands); then

(14) Proceed easterly on West Potrero Road approximately 0.5 mile to the road's third intersection with the 200-foot elevation; then

(15) Proceed northerly along the 200-foot elevation line approximately 0.75 mile, crossing over an unnamed intermittent creek in Long Grade Canyon, to the elevation line's intersection with a second unnamed intermittent stream; then

(16) Proceed westerly (downstream) along the unnamed intermittent stream approximately 0.75 mile to the stream's intersection with an unnamed medium-duty road known locally as Camarillo Street; then

(17) Proceed northerly on Camarillo Street approximately 0.7 mile to the street's intersection with an unnamed light-duty road at the south-bank levee for Calleguas Creek; then

(18) Proceed easterly on the unnamed light-duty road approximately 0.9 mile to the road's intersection with the 100-foot elevation line; then

(19) Proceed initially westerly and then continue easterly and then northerly along the meandering 100-foot elevation line, crossing back and forth between the Camarillo map and the Newbury Park map, to the 100-foot elevation line's intersection with the T1N/T2N boundary line near Conejo Creek on the Newbury Park map; then

(20) Proceed east along the T1N/T2N boundary line approximately 0.7 mile to the line's intersection with U.S. Highway 101 (Ventura Boulevard); then

(21) Proceed easterly on U.S. Highway 101 approximately 1.8 miles to the highway's intersection with Conejo Road (known locally as Old Conejo Road); then

(22) Proceed southerly and then easterly on Conejo Road approximately 0.75 mile to the road's intersection with Borchard Road (also known locally as N. Reino Road); then

(23) Proceed southerly on Borchard Road (also known locally as N. Reino Drive) approximately 0.9 mile to the point where Borchard Road (N. Reino Road) turns eastward, and then continue easterly on Borchard Road approximately 1.75 miles to Borchard Road's intersection with U.S. Highway 101 (Ventura Boulevard); then

(24) Proceed easterly on U.S. Highway 101 (Ventura Boulevard/Freeway) approximately 5 miles, crossing onto the Thousand Oaks map, to the highway's sixth and last intersection with the 920-foot elevation line in section 14, T1N/R19W (approximately 0.2 mile west of the intersection of U.S. Highway 101 and an unnamed road known locally as Hampshire Road); then

(25) Proceed southerly and then southwesterly along the meandering 920-foot elevation line to its intersection with an unnamed medium-duty road known locally as E Potrero Road, section 27, T1N/R19W; then

(26) Proceed easterly on E. Potrero Road approximately 0.55 mile to its intersection with an unnamed heavy-duty road known locally as Westlake Boulevard, section 26, T1N/R19W; then

(27) Proceed northeasterly on Westlake Boulevard approximately 0.4 mile to the road's second intersection with the 900-foot elevation line, section 26, T1N/R19W; then

(28) Proceed easterly along the 900-foot elevation line, crossing the Los Angeles–Ventura County line, to the elevation line's intersection with the boundary line of the Las Virgenes Land Grant (concurrent at this point with the northern boundary line of section 31, T1N/R18W); then

(29) Proceed northeasterly along the Las Virgenes Land Grant boundary line approximately 0.3 mile, crossing Triunfo Canyon, to the boundary line's intersection with the 1,000-foot elevation line; then

(30) Proceed westerly and then east-northeasterly along the 1,000-foot elevation line to the line's intersection with the Las Virgenes Land Grant boundary line, and then continue northeasterly along the Las Virgenes Land Grant boundary line approximately 0.2 mile to the boundary line's intersection with U.S. Highway 101 (Ventura Freeway); then

(31) Proceed easterly on U.S. Highway 101 (Ventura Freeway) approximately 5.7 miles, crossing onto the Calabasas map, to the highway's intersection with the northern boundary line of section 30, T1N/R17, near Brents Junction; then

(32) Proceed west along the northern boundary line of section 30, T1N/R17W approximately 0.5 mile to its intersection with the 1,000-foot elevation line; then

(33) Proceed northerly, southerly, and easterly along the meandering 1,000-foot elevation line, encompassing portions of Las Virgenes, East Las Virgenes, and Gates Canyons, to the elevation line's intersection with the western boundary line of section 21, T1N/R17W; then

(34) Proceed north along the western boundary lines of sections 21 and 16, T1N/R17W, to the section line's intersection with the Los Angeles–Ventura County line; then

(35) Proceed east along the Los Angeles–Ventura County line approximately 0.45 mile, and then proceed north along the county line approximately 0.1 mile to the county line's intersection with Long Valley Road; then

(36) Proceed east-southeasterly on Long Valley Road approximately 1.7 miles to the road's intersection with the Los Angeles city boundary line (approximately 0.1 mile north of U.S. Highway 101 (Ventura Freeway)), section 23, T1N/R17W; then

(37) Proceed south along the Los Angeles city boundary line approximately 0.2 mile, then east-northeasterly approximately 0.2 mile, and then southeasterly approximately 0.9 mile to the city boundary line's intersection with the northern boundary line of section 26, T1N/R17W; then

(38) Proceed east-northeasterly along the Los Angeles city boundary line approximately 0.3 mile, and then continue easterly along the city boundary line approximately 0.5 mile, crossing onto the Canoga Park map, and returning to the beginning point.

Signed: April 15, 2014.

John J. Manfreda,

Administrator.

Approved: May 14, 2014.

Timothy E. Skud,

Deputy Assistant Secretary (Tax, Trade, and Tariff Policy).

[FR Doc. 2014–16921 Filed 7–17–14; 8:45 am]

BILLING CODE 4810–31–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2014–0620]

RIN 1625–AA00

Safety Zone; Annual Events in the Captain of the Port Detroit Zone—Lakeside Labor Day Fireworks, Lakeside, OH

AGENCY: Coast Guard, DHS.

ACTION: Notice of Enforcement of Regulation.

SUMMARY: The Coast Guard will enforce the Lakeside Labor Day Fireworks safety zone on Lake Erie in Lakeside, Ohio for the Lakeside End of Season Fireworks. This zone will be enforced from 9:45 p.m. until 10:30 p.m. on August 30, 2014. This action is necessary and intended to ensure safety of life on the navigable waters during the Lakeside End of Season Fireworks. During the aforementioned periods, the Coast Guard will enforce restrictions upon, and control movement of, vessels in the safety zone. No person or vessel may enter the safety zone while it is being enforced without permission of the Captain of the Port Detroit.

DATES: The regulations in paragraph (c) of 33 CFR 165.941 will be enforced for the safety zone listed in paragraph (a)(27) of that section from 9:45 p.m. until 10:30 p.m. on August 30, 2014.

FOR FURTHER INFORMATION CONTACT: If you have questions on this document, call or email LT Jennifer M. Disco, Waterways Branch Chief, Marine Safety Unit Toledo, 420 Madison Ave., Suite 700, Toledo, Oh, 43604; telephone (419) 418–6049; email *Jennifer.M.Disco@uscg.mil*.

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the Lakeside End of Season Fireworks safety zone listed in paragraph (a)(27) in 33 CFR 165.941. Section 165.941 lists many annual events requiring safety zones in the Captain of the Port Detroit zone. This Lakeside End of Seasons Fireworks zone encompasses all waters and adjacent shoreline of Lake Erie located within an area that is approximately 560 foot radius of the fireworks launch site located at position 41°32′52″ N, 82°45′03″ W. (NAD 83). This zone will be enforced between from 9:45 p.m. until 10:30 p.m. on August 30, 2014.

All vessels must obtain permission from the Captain of the Port Detroit, or his or her on-scene representative to enter, move within, or exit the safety zone. Requests must be made in advance and approved by the Captain of the Port before transits will be authorized. Approvals will be granted on a case by case basis. Vessels and persons granted permission to enter the safety zone must obey all lawful orders or directions of the Captain of the Port Detroit, or his or her designated representative.

This document is issued under authority of 33 CFR 165.941, Safety Zones; Annual events in the Captain of the Port Detroit zone, and 5 U.S.C. 552(a). In addition to this publication in the **Federal Register**, the Coast Guard will provide the maritime community with advance notification of this event via Broadcast Notice to Mariners or Local Notice to Mariners. The Captain of the Port Detroit or his or her on-scene representative may be contacted via VHF Channel 16.

Dated: July 3, 2014.

S. B. Lemasters,

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

[FR Doc. 2014–16918 Filed 7–17–14; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R07–OAR–2014–0400; FRL–9913–81–Region–7]

Approval and Promulgation of Implementation Plans; State of Missouri, Auto Exhaust Emission Controls

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking direct final action to approve the State Implementation Plan (SIP) revision submitted by the state of Missouri on January 14, 2014, for the purpose of removing an outdated rule. This action amends the SIP to remove a rule that was originally approved in 1972 but has now been rescinded. The rule's purpose was to control emissions from all vehicles subject to required vehicle safety inspections in areas outside of the Kansas City, Springfield, and St. Louis metropolitan areas. Vehicle manufacturers now produce newer technology in exhaust emissions equipment in order to meet more stringent Federal motor vehicle standards.

DATES: This direct final rule will be effective on September 16, 2014, without further notice, unless EPA receives adverse comment by August 18, 2014. If EPA receives adverse comment, we will publish a timely withdrawal of the direct final rule in the **Federal Register** informing the public that the rule will not take effect.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R07–OAR–2014–0400, by one of the following methods:

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

2. Email: *higbee.paula@epa.gov.*

3. Mail or Hand Delivery: Paula Higbee, Environmental Protection Agency, Air Planning and Development Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219.

Instructions: Direct your comments to Docket ID No. EPA–R07–OAR–2014–0400. 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 through *www.regulations.gov* or email information that you consider to be CBI or otherwise protected. 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, i.e., 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 form. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy at the Environmental Protection Agency, Air Planning and Development Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219. The Regional Office's official hours of business are Monday through Friday, 8:00 to 4:30 excluding Federal holidays. The interested persons wanting to examine these documents should make an appointment with the office at least 24 hours in advance.

FOR FURTHER INFORMATION CONTACT: Paula Higbee, Environmental Protection Agency, Air Planning and Development Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219 at 913–551–7028, or by email at *higbee.paula@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document ''we,'' ''us,'' or ''our'' refer to EPA. This section provides additional information by addressing the following:

I. What is being addressed in this document?
II. Have the requirements for approval of a SIP revision been met?
III. What action is EPA taking?

I. What is being addressed in this document?

EPA is taking direct final action to approve the SIP revision submitted by the state of Missouri on January 14, 2014, for the purpose of removing an outdated rule. This action amends the SIP to remove a rescinded rule that was originally approved in 1972 and was intended to control emissions from all vehicles subject to required vehicle safety inspections in areas outside of the Kansas City, Springfield, and St. Louis metropolitan areas. In this action, EPA is removing rule 10 CSR 10–3.010 ''Auto Exhaust Emission Controls'' from the Missouri SIP. Since the most recent update to this rule in 1978, vehicle manufacturers have had to produce newer technology in order to meet more stringent Federal motor vehicle standards. Missouri rule 10 CSR 10–3.010 referred to exhaust emission control components that are no longer manufactured. This rule has been rescinded in Missouri, effective January 30, 2014.

II. Have the requirements for approval of a SIP revision been met?

EPA has analyzed the state's request and compared the provisions of the rescinded rule to current Federally approved provisions. Rescinding this rule will not have an adverse effect on air quality since current Federal motor vehicle emission standards are more stringent. The state submission has met the public notice requirements for SIP submissions in accordance with 40 CFR 51.102. The submission also satisfied the completeness criteria of 40 CFR part 51, appendix V. In addition, as explained above the revision meets the substantive SIP requirements of the CAA, including section 110 and implementing regulations.

III. What action is EPA taking?

EPA is taking direct final action to remove 10 CSR 10–3.010 from the Missouri SIP. We are publishing this rule without a prior proposed rule because we view this as a noncontroversial action and anticipate no adverse comment. However, in the ''Proposed Rules'' section of today's **Federal Register**, we are publishing a separate document that will serve as the proposed rule to approve this SIP revision. If adverse comments are received on this direct final rule, we will not institute a second comment period on this action. Any parties interested in commenting must do so at this time. For further information about commenting on this rule, see the **ADDRESSES** section of this document.

If EPA receives adverse comment, we will publish a timely withdrawal in the **Federal Register** informing the public that this direct final rule will not take effect. We will address all public comments in any subsequent final rule based on the proposed rule.

Statutory and Executive Order Reviews

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

In addition, this rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the state, and EPA notes that it will not impose substantial direct 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 September 16, 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. Parties with objections to this direct final rule are encouraged to file a comment in response to the parallel notice of proposed rulemaking for this action published in the proposed rules section of today's **Federal Register**, rather than file an immediate petition for judicial review of this direct final rule, so that EPA can withdraw this direct final rule and address the comment in the proposed rulemaking. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

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

Dated: July 1, 2014.

Karl Brooks,

Regional Administrator, Region 7.

For the reasons stated in the preamble, the Environmental Protection Agency amends 40 CFR part 52 as set forth below:

PART 52—[APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS]

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

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

Subpart AA—Missouri

§ 52.1320 [Amended]

■ 2. In § 52.1320 the table in paragraph (c) is amended by removing the entry for 10–3.010.

[FR Doc. 2014–16806 Filed 7–17–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R06–OAR–2013–0764; FRL–9913–94–Region–6]

Approval and Promulgation of Air Quality Implementation Plans; New Mexico; Grant County Sulfur Dioxide Limited Maintenance Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving a limited maintenance plan submitted by the State of New Mexico, dated November 1, 2013, for the Grant County maintenance area for the 1971 sulfur dioxide (SO_2) National Ambient Air Quality Standard (NAAQS). New Mexico submitted this limited maintenance plan to fulfill the second 10-year maintenance plan requirement, under section 175A(b) of the Clean Air Act (CAA or the Act), to ensure maintenance of the 1971 SO_2 NAAQS through 2025. The EPA is approving the maintenance plan pursuant to the CAA.

DATES: This rule is effective on *September 16, 2014* without further notice, unless EPA receives relevant adverse comment by August 18, 2014. If EPA receives such comment, EPA will publish a timely withdrawal in the **Federal Register** informing the public that this rule will not take effect.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R06–OAR–2013–0764, by one of the following methods:

- *www.regulations.gov.* Follow the on-line instructions.
- *Email:* Mr. Guy Donaldson at *donaldson.guy@epa.gov.* Please also send a copy by email to the person listed in the **FOR FURTHER INFORMATION CONTACT** section below.
- *Mail or Delivery:* Mr. Guy Donaldson, Chief, Air Planning Section (6PD–L), Environmental Protection Agency, 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202–2733.

Instructions: Direct your comments to Docket ID No. EPA–R06–OAR–2013–0764. 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 through *www.regulations.gov* or email, information that you consider to be CBI or otherwise protected. 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 *www.epa.gov/epahome/dockets.htm.*

Docket: All documents in the docket are listed in the *www.regulations.gov* index and in hard copy at EPA Region 6, 1445 Ross Avenue, Suite 700, Dallas, Texas. While all documents in the docket are listed in the index, some information may be publicly available only at the hard copy location (e.g., copyrighted material), and some may not be publicly available at either location (e.g., CBI). To inspect the hard copy materials, please schedule an appointment with the person listed in the **FOR FURTHER INFORMATION CONTACT** paragraph below or Mr. Bill Deese at 214–665–7253.

FOR FURTHER INFORMATION CONTACT: Ms. Dayana Medina (6PD–L), Air Planning Section, telephone (214) 665–7241, fax (214) 665–6762, email: *medina.dayana@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document, ''we,'' ''us,'' and ''our'' means EPA.

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I. Background

On September 11, 1978 (43 FR 40412), the EPA designated a portion of Grant County, New Mexico as a nonattainment area for the 1971 SO_2 NAAQS [1] under Section 107 of the CAA. The area that was designated nonattainment is located within the Air Quality Control Region

[1] 36 FR 8186 (April 30, 1971).

(AQCR) No. 012, and consists of a 3.5 mile radius surrounding the former Kennecott Copper Corporation (now called the Chino Mines-Hurley Facility) and land above 6470 feet Mean Sea Level within an 8 mile radius of the Hurley Smelter, which is part of the Chino Mines-Hurley Facility in Hurley, New Mexico. Emissions from this source caused the violations of the SO_2 NAAQS that resulted in the area being designated nonattainment. EPA approved the attainment SIP for the Grant County SO_2 nonattainment area on May 5, 1982 (47 FR 19332).

On February 21, 2003, New Mexico submitted a request that the Grant County nonattainment area be redesignated to attainment for the 1971 SO_2 NAAQS. Along with this request, the state submitted a maintenance plan which demonstrated that the area was expected to stay in attainment of the 1971 SO_2 NAAQS for the initial maintenance period through 2015. The EPA approved the redesignation request and the maintenance plan on September 18, 2003 (68 FR 54672).

Section 175A(b) of the Act as amended in 1990 requires the state to submit a subsequent maintenance plan covering a second ten-year period to EPA eight years after designation to attainment. To fulfill this requirement of the Act, New Mexico submitted the second ten-year update of the SO_2 maintenance plan to EPA on November 1, 2013. The limited maintenance plan SIP revision demonstrates that the area is expected to stay in attainment of the 1971 SO_2 NAAQS through 2025. The revision also requests to discontinue the only SO_2 monitor in the Grant Country maintenance area (the Hurley monitor, AQS ID 35–017–0003–42401–1) in light of the negligible SO_2 concentrations measured at the monitor, and to implement an alternative SO_2 monitoring methodology in its place. This action is being taken with respect to the 1971 24-hour SO_2 NAAQS. This action does not address the 2010 1 hour SO_2 Standard but we note that concentrations measured on a 1 hour basis are also quite low.

II. Evaluation of New Mexico's Submittal

On November 1, 2013, the State of New Mexico submitted a revision to the New Mexico SIP. This revision provides the second 10-year update to the maintenance plan for the area, as required by the section 175A(b) of the Act. The purpose of this plan is to ensure continued maintenance of 1971 SO_2 NAAQS in Grant County by demonstrating that future emissions of this criteria pollutant are expected to remain at or below emission levels necessary for continued attainment of the 1971 SO_2 NAAQS. Since there are few specific content requirements defined in section 175A of the Act for maintenance plans, EPA has exercised its discretion to make available the option of submitting a Limited Maintenance Plan for areas that can make a demonstration of consistent air quality at or below 85% of the SO_2 NAAQS. EPA has developed guidance memoranda on Limited Maintenance Plan options that are specific to the ozone, particulate matter with an aerodynamic diameter less than 10 microns (PM_{10}), and carbon monoxide NAAQS.[2] Consistent with EPA's policy for limited maintenance plans as presented in those guidance memoranda, EPA here has the authority to exercise its reasonable discretion and conclude that a limited maintenance plan option is justifiable and appropriate in this case for the SO_2 NAAQS. New Mexico has opted to develop a Limited Maintenance Plan for the Grant County SO_2 maintenance area to fulfill the second 10-year maintenance period required by the Act. Our evaluation of the Grant County SO_2 Limited Maintenance Plan is presented below.

A. Has the State demonstrated that Grant County Qualifies for the Limited Maintenance Plan option?

Following the approach presented in our guidance memoranda, we believe it appropriate for a limited maintenance plan for SO_2 option to be available for a State that demonstrates that the design values for SO_2 in the maintenance area are at, or below, 85 percent of the 24-hour SO_2 NAAQS or 0.119 parts per million (ppm). To support use of this option, the area's design value should not exceed the 0.119 ppm threshold throughout the entire rulemaking process. There is currently only one monitor located in the Grant County maintenance area, the Hurley, New Mexico monitor (AQS ID 35–017–0003–42401–1). This monitor has been operating since 1997 and EPA determined in a letter to NMED dated August 26, 2002, that the Hurley monitor was placed where modeling indicated the highest SO_2 concentrations were likely to occur. For this submission, the state provided data showing that the SO_2 design value for the 24-hour SO_2 NAAQS (0.14 part per million (ppm)) has been 0.0 ppm for each of the five most recent years (2007–2011) for which certified ambient air quality data is available for the Hurley monitor. These values are clearly below the 85% threshold, demonstrating that the Grant County maintenance area is suitable for a Limited Maintenance Plan option. Consistent with past contexts where a limited maintenance plan option was deemed to be available, the area does not have a recent history of monitored violations nor any long prior history of monitored air quality problems.

B. Elements of a Limited Maintenance Plan for SO_2

A Limited Maintenance Plan conventionally consists of several core provisions: An attainment inventory, a demonstration of maintenance of the NAAQS, operation of a monitoring network, a contingency provision, as necessary, to promptly correct any violation of the NAAQS.

1. Attainment Emissions Inventory

The State's plan should include an emissions inventory to identify the level of emissions in the maintenance area that is sufficient to attain the NAAQS. The inventory should represent emissions during the same five-year period associated with air quality data used to determine whether the area meets the applicability requirements of the limited maintenance plan option. New Mexico's Grant County Limited Maintenance Plan submittal includes an SO_2 emissions inventory for Grant County Title V sources and Minor Point sources for the years 2007–2011. These base years represent the most recent emissions inventory data available and are consistent with the data used to determine applicability of the limited maintenance plan option (i.e., design values at, or below, 85 percent of the 24-hour SO_2 NAAQS). The source that caused the violations of the SO_2 NAAQS that resulted in the area being designated nonattainment, the former Hurley Smelter, was dismantled and its stacks removed in July 2006.[3] The

[2] See ''Limited Maintenance Plan Option for Nonclassifiable Ozone Nonattainment Areas'' from Sally L. Shaver, Office of Air Quality Planning and Standards, dated November 16, 1994; ''Limited Maintenance Plan Option for Nonclassifiable CO Nonattainment Areas'' from Joseph Paisie, Office of Air Quality Planning and Standards, dated October 6, 1995; and ''Limited Maintenance Plan Option for Moderate PM_{10} Nonattainment Areas'' from Lydia Wegman, Office of Air Quality Planning and Standards, dated August 9, 2001. Copies of these guidance memoranda can be found in the docket for this proposed rulemaking.

[3] The Hurley Smelter, a copper ore smelter that was part of the Chino Mine-Hurley Facility located in Hurley, New Mexico, was dismantled and its stacks were removed in July 2006. The Chino Mine-Hurley Facility modified its Title V and New Source Review (NSR) permits to remove all equipment associated with the former Hurley

Continued

former Hurley Smelter was the only major source of SO_2 located within the maintenance area boundary. There are currently no major sources of SO_2 located in the Grant County maintenance area. There are currently two Title V sources in Grant County (both located outside of the Grant County maintenance area): the Chino Mine and the Tyrone Mine. The combined actual SO_2 emissions for the two sources has been no more than 6.57 tons per year (tpy) for each of the years 2007–2011. The primary sources of SO_2 emissions for both facilities are blasting fugitives and diesel generator engines. There are currently four minor point sources located within the Grant County maintenance area with combined annual allowable SO_2 emissions of 316 tpy for each of the years 2007–2011. However, the actual SO_2 emissions generated by these sources are minimal. This data supports New Mexico's conclusion that the control measures contained in the original attainment plan will continue to protect and maintain the 1971 SO_2 NAAQS.

2. Demonstration of Maintenance

EPA considers the maintenance demonstration requirement satisfied if the monitoring data show that the area is meeting the air quality criteria for limited maintenance areas (i.e., design value at or below 0.119 parts per million (ppm) or 85% of the 24-hour SO_2 NAAQS). There is no requirement to project emissions over the maintenance period. Instead, EPA believes that if an area is at or below 85 percent of exceedance levels, the air quality along with the continued applicability of PSD requirements, any control measures already in the SIP, and Federal measures, should provide adequate assurance of maintenance over the remainder of the 10-year maintenance period. As discussed above, the state provided data showing that the SO_2 design value for the 24-hour SO_2 NAAQS (0.14 part per million (ppm)) has been 0.0 ppm for each of the five most recent years (2007–2011) for which certified ambient air quality data is available for the Hurley monitor. These values are well below the 85% threshold, thus demonstrating the appropriateness of a Limited Maintenance Plan option for the Grant County maintenance area.

When EPA approves a limited maintenance plan, EPA is concluding that an emissions budget may be treated as essentially not constraining for the length of the maintenance period because it is unreasonable to expect that such an area will experience so much growth in that period that a violation of the SO_2 NAAQS would result.

3. Monitoring Network, Verification of Continued Attainment, and New Mexico's Request To Discontinue the SO_2 Hurley Monitor

To verify the attainment status of the area over the maintenance period, the maintenance plan should contain provisions for continued operation of an appropriate, EPA-approved air quality monitoring network, in accordance with 40 CFR part 58. Over the course of the last 30 years, New Mexico has operated four SO_2 monitors in the Grant County maintenance area. There have been no monitored exceedances of the 1971 SO_2 NAAQS in the Grant County maintenance area since 1979. The Hurley monitor (AIRS Monitor ID 35–017–0003–42401–1), which has been in operation since 1997, is the only SO_2 monitor currently operating in the Grant County maintenance area. EPA determined in a letter to NMED dated August 26, 2002, that the Hurley monitor was placed where modeling indicated the highest SO_2 concentration was likely to occur. Monitored SO_2 concentrations have been negligible for the most recent five years for which certified ambient air quality data is available, following the July 2006 dismantling of the Hurley Smelter, which was the source originally responsible for the violations of the SO_2 NAAQS that resulted in the area being designated nonattainment. The state provided data from the Hurley monitor showing that the SO_2 design value for the 24-hour SO_2 NAAQS (0.14 part per million (ppm)) has been 0.0 ppm for each of the five most recent years (2007–2011) for which certified ambient air quality data was available.

In light of the limited number of SO_2 emission sources, the limited amount of SO_2 emissions, and the negligible monitored SO_2 concentrations in the Grant County maintenance area, New Mexico is requesting to discontinue SO_2 air monitoring within the maintenance area, as currently required by its maintenance plan, and to instead implement an alternative SO_2 monitoring methodology that does not utilize a gaseous analyzer for determining compliance with the SO_2 NAAQS. The alternative SO_2 monitoring method will consist of using PSD and Title V modeling and any required post-construction monitoring for new and modified air quality permits and an annual emission review of all major SO_2 sources located in the Grant County maintenance area. In the event that PSD or Title V modeling, PSD or Title V post-construction monitoring, or the annual emissions review of major sources within the maintenance area indicate there is a significant increase in SO_2 emissions that may cause a potential SO_2 NAAQS violation, New Mexico will reinstitute a gaseous SO_2 monitor at the Hurley, NM monitoring location (AIRS ID 35–017–0003–42401–1) or at a site expected to read greater SO_2 levels than this site. If the monitored SO_2 values after one year are at or below 50 percent of the 24-hour or annual SO_2 NAAQS, or both, the monitor would again be removed and the alternative SO_2 monitoring methodology reinstated. The process would be repeated each time PSD or Title V monitoring, PSD or Title V post-construction monitoring, or the annual emission review of major SO_2 sources within the maintenance area indicate a potential SO_2 NAAQS violation.

We accordingly find that with the alternative SO_2 monitoring methodology in place, the Hurley monitor is no longer required as part of the 24-hour SO_2 maintenance plan. By our approval, the maintenance plan will not contain any contingency measures to be triggered by a monitored air quality concentration. NMED may submit a separate request for a system modification (including a request for discontinuation of a State or local air monitoring station) for EPA's review and approval under the bases provided in 40 CFR § 58.14. We find that the State has satisfied the monitoring network and verification of continued attainment requirements for the limited maintenance plan.

4. Contingency Plan

Section 175A(d) of the CAA requires that a maintenance plan include contingency provisions, as necessary, to promptly correct any violation of the NAAQS that occurs after the area is redesignated to attainment. Under section 175A(d), contingency measures do not have to be fully adopted at the time of redesignation. However, the contingency plan is considered to be an enforceable part of the SIP and should ensure that the contingency measures are adopted expeditiously once they are triggered by a specified event. The general approach for contingency measures discussed in the limited maintenance plan guidance memoranda provide that the contingency provisions should identify the measures to be adopted, a schedule and procedure for adoption and implementation, and a specific time limit for action by the State. However, the General Preamble

Smelter. A copy of the revised permit issued on May 23, 2007, is found in Appendix B of the State's submittal.

for the Implementation of Title I of the Act Amendments of 1990 (57 FR 13498) states that SO_2 provisions require special considerations. A primary reason is that SO_2 control methods are well established and understood. Therefore, contingency measures for SO_2 need only consist of a comprehensive program to identify sources of violations of the SO_2 NAAQS and to undertake an aggressive follow-up for compliance and enforcement.

There are currently no major SO_2 sources within the Grant County maintenance area. In the event that an SO_2 source(s) moves into or within close proximity to the Grant County SO_2 maintenance area, New Mexico will ensure that such source(s) will comply with all applicable state and federal SO_2 regulations and requirements. New Mexico is also committing to maintain a comprehensive compliance and enforcement program to identify sources of violation of the SO_2 NAAQS within the maintenance area and to undertake aggressive follow up measures to ensure compliance with the SO_2 NAAQS. In conformance with CAA section 175A(d), New Mexico will also implement all measures with respect to the control of air pollutants concerned which were contained in the SIP for the area before redesignation of the area as an attainment area, to the extent such measures are applicable to any sources which may exist at the time of any NAAQS exceedance. We believe that New Mexico's contingency plan is adequate for identifying which SO_2 sources are responsible for violations of the 1971 SO_2 NAAQS and undertaking aggressive measures to ensure compliance of the SO_2 NAAQS. We find that New Mexico's contingency measures plan is approvable.

III. Final Action

The EPA is taking direct final action to approve the second 10-year limited maintenance plan for Grant County submitted by the State of New Mexico.

We are approving this limited maintenance plan for the Grant County maintenance area for the 1971 SO_2 NAAQS. The State of New Mexico has complied with the requirements of section 175A of the CAA, consistent with its interpretation through past limited maintenance plan guidance provided several EPA memoranda dated November 16, 1994; October 6, 1995; and August 9, 2001. New Mexico has shown through its submittal that SO_2 emissions in the Grant County maintenance area have decreased to very low levels following the dismantling of the Hurley smelter in July 2006. New Mexico has also shown that the monitored levels of the 1971 SO_2 NAAQS in the Grant County area have been negligible since 2007, with design values of 0 ppm for the most recent five years for which certified ambient air monitoring data is available. Thus, the area has been consistently well below the requisite level of 0.119 ppm for the 24-hour SO_2 NAAQS in order to qualify for the limited maintenance plan option. New Mexico has also shown that all SO_2 monitored values have been consistently well below the 1971 SO_2 NAAQS levels. These low monitored values of SO_2 are expected through the end of the maintenance period.

We find that with the alternative SO_2 monitoring methodology in place, the Hurley monitor is no longer required as part of the 24-hour SO_2 maintenance plan. By our approval, the maintenance plan will not contain any contingency measures to be triggered by a monitored air quality concentration. NMED may submit a separate request for a system modification (including a request for discontinuation of a State or local air monitoring station) for EPA's review and approval under the bases provided in 40 CFR 58.14.

EPA is publishing this rule without prior proposal because we view this as a non-controversial amendment and anticipate no adverse comments. However, in the proposed rules section of this **Federal Register** publication, we are publishing a separate document that will serve as the proposal to approve the SIP revision if relevant adverse comments are received. This rule will be effective on *September 16, 2014* without further notice unless we receive relevant adverse comment by *August 18, 2014.* If we receive relevant adverse comments, we will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect. We will address all public comments in a subsequent final rule based on the proposed rule. We will not institute a second comment period on this action. Any parties interested in commenting must do so now. Please note that if we receive relevant adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, we may adopt as final those provisions of the rule that are not the subject of an adverse comment.

IV. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely proposes to approve state law as meeting federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this 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 (Public Law 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 proposed rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the state, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

The Congressional Review Act, 5 U.S.C. section 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. section 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 September 16, 2014. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. 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, Reporting and recordkeeping requirements, Sulfur oxides.

Dated: July 7, 2014.

Ron Curry,

Regional Administrator, Region 6.

40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart GG—New Mexico

■ 2. In § 52.1620(e) the second table titled ''EPA Approved Nonregulatory Provisions and Quasi-Regulatory Measures in the New Mexico SIP'' is amended by adding the entry ''Second 10-year SO_2 maintenance plan for Grant County'' at the end of the table to read as follows:

§ 52.1620 Identification of plan.

* * * * *

(e) * * *

EPA APPROVED NONREGULATORY PROVISIONS AND QUASI-REGULATORY MEASURES IN THE NEW MEXICO SIP

Name of SIP provision	Applicable geographic or nonattainment area	State submittal/ effective date	EPA approval date	Comments
*	*	*	*	*
Second 10-year SO_2 maintenance plan for Grant County.	Portion of Grant county	11/1/2013	7/18/2014 ..... [Insert FR citation].	

[FR Doc. 2014–16818 Filed 7–17–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R10–OAR–2014–0228; FRL–9913–97–OAR]

Approval and Promulgation of Implementation Plans; Idaho Franklin County Portion of the Logan Nonattainment Area; Fine Particulate Matter Emissions Inventory

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Idaho Department of Environmental Quality (IDEQ) submitted a revision to the State Implementation Plan (SIP) on December 19, 2012, to address Clean Air Act (CAA or the Act) requirements for the Idaho portion (hereafter referred to as ''Franklin County'') of the cross border Logan, Utah-Idaho nonattainment area for the 2006 24-hour fine particulate matter ($PM_{2.5}$) national ambient air quality standards. The EPA is approving the baseline emissions inventory contained in IDEQ's submittal as meeting the requirement to submit a comprehensive, accurate, and current inventory of direct $PM_{2.5}$ and $PM_{2.5}$ precursor emissions in Franklin County.

DATES: This final rule is effective on August 18, 2014.

ADDRESSES: The EPA has established a docket for this action under Docket Identification No. EPA–R10–OAR–2014–0228. All documents in the docket are listed on the *http://www.regulations.gov* Web site. Although listed in the index, some information may not be publicly available, i.e., Confidential Business Information or other information the disclosure of which is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *http://www.regulations.gov* or in hard copy at EPA Region 10, Office of Air, Waste, and Toxics, AWT–107, 1200 Sixth Avenue, Seattle, Washington 98101. The EPA requests that 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 a.m. to 4:30 p.m., excluding Federal holidays.

FOR FURTHER INFORMATION CONTACT: Jeff Hunt at (206) 553–0256, *hunt.jeff@epa.gov,* or the above EPA, Region 10 address.

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

Table of Contents

I. Background
II. Final Action
III. Statutory and Executive Order Reviews

I. Background

An explanation of the CAA requirements, a detailed explanation of the revision, and the reasons for our proposed approval of the SIP revision were provided in the notice of proposed rulemaking published on May 14, 2014, and will not be restated here (79 FR 27543). The public comment period for the proposed rule ended on June 13, 2014. The EPA did not receive any relevant comments on the proposal.

II. Final Action

The EPA is approving the $PM_{2.5}$ and $PM_{2.5}$ precursor emissions inventory submitted by IDEQ on December 19, 2012, for the Franklin County, Idaho

portion of the cross border Logan, Utah-Idaho nonattainment area. The EPA has determined that this action is consistent with sections 110 and 172(c)(3) of the CAA.

III. Statutory and Executive Order Reviews

Under the CAA, 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, the EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

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

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

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

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by September 16, 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, Nitrogen dioxide, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: July 2, 2014.

Dennis J. McLerran,

Regional Administrator, Region 10.

40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart N—Idaho

■ 2. Section 52.670 is amended in paragraph (e) in the table entitled ''EPA-Approved Idaho Nonregulatory Provisions and Quasi-Regulatory Measures'' by adding the entry ''Fine Particulate Matter Baseline Emissions Inventory'' at the end of the table to read as follows:

§ 52.670 Identification of plan.

* * * * *

(e) * * *

EPA–Approved Idaho Nonregulatory Provisions and Quasi-Regulatory Measures

Name of SIP provision	Applicable geographic or nonattainment area	State submittal date	EPA approval date	Comments
*	*	*	*	*
Fine Particulate Matter Baseline Emissions Inventory.	Franklin County, Logan UT–ID $PM_{2.5}$ Nonattainment Area.	12/19/12	7/18/14 [Insert FR citation].	Fine Particulate Matter; Franklin County.

[FR Doc. 2014–16821 Filed 7–17–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R06–OAR–2011–0919; FRL–9913–92–Region 6]

Approval and Promulgation of Implementation Plans; Texas; Conformity of General Federal Actions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving State Implementation Plan (SIP) revisions submitted by the State of Texas on October 28, 2011. These revisions remove the State general conformity provisions from the SIP as allowed by the 2005 amendments to the Clean Air Act (Act or CAA). Upon the effective date of this final action, the EPA Federal rules will govern conformity of general Federal actions within the State of Texas. The revisions also update the narrative portion of the SIP. This action is being taken in accordance with sections 110 and 176 of the Act.

DATES: This rule is effective on September 16, 2014 without further notice, unless EPA receives relevant adverse comment by August 18, 2014. If EPA receives such comment, EPA will publish a timely withdrawal in the **Federal Register** informing the public that this rule will not take effect.

ADDRESSES: Submit your comments, identified by Docket No. EPA–R06–OAR–2011–0919, by one of the following methods:

- *www.regulations.gov:* Follow the on-line instructions.
- *Email:* Jeffrey Riley at *riley.jeffrey@epa.gov.*
- *Mail or delivery:* Mr. Guy Donaldson, Chief, Air Planning Section (6PD–L), Environmental Protection Agency, 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202–2733.

Instructions: Direct your comments to Docket ID No. EPA–R06–OAR–2011–0919. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *http://www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information the disclosure of which is restricted by statute. Do not submit information through *http://www.regulations.gov* or email, if you believe that it is CBI or otherwise protected from disclosure. The *http://www.regulations.gov* Web site is an ''anonymous access'' system, which means that EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through *http://www.regulations.gov,* your email address will 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 along with any disk or CD–ROM submitted. 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 and any form of encryption and should 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.*

Docket: The index to the docket for this action is available electronically at *www.regulations.gov* and in hard copy at EPA Region 6, 1445 Ross Avenue, Suite 700, Dallas, Texas. While all documents in the docket are listed in the index, some information may be publicly available only at the hard copy location (e.g., copyrighted material), and some may not be publicly available at either location (e.g., CBI). To inspect the hard copy materials, please schedule an appointment with the person listed in the **FOR FURTHER INFORMATION CONTACT** paragraph below or Mr. Bill Deese at 214–665–7253.

FOR FURTHER INFORMATION CONTACT: Jeffrey Riley, (214) 665–8542, *riley.jeffrey@epa.gov.*

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

Table of Contents

I. Background
II. EPA's Evaluation
III. Final Action
IV. Statutory and Executive Order Reviews

I. Background

A. What is general conformity?

General Conformity is a requirement of section 176(c) of the CAA. Congress recognized that actions taken by Federal agencies could affect a State, Tribal, or local agency's ability to attain and maintain the national ambient air quality standards (NAAQS). Under General Conformity, any action by the Federal government cannot: Cause or contribute to any new violation of any standard in any area; interfere with provisions in the applicable SIP for maintenance of any standard; increase the frequency or severity of any existing violation of any standard in any area; or delay timely attainment of any standard, any required interim emission reductions, or any other milestones, in any area. The CAA Amendments of 1990 clarified and strengthened the provisions in section 176(c). EPA promulgated General Conformity SIP regulations on November 30, 1993 (58 FR 63214) and required states to adopt and submit a General Conformity SIP for approval by EPA (See 40 CFR Part 51, subpart W (sections 850 to 860 (1993)).

B. General Conformity Affected by the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA–LU)

On August 10, 2005, Congress passed the SAFETEA–LU Act that, among other things, amended the CAA to eliminate the requirement for States to adopt and submit General Conformity SIPs. On April 5, 2010 (75 FR 17254), EPA updated the General Conformity SIP Rules to, among other things, be consistent with the SAFETEA–LU by eliminating the Federal regulatory requirement for states to adopt and submit general conformity SIPs, instead making submission of a general conformity SIP a state option. See 40 CFR 51.851.

C. Prior Texas General Conformity SIP Revision Action

On March 11, 1998 (63 FR 11833), EPA approved Title 30 Texas Administrative Code (TAC) section 101.30, *Conformity of General and State Actions to State Implementation Plans.* Texas' rule mirrored the federal requirements in 40 CFR Part 93, Subpart B and Part 51, Subpart W, and specifically referenced the 1993 Federal General Conformity SIP rule. On July 23, 2010 (75 FR 43062), EPA made a ministerial correction to the table in 40 CFR 52.2270(c) to reflect the correct title of the EPA approved regulation in the Texas SIP. The ministerial correction applied to the table entry for Section 101.30, revising the title to *''Conformity of General Federal Actions to State Implementation Plans''.*

D. State Submittal

On October 28, 2011, the State of Texas submitted SIP revisions consisting of a repeal of section 101.30, *Conformity of General Federal Actions to State Implementation Plans,* in 30 TAC Chapter 101, General Air Quality

Rules, Subchapter A, General Rules, as well as corresponding revisions to the narrative portion of the SIP to eliminate references to repealed federal rules. The repeal of the state rule is also intended to eliminate the need for future state rule revisions as a result of amendments to federal regulations.

II. EPA's Evaluation

We have reviewed Texas' submittal to assure consistency with the current Clean Air Act, as amended by SAFETEA–LU, and EPA regulations governing state procedures for general conformity (40 CFR Part 93, Subpart B and 40 CFR 51.851). The October 28, 2011 revisions, upon approval by EPA, removes § 101.30, *''Determining Conformity of General Federal Actions to State or Federal Implementation Plans,''* from the SIP and revises the SIP Narrative. With the removal of § 101.30 from the SIP, the federal rules in 40 CFR Part 93, Subpart B will directly govern conformity of general federal actions in the State of Texas. 40 CFR Part 93, Subpart B continues to subject certain federal actions to general conformity requirements without the need for identical state rules and SIPs. Therefore, repealing the state rule will not impact continuity of the general conformity program in Texas, and consequently meets the requirements of section 110(l). Federal agencies will only need to comply with the EPA General Conformity Rule requirements in 40 CFR Part 93, Subpart B. In addition, Texas' October 28, 2011 SIP revision meets the requirements set forth in section 110 of the CAA with respect to adoption and submission of SIP revisions.

III. Final Action

We are taking direct final action to approve revisions to the Texas SIP submitted on October 28, 2011, that pertain to removal of § 101.30, *''Determining Conformity of General Federal Actions to State or Federal Implementation Plans,''* from the SIP and update the narrative portion of the SIP. The approval of Texas' conformity SIP revisions will align the Texas SIP with the current Clean Air Act, as amended by SAFETEA–LU, and the most recent EPA regulations governing state procedures for general conformity.

EPA is publishing this rule without prior proposal because we view this as a non-controversial amendment and anticipate no adverse comments. However, in the proposed rules section of this **Federal Register** publication, we are publishing a separate document that will serve as the proposal to approve the SIP revision if relevant adverse comments are received. This rule will be effective on September 16, 2014 without further notice unless we receive relevant adverse comment by August 18, 2014. If we receive relevant adverse comments, we will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect. We will address all public comments in a subsequent final rule based on the proposed rule. We will not institute a second comment period on this action. Any parties interested in commenting must do so now. Please note that if we receive relevant adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, we may adopt as final those provisions of the rule that are not the subject of an adverse comment.

IV. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the 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 located in the state, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

The Congressional Review Act, 5 U.S.C. section 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. section 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 September 16, 2014. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

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

Dated: July 7, 2014.

Ron Curry,

Regional Administrator, Region 6.

40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart SS—Texas

■ 2. In § 52.2270 is amended by:

■ a. In paragraph (c), the table titled ''EPA Approved Regulations in the Texas SIP'' is amended by removing the entry for ''Section 101.30, Conformity of General Federal Actions to State Implementation Plans''; and

■ b. In paragraph (e) the second table titled ''EPA Approved Nonregulatory Provisions and Quasi-Regulatory Measures in the Texas SIP'' is amended by adding an entry at the end for ''Conformity with the National Ambient Air Quality Standards''.

The addition reads as follows:

§ 52.2270 Identification of plan.

* * * * *

(e) * * *

EPA-APPROVED NONREGULATORY PROVISIONS AND QUASI-REGULATORY MEASURES IN THE TEXAS SIP

Name of SIP provision	Applicable geographic or nonattainment area	State submittal/ effective date	EPA approval date	Comments
*	*	*	*	*
Conformity with the National Ambient Air Quality Standards.	Statewide	10/28/2011	7/18/2014 [Insert FEDERAL REGISTER citation].	The General Conformity SIP is removed from the Texas SIP; the federal rules at 40 CFR Part 93, subpart B apply now.

[FR Doc. 2014–16826 Filed 7–17–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R07–OAR–2013–0674; FRL–9913–79–Region–7]

Approval and Promulgation of Implementation Plans; State of Missouri; Control of Nitrogen Oxide Emissions From Large Stationary Internal Combustion Engines

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action to approve a State Implementation Plan (SIP) revision submitted by the State of Missouri to EPA on September 21, 2010, with a supplemental revision submitted on July 3, 2013. The purpose of the SIP revision is to incorporate revisions to a Missouri regulation to control Nitrogen Oxide (NO_X) emissions from large stationary internal combustion engines. This revision includes an emission rate limitation for both large stationary diesel and dual fuel internal combustion engines and adds an exemption for compression ignited stationary internal combustion engines that emit 25 tons or less of NO_X between May 1 and September 30. EPA has determined that the SIP revision submitted by the State of Missouri satisfies the applicable requirements of the Clean Air Act (CAA or Act), and in particular, the April 21, 2004, final Federal Phase II NO_X SIP Call.

DATES: This rule is effective on August 18, 2014.

ADDRESSES: EPA has established docket number EPA–R07–OAR–2013–0674 for this action. All documents in the electronic docket are listed in the *http://www.regulations.gov* index. Although listed in the index, some information is not publicly available, i.e., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically at *http://www.regulations.gov* or in hard copy at U.S. Environmental Protection Agency, Region 7, 11201 Renner Boulevard, Lenexa, Kansas 66219 from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The interested persons wanting to examine these documents should make an appointment with the office at least 24 hours in advance.

FOR FURTHER INFORMATION CONTACT: Ms. Lachala Kemp, Air Planning and Development Branch, U.S. Environmental Protection Agency, Region 7, 11201 Renner Boulevard, Lenexa, KS 66219; *telephone number:* (913) 551–7214; *fax number:* (913) 551–7065; *email address: kemp.lachala@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document, ''we,'' ''us,'' or ''our'' refer to EPA. This section provides additional information by addressing the following questions:

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I. What action is EPA taking in this final rule?
II. What is the background for the approvals by EPA in this final rule?
III. EPA's Response to Comment
IV. EPA's Final Action

I. What action is EPA taking in this final rule?

EPA is taking final action to approve a State Implementation Plan (SIP) revision submitted by the State of Missouri to EPA on September 21, 2010, with a supplemental revision submitted on July 3, 2013. The purpose of the SIP revision is to incorporate changes to a Missouri regulation (Title 10 of the Code of State Regulations (CSR) 10–6.390) to control Nitrogen Oxide (NO_X) emissions from large stationary internal combustion (IC) engines to ensure compliance with the federal NO_X control plan to reduce the transport of air pollutants.[1] EPA finalized the second phase (Phase II) of its rule known as the NO_X SIP Call Rule on April 21, 2004 (69 FR 21604). Phase II required the eastern one-third of Missouri to participate in the NO_X SIP Call and included a provision related to source categories of IC engines. The IC provision established a requirement to decrease emissions from diesel and dual fuel stationary IC engines by ninety percent. Phase II of the NO_X SIP Call

[1] The effective date of the rule in Missouri was May 30, 2010.

also required each state in the control region to submit a SIP that contained adequate provisions prohibiting its sources from emitting air pollutants that would contribute significantly to nonattainment, or interfere with maintenance, in one or more downwind states. *See, generally,* 69 FR 21608.

Missouri's rule establishes emissions levels for large stationary internal combustion engines of greater than one thousand three hundred horsepower located in the counties of Bollinger, Butler, Cape Girardeau, Carter, Clark, Crawford, Dent, Dunklin, Franklin, Gasconade, Iron, Jefferson, Lewis, Lincoln, Madison, Marion, Mississippi, Montgomery, New Madrid, Oregon, Pemiscot, Perry, Pike, Ralls, Reynolds, Ripley, St. Charles, St. Francois, St. Louis, Ste. Genevieve, Scott, Shannon, Stoddard, Warren, Washington, and Wayne counties, and the City of St. Louis in Missouri. To be subject to this rule, the IC engines must either have emitted greater than one ton per day of NO_X on average during the period from May 1 through September 30 of 1995, 1996, or 1997, or began operations after September 30, 1997. 10 CSR 10–6.390(1)(A), (B).

On January 8, 2014, EPA published in the **Federal Register** a proposed rulemaking to approve Missouri's request to revise Missouri's SIP and include this 2010 amendment to the Missouri rule. The public comment period on EPA's proposed rule opened January 8, 2014, the date of its publication in the **Federal Register**, and closed on February 7, 2014. During this period, EPA received one comment letter from a member of the public. The letter is available in the docket to today's final rule. Today's final action includes EPA's response to this comment.

II. What is the background for the approvals by EPA in this final rule?

This section briefly summarizes the background for today's final action. More detailed discussion of the statutory and regulatory background can be found in the preamble to the proposal for this rulemaking. (79 FR 1350, January 8, 2014.)

The Missouri rule establishes emission rate limits using current reporting requirements for both large stationary diesel engines and dual fuel IC engines and adds a twenty-five ton NO_X exemption.

Any compression ignited stationary engine that begins operation after September 30, 1997, and emits twenty-five (25) tons or less of NO_X during the period from May 1 through September 30 is exempt from certain emission rate limits found at 10 CSR 10–6.390(3)(B)3 and 4. This exemption is based on the previous year's NO_X emissions during the May 1 through September 30 period. If the exemption limit is exceeded, for any reason, the engine in question will be required to meet the applicable limits of subsection (3)(B) each year thereafter. The exemption does not apply to the record keeping and reporting requirements of 10 CSR 10–6.390(4).

Section 110(l) of the CAA states that EPA shall not approve a revision of a SIP if the revisions would interfere with any applicable requirement concerning attainment and reasonable further progress, or any other applicable requirement of the CAA. The state's SIP revision included a demonstration that this twenty-five ton NO_X exemption for compression ignited stationary IC engines will not adversely impact air quality. The analysis, included in the docket for today's action, also showed that the exemption will not affect the state's ability to meet its NO_X SIP Call obligations.

EPA has reviewed the state's analysis of the potential impacts of this NO_X exemption on air quality and has determined that the twenty-five ton NO_X exemption in 10 CSR 10–6.390 will not adversely impact air quality and will not affect the state's ability to meet its NO_X SIP Call obligations, previously approved in a separate action on August 15, 2006 (71 FR 46860).

III. EPA's Response to Comment

The public comment period on EPA's proposed rule opened January 8, 2014, the date of its publication in the **Federal Register**, and closed on February 7, 2014. During this period, EPA received one comment from a citizen, and the comment letter is available in the docket to today's final rule. Today's final action includes EPA's response to the comment.

Comment: The citizen commented, among other things, that Missouri's allowable NOx budget should be revised and subsequently a SIP revision should be requested to reflect the lower emissions ceiling.

Response: EPA would like to thank the citizen for the comment, but disagrees with the Commenter's view. EPA's NO_X emissions budgets were set under the final Federal Phase II NO_X SIP Call (69 FR 21604, April 21, 2004). The budgets were an accounting mechanism for ensuring that upwind states have adopted and are implementing control measures that will address their significant contribution to downwind nonattainment, and interference with maintenance areas in other states for the 1-hour and the 1997 8-hour ozone standard. These budgets have been set through notice-and-comment rulemaking and EPA has already determined that Missouri has met its obligation under the Phase II NO_X SIP call (71 FR 46860, August 15, 2006).

IV. EPA's Final Action

In today's rulemaking, EPA is taking final action to approve a revision to the Missouri SIP to control NO_X emissions from large stationary internal combustion engines. The revisions will also add a NO_X exemption for compression ignited stationary internal combustion engines that emit 25 tons or less of NO_X during the ozone season. If this level is exceeded, the regular emission rate limits in the regulation would apply. The requirements prescribed in the SIP revision are consistent with the April 21, 2004, final Federal Phase II NO_X SIP Call. EPA has determined that the SIP submitted by the State of Missouri satisfies the applicable requirements of the CAA.

Statutory and Executive Order Reviews

Under the CAA, 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 final 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 final 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).
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or

safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);

• Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);

• Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and

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

In addition, this rule does not have Tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the state, and EPA notes that it will not impose substantial direct 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 September 16, 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, Nitrogen oxides, Reporting and recordkeeping requirements.

Dated: July 1, 2014.

Karl Brooks,

Regional Administrator, Region 7.

For the reasons stated in the preamble, the Environmental Protection Agency proposes to amend 40 CFR part 52 as set forth below:

40 CFR part 52 is amended as follows:

PART 52—[APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS]

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

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

Subpart AA—Missouri

■ 2. Section 52.1320 table in paragraph (c) is amended by revising the entry for ''Chapter 6—Air Quality Standards, Definitions, Sampling and Reference Methods, and Air Pollution Control Regulations for the State of Missouri'' ''10–6.390'' to read as follows:

§ 52.1320 Identification of plan.

* * * * *

(c) * * *

EPA-APPROVED MISSOURI REGULATIONS

Missouri citation	Title	State effective date	EPA approval date	Explanation
Missouri Department of Natural Resources				
*	*	*	*	*
Chapter 6—Air Quality Standards, Definitions, Sampling and Reference Methods, and Air Pollution Control Regulations for the State of Missouri				
*	*	*	*	*
10–6.390	Control of NO_X Emissions from Large Stationary Internal Combustion Engines.	05/30/2010	07/18/2014 [insert **Federal Register** page number where the document begins].	
*	*	*	*	*

* * * * *

[FR Doc. 2014–16831 Filed 7–17–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2013–0644; FRL–9913–35]

Zoxamide; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes tolerances for residues of zoxamide in or on onion, bulb, subgroup 3–07A. Gowan Company requested these tolerances under the Federal Food, Drug, and Cosmetic Act (FFDCA).

DATES: This regulation is effective July 18, 2014. Objections and requests for hearings must be received on or before September 16, 2014, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2013–0644, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW.,Washington, DC 20460–0001. 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 OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Lois Rossi, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; main telephone number: (703) 305–7090; email address: *RDFRNotices@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

B. How can I get electronic access to other related information?

You may access a frequently updated electronic version of EPA's tolerance regulations at 40 CFR part 180 through the Government Printing Office's e-CFR site at *http://www.ecfr.gov/cgi-bin/text-idx?&c=ecfr&tpl=/ecfrbrowse/Title40/40tab_02.tpl.*

C. How can I file an objection or hearing request?

Under FFDCA section 408(g), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2013–0644 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing, and must be received by the Hearing Clerk on or before September 16, 2014. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA–HQ–OPP–2013–0644, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be CBI or other information whose disclosure is restricted by statute.
- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.html.*

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets.*

II. Summary of Petitioned-For Tolerance

In the **Federal Register** of May 23, 2014 (79 FR 29731) (FRL–9910–29), EPA issued a document pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide petition (PP 3F8164) by Gowan Company, P.O. Box 5569, Yuma, AZ 85366. The petition requested that 40 CFR 180.567 be amended by establishing tolerances for residues of the fungicide zoxamide, 3, 5-dichloro-*N*-(3-chloro-1-ethyl-1-methyl-2-oxopropyl)-4-methylbenzamide, and its metabolites 3,5-dichloro-1,4-benzenedicarboxylic acid (RH–1455 and RH–141455) and 3,5-dichloro-4-hydroxymethylbenzoic acid (RH–1452 and RH–141452) calculated as the stoichiometric equivalent of zoxamide, in or on onion, bulb, subgroup 3–07A at 0.7 parts per million (ppm). That document referenced a summary of the petition prepared by Gowan Company, the registrant, which is available in the docket, *http://www.regulations.gov.* Comments were received on the notice of filing. EPA's response to these comments is discussed in Unit IV.C.

Based upon review of the data supporting the petition, EPA is establishing the tolerance as requested but revising the tolerance expressions for zoxamide. The reason for these changes are explained in Unit IV.D.

III. Aggregate Risk Assessment and Determination of Safety

Section 408(b)(2)(A)(i) of FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is ''safe.'' Section 408(b)(2)(A)(ii) of FFDCA defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) of FFDCA requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will

result to infants and children from aggregate exposure to the pesticide chemical residue. . . .''

Consistent with FFDCA section 408(b)(2)(D), and the factors specified in FFDCA section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure for zoxamide including exposure resulting from the tolerances established by this action. EPA's assessment of exposures and risks associated with zoxamide follows.

A. Toxicological Profile

EPA has evaluated the available toxicity data and considered its validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children.

The toxicity data of zoxamide indicate that the primary target organ is the liver. Liver and thyroid weights increased along with liver histopathological change and increases in alkaline phosphatase. Systemic toxicity was not observed in the 28-day rat dermal toxicity study up to the limit dose (1,000 milligram/kilogram/day (mg/kg/day)). There are no concerns for neurotoxicity, immunotoxicity, developmental toxicity, or reproductive toxicity. There was no evidence of increased susceptibility (quantitative or qualitative) for the offspring in the reproduction studies or for fetuses following in utero exposure in the developmental studies. Zoxamide is classified as ''not likely to be carcinogenic to humans'' based on the lack of treatment-related tumors in acceptable/guideline carcinogenicity studies in rats and mice.

Specific information on the studies received and the nature of the adverse effects caused by zoxamide as well as the no-observed-adverse-effect-level (NOAEL) and the lowest-observed-adverse-effect-level (LOAEL) from the toxicity studies can be found at *http://www.regulations.gov* in document Zoxamide. Health Risk Assessment for the Proposed New Use on Bulb Onions (Crop Subgroup 3–07A) in docket ID number EPA–HQ–OPP–2013–0644.

B. Toxicological Points of Departure/Levels of Concern

Once a pesticide's toxicological profile is determined, EPA identifies toxicological points of departure (POD) and levels of concern to use in evaluating the risk posed by human exposure to the pesticide. For hazards that have a threshold below which there is no appreciable risk, the toxicological POD is used as the basis for derivation of reference values for risk assessment. PODs are developed based on a careful analysis of the doses in each toxicological study to determine the dose at which no adverse effects are observed (the NOAEL) and the lowest dose at which adverse effects of concern are identified (the LOAEL). Uncertainty/safety factors are used in conjunction with the POD to calculate a safe exposure level—generally referred to as a population-adjusted dose (PAD) or a reference dose (RfD)—and a safe margin of exposure (MOE). For non-threshold risks, the Agency assumes that any amount of exposure will lead to some degree of risk. Thus, the Agency estimates risk in terms of the probability of an occurrence of the adverse effect expected in a lifetime. For more information on the general principles EPA uses in risk characterization and a complete description of the risk assessment process, see *http://www.epa.gov/pesticides/factsheets/riskassess.htm.*

A summary of the toxicological endpoints for zoxamide used for human risk assessment is shown in the Table of this unit.

TABLE—SUMMARY OF TOXICOLOGICAL DOSES AND ENDPOINTS FOR ZOXAMIDE FOR USE IN HUMAN HEALTH RISK ASSESSMENT

Exposure/scenario	Point of departure and uncertainty/safety factors	RfD, PAD, LOC for risk assessment	Study and toxicological effects
Acute dietary (all populations) ..	There is no indication of an adverse effect attributable to a single dose. Additionally, developmental, neurotoxicity, and reproductive effects were not observed in the database. An aRfD was not established.		
Chronic dietary (all populations)	NOAEL= 48 mg/kg/day. UF_A = 10x UF_H = 10x FQPA SF = 1x	Chronic RfD = 0.48 mg/kg/day. cPAD = 0.48 mg/kg/day	Chronic Toxicity—Dog. LOAEL = 255 mg/kg/day based on body weight changes, increases in liver and thyroid weights, and increases in alkaline phosphatase.
Dermal short-term (1 to 30 days).	There were no systemic or dermal toxicity findings in a 28-day dermal toxicity study in the rat up to the limit dose (1000 mg/kg/day) and there were no developmental, reproductive, or neurotoxicity concerns observed in the database.		
Inhalation short-term (1 to 30 days) and Inhalation Intermediate-term (1 to 6 months).	Inhalation (or oral) study NOAEL= 48 mg/kg/day. UF_A = 10x UF_H = 10x FQPA SF = 1x	LOC for MOE = 100	Chronic Toxicity—Dog. LOAEL = 255 mg/kg/day based on body weight changes, increases in liver and thyroid weights, and increases in alkaline phosphatase.

FQPA SF = Food Quality Protection Act Safety Factor. LOAEL = lowest-observed-adverse-effect-level. LOC = level of concern. mg/kg/day = milligram/kilogram/day. MOE = margin of exposure. NOAEL = no-observed-adverse-effect-level. PAD = population adjusted dose (a = acute, c = chronic). RfD = reference dose. UF = uncertainty factor. UF_A = extrapolation from animal to human (interspecies). UF_H = potential variation in sensitivity among members of the human population (intraspecies).

C. Exposure Assessment

1. *Dietary exposure from food and feed uses.* In evaluating dietary exposure to zoxamide, EPA considered exposure under the petitioned-for tolerances as well as all existing zoxamide tolerances in 40 CFR 180.567. EPA assessed dietary exposures from zoxamide in food as follows:

i. *Acute exposure.* Quantitative acute dietary exposure and risk assessments are performed for a food-use pesticide, if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a 1-day or single exposure.

No such effects were identified in the toxicological studies for zoxamide; therefore, a quantitative acute dietary exposure assessment is unnecessary.

ii. *Chronic exposure.* In conducting the chronic dietary exposure assessment EPA used the food consumption data from the USDA 2003–2008 National Health and Nutrition Examination Survey, What We Eat in America (NHANES/WWEIA). As to residue levels in food, EPA assumed tolerance-level residues, 100% crop treated (CT), and default processing factors from the Dietary Exposure Evaluation Model software with the Food Commodity Intake Database (DEEM–FCID) Version 7.81 (except for grape, raisin and potato granules/flakes).

iii. *Cancer.* Based on the data summarized in Unit III.A., EPA has concluded that zoxamide does not pose a cancer risk to humans. Therefore, a dietary exposure assessment for the purpose of assessing cancer risk is unnecessary.

2. *Dietary exposure from drinking water.* The Agency used screening level water exposure models in the dietary exposure analysis and risk assessment for zoxamide in drinking water. These simulation models take into account data on the physical, chemical, and fate/transport characteristics of zoxamide. Further information regarding EPA drinking water models used in pesticide exposure assessment can be found at *http://www.epa.gov/oppefed1/models/water/index.htm.*

Based on the Pesticide Root Zone Model/Exposure Analysis Modeling System (PRZM/EXAMS) and Pesticide Root Zone Model Ground Water (PRZM GW), the estimated drinking water concentrations (EDWCs) of zoxamide for chronic exposures (non-cancer) are estimated to be 0.81 parts per billion (ppb) for surface water and 65.8 ppb for ground water, respectively.

Modeled estimates of drinking water concentrations were directly entered into the dietary exposure model. For chronic dietary risk assessment, the water concentration of value 65.8 ppb was used to assess the contribution to drinking water.

3. *From non-dietary exposure.* The term ''residential exposure'' is used in this document to refer to non-occupational, non-dietary exposure (e.g., for lawn and garden pest control, indoor pest control, termiticides, and flea and tick control on pets).

Zoxamide is not registered for any specific use patterns that would result in residential exposure.

4. *Cumulative effects from substances with a common mechanism of toxicity.* Section 408(b)(2)(D)(v) of FFDCA requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider ''available information'' concerning the cumulative effects of a particular pesticide's residues and ''other substances that have a common mechanism of toxicity.''

EPA has not found zoxamide to share a common mechanism of toxicity with any other substances, and zoxamide does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has assumed that zoxamide does not have a common mechanism of toxicity with other substances. For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see EPA's Web site at *http://www.epa.gov/pesticides/cumulative.*

D. Safety Factor for Infants and Children

1. *In general.* Section 408(b)(2)(C) of FFDCA provides that EPA shall apply an additional tenfold (10X) margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the database on toxicity and exposure unless EPA determines based on reliable data that a different margin of safety will be safe for infants and children. This additional margin of safety is commonly referred to as the FQPA Safety Factor (SF). In applying this provision, EPA either retains the default value of 10X, or uses a different additional safety factor when reliable data available to EPA support the choice of a different factor.

2. *Prenatal and postnatal sensitivity.* The prenatal and postnatal toxicity studies include rat and rabbit prenatal developmental studies in addition to a reproduction and fertility effects study in rats; and the highest doses used in these studies are at or above the limit dose. In the developmental studies, maternal and fetal toxicity was not observed up to the limit dose (1,000 mg/kg/day). In the rat reproduction and fertility effects study, decreased body weights and body weight gains was observed in only the parental females at the highest dose tested. Therefore, EPA has concluded that there was no evidence of increased susceptibility (quantitative or qualitative) for the offspring in the reproduction studies or for fetuses following *in utero* exposure in the developmental studies.

3. *Conclusion.* EPA has determined that reliable data show the safety of infants and children would be adequately protected if the FQPA SF were reduced to 1x. That decision is based on the following findings:

i. The toxicity database for zoxamide is complete.

ii. There is no indication that zoxamide is a neurotoxic chemical and there is no need for a developmental neurotoxicity study or additional UFs to account for neurotoxicity.

iii. There is no evidence that zoxamide results in increased susceptibility in *in utero* rats or rabbits in the prenatal developmental studies or in young rats in the 2-generation reproduction study.

iv. There are no residual uncertainties identified in the exposure databases. The dietary food exposure assessments were performed based on 100% CT and tolerance-level residues. EPA made conservative (protective) assumptions in the ground and surface water modeling used to assess exposure to zoxamide in drinking water. These assessments will not underestimate the exposure and risks posed by zoxamide.

E. Aggregate Risks and Determination of Safety

EPA determines whether acute and chronic dietary pesticide exposures are safe by comparing aggregate exposure estimates to the acute PAD (aPAD) and chronic PAD (cPAD). For linear cancer risks, EPA calculates the lifetime probability of acquiring cancer given the estimated aggregate exposure. Short-, intermediate-, and chronic-term risks are evaluated by comparing the estimated aggregate food, water, and residential exposure to the appropriate PODs to ensure that an adequate MOE exists.

1. *Acute risk.* An acute aggregate risk assessment takes into account acute exposure estimates from dietary consumption of food and drinking water. No adverse effect resulting from a single oral exposure was identified and no acute dietary endpoint was selected. Therefore, zoxamide is not expected to pose an acute risk.

2. *Chronic risk.* Using the exposure assumptions described in this unit for chronic exposure, EPA has concluded that chronic exposure to zoxamide from food and water will utilize 4.8% of the cPAD for children 1 to 2 years old, the population group receiving the greatest

exposure. There are no residential uses for zoxamide.

3. *Short-term and intermediate-term risk.* Short-term and intermediate-term aggregate risk takes into account short-term and intermediate-term residential exposure, respectively, plus chronic exposure to food and water (considered to be a background exposure level).

Zoxamide is currently not registered for any use patterns that could result in short-term or intermediate-term residential exposure. Because short- or intermediate-term residential exposure and chronic dietary exposure have already been assessed under the appropriately protective cPAD (which is at least as protective as the POD used to assess short-term risk), further assessment of short- and intermediate-term risk is not necessary. EPA relies on the chronic dietary risk assessment for evaluating short- and intermediate-term risk for zoxamide.

4. *Aggregate cancer risk for U.S. population.* Based on the lack of evidence of carcinogenicity in two adequate rodent carcinogenicity studies, zoxamide is not expected to pose a cancer risk to humans.

5. *Determination of safety.* Based on these risk assessments, EPA concludes that there is a reasonable certainty that no harm will result to the general population, or to infants and children from aggregate exposure to zoxamide residues.

IV. Other Considerations

A. Analytical Enforcement Methodology

Adequate enforcement methodology (gas chromatography with electron capture detection (GC/ECD) and GC with mass selective detection (GC/MSD)) is available to enforce the tolerance expression.

The method may be requested from: Chief, Analytical Chemistry Branch, Environmental Science Center, 701 Mapes Rd., Ft. Meade, MD 20755–5350; telephone number: (410) 305–2905; email address: *residuemethods@epa.gov.*

B. International Residue Limits

In making its tolerance decisions, EPA seeks to harmonize U.S. tolerances with international standards whenever possible, consistent with U.S. food safety standards and agricultural practices. EPA considers the international maximum residue limits (MRLs) established by the Codex Alimentarius Commission (Codex), as required by FFDCA section 408(b)(4). The Codex Alimentarius is a joint United Nations Food and Agriculture Organization/World Health Organization food standards program, and it is recognized as an international food safety standards-setting organization in trade agreements to which the United States is a party. EPA may establish a tolerance that is different from a Codex MRL; however, FFDCA section 408(b)(4) requires that EPA explain the reasons for departing from the Codex level.

Neither Codex, Canada, nor Mexico has not established a MRL for zoxamide in/on bulb onions, so there will be no need to harmonize the international standards.

C. Response to Comments

One comment was received in response to the notice of filing of Gowan Company's application. The commenter objected to the increase of chemical residues generally and expressed concerns about the carcinogenic effects of chemicals in general on humans. The Agency understands the commenter's concerns regarding toxic chemicals and their potential effects on humans. Pursuant to its authority under the FFDCA, and as discussed further in this preamble, EPA conducted a comprehensive assessment of zoxamide, which included an assessment on the carcinogenic potential of zoxamide. Based on its assessment of the available data, the Agency has concluded that zoxamide is not likely to be a carcinogen and that there is a reasonable certainty that no harm will result from aggregate exposure to residues of zoxamide.

D. Revisions to Petitioned-For Tolerances

EPA is revising the tolerance expressions to clarify:

1. That, as provided in FFDCA section 408(a)(3), the tolerance covers metabolites and degradates of Zoxamide not specifically mentioned; and

2. That compliance with the specified tolerance levels is to be determined by measuring only the specific compounds mentioned in the tolerance expression.

V. Conclusion

Therefore, tolerances are established for residues of zoxamide, 3, 5-dichloro-N-(3-chloro-1-ethyl-1-methyl-2-oxopropyl)-4-methylbenzamide and its metabolites 3,5-dichloro-1,4-benzenedicarboxylic acid (RH–1455 and RH–141455) and 3,5-dichloro-4-hydroxymethylbenzoic acid (RH–1452 and RH–141452) calculated as the stoichiometric equivalent of zoxamide, in or on onion, bulb, subgroup 3–07A at 0.7 ppm.

In addition, EPA is revising the tolerance expressions for zoxamide contained in paragraphs (a)(1) and (a)(2), and in paragraph (b), removing the commodity ginseng, and reserving paragraph (b).

VI. Statutory and Executive Order Reviews

This final rule establishes a tolerance under FFDCA section 408(d) in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled ''Regulatory Planning and Review'' (58 FR 51735, October 4, 1993). Because this final rule has been exempted from review under Executive Order 12866, this final rule is not subject to Executive Order 13211, entitled ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001) or Executive Order 13045, entitled ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), nor does it require any special considerations under Executive Order 12898, entitled ''Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations'' (59 FR 7629, February 16, 1994).

Since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the tolerance in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), do not apply.

This final rule directly regulates growers, food processors, food handlers, and food retailers, not States or tribes, nor does this action alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4). As such, the Agency has determined that this action will not have a substantial direct effect on States or tribal governments, on the relationship between the national government and the States or tribal governments, or on the distribution of power and responsibilities among the various levels of government or between the Federal Government and Indian tribes. Thus, the Agency has determined that Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999) and Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR

67249, November 9, 2000) do not apply to this final rule. In addition, this final rule does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (2 U.S.C. 1501 *et seq.*).

This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA) (15 U.S.C. 272 note).

VII. Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), 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**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: July 10, 2014.

Lois Rossi,

Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

■ 1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346a and 371.

■ 2. Section 180.567 is amended as follows:

■ a. Revise the introductory text of paragraph (a)(1);

■ b. Revise the introductory text of paragraph (a)(2);

■ c. Alphabetically add ''Onion, bulb, subgroup 3–07A'' to the table in paragraph (a)(2); and

■ d. Remove and reserve paragraph (b) to read as follows:

§ 180.567 Zoxamide; tolerance for residues.

(a) *General.* (1) Tolerances are established for residues of zoxamide including metabolites and degradates, in or on the commodities in the table below. Compliance with the tolerance levels specified below is to be determined by measuring only zoxamide (3,5-dichloro-N-(3-chloro-1-ethyl-1-methyl-2-oxopropyl)-4-methylbenzamide).

* * * * *

(2) Tolerances are established for residues of zoxamide including metabolites and degradates, in or on the commodities in the table below. Compliance with the tolerance levels specified below is to be determined by measuring only the sum of zoxamide (3,5-dichloro-N-(3-chloro-1-ethyl-1-methyl-2-oxopropyl)-4-methylbenzamide) and its metabolites 3,5-dichloro-1,4-benzenedicarboxylic acid (RH–1455 and RH–141455) and 3,5-dichloro-4-hydroxymethylbenzoic acid (RH–1452 and RH–141452) calculated as the stoichiometric equivalent of zoxamide.

Commodity	Parts per million
Onion, bulb, subgroup 3–07A ..	0.7
* * * * *	

(b) *Section 18 emergency exemptions.* [Reserved]

* * * * *

[FR Doc. 2014–16807 Filed 7–17–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2013–0023; FRL–9912–10]

Polyoxyalkylated Trimethylopropanes; Tolerance Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes an exemption from the requirement of a tolerance for residues of polyoxyalkylated trimethylopropanes with 20 to 80 moles of ethylene and/or propylene oxide, fatty acid esters with C_8 through C_{22} aliphatic alkanoic and/or alkenoic fatty acids, branched or linear, the resulting polyoxyalkylene trimethylopropane esters having a minimum molecular weight (MW) of 3,000 when used as an inert ingredient in a pesticide chemical formulation. Spring Trading Co., on behalf of Croda, Inc., submitted a petition to EPA under the Federal Food, Drug, and Cosmetic Act (FFDCA), requesting an exemption from the requirement of a tolerance. This regulation eliminates the need to establish a maximum permissible level for residues of polyoxyalkylated trimethylopropanes on food or feed commodities.

DATES: This regulation is effective July 18, 2014. Objections and requests for hearings must be received on or before September 16, 2014, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2013–0023, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC 20460–0001. 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 OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Lois Rossi, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; main telephone number: (703) 305–7090; email address: *RDFRNotices@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

B. How can I get electronic access to other related information?

You may access a frequently updated electronic version of 40 CFR part 180 through the Government Printing Office's e-CFR site at *http://www.ecfr.gov/cgi-bin/text-idx?&c=ecfr&tpl=/ecfrbrowse/Title40/40tab_02.tpl.*

C. Can I file an objection or hearing request?

Under FFDCA section 408(g), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2013–0023 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing, and must be received by the Hearing Clerk on or before September 16, 2014. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA–HQ–OPP–2013–0023, by one of the following methods.

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be CBI or other information whose disclosure is restricted by statute.
- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.html.*

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets.*

II. Background and Statutory Findings

In the **Federal Register** of February 21, 2014 (79 FR 9870) (FRL–9904–98), EPA issued a document pursuant to FFDCA section 408, 21 U.S.C. 346a, announcing the receipt of a pesticide petition (PP IN–10658) filed by Spring Trading Co., 10805W. Timberwagon Circle, Spring, TX 77380–4030, on behalf of Croda, Inc., 315 Cherry Lane, New Castle, DE 19720. The petition requested that 40 CFR 180.960 be amended by establishing an exemption from the requirement of a tolerance for residues of polyoxyalkylated trimethylopropanes with 20 to 80 moles of ethylene and/or propylene oxide, fatty acid esters with C_8 through C_{22} aliphatic alkanoic and/or alkenoic fatty acids, branched or linear, the resulting polyoxyalkylene trimethylopropane esters having a minimum MW of 3,000. (CAS Reg. Nos., 25765–36–0; 29860–47–7; 37339–03–0; 52624–57–4; 58090–24–7; 63964–38–5; 72939–62–9; 74521–14–5; 75300–70–8; 75300–90–2; 84271–03–4; 84271–04–5; 86850–92–2; 107120–02–5; 133331–01–8; 137587–60–1; 149797–40–0; 149797–41–1; 150695–97–9; 152130–24–0; 163349–94–8; 163349–95–9; 163349–96–0; 163349–97–1; 163349–98–2; 165467–70–9; 183619–46–7; 183619–50–3; 185260–01–9; 202606–04–0; 210420–84–1; 233660–70–3; 263011–96–7; 283602–94–8; 701980–40–7; 872038–58–9; 875709–44–7; 875709–45–8; 875709–46–9; 875709–47–0; 879898–63–2; 910038–01–6; 1190748–04–9; 1225384–02–0; 1428944–41–5; and 1446498–15–2). That document included a summary of the petition prepared by the petitioner and solicited comments on the petitioner's request. The Agency did not receive any comments.

Section 408(c)(2)(A)(i) of FFDCA allows EPA to establish an exemption from the requirement for a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the exemption is ''safe.'' Section 408(c)(2)(A)(ii) of FFDCA defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and use in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) of FFDCA requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing an exemption from the requirement of a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue . . .'' and specifies factors EPA is to consider in establishing an exemption.

III. Risk Assessment and Statutory Findings

EPA establishes exemptions from the requirement of a tolerance only in those cases where it can be shown that the risks from aggregate exposure to pesticide chemical residues under reasonably foreseeable circumstances will pose no appreciable risks to human health. In order to determine the risks from aggregate exposure to pesticide inert ingredients, the Agency considers the toxicity of the inert in conjunction with possible exposure to residues of the inert ingredient through food, drinking water, and through other exposures that occur as a result of pesticide use in residential settings. If EPA is able to determine that a finite tolerance is not necessary to ensure that there is a reasonable certainty that no harm will result from aggregate exposure to the inert ingredient, an exemption from the requirement of a tolerance may be established.

Consistent with FFDCA section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action and considered its validity, completeness and reliability and the relationship of this information to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children. In the case of certain chemical substances that are defined as polymers, the Agency has established a set of criteria to identify categories of polymers expected to present minimal or no risk. The definition of a polymer is given in 40 CFR 723.250(b) and the exclusion criteria for identifying these low-risk polymers are described in 40 CFR 723.250(d). Polyoxyalkylated trimethylopropanes conforms to the definition of a polymer given in 40 CFR 723.250(b) and meets the following criteria that are used to identify low-risk polymers.

1. The polymer is not a cationic polymer nor is it reasonably anticipated to become a cationic polymer in a natural aquatic environment.

2. The polymer does contain as an integral part of its composition the atomic elements carbon, hydrogen, and oxygen.

3. The polymer does not contain as an integral part of its composition, except as impurities, any element other than those listed in 40 CFR 723.250(d)(2)(ii).

4. The polymer is neither designed nor can it be reasonably anticipated to substantially degrade, decompose, or depolymerize.

5. The polymer is manufactured or imported from monomers and/or reactants that are already included on the TSCA Chemical Substance Inventory or manufactured under an applicable TSCA section 5 exemption.

6. The polymer is not a water absorbing polymer with a number average MW greater than or equal to 10,000 daltons.

7. The polymer does not contain certain perfluoroalkyl moieties consisting of a CF_3- or longer chain length as specified in 40 CFR 723.250(d)(6).

Additionally, the polymer also meets as required the following exemption criteria specified in 40 CFR 723.250(e).

8. The polymer's number average MW is greater than or equal to 1,000 and less than 10,000 daltons. The polymer contains less than 10% oligomeric material below MW 500 and less than 25% oligomeric material below MW 1,000.

Thus, polyoxyalkylated trimethylopropanes meets the criteria for a polymer to be considered low risk under 40 CFR 723.250. Based on its conformance to the criteria in this unit, no mammalian toxicity is anticipated from dietary, inhalation, or dermal exposure to polyoxyalkylated trimethylopropanes.

IV. Aggregate Exposures

For the purposes of assessing potential exposure under this exemption, EPA considered that polyoxyalkylated trimethylopropanes could be present in all raw and processed agricultural commodities and drinking water, and that non-occupational, non-dietary exposure was possible. The number average MW of polyoxyalkylated trimethylopropanes is 3,000 daltons. Generally, a polymer of this size would be poorly absorbed through the intact gastrointestinal tract or through intact human skin. Since polyoxyalkylated trimethylopropanes conform to the criteria that identify a low-risk polymer, there are no concerns for risks associated with any potential exposure scenarios that are reasonably foreseeable. The Agency has determined that a tolerance is not necessary to protect the public health.

V. Cumulative Effects From Substances With a Common Mechanism of Toxicity

Section 408(b)(2)(D)(v) of FFDCA requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider ''available information'' concerning the cumulative effects of a particular pesticide's residues and ''other substances that have a common mechanism of toxicity.''

EPA has not found polyoxyalkylated trimethylopropanes to share a common mechanism of toxicity with any other substances, and polyoxyalkylated trimethylopropanes does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has assumed that polyoxyalkylated trimethylopropanes do not have a common mechanism of toxicity with other substances. For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see EPA's Web site at *http://www.epa.gov/pesticides/cumulative.*

VI. Additional Safety Factor for the Protection of Infants and Children

Section 408(b)(2)(C) of FFDCA provides that EPA shall apply an additional tenfold margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the data base unless EPA concludes that a different margin of safety will be safe for infants and children. Due to the expected low toxicity of polyoxyalkylated trimethylopropanes, EPA has not used a safety factor analysis to assess the risk. For the same reasons the additional tenfold safety factor is unnecessary.

VII. Determination of Safety

Based on the conformance to the criteria used to identify a low-risk polymer, EPA concludes that there is a reasonable certainty of no harm to the U.S. population, including infants and children, from aggregate exposure to residues of polyoxyalkylated trimethylopropanes.

VIII. Other Considerations

A. Existing Exemptions From a Tolerance

None.

B. Analytical Enforcement Methodology

An analytical method is not required for enforcement purposes since the Agency is establishing an exemption from the requirement of a tolerance without any numerical limitation.

C. International Residue Limits

In making its tolerance decisions, EPA seeks to harmonize U.S. tolerances with international standards whenever possible, consistent with U.S. food safety standards and agricultural practices. EPA considers the international maximum residue limits (MRLs) established by the Codex Alimentarius Commission (Codex), as required by FFDCA section 408(b)(4). The Codex Alimentarius is a joint United Nations Food and Agriculture Organization/World Health Organization food standards program, and it is recognized as an international food safety standards-setting organization in trade agreements to which the United States is a party. EPA may establish a tolerance that is different from a Codex MRL; however, FFDCA section 408(b)(4) requires that EPA explain the reasons for departing from the Codex level.

The Codex has not established a MRL for polyoxyalkylated trimethylopropanes.

IX. Conclusion

Accordingly, EPA finds that exempting residues of polyoxyalkylated trimethylopropanes from the requirement of a tolerance will be safe.

X. Statutory and Executive Order Reviews

This final rule establishes a tolerance under FFDCA section 408(d) in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these rules from review under Executive Order 12866, entitled ''Regulatory Planning and Review'' (58 FR 51735, October 4, 1993). Because this final rule has been exempted from review under Executive Order 12866, this final rule is not subject to Executive Order 13211, entitled ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001) or Executive Order 13045, entitled ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), nor does it involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA) (15 U.S.C. 272 note).

Since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the tolerance in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), do not apply.

This final rule directly regulates growers, food processors, food handlers, and food retailers, not States or tribes, nor does this action alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4). As such, the Agency has determined that this

action will not have a substantial direct effect on States or tribal governments, on the relationship between the national government and the States or tribal governments, or on the distribution of power and responsibilities among the various levels of government or between the Federal Government and Indian Tribes, or otherwise have any unique impacts on local governments. Thus, the Agency has determined that Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999) and Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 9, 2000) do not apply to this final rule. In addition, this final rule does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (2 U.S.C. 1501 *et seq.*).

Although this action does not require any special considerations under Executive Order 12898, entitled ''Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations'' (59 FR 7629, February 16, 1994), EPA seeks to achieve environmental justice, the fair treatment and meaningful involvement of any group, including minority and/or low-income populations, in the development, implementation, and enforcement of environmental laws, regulations, and policies. As such, to the extent that information is publicly available or was submitted in comments to EPA, the Agency considered whether groups or segments of the population, as a result of their location, cultural practices, or other factors, may have atypical or disproportionately high and adverse human health impacts or environmental effects from exposure to the pesticide discussed in this document, compared to the general population.

XI. Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), 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**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: July 10, 2014.

Lois Rossi,

Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

■ 1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346a and 371.

■ 2. In § 180.960, the table is amended by alphabetically adding an entry for ''Polyoxyalkylated trimethylopropanes * * *'' after the entry for ''Polyoxyalkylated glycerol * * *'' to read as follows:

§ 180.960 Polymers; exemptions from the requirement of a tolerance.

* * * * *

Polymer	CAS No.
* * * * * * *	
Polyoxyalkylated trimethylopropanes with 20 to 80 moles of ethylene and/or propylene oxide, fatty acid esters with C8 through C22 aliphatic alkanoic and/or alkenoic fatty acids, branched or linear; minimum number average molecular weight (in amu), 3,000.	25765–36–0; 29860–47–7; 37339–03–0; 52624–57–4; 58090–24–7; 63964–38–5; 72939–62–9; 74521–14–5; 75300–70–8; 75300–90–2; 84271–03–4; 84271–04–5; 86850–92–2; 107120–02–5; 133331–01–8; 137587–60–1; 149797–40–0; 149797–41–1; 150695–97–9; 152130–24–0; 163349–94–8; 163349–95–9; 163349–96–0; 163349–97–1; 163349–98–2; 165467–70–9; 183619–46–7; 183619–50–3; 185260–01–9; 202606–04–0; 210420–84–1; 233660–70–3; 263011–96–7; 283602–94–8; 701980–40–7; 872038–58–9; 875709–44–7; 875709–45–8; 875709–46–9; 875709–47–0; 879898–63–2; 910038–01–6; 1190748–04–9; 1225384–02–0; 1428944–41–5; 1446498–15–2.
* * * * * * *	

[FR Doc. 2014–16836 Filed 7–17–14; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 130726661–4551–02]

RIN 0648–BD56

Fisheries of the Northeastern United States; Monkfish; Framework Adjustment 8

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

ACTION: Final rule.

SUMMARY: NMFS approves and implements measures included in Framework Adjustment 8 to the Monkfish Fishery Management Plan. This action increases monkfish day-at-sea allocations and landing limits, allows vessels issued a limited access monkfish Category H permit to fish throughout the Southern Fishery Management Area, and enables vessels to use an allocated monkfish-only day-at-sea at any time throughout the fishing year. It also revises biological reference points for the monkfish stocks in the Northern and Southern Fishery Management Areas based on an updated stock assessment. The approved measures are intended to increase monkfish landings and better achieve optimum yield in each fishery management area, increase operational flexibility to maximize the value of available fishing opportunities, and ensure that management measures are based on the best scientific information available.

DATES: This final rule is effective on July 18, 2014.

ADDRESSES: We prepared a Final Regulatory Flexibility Analysis (FRFA), which consists of the Initial Regulatory Flexibility Analysis (IRFA), public comments and responses, and the

summary of impacts and alternatives contained in the Classification section of the preamble of this final rule. Copies of the supporting biological, economic, and social impact analysis for this action are contained in the environmental assessment (EA) prepared for this rule, and may be found at the following Internet address: *http://www.nero.noaa.gov/regs/2014/May/14monkfishfw8ea.pdf*. Paper copies of the Framework 8 EA are available on request from Thomas A. Nies, Executive Director, New England Fishery Management Council, 50 Water Street, Newburyport, MA 01950. Copies of the small entity compliance guide are available from the John K. Bullard, Regional Administrator, National Marine Fisheries Service, 55 Great Republic Drive, Gloucester, MA 01930–2276.

FOR FURTHER INFORMATION CONTACT: Douglas Christel, Fishery Policy Analyst, (978) 281–9141, fax (978) 281–9135.

SUPPLEMENTARY INFORMATION:

Background

The New England and the Mid-Atlantic Fishery Management Councils develop management measures governing the monkfish fishery under the Monkfish Fishery Management Plan (FMP). The Councils manage the fishery as two management units, with the Northern Fishery Management Area (NFMA) covering the Gulf of Maine and northern part of Georges Bank, and the Southern Fishery Management Area (SFMA) extending from the southern flank of Georges Bank through the Mid-Atlantic Bight to North Carolina. The monkfish fishery is primarily managed by landing limits and a yearly allocation of monkfish days-at-sea (DAS) calculated to enable vessels participating in the fishery to catch, but not exceed, the annual catch limit in each management area.

In May 2013, we conducted an operational stock assessment to update monkfish biological reference points and provide projections to set future catch levels. The New England Council's Scientific and Statistical Committee (SSC) reviewed the results of that assessment and additional analysis by the Councils' Plan Development Team, but concluded that no changes to existing catch levels are warranted at this time. The Councils concurred with the SSC's conclusions, and did not propose any changes to existing catch levels. Accordingly, existing catch levels remain in place until changed by a future management action (see Table 1).

TABLE 1—MONKFISH CATCH LEVELS CONTINUED UNDER FRAMEWORK ADJUSTMENT 8

Catch limit	Monkfish management area	
	NFMA	SFMA
Acceptable Biological Catch (ABC)	7,592 mt	12,316 mt.
Annual Catch Limit (ACL)		
Annual Catch Target (ACT)	6,567 mt	11,513 mt.
Total Allowable Landings (TAL)	5,854 mt	8,925 mt.

In recent years, the monkfish fishery has failed to achieve optimum yield (OY) because it has not fully harvested the Annual Catch Target (ACT) specified for each year, particularly in the NFMA. Further, members of the monkfish fishing industry have indicated that existing regulations reduce their ability to maximize available monkfish fishing opportunities and land more monkfish, particularly restrictions on when monkfish-only DAS may be used and where vessels issued limited access monkfish Category H permits may fish. The Councils developed Framework 8 to incorporate the results of the latest monkfish stock assessment, and to revise measures to better achieve OY and enhance the operational efficiency of existing management measures. We published a proposed rule to implement measures proposed in Framework 8 on May 27, 2014 (79 FR 30065), with public comments accepted through June 11, 2014. A full summary of the development of Framework 8 and the purpose of each proposed measure is included in that rule, and in the EA developed for this action (see **ADDRESSES**).

Approved Measures

The following summarizes the approved Framework 8 measures. These measures build upon the provisions implemented by previous management actions, and are intended to either supplement or replace existing regulations, as described for each measure. This final rule also includes revisions to regulations that are not specifically identified in Framework 8, but are necessary to correct errors or clarify existing provisions, as authorized by section 305(d) of the Magnuson-Stevens Fishery Conservation and Management Act.

Because measures proposed under Framework 8 and implemented through this final rule did not become effective until after the start of fishing year (FY) 2014 on May 1, 2014, all monkfish catch since May 1, 2014, will be deducted from the catch levels specified in Table 1 for FY 2014. Further, consistent with the regulations at 50 CFR 648.96(a)(3)(iv), any monkfish DAS used by a vessel on or after the start of FY 2014 will be counted against the monkfish DAS allocation the vessel ultimately receives during FY 2014 upon the implementation of measures approved under this action.

1. Revised Biological and Management Reference Points

This action updates the monkfish biological and management reference point values to be consistent with those recommended by the SSC and the best available scientific information from the 2013 monkfish operational assessment (see Table 2). These reference points are used to determine if overfishing is occurring on either stock (fishing mortality rate (F) threshold ($F_{Threshold}$)), if either stock is overfished (biomass (B) threshold ($B_{Threshold}$)), or if either stock is rebuilt (B_{Target}).

TABLE 2—COMPARISON OF MONKFISH BIOLOGICAL REFERENCE POINTS BETWEEN SAW 50 (2010) AND THE 2013 MONKFISH ASSESSMENT UPDATE

Monkfish management area	Biological reference point	SAW 50 and 2010 SSC review	2013 Operational assessment and SSC review
NFMA	$F_{MAX\ (threshold)}$	0.43	0.44
	B_{Target}	52,930 mt	46,074 mt
	$B_{Threshold}$	26,465 mt	23,037 mt
	Overfishing Level	19,557 mt	17,805 mt
	Maximum Sustainable Yield	10,745 mt	9,383 mt
SFMA	$F_{MAX\ (threshold)}$	0.46	0.37
	B_{Target}	74,490 mt	71,667 mt
	$B_{Threshold}$	37,245 mt	35,834 mt
	Overfishing Level	36,245 mt	23,204 mt
	Maximum Sustainable Yield	15,279 mt	14,328 mt

2. Changes to Monkfish DAS Allocations and Landing Limits

Existing monkfish DAS allocations and landing limits are raised to help increase monkfish landings and the proportion of the TAL and ACT caught in each area (see Table 3). Under this action, all limited access monkfish permits are allocated 46 monkfish DAS. Each permit's monkfish DAS allocation is then reduced by 0.8 DAS to set aside 500 monkfish DAS under the Monkfish Research Set Aside program, resulting in 45.2 monkfish DAS (46 DAS—0.8 DAS) allocated to each limited access monkfish permit starting in FY 2014. Of this 45.2 monkfish DAS allocation, up to 32 may be used in the SFMA. This represents a 5.2 DAS increase in a permit's total monkfish DAS allocation, and a 4 DAS increase in the number of monkfish DAS that may be used in the SFMA.

Monkfish incidental landing limits are increased for limited access monkfish Category C and D vessels fishing under a Northeast multispecies (groundfish) DAS in the NFMA, while monkfish directed landing limits are increased for vessels fishing under a monkfish DAS in the SFMA (see Table 3). All other monkfish incidental landing limits remain the same as those implemented by previous management actions.

TABLE 3—CHANGES TO MONKFISH DAS ALLOCATIONS AND LANDING LIMITS FOR LIMITED ACCESS MONKFISH CATEGORY A, B, C, AND D PERMITS

[In tail weight/DAS]

Management area	Incidental landing limit	Monkfish permit category A/C landing limit	Monkfish permit category B/D landing limit	Monkfish DAS allocation *
NFMA	600 lb (272 kg) for Category C Permits and 500 lb (227 kg) for Category D permits fishing under a groundfish DAS.	1,250 lb (567 kg)	600 lb (272 kg)	45.2
	Unchanged for all other situations.			
SFMA	Unchanged	610 lb (277 kg)	500 lb (227 kg)	32

* The SFMA monkfish DAS allocation represents the maximum number of monkfish DAS that could be used in the SFMA.

Monkfish DAS allocations and landing limits for vessels issued a limited access Category F permit and electing to participate in the Offshore Fishery Program in the SFMA are calculated separately from the monkfish DAS allocation to all limited access monkfish permits. As outlined in § 648.95(g)(2), we calculate the monkfish DAS allocation for each Category F permit by dividing the daily landing limit when fishing under the Offshore Fishery Program (1,600 lb (726 kg) tail weight) by the SFMA monkfish landing limit applicable to the vessel's monkfish limited access permit category. We then multiply that number by the vessel's monkfish DAS allocation (32 DAS in the SFMA plus up to 4 DAS carried over from the previous year) to get the permit's monkfish DAS allocation when participating in the Offshore Fishery Program. Table 4 summarizes the monkfish DAS allocated to Category F permits participating in the Offshore Fishery Program under this action.

TABLE 4—MONKFISH DAS ALLOCATED TO PERMITS PARTICIPATING IN THE OFFSHORE FISHERY PROGRAM

If your original monkfish limited access permit category is . . .	Your maximum monkfish DAS allocation under the Offshore Fishery Program will be . . .
A or C	13.7 DAS
B, D, or H	12.4 DAS

3. Modified Monkfish DAS Usage Requirements

Limited access monkfish Category C and D vessels may now use monkfish-only DAS at any time throughout the FY under this action. Monkfish-only DAS are a permit's monkfish DAS allocation in excess of that permit's allocation of groundfish Category A DAS at the beginning of the FY. Under this action, a vessel no longer has to use all of its allocated groundfish DAS in conjunction with allocated monkfish DAS before it can use any remaining monkfish-only DAS. A vessel will be charged monkfish DAS based upon the monkfish DAS type declared via the interactive voice response (call-in) system or the vessel monitoring system before each trip. These changes will help vessels maximize the economic value of monkfish fishing opportunities by enabling vessels to use monkfish-only DAS to selectively target monkfish earlier in the FY with minimal bycatch of groundfish, and later use both monkfish and groundfish DAS to fish for monkfish when groundfish are more abundant and could be landed in greater amounts, particularly in the SFMA.

4. Expanded Boundary Line for Monkfish Limited Access Permit Category H Vessels

A vessel issued a limited access monkfish Category H permit may now fish throughout the SFMA. This action eliminates the previous restriction limiting such vessels to fish for monkfish south of 38°40′ N lat. This provides greater operational flexibility to vessel operators, and enables them to maximize opportunities to fish for monkfish.

5. Corrections and Clarifications to Existing Regulations

We have made the following corrections to existing regulations to address inadvertent errors, omissions, and ambiguities in existing regulations under the authority provided to the Secretary of Commerce in section 305(d) of the Magnuson-Stevens Act.

In § 648.2, a definition of ''monkfish-only DAS'' is inserted to clarify the use of that term in the monkfish effort-control program provisions specified at § 648.92. The new definition specifies that a permit's initial allocation of monkfish-only DAS would be based upon the difference between a permit's monkfish and NE multispecies Category A DAS allocation at the beginning of the FY, but may vary throughout the FY based upon the acquisition or relinquishment of groundfish DAS under the NE Multispecies DAS Leasing Program.

In § 638.92, paragraph (b)(3) is revised to state that, with the exception of monkfish DAS charged when fishing with gillnet gear pursuant to § 648.92(b)(8)(v), all monkfish DAS fished shall be charged to the nearest minute.

In § 648.93, paragraph (b) is deleted and paragraphs (a)(1) and (a)(2) are designated as paragraphs (a) and (b), respectively.

In § 648.94, paragraph (f) is revised to clarify that a vessel operator may declare his/her intent to fish in the NFMA via the vessel monitoring system or the interactive voice response call-in system.

Comments and Responses on Measures Proposed in the Framework 8 Proposed Rule

We received two comments during the comment period on the proposed rule for this action from one individual and one organization representing commercial seafood processors. Please note in considering the responses to comments below that NMFS may only approve or disapprove measures proposed in a fishery management plan, amendment, or framework adjustment, and may not change or substitute any measure in a substantive way, pursuant to section 304(a)(3) of the Magnuson-Stevens Act.

General Comments

Comment 1: One commenter opposed making defining OY the responsibility of NMFS, suggesting that the first goal should be to protect fish from commercial fishing entities. This commenter recommended reducing monkfish catch limits by 50 percent immediately, suggesting that existing catch limits are unsustainable.

Response: The Magnuson-Stevens Act, not NMFS, makes NMFS responsible for, and defines, the OY (see 16 U.S.C. § 1851 and 50 CFR § 600.310). In Amendment 5 (76 FR 30265; May 25, 2011), the Councils further specified that OY in the Monkfish FMP means fully harvesting the ACT in each area, consistent with the National Standard 1 guidelines (74 FR 3178; January 16, 2009). This action does not revise the definition of OY in the Monkfish FMP or Magnuson-Stevens Act, but rather revises monkfish regulations to more effectively achieve OY, as required by the Magnuson-Stevens Act.

As specified in the proposed rule for this action, we conducted an operational assessment for both monkfish stocks in 2013 to provide information relevant for setting monkfish catch levels beginning in FY 2014. According to that assessment, both monkfish stocks are rebuilt and neither overfished, nor subject to overfishing. While acknowledging the uncertainty in the latest monkfish assessment and that it provides both positive and negative indications of stock status, the Councils and the SSC concluded that changes to existing catch levels are not warranted at this time. Therefore, this action maintains existing monkfish catch limits in both areas.

Comment 2: One organization representing commercial seafood processors supported any efforts that will increase monkfish landings. This group claimed that the FMP has prevented fishermen from fully harvesting the total allowable landings (TAL) amounts in recent years, with landings averaging 62 and 67 percent of the TAL from the NFMA and SFMA, respectively, during the past 4 years. This group suggested that the proposed measures are unlikely to substantially increase monkfish landings, because they provide no real incentive for fishermen to land monkfish. While this group believes that the proposed increased monkfish DAS will lead to higher monkfish landings from the SFMA, they recommend that we increase the NFMA incidental monkfish landing limit by 75 percent to more effectively increase monkfish landings, because 75 percent of NFMA monkfish landings occur when targeting other species.

Response: We also support efforts to increase monkfish landings and more fully realize OY in the monkfish fishery. As noted above, and in the preamble of the proposed rule for this action, Framework 8 is intended to increase incentives and opportunities to land monkfish compared to recent years. The Councils' Monkfish Plan Development Team investigated why existing measures have not provided sufficient incentive to land monkfish in recent years, but failed to reach any definitive conclusions. It is likely that there are many dynamic factors influencing incentives to land monkfish, including market price, reduced catch limits and other restrictions in the groundfish fishery, additional fishing opportunities in other fisheries, and fish availability. Both NMFS and the Councils will continue to monitor the fishery and adjust measures, as necessary, to achieve OY and FMP objectives, as required by the Magnuson-Stevens Act.

We recognize that the 75 percent of monkfish landed from the NFMA are incidental landings when targeting other fisheries, mostly groundfish. Based on industry input, the Councils proposed

increasing incidental landing limits as the primary means of increasing monkfish landings in the NFMA under Framework 8. This action increases incidental monkfish landing limits for vessels fishing on a groundfish DAS in the NFMA by 100 percent for Category C vessels (from 300 lb (136 kg) to 600 lb (272 kg) tail weight per DAS) and 67 percent for Category D vessels (from 300 lb (136 kg) to 500 lb (227 kg) tail weight per DAS). Framework 8 does not increase incidental landing limits by 75 percent for Category D vessels, as recommended by the commenter. This was because the Councils wanted to increase incidental landing limits in a manner that would preserve the approximate differential fishing opportunities associated with the two permit categories. Accordingly, the Councils increased the incidental monkfish landing limit for Category C permits more than Category D permits, because such permits landed more monkfish during the original qualification period for their limited access monkfish permits. Because incidental monkfish landings by Category C vessels represent the majority of incidental monkfish landings from the NFMA, this action should increase incidental monkfish landings from the NFMA by an amount very close to the amount that would result from the measures recommended by the commenter. Therefore, we did not change the proposed NFMA monkfish incidental landing limits through this action.

Changes From the Proposed Rule

We have not made any changes to the proposed regulations published in the proposed rule for this action.

Classification

The Administrator, Greater Atlantic Region, NMFS, determined that Framework 8 is necessary for the conservation and management of the monkfish fishery, and that it is consistent with the Magnuson-Stevens Act and other applicable laws.

There is good cause under 5 U.S.C. 553(d)(3) to waive the 30-day delay in effective date because delaying the effectiveness of this rule is contrary to the public interest. This rule increases monkfish DAS allocations from 40 to 46 DAS, increases both targeted and incidental monkfish landing limits, eliminates the provision restricting when vessels can use monkfish-only DAS, and increases the area in which monkfish Category H permits may target monkfish. The Councils developed these measures to increase monkfish landings and associated fishing revenue to more effectively achieve OY in the fishery. Increased monkfish landings may also help alleviate substantial economic and social impacts associated with substantially reduced fishing opportunities in the groundfish fishery in recent years. Further, by eliminating both the monkfish-only DAS use restriction and the northern boundary for Category H permits, this action also eases restrictions that unnecessarily reduce the efficient utilization of available monkfish fishing opportunities for certain vessels. Accordingly, delaying this action for 30-days is contrary to the public interest, because it would unnecessarily delay the public's ability to take advantage of increased opportunities to catch and land monkfish and benefit from the associated economic benefits of higher monkfish landings. A swift implementation of this final action increases the likelihood that affected entities will be able to catch and land more monkfish, resulting in additional fishing revenue and minimizing the chances of continued negative economic impacts due to the recently reduced groundfish quotas. Further, since this rule imposes no further restrictions on the monkfish fishery that would alter existing fishing practices or require affected entities to acquire additional equipment, there is no need to delay implementation of this action to provide affected entities sufficient time to prepare for the implementation of this action. Thus, there is good cause under 5 U.S.C. 553(d)(3) to waive the delay in effectiveness for this action.

This final rule has been determined to be not significant for purposes of Executive Order 12866.

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

A Final Regulatory Flexibility Act (FRFA) analysis was prepared for this action. The FRFA incorporates the Initial Regulatory Flexibility Act (IRFA) analysis, a summary of the significant issues raised by the public comments in response to the IRFA, NMFS' responses to those comments, a summary of the analyses completed in the Framework 8 EA, and this portion of the preamble. A summary of the IRFA was published in the proposed rule for this action and is not repeated here. A description of why this action was considered, the objectives of, and the legal basis for this rule is contained in Framework 8 and in the preamble to the proposed and this final rule, and is not repeated here. All of the documents that constitute the FRFA are available from NMFS (see **ADDRESSES**).

Summary of the Significant Issues Raised by Public Comments in Response to the IRFA. A Summary of the Assessment of the Agency of Such Issues, and a Statement of Any Changes Made From the Proposed Rule as a Result of Such Comments

The public did not raise any significant issues in response to the IRFA, so no changes were made from the proposed rule.

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

This action would affect any vessel issued a valid Federal limited access monkfish permit. NMFS issued 625 limited access monkfish permits during FY 2013, including 20 Category A permits, 41 Category B permits, 279 Category C permits, 264 Category D permits, 14 Category F permits, and 7 Category H permits. Also, there were 1,594 open access Category E monkfish permits. In recent years, the number of active permits (i.e., those actually landing monkfish during the FY) has been lower than the number issued permits. Therefore, it is likely that a subset of these entities will be affected by this action. A more complete description of the monkfish fishery is found in section 4.0 of the EA prepared for this action (see **ADDRESSES**).

The Small Business Administration (SBA) defines a small business in the finfish fishing sector (NAICS code 114111) as a firm or affiliate group with gross revenue of $19.0 million; and the shellfish fishing sector (NAICS code 114112) as a firm or affiliate group with gross revenue of $5.0 million or more. NMFS guidelines identify the affiliate group (or ''entity'') rather than permit as the appropriate level of analysis for regulatory actions. Affiliate groups were identified using permit ownership data recently added to the NMFS permit database, with designations of large and small entities based on each entity's 3-year average ex-vessel revenue. Data from FY 2012 are the most complete data available with which to make a determination regarding the size of entities affected by the proposed action. During FY 2012, 651 entities landed at least one pound of monkfish. Of these, 534 entities were composed of a single vessel permit, 110 were composed of 2 to 5 permits, and 7 were composed of 6 or more permits. Further, 401 entities were plurality-finfish, while 250 are plurality-shellfish. Using the above criteria, of the 651 entities that landed monkfish during FY 2012, we classified

629 entities as ''small,'' while we classified the remaining 22 entities as ''large'' because they had gross fishing revenue in excess of the SBA revenue criteria specified above for small entities.

Description of the Projected Reporting, Recordkeeping, and Other Compliance Requirements of the Final Rule

This action does not contain any new recordkeeping or reporting requirements, and does not impose any additional costs to affected vessels.

Description of Steps the Agency Has Taken To Minimize the Significant Economic Impact on Small Entities Consistent With the Stated Objectives of Applicable Statues

During the development of Framework 8, the Councils considered and fully analyzed several alternatives to the measures implemented by this action. The No Action Alternatives would have retained the existing monkfish DAS allocations, landing limits, and restrictions on when monkfish-only DAS can be used and where Category H permits can fish. NFMA Alternative 2 would have increased monkfish DAS allocations to 64 DAS, but kept landing limits the same as those effective in FY 2012. SFMA Alternative 3 would have retained existing landing limits and increased monkfish DAS allocation to 51 DAS, while SFMA Alternative 4 would have slightly increased monkfish landing limits, but retained existing SFMA monkfish DAS use restrictions. For both areas, the Councils did not adopt the No Action Alternatives because the existing monkfish DAS, landing limits, and DAS use and area restrictions have not achieved OY in recent years, resulting in forgone fishing opportunities and associated vessel revenue. Those measures would not increase opportunities to land monkfish or the efficiency of vessel operations consistent with the purpose and need for this action. For a more complete description of the alternatives considered, refer to preamble of the proposed rule for this action and the EA prepared for this action (see **ADDRESSES**).

The Councils considered two alternatives for revisions to when monkfish-only DAS could be used and where limited access monkfish Category H vessels can fish: The No Action and the preferred alternative. Because the Councils adopted the preferred alternatives that liberalize when monkfish-only DAS could be used and where limited access monkfish Category H permits can fish, we have implemented measures under this action that maximize fishing opportunities and minimize adverse impacts to affected entities from these provisions.

The changes to monkfish DAS and landing limits implemented by this rule do not maximize revenue among the alternatives considered. When evaluated in isolation, we expect the NFMA measures implemented by this rule will result in approximately $600,000 more in revenue than existing measures (No Action Alternative), but about $650,000 less revenue than Alternative 2 measures (increasing monkfish DAS allocations to 64 DAS while maintaining existing monkfish landing limits). The SFMA measures implemented by this rule would result in about $0.7 million more monkfish revenue than expected under existing measures (No Action Alternative). Compared to SFMA Alternatives 3 and 4, the measures implemented by this action would result in $3.2 million less monkfish revenue than under Alternative 3 (increasing monkfish DAS allocations to 51 DAS while maintaining existing monkfish landing limits), but $1.5 million more monkfish revenue than under Alternative 4 (existing monkfish DAS usage limit, but higher directed landing limits). When the revenue streams of all possible combinations of alternatives are considered, the measures implemented by this rule would increase monkfish revenue by $330,000–$2.3 million compared to some combinations of alternatives, but also result in $146,000–$2.6 million less monkfish revenue compared to other combinations of alternatives. Overall, the measures implemented by this action would increase monkfish revenue by about $2.3 million compared to existing measures.

Although other alternatives considered by the Councils (NFMA Alternative 2 and SFMA Alternative 3) would likely have resulted in greater short-term monkfish revenue compared to the measures implemented by this action, those alternatives may have had different potential impacts on the monkfish resource. All alternatives would have resulted in catch that are lower than existing catch limits, with the non-selected alternatives likely resulting in higher monkfish catch that those implemented by this action. However, during the development of Framework 8, some members of the fishing industry and Councils were concerned with the high degree of uncertainty in the latest monkfish stock assessment update, and that substantially increasing monkfish catch may adversely affect the long-term sustainability of the stocks. They cited concerns about persistent retrospective patterns in the assessment that continue to overestimate biomass and underestimate fishing mortality, suggesting that the stock is not as healthy as implied by the assessment results. This is similar to comments made by the SSC during their review of the latest assessment update. The Councils sought to balance interest in increasing monkfish landings and associated revenues with concerns about uncertainty in the current estimates of stock biomass and the potential that excessive harvest could inadvertently lead to overfishing and future reductions in catch levels to ensure the long-term sustainability of monkfish stocks. The measures implemented by this rule will likely result in a modest increase in monkfish landings and associated revenue, without increasing the risk that overfishing would occur, particularly after consideration of continuing retrospective patterns. Thus, the measures adopted and implemented under this action represent a compromise between biological and economic benefits to the monkfish fishery that attempt to increase short-term economic benefits and minimize the potential for long-term reductions in fishing opportunities and associated fishing revenue.

Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996 states that, for each rule or group of related rules for which an agency is required to prepare a FRFA, the agency shall publish one or more guides to assist small entities in complying with the rule, and shall designate such publications as ''small entity compliance guides.'' The agency shall explain the actions a small entity is required to take to comply with a rule or group of rules. As part of this rulemaking process, we prepared a letter to permit holders that also serves as small entity compliance guide (the guide). Copies of this final rule are available from the Greater Atlantic Regional Fisheries Office. We will send copies of the guide (i.e., permit holder letter) to all monkfish permit holders and make both the guide and this final rule available upon request.

List of Subjects in 50 CFR Part 648

Fisheries, Fishing, Recordkeeping and reporting requirements.

Dated: July 14, 2014.

Samuel D. Rauch III,

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

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

PART 648—FISHERIES OF THE NORTHEASTERN UNITED STATES

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

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

■ 2. In § 648.2, add a definition for ''Monkfish-only DAS'' in alphabetical order to read as follows:

§ 648.2 Definitions.

* * * * *

Monkfish-only DAS means monkfish DAS allocated to a limited access monkfish Category C, D, F, G, or H permit that are in excess of that permit's initial allocation of Northeast multispecies Category A DAS at the beginning of a fishing year.

* * * * *

■ 3. In § 648.92, revise paragraphs (b)(1)(i) and (ii), (b)(2) and (3), and (b)(9)(i) to read as follows:

§ 648.92 Effort-control program for monkfish limited access vessels.

* * * * *

(b) * * *

(1) * * *

(i) *General provision.* Each vessel issued a limited access monkfish permit shall be allocated 46 monkfish DAS each fishing year which must be used in accordance with the provisions of this paragraph (b), unless otherwise specified by paragraph (b)(1)(ii) of this section or modified by § 648.96(b)(3), or unless the permit is enrolled in the Offshore Fishery Program in the SFMA, as specified in paragraph (b)(1)(iv) of this section. The annual allocation of monkfish DAS to each limited access monkfish permit shall be reduced by the amount calculated in paragraph (b)(1)(v) of this section for the research DAS set-aside. Unless otherwise specified under this subpart F, a vessel issued a limited access NE multispecies or limited access sea scallop permit that is also issued a limited access monkfish permit must use a NE multispecies or sea scallop DAS concurrently with each monkfish DAS utilized, except as provided in paragraph (b)(2) of this section.

(ii) *DAS restrictions for vessels fishing in the SFMA.* A vessel issued a limited access monkfish permit may not use more than 32 of its 46 monkfish DAS allocation in the SFMA during each fishing year. Each vessel issued a limited access monkfish permit fishing in the SFMA must declare that it is fishing in this area through the vessel call-in system or VMS prior to the start of every trip. In addition, if a vessel does not possess a valid letter of authorization from the Regional Administrator to fish in the NFMA as described in § 648.94(f), NMFS shall presume that any monkfish DAS used were fished in the SFMA.

* * * * *

(2) *Category C, D, F, G, or H limited access monkfish permit holders.* (i) *General provision.* Unless otherwise specified in paragraph (b)(2)(ii) of this section, each monkfish DAS used by a vessel issued a limited access monkfish Category C, D, F, G, or H permit and a limited access NE multispecies or scallop DAS permit shall also be counted as a NE multispecies or scallop DAS, as applicable. A vessel issued a limited access monkfish Category C, D, F, or H permit may not use a NE multispecies Category B Regular DAS under the NE Multispecies Regular B DAS Program, as specified under § 648.85(b)(6), in order to satisfy the requirement of this paragraph (b)(2)(i) to use a NE multispecies DAS concurrently with a monkfish DAS.

(ii) *Monkfish-only DAS.* When a vessel issued a limited access monkfish Category C, D, F, G, or H permit and a limited access NE multispecies DAS permit has an allocation of NE multispecies Category A DAS, specified under § 648.82(d)(1), that is less than the number of monkfish DAS allocated for the fishing year May 1 through April 30, that vessel shall be allocated ''monkfish-only'' DAS equal to the difference between the number of its allocated monkfish DAS and the number of its allocated NE multispecies Category A DAS at the start of a fishing year. For example, if a vessel issued a limited access monkfish Category D permit is allocated 46 monkfish DAS and 26 NE multispecies Category A DAS, it would have 20 monkfish-only DAS at the start of each fishing year. The available balance of monkfish-only DAS may vary throughout the fishing year based upon monkfish-only DAS usage and the acquisition or relinquishment of NE multispecies DAS under the NE Multispecies DAS Leasing Program, as specified in paragraph (b)(2)(iii) of this section. A vessel issued a limited access monkfish Category C, D, F, G, or H permit may use monkfish-only DAS without the concurrent use of a NE multispecies DAS at any time throughout the fishing year, regardless of the number of NE multispecies Category A DAS available. When fishing under a monkfish-only DAS, the vessel must fish under the regulations pertaining to a limited access monkfish Category A or B permit, as applicable, and may not retain any regulated NE multispecies. For example, a vessel issued a limited access monkfish Category C permit must comply with the monkfish landing limits applicable to a Category A monkfish permit when fishing under a monkfish-only DAS.

(iii) *Category C, D, F, G, or H vessels that lease NE multispecies DAS.* (A) A vessel issued a limited access monkfish Category C, D, F, G, or H permit that has monkfish-only DAS, as specified in paragraph (b)(2)(ii) of this section, and that leases NE multispecies DAS from another vessel pursuant to § 648.82(k), must fish its available monkfish-only DAS in conjunction with its leased NE multispecies DAS, to the extent that the vessel has NE multispecies DAS available.

(B) A vessel issued a limited access monkfish Category C, D, F, G, or H permit that leases NE multispecies DAS to another vessel(s), pursuant to § 648.82(k), must forfeit a monkfish DAS for each NE multispecies DAS that the vessel leases, equal in number to the difference between the number of remaining NE multispecies DAS and the number of unused monkfish DAS at the time of the lease. For example, if a lessor vessel that had 31 unused monkfish DAS and 35 allocated NE multispecies DAS leased 10 of its NE multispecies DAS to another vessel, the lessor would forfeit 6 of its monkfish DAS (10 − (35 NE multispecies DAS– 31 monkfish DAS) = 6).

(3) *Accrual of DAS.* Unless otherwise provided in § 648.92(b)(8)(v), all monkfish DAS fished shall be charged to the nearest minute.

* * * * *

(9) * * *

(i) A vessel issued a limited access monkfish Category G or H permit may fish under a monkfish DAS only in the SFMA, as defined at § 648.91(b).

* * * * *

§ 648.93 [Amended]

■ 4. In § 648.93, remove paragraph (b), and redesignate paragraphs (a)(1) and (a)(2) as paragraphs (a) and (b), respectively.

■ 5. In § 648.94, revise paragraphs (b)(1)(ii), (b)(2)(i) and (ii), (b)(3)(i), (c)(1)(i), and (f) to read as follows:

§ 648.94 Monkfish possession and landing restrictions.

* * * * *

(b) * * *

(1) * * *

(ii) *Category B and D vessels.* Limited access monkfish Category B and D vessels that fish under a monkfish DAS exclusively in the NFMA may land up to 600 lb (272 kg) tail weight or 1,746 lb (792 kg) whole weight of monkfish per DAS (or any prorated combination of tail weight and whole weight based on the conversion factor for tail weight to whole weight of 2.91). For every 1 lb (0.45 kg) of tail-only weight landed, the vessel may land up to 1.91 lb (0.87 kg) of monkfish heads only, as described in paragraph (a) of this section.

* * * * *

(2) * * *

(i) *Category A, C, and G vessels.* A vessel issued a limited access monkfish Category A, C, or G permit that fishes under a monkfish DAS in the SFMA may land up to 610 lb (277 kg) tail weight or 1,775 lb (805 kg) whole weight of monkfish per DAS (or any prorated combination of tail weight and whole weight based on the conversion factor for tail weight to whole weight of 2.91). For every 1 lb (0.45 kg) of tail-only weight landed, the vessel may land up to 1.91 lb (0.87 kg) of monkfish heads only, as described in paragraph (a) of this section.

(ii) *Category B, D, and H vessels.* A vessel issued a limited access monkfish Category B, D, or H permit that fishes under a monkfish DAS in the SFMA may land up to 500 lb (227 kg) tail weight or 1,455 lb (660 kg) whole weight of monkfish per DAS (or any prorated combination of tail weight and whole weight based on the conversion factor for tail weight to whole weight of 2.91). For every 1 lb (0.45 kg)) of tail-only weight landed, the vessel may land up to 1.91 lb (0.87) of monkfish heads only, as described in paragraph (a) of this section.

* * * * *

(3) * * *

(i) *NFMA.* A vessel issued a limited access monkfish Category C or F permit that fishes under a NE multispecies DAS, and not a monkfish DAS, exclusively in the NFMA may land up to 600 lb (272 kg) tail weight or 1,746 lb (792 kg) whole weight of monkfish per DAS (or any prorated combination of tail weight and whole weight based on the conversion factor for tail weight to whole weight of 2.91). A vessel issued a limited access monkfish Category D or F permit that fishes under a NE multispecies DAS, and not a monkfish DAS, exclusively in the NFMA may land up to 500 lb (227 kg) tail weight or 1,455 lb (660 kg) whole weight of monkfish per DAS (or any prorated combination of tail weight and whole weight based on the conversion factor for tail weight to whole weight of 2.91). A vessel issued a limited access monkfish Category C, D, or F permit participating in the NE Multispecies Regular B DAS program, as specified under § 648.85(b)(6), is also subject to the incidental landing limit specified in paragraph (c)(1)(i) of this section on such trips.

* * * * *

(c) * * *

(1) * * *

(i) *NFMA.* A vessel issued a valid monkfish incidental catch (Category E) permit fishing under a NE multispecies DAS exclusively in the NFMA may land up to 300 lb (136 kg) tail weight or 873 lb (396 kg) whole weight of monkfish per DAS, or 25 percent (where the weight of all monkfish is converted to tail weight) of the total weight of fish on board, whichever is less. For the purpose of converting whole weight to tail weight, the amount of whole weight possessed or landed is divided by 2.91. For every 1 lb (0.45 kg) of tail-only weight landed, the vessel may land up to 1.91 lb (0.87 kg) of monkfish heads only, as described in paragraph (a) of this section.

* * * * *

(f) *Area declaration requirement for a vessel fishing exclusively in the NFMA.* A vessel intending to fish for, fishing for, possessing, or landing monkfish under a NE multispecies, scallop, or monkfish DAS under the less restrictive management measures of the NFMA, must fish exclusively in the NFMA for the entire trip. In addition, a vessel fishing under a monkfish DAS must declare its intent to fish in the NFMA through the vessel's VMS unit or through the vessel call-in system, as applicable. A vessel that is not required to and does not possess a VMS unit must also declare its intent to fish in the NFMA by obtaining a letter of authorization from the Regional Administrator, which is effective for a period of not less than 7 days, and fishing exclusively in the NFMA during the effective period of that letter of authorization. A vessel that has not declared into the NFMA under this paragraph (f) shall be presumed to have fished in the SFMA, and shall be subject to the more restrictive requirements of that area. A vessel that has declared into the NFMA may transit the SFMA, providing that it complies with the transiting and gear storage provision described in paragraph (e) of this section, and provided that it does not fish for or catch monkfish, or any other fish, in the SFMA.

* * * * *

■ 6. In § 648.95, revise paragraphs (a)(2), (c), (e)(3), (f), (g) heading, and (g)(1) and (3); and add paragraph (g)(4) to read as follows:

§ 648.95 Offshore Fishery Program in the SFMA.

(a) * * *

(2) A vessel issued a limited access monkfish Category C or D permit that applies for and is issued a Category F permit remains subject to the provisions specific to Category C and D vessels, unless otherwise specified under this subpart F.

* * * * *

(c) *Offshore Fishery Program Area.* The Offshore Fishery Program Area is bounded on the south by 38° 00′ N. lat. and on the north, west, and east by the following coordinates, connected in the order listed by rhumb lines.

Point	N. latitude	W. longitude
1	41°18.6′	66°24.8′
2	40°55.5′	66°38.0′
3	40°45.5′	68°00.0′
4	40°37.0′	68°00.0′
5	40°30.0′	69°00.0′
6	40°22.7′	69°00.0′
7	40°18.7′	69°40.0′
8	40°21.0′	71°03.0′
9	39°41.0′	72°32.0′
10	38°47.0′	73°11.0′
11	38°04.0′	74°06.0′

* * * * *

(e) * * *

(3) A vessel issued a limited access monkfish Category F permit fishing on a monkfish DAS is subject to the minimum mesh size requirements specified in § 648.91(c)(1)(i) and (c)(1)(iii), as well as the other gear requirements specified in § 648.91(c)(2) and (c)(3).

* * * * *

(f) *Transiting.* A vessel issued a limited access monkfish Category F permit fishing under a monkfish DAS that is transiting to or from the Offshore Fishery Program Area, described in paragraph (c) of this section, shall have all gear stowed and not available for immediate use in accordance with the gear stowage provisions specified in § 648.23(b).

* * * * *

(g) *Monkfish landing limits and DAS allocations.* (1) A vessel issued a limited access monkfish Category F permit may land up to 1,600 lb (726 kg) tail weight or 4,656 lb (2,112 kg) whole weight of monkfish per monkfish DAS (or any prorated combination of tail weight and whole weight based on the conversion factor for tail weight to whole weight of 2.91).

* * * * *

(3) A vessel issued a limited access monkfish Category F permit that is fishing under a NE multispecies DAS in the NFMA is subject to the incidental landing limit specified at § 648.94(b)(3).

(4) When not fishing on a monkfish DAS, a vessel issued a limited access monkfish Category F permit may fish under the regulations applicable to the monkfish incidental catch (Category E) permit, specified at § 648.94(c).

* * * * *

[FR Doc. 2014–16959 Filed 7–17–14; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 79, No. 138
Friday, July 18, 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.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 532

RIN 3206–AN06

Prevailing Rate Systems; Redefinition of the Fort Wayne-Marion, IN, and Detroit, MI, Appropriated Fund Federal Wage System Wage Areas

AGENCY: U.S. Office of Personnel Management.

ACTION: Proposed rule with request for comments.

SUMMARY: The U.S. Office of Personnel Management (OPM) is issuing a proposed rule that would redefine the geographic boundaries of the Fort Wayne-Marion, IN, and Detroit, MI, appropriated fund Federal Wage System (FWS) wage areas. The proposed rule would redefine Fulton County, OH, from the Fort Wayne-Marion wage area to the Detroit wage area. This change is based on a recent consensus recommendation of the Federal Prevailing Rate Advisory Committee (FPRAC) to best match Fulton County to a nearby FWS survey area. In addition, this proposed rule adds La Crosse County, WI, to the survey area of the Southwestern Wisconsin wage area, which OPM inadvertently omitted in a final rule published in 2013.

DATES: We must receive comments on or before August 18, 2014.

ADDRESSES: You may submit comments, identified by ''RIN 3206–AN06,'' using any of the following methods:

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

Mail: Brenda L. Roberts, Acting Deputy Associate Director for Pay and Leave, Employee Services, U.S. Office of Personnel Management, Room 7H31, 1900 E Street NW., Washington, DC 20415–8200.

Email: pay-leave-policy@opm.gov.

FOR FURTHER INFORMATION CONTACT: Madeline Gonzalez, by telephone at (202) 606–2838 or by email at *pay-leave-policy@opm.gov.*

SUPPLEMENTARY INFORMATION: OPM is issuing a proposed rule that would redefine the geographic boundaries of the Fort Wayne-Marion, IN, and Detroit, MI, appropriated fund FWS wage areas. The proposed rule would redefine Fulton County, OH, from the Fort Wayne-Marion wage area to the Detroit wage area.

OPM considers the following regulatory criteria under 5 CFR 532.211 when defining FWS wage area boundaries:

(i) Distance, transportation facilities, and geographic features;

(ii) Commuting patterns; and

(iii) Similarities in overall population, employment, and the kinds and sizes of private industrial establishments.

Fulton, Lucas, Wood Counties, OH, comprise the Toledo, OH Metropolitan Statistical Area (MSA). The Toledo MSA is split between the Fort Wayne-Marion and Detroit wage areas. Fulton County is part of the area of application of the Fort Wayne-Marion wage area, and Lucas and Wood Counties are part of the area of application of the Detroit wage area.

Based on an analysis of the regulatory criteria for Lucas County, the core county in the Toledo MSA, the entire Toledo MSA would be defined to the Detroit wage area. When measuring to cities and host installations, the distance criterion favors the Detroit wage area more than the Fort Wayne-Marion wage area. The commuting patterns criterion does not favor one wage area more than another. The difference between the resident workforce commuting to work in the Fort Wayne-Marion and Detroit survey areas is insignificant; however, marginally more people commute into the Detroit survey area (1.04 percent) than into the Fort Wayne-Marion survey area (0.04 percent). The overall population and employment and the kinds and sizes of private industrial establishments criterion favors the Detroit wage area more than the Fort Wayne-Marion wage area.

Based on this analysis, we believe Lucas County is appropriately defined to the Detroit wage area. OPM regulations at 5 CFR 532.211 permit splitting MSAs only in very unusual circumstances. There appear to be no unusual circumstances that would permit splitting the Toledo MSA. To comply with OPM regulations not to split MSAs, Fulton County would be redefined to the Detroit wage area. The remaining county in the Toledo MSA, Wood County, is already defined to the Detroit wage area. There are currently no FWS employees working in Fulton County.

FPRAC, the national labor-management committee responsible for advising OPM on matters concerning the pay of FWS employees, recommended this change by consensus. This change would be effective on the first day of the first applicable pay period beginning on or after 30 days following publication of the final regulations. FPRAC recommended no other changes in the geographic definitions of the Fort Wayne-Marion and Detroit wage areas.

CFR Correction

In a final rule published in the **Federal Register** on May 21, 2013 (78 FR 29611), OPM inadvertently omitted La Crosse County, WI, from the survey area of the Southwestern Wisconsin FWS wage area. La Crosse County should have been listed immediately following Eau Claire County.

Regulatory Flexibility Act

I certify that these regulations would not have a significant economic impact on a substantial number of small entities because they would affect only Federal agencies and employees.

List of Subjects in 5 CFR Part 532

Administrative practice and procedure, Freedom of information, Government employees, Reporting and recordkeeping requirements, Wages.

U.S. Office of Personnel Management.

Katherine Archuleta,

Director.

Accordingly, the U.S. Office of Personnel Management is proposing to amend 5 CFR part 532 as follows:

PART 532—PREVAILING RATE SYSTEMS

■ 1. The authority citation for part 532 continues to read as follows:

Authority: 5 U.S.C. 5343, 5346; § 532.707 also issued under 5 U.S.C. 552.

Appendix C to Subpart B of Part 532—Appropriated Fund Wage and Survey Areas

■ 2. Appendix C to subpart B is amended by revising the wage area listings for the Fort Wayne-Marion, IN, Detroit, MI, and Southwestern Wisconsin wage areas to read as follows:

* * * * *

INDIANA

* * * * *

Fort Wayne-Marion

Survey Area

Indiana:
Adams
Allen
DeKalb
Grant
Huntington
Wells

Area of Application. Survey area plus:

Indiana:
Blackford
Case
Elkhart
Fulton
Jay
Kosciusko
Lagrange
Marshall
Miami
Noble
St. Joseph
Steuben
Wabash
White
Whitley
Ohio:
Allen
Defiance
Henry
Mercer
Paulding
Putnam
Van Wert
Williams

* * * * *

MICHIGAN

* * * * *

Detroit

Survey Area

Michigan:
Lapeer
Livingston
Macomb
Oakland
St. Clair
Wayne

Area of Application. Survey area plus:

Michigan:
Arenac
Bay
Clare
Clinton
Eaton
Genesee
Gladwin
Gratiot
Huron
Ingham
Isabella
Lenawee
Midland
Monroe
Saginaw
Sanilac
Shiawassee
Tuscola
Washtenaw
Ohio:
Fulton
Lucas
Wood

* * * * *

WISCONSIN

Southwestern Wisconsin

Survey Area

Wisconsin:
Chippewa
Eau Claire
La Crosse
Monroe
Trempealeau

Area of Application. Survey area plus:

Minnesota:
Fillmore
Houston
Winona
Wisconsin:
Barron
Buffalo
Clark
Crawford
Dunn
Florence
Forest
Jackson
Juneau
Langlade
Lincoln
Marathon
Marinette
Menominee
Oneida
Pepin
Portage
Price
Richland
Rusk
Shawano
Taylor
Vernon
Vilas
Waupaca
Wood

* * * * *

[FR Doc. 2014–16972 Filed 7–17–14; 8:45 am]

BILLING CODE 6325–39–P

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 843

RIN 3206–AM99

Federal Employees' Retirement System; Present Value Conversion Factors for Spouses of Deceased Separated Employees

AGENCY: Office of Personnel Management.

ACTION: Proposed rule.

SUMMARY: The Office of Personnel Management (OPM) is issuing a proposed rule to revise the table of reduction factors for early commencing dates of survivor annuities for spouses of separated employees who die before the date on which they would be eligible for unreduced deferred annuities, and to revise the annuity factor for spouses of deceased employees who die in service when those spouses elect to receive the basic employee death benefit in 36 installments under the Federal Employees' Retirement System (FERS) Act of 1986. These rules are necessary to ensure that the tables conform to the economic and demographic assumptions adopted by the Board of Actuaries and published in the **Federal Register** on May 21, 2014, as required by 5 U.S.C. 8461(i).

DATES: We must receive your comments by September 16, 2014.

ADDRESSES: You may submit comments, identified by docket number and/or RIN number 3206–AM99, by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email: combox@opm.gov.* Include RIN number 3206–AM99 in the subject line of the message.
- *Mail:* Jim Giuseppe, Retirement Policy, Retirement Services, Office of Personnel Management, 1900 E. Street NW., Washington, DC 20415–3200.

FOR FURTHER INFORMATION CONTACT: Roxann Johnson, (202) 606–0299.

SUPPLEMENTARY INFORMATION: On May 21, 2014, OPM published a notice in the **Federal Register** to revise the normal cost percentages under the Federal Employees' Retirement System (FERS) Act of 1986, Public Law 99–335, 100 Stat. 514, as amended, based on economic assumptions and demographic factors adopted by the Board of Actuaries of the Civil Service Retirement System. 79 Fed. Reg. 29,224 (May 21, 2014). By statute under 5 U.S.C. 8461(i), the demographic factors

and economic assumptions require corresponding changes in factors used to produce actuarially equivalent benefits when required by the FERS Act.

Section 843.309 of title 5, Code of Federal Regulations, regulates the payment of the basic employee death benefit. Under 5 U.S.C. 8442(b), the basic employee death benefit may be paid as a lump sum or as an equivalent benefit in 36 installments. These rules amend 5 CFR 843.309(b)(2) to conform the factor used to convert the lump sum to 36-installment payments with the revised economic assumptions.

Section 843.311 of title 5, Code of Federal Regulations, regulates the benefits for the survivors of separated employees under 5 U.S.C. 8442(c). This section provides a choice of benefits for eligible current and former spouses. If the current or former spouse is the person entitled to the unexpended balance under the order of precedence under 5 U.S.C. 8424, he or she may elect to receive the unexpended balance instead of an annuity.

Alternatively, an eligible current or former spouse may elect to receive an annuity commencing on the day after the employee's death or on the deceased separated employee's 62nd birthday. If the annuity commences on the deceased separated employee's 62nd birthday, the annuity will equal 50 percent of the annuity that the separated employee would have received had he or she attained age 62. If the current or former spouse elects the earlier commencing date, the annuity is reduced using the factors in Appendix A to subpart C of part 843 to make the annuity actuarially equivalent to the present value of the annuity that the spouse or former spouse would have received if the annuity had commenced on the retiree's 62nd birthday. These rules amend that appendix to conform to the revised economic assumptions.

Executive Order 12866, Regulatory Review

This rule has been reviewed by the Office of Management and Budget in accordance with Executive Order (E.O.) 12866, as amended by E.O. 13258 and E.O. 13422.

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities because the regulation will only affect retirement payments to surviving current and former spouses of former employees and Members who separated from Federal service with title to a deferred annuity.

List of Subjects in 5 CFR Part 843

Air traffic controllers, Disability benefits, Firefighters, Government employees, Law enforcement officers, Pensions, Retirement.

U.S. Office of Personnel Management.

Katherine Archuleta,

Director.

For the reasons stated in the preamble, the Office of Personnel Management proposes to amend 5 CFR part 843 as follows:

PART 843—FEDERAL EMPLOYEES RETIREMENT SYSTEM—DEATH BENEFITS AND EMPLOYEE REFUNDS

■ 1. The authority citation for part 843 continues to read as follows:

Authority: 5 U.S.C. 8461; §§ 843.205, 843.208, and 843.209 also issued under 5 U.S.C. 8424; § 843.309 also issued under 5 U.S.C. 8442; § 843.406 also issued under 5 U.S.C. 8441.

Subpart C—Current and Former Spouse Benefits

■ 2. In § 843.309, revise paragraph (b)(2) to read as follows:

§ 843.309 Basic employee death benefit.

* * * * *

(b) * * *

(2) For deaths occurring on or after October 1, 2014, 36 equal monthly installments of 2.99522 percent of the amount of the basic employee death benefit.

* * * * *

■ 3. Revise Appendix A to subpart C of part 843 to read as follows:

Appendix A to Subpart C of Part 843—Present Value Conversion Factors for Earlier Comencing Date of Annuities of Current and Former Spouses of Deceased Separated Employees

With at least 10 but less than 20 years of creditable service—

Age of separated employee at birthday before death	Multiplier
26	.0638
27	.0700
28	.0764
29	.0831
30	.0902
31	.0978
32	.1058
33	.1142
34	.1233
35	.1331
36	.1435
37	.1547
38	.1667
39	.1794
40	.1931
41	.2079
42	.2236
43	.2406
44	.2588
45	.2784
46	.2993
47	.3218
48	.3463
49	.3725
50	.4008
51	.4313
52	.4644
53	.5001
54	.5387
55	.5806
56	.6262
57	.6756
58	.7295
59	.7882
60	.8525
61	.9228

With at least 20, but less than 30 years of creditable service—

Age of separated employee at birthday before death	Multiplier
36	.1693
37	.1825
38	.1966
39	.2116
40	.2276
41	.2449
42	.2634
43	.2833
44	.3047
45	.3276
46	.3523
47	.3787
48	.4073
49	.4380
50	.4712
51	.5070
52	.5457
53	.5875
54	.6327
55	.6818
56	.7351
57	.7930
58	.8560
59	.9248

With at least 30 years of creditable service—

Age of separated employee at birthday before death	Multiplier by separated employee's year of birth	
	After 1966	From 1950 through 1966
46	.4457	.4811
47	.4790	.5170
48	.5151	.5559
49	.5538	.5976
50	.5955	.6426
51	.6405	.6911
52	.6892	.7435
53	.7417	.8001
54	.7986	.8614
55	.8603	.9279
56	.9272	1.0000

[FR Doc. 2014–16949 Filed 7–17–14; 8:45 am]
BILLING CODE 6325–38–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 319

[Docket No. APHIS–2014–0003]

RIN 0579–AD89

Importation of Apples From China

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: We are proposing to amend the fruits and vegetables regulations to allow the importation of fresh apples (*Malus pumila*) from China into the continental United States. As a condition of entry, apples from areas in China in which the Oriental fruit fly (*Bactrocera dorsalis*) is not known to exist would have to be produced in accordance with a systems approach that would include requirements for registration of places of production and packinghouses, inspection for quarantine pests at set intervals by the national plant protection organization of China, bagging of fruit, safeguarding, labeling, and importation in commercial consignments. Apples from areas in China in which Oriental fruit fly is known to exist could be imported into the continental United States if, in addition to these requirements, the apples are treated with fumigation plus refrigeration. All apples from China would also be required to be accompanied by a phytosanitary certificate with an additional declaration stating that all conditions for the importation of the apples have been met and that the consignment of apples has been inspected and found free of quarantine pests. This action would allow for the importation of apples from China into the continental United States while continuing to provide protection against the introduction of quarantine pests.

DATES: We will consider all comments that we receive on or before September 16, 2014.

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

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov/#!docketDetail;D=APHIS–2014–0003*.
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2014–0003, 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–2014–0003* 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: Mr. Marc Phillips, Senior Regulatory Policy Specialist, Regulatory Coordination and Compliance, PPQ, APHIS, 4700 River Road, Unit 156, Riverdale, MD 20737; (301) 851–2114.

SUPPLEMENTARY INFORMATION:

Background

The regulations in ''Subpart—Fruits and Vegetables'' (7 CFR 319.56–1 through 319.56–68, referred to below as the regulations) prohibit or restrict the importation of fruits and vegetables into the United States from certain parts of the world to prevent the introduction and dissemination of plant pests that are new to or not widely distributed within the United States.

The national plant protection organization (NPPO) of China has requested that the Animal and Plant Health Inspection Service (APHIS) amend the regulations to allow apples (*Malus pumila*) from China to be imported into the continental United States.

As part of our evaluation of China's request, we have prepared a pest risk assessment (PRA), titled ''Importation of Apples (Malus pumila) from China into the Continental United States'' (June 10, 2013).

The PRA evaluates the risks associated with the importation of apples into the continental United States from China. Copies of the PRA may be obtained by contacting the individual listed under **FOR FURTHER INFORMATION CONTACT** or viewed on the Regulations.gov Web site (see **ADDRESSES** above for instructions for accessing Regulations.gov). The PRA identifies 21 pests of quarantine significance present in China that could be introduced into the continental United States through the importation of Chinese apples:

- *Adoxophyes orana* (Fischer von Röslerstamm), summer fruit tortix.
- *Archips micaceana* (Walker), a moth.
- *Argyrotaenia ljungiana* (Thunberg), grape tortix.
- *Bactrocera dorsalis* (Hendel), Oriental fruit fly.
- *Carposina sasakii* Matsumura, peach fruit moth.
- *Cenopalpus pulcher* (Canestrini & Fanzago), flat scarlet mite.
- *Cryptoblabes gnidiella* (Millière), honeydew moth.
- *Cydia funebrana* (Treitschke), plum fruit moth.
- *Euzophera bigella* (Zeller), quince moth.
- *Euzophera pyriella* Yang, a moth.
- *Grapholita inopinata* Heinrich, Manchurian fruit moth.
- *Leucoptera malifoliella* (Costa), apple leaf miner.
- *Monilia polystroma* van Leeuwen, Asian brown rot.
- *Monilinia fructigena* Honey, brown fruit rot.
- *Rhynchites auratus* (Scopoli), apricot weevil.
- *Rhynchites bacchus* (L.), peach weevil.
- *Rhynchites giganteus* Krynicky, a weevil.
- *Rhynchites heros* Roelofs, a weevil.
- *Spilonota albicana* (Motschulsky), white fruit moth.
- *Spilonota prognathana* Snellen, a moth.
- *Ulodemis trigrapha* Meyrick, a moth.

The PRA states that measures beyond standard port-of-entry inspection are required to mitigate the risks posed by these plant pests. After consideration of potential mitigation options, we have prepared a risk management document (RMD) to recommend specific measures to mitigate these risks. Copies of the RMD may be obtained from the person listed under **FOR FURTHER INFORMATION CONTACT** or viewed on the Regulations.gov Web site.

Based on the recommendations of the RMD, we are proposing to allow the importation of apples from China into the continental United States only if they are produced in accordance with a systems approach; we are proposing to add the systems approach to the regulations in a new § 319.56–69 governing the importation of apples from China.

Proposed Systems Approach

General Requirements

Paragraph (a) of § 319.56–69 would set out general requirements for the NPPO of China and for growers and packers producing apples for export to the continental United States.

Paragraph (a)(1) would require the NPPO of China to provide an operational workplan to APHIS that details the activities that the NPPO will, subject to APHIS' approval of the workplan, carry out to meet the requirements of proposed § 319.56–69. As described in a notice we published on May 10, 2006, in the **Federal Register** (71 FR 27221–27224, Docket No. APHIS–2005–0085), an operational workplan is an agreement between

APHIS' Plant Protection and Quarantine (PPQ) program, officials of the NPPO of a foreign government, and, when necessary, foreign commercial entities that specifies in detail the phytosanitary measures that will comply with our regulations governing the import or export of a specific commodity. Operational workplans establish detailed procedures and guidance for the day-to-day operations of specific import/export programs. Workplans also establish how specific phytosanitary issues are dealt with in the exporting country and make clear who is responsible for dealing with those issues. The implementation of a systems approach typically requires an operational workplan to be developed.

Paragraph (a)(2) would require the apples to be grown in places of production that are registered with the NPPO of China.

Paragraph (a)(3) would state that apples from China may be imported in commercial consignments only. Produce grown commercially is less likely to be infested with plant pests than noncommercial consignments. Noncommercial consignments are more prone to infestation because the commodity is often ripe to overripe and is often grown with little to no pest control. Commercial consignments, as defined within the regulations, are consignments that an inspector identifies as having been imported for sale and distribution. Such identification is based on a variety of indicators, including, but not limited to: Quantity of produce, type of packaging, identification of grower or packinghouse on the packaging, and documents consigning the fruits or vegetables to a wholesaler or retailer.

Place of Production Requirements

Our systems approach would require certain measures to take place at the registered places of production.

Proposed paragraph (b) of § 319.56–69 would contain these measures. Paragraph (b)(1) would require the place of production to carry out any phytosanitary measures specified for the place of production under the operational workplan. Depending on the location, size, and plant pest history of the orchard, these measures may include surveying protocols or application of pesticides and fungicides.

Paragraph (b)(2) would state that, when any apples destined for export to the continental United States are still on the tree and are no more than 2 centimeters in diameter, double-layered paper bags must be placed wholly over the apples. The bags would have to remain intact and on the apples until the apples arrive at the packinghouse. This bagging protocol, which is modeled on a similar requirement for Ya pears and sand pears from China, helps protect the apples against the quarantine moths and fungi.

Paragraph (b)(3) would require the NPPO of China to visit and inspect registered places of production prior to harvest for signs of infestations. This provision is modeled on existing provisions for the importation of fragrant pears and sand pears from China, and serves a dual purpose: It not only provides for the NPPO of China to inspect the place of production for quarantine pests in a manner that APHIS believes to be sufficiently rigorous, but also affords the NPPO the opportunity to determine whether the orchard has continually maintained the phytosanitary measures specified for it under the operational workplan.

Paragraph (b)(4) would state that, if either *Monilia polystroma* van Leeuwen or *Monilinia fructigena* is detected at a registered place of production, APHIS could reject the consignment or prohibit the importation into the continental United States of apples from the place of production for the remainder of the season. The exportation to the continental United States of apples from the place of production could resume in the next growing season if an investigation is conducted by the NPPO of China and APHIS and the NPPO conclude that appropriate remedial action has been taken. If either *Monilia polystroma* van Leeuwen or *Monilinia fructigena* are detected at more than one registered place of production within a province, APHIS could prohibit the importation into the continental United States of apples from that province until an investigation is conducted and APHIS and the NPPO conclude that appropriate remedial action has been taken. Procedures for disqualification of registered places of production based on detection of other listed pests of concern will be detailed in the operational workplan approved by APHIS and the NPPO. We are specifically requiring inspection for *Monilia polystroma* van Leeuwen and *Monilinia fructigena* as inspections provide phytosanitary protection against these pests and eliminate the need for additional treatment such as fungicidal dips. The other proposed requirements provide sufficient mitigation against the other pests of concern and therefore specific inspection, apart from standard port of entry inspection, for those pests is unnecessary.

Packinghouse Requirements

Paragraph (c) of § 319.56–69 would set forth requirements for mitigation measures that would have to take place at registered packinghouses. Paragraph (c)(1) would require that, during the time registered packinghouses are in use for packing apples for export to the continental United States, the packinghouses may only accept apples that are from registered places of production and that are produced in accordance with the requirements of proposed § 319.56–69. Apples from other places of production may be produced under conditions that are less stringent than those of this proposed rule, and may therefore be a pathway for the introduction of quarantine pests into the packinghouses.

Paragraph (c)(2) would require packinghouses to have a tracking system in place to readily identify all apples destined for export to the continental United States that enter the packinghouse and be able to trace the apples back to their place of production. In the event that quarantine pests are discovered in any consignment, the packinghouse would have to use the tracking system to determine the place of production of the apples, and supply the NPPO of China or officials authorized by the NPPO with this information. The NPPO would then inspect the place of production in order to determine the scope of the outbreak and the remedial actions necessary to address it.

Paragraph (c)(3) would state that, following the packinghouse inspection, the packinghouse must follow a handling procedure for the apples that is mutually agreed upon by APHIS and the NPPO of China. Handling procedures could include such measures as culling damaged apples, removing leaves from the apples, wiping the apples with a clean cloth, air blasting, or grading.

Paragraph (c)(4) would require that the apples be washed and waxed prior to shipment. Washing and waxing removes surface pests such as scale insects, mealybugs, and mites.

Paragraph (c)(5) would require the apples to be packed in cartons that are labeled with the identity of the place of production and the packinghouse. In the event that quarantine pests are discovered in a consignment of apples after it is exported to the United States, this labeling will facilitate traceback and help the NPPO and APHIS delimit the scope of the outbreak.

Shipping Requirements

Proposed paragraph (d) of § 319.56–69 would set forth shipping requirements

for apples from China. It would require sealed containers of apples destined for export to the continental United States to be held in a cold storage facility while awaiting export. This would help to prevent pest infestation of packed apples, as certain of the quarantine pests for apples from China are averse to cold conditions.

Phytosanitary Certificate

Paragraph (e) of § 319.56–69 would require each consignment of apples imported from China into the continental United States to be accompanied by a phytosanitary certificate issued by the NPPO of China with an additional declaration stating that the requirements of § 319.56–69 have been met and the consignment has been inspected by the NPPO of China and found free of quarantine pests.

Additional Condition for Apples From Areas of China South of the 33rd Parallel

The mitigation measures contained in proposed paragraphs (a) through (e) of § 319.56–69 would apply to all apples imported into the continental United States from China. However, since the Oriental fruit fly is known to exist, in varying population densities, in areas of China south of the 33rd parallel, apples from such areas would be subject to treatment in accordance with 7 CFR part 305. Within part 305, § 305.2 provides that approved treatment schedules are set out in the PPQ Treatment Manual, found online at *http://www.aphis.usda.gov/import_export/plants/manuals/ports/downloads/treatment.pdf*. (The manual specifies that fumigation plus refrigeration schedule T108-a is effective in neutralizing Oriental fruit fly on apples.) Proposed paragraph (f) of § 319.56–69 would contain this additional requirement.

Executive Order 12866 and Regulatory Flexibility Act

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

In accordance with 5 U.S.C. 603, we have performed an initial regulatory flexibility analysis, which is summarized below, regarding the economic effects of this proposed rule on small entities. Copies of the full analysis are available by contacting the person listed under **FOR FURTHER INFORMATION CONTACT** or on the Regulations.gov Web site (see **ADDRESSES** above for instructions for accessing Regulations.gov).

Based on the information we have, there is no reason to conclude that adoption of this proposed rule would result in any significant economic effect on a substantial number of small entities. However, we do not currently have all of the data necessary for a comprehensive analysis of the effects of this proposed rule on small entities. Therefore, we are inviting comments on potential effects. In particular, we are interested in determining the number and kind of small entities that may incur benefits or costs from the implementation of this proposed rule.

The proposed rule would allow the importation of fresh apples from China into the continental United States if they are produced in accordance with a systems approach specified in the APHIS approved operational workplan. As required by Executive Orders 12866 and 13563, this analysis examines expected regulatory impacts of the proposed rule on U.S. entities.

Apples are the second most popular fresh fruit for consumers and the third most valuable fruit crop produced in the United States. The United States is the world's second largest apple producer; it became the world's largest apple exporter by value in 2012, generating $909 million in fresh apple trade surplus (exports minus imports). That year, the United States commercially produced 4.1 million metric tons (MT) of apples, valued at $3 billion. According to the 2007 Census of Agriculture, the 25,591 U.S. apple farms had orchards that averaged 15.6 acres. Virtually all apple farms are family owned, and many of these families have been engaged in apple production for many generations.

Although apples are commercially grown in all 50 States, 9 States account for 96 percent of production. The State of Washington is by far the largest producer, at more than 2.9 million MT per year. Almost all apple farms are family owned, and many of these families have been engaged in apple production for many generations. The United States imported 183,000 MT of fresh apples, valued at $164 million, in 2012. Virtually all imports came from four trading partners: Chile, New Zealand, Canada, and Argentina.

By quantity, China is the world's largest producer, consumer, and exporter of apples. Apples are the leading fruit produced in China, with production having increased from 2.3 million MT in 1978, to 38.5 million MT in 2012. At the same time, its domestic demand for apples has grown to 37.5 million MT (33.3 million MT for fresh consumption and 5.2 million MT for processing). Unlike in the United States, China's apple industry relies marginally on international trade—it exported about 3 percent of fresh apples produced and imported 0.1 percent of fresh apples consumed in 2012, while the United States exported about 30 percent of fresh apples produced and imported 9 percent of fresh apples consumed in 2012. China's exports of fresh apples peaked in 2009 at 1.2 million MT and declined to 0.98 million MT in 2012. Most of the 4.3 million apple growers in China operate on a small scale, with farm acreages averaging 1.3 acres. The Fuji variety accounted for about 70 percent of China's apple production in 2012. China's heavy dependence on the Fuji variety sharply contrasts to the diverse varieties that are produced in the United States.

China's export markets are concentrated in Russia, Southeast Asia, and the Middle East. Chinese fresh apples also have been exported to Canada for more than a decade; however, Canada accounted only for 0.4 percent of total China's fresh apple exports in 2012. In fact, the combined export volume to Canada, European Union (EU) member countries, Australia, and Mexico is very small (0.8 percent of total fresh apple exports by China in 2012), and has significantly declined in the last 6 years, from 45,267 MT in 2007 (4.4 percent of Chinese apple exports) to 8,273 MT in 2012. Average export prices of fresh apples from China in 2012 to the aforementioned countries (Canada, $1.50/KG; EU, $1.10/KG; Australia, $1.83/KG; and Mexico, $1.55/KG) are consistently higher than the average export price for all 67 countries to which China exported fresh apples ($0.98/KG). It is reasonable to expect that prices for fresh apples exported to the United States would be similar to the prices paid by Canada and Mexico. Since the trend for U.S. fresh apple import prices has been steady at around $0.89/KG, apples imported from China are not likely to compete solely on price in the U.S. market. U.S. consumers make their purchasing decisions for fresh apples based not only on price, but also on qualitative attributes such as variety, flavor, appearance, freshness, production method, and product origin.

Based on historic trade data, not more than 10,000 MT of fresh apples is expected to be imported from China into the continental United States annually, which would be the equivalent of about 5 percent of U.S. imports and 0.44 percent of the U.S. domestic fresh apple supply in 2012. Most of China's fresh

apple exports to the United States would likely be shipped to West Coast ports, primarily ones in California. California is also the largest market for Washington apples, and any effects of the proposed rule may be borne mainly by Washington and California apple growers, in particular, U.S. apple growers of the Fuji variety. U.S. apple growers of other varieties and in other areas may also experience limited effects in terms of increased competition.

While China's interest in obtaining market access to the United States for its apples is a recognized concern of the U.S. apple industry, the industry is challenged by relatively flat domestic apple consumption. The industry's growth can be fostered through expanded global trade. Given APHIS' determination that the proposed rule will not result in significant adverse impacts on plant health, the proposed rule could provide additional trade opportunities for the two countries.

Executive Order 12988

This proposed rule would allow apples to be imported into the continental United States from China. If this proposed rule is adopted, State and local laws and regulations regarding apples imported under this rule would be preempted while the fruit is in foreign commerce. Fresh fruits are generally imported for immediate distribution and sale to the consuming public and would remain in foreign commerce until sold to the ultimate consumer. The question of when foreign commerce ceases in other cases must be addressed on a case-by-case basis. If this proposed rule is adopted, no retroactive effect will be given to this rule, and this rule will not require administrative proceedings before parties may file suit in court challenging this rule.

Paperwork Reduction Act

In accordance with section 3507(d) of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the information collection or recordkeeping requirements included in this proposed rule have been submitted for approval to the Office of Management and Budget (OMB). Please send written comments to the Office of Information and Regulatory Affairs, OMB, Attention: Desk Officer for APHIS, Washington, DC 20503. Please state that your comments refer to Docket No. APHIS–2014–0003. Please send a copy of your comments to: (1) APHIS, using one of the methods described under **ADDRESSES** at the beginning of this document, and (2) Clearance Officer, OCIO, USDA, Room 404–W, 14th Street and Independence Avenue SW., Washington, DC 20250. A comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication of this proposed rule.

APHIS is proposing to amend the fruits and vegetables regulations to allow for the importation of fresh apples (*Malus pumila*) from China into the continental United States. As a condition of entry, apples from areas in China in which the Oriental fruit fly (*Bactrocera dorsalis*) is not known to exist would have to be produced in accordance with a systems approach that would include requirements for registration of places of production and packinghouses, inspection for quarantine pests at set intervals by the National Plant Protection Organization (NPPO) of China, bagging of fruit, safeguarding, labeling, and importation in commercial consignments. Apples from areas in China in which Oriental fruit fly is known to exist could be imported into the continental United States if, in addition to these requirements, the apples are treated with fumigation plus refrigeration.

All apples from China would also be required to be accompanied by a phytosanitary certificate with an additional declaration stating that all conditions for the importation of the apples have been met and that the consignment of apples has been inspected and found free of quarantine pests. This action would allow for the importation of apples from China into the continental United States while continuing to provide protection against the introduction of quarantine pests.

Allowing the importation of apples into the continental United States from China will require an operational workplan, production site and packinghouse registrations, tracking system, box labeling, and phytosanitary certificates.

We are soliciting comments from the public (as well as affected agencies) concerning our proposed information collection and recordkeeping requirements. These comments will help us:

(1) Evaluate whether the proposed information collection is necessary for the proper performance of our agency's functions, including whether the information will have practical utility;

(2) Evaluate the accuracy of our estimate of the burden of the proposed 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 (such as 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).

Estimate of burden: Public reporting burden for this collection of information is estimated to average 0.0079 hours per response.

Respondents: NPPO of China, producers, and exporters.

Estimated annual number of respondents: 181.

Estimated annual number of responses per respondent: 278.

Estimated annual number of responses: 50,461.

Estimated total annual burden on respondents: 400 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.)

Copies of this information collection can be obtained from Mrs. Celeste Sickles, APHIS' Information Collection Coordinator, at (301) 851–2908.

E-Government Act Compliance

The Animal and Plant Health Inspection Service is committed to compliance with the E-Government Act to promote the use of the Internet and other information technologies, to provide increased opportunities for citizen access to Government information and services, and for other purposes. For information pertinent to E-Government Act compliance related to this proposed rule, please contact Mrs. Celeste Sickles, APHIS' Information Collection Coordinator, at (301) 851–2908.

List of Subjects in 7 CFR Part 319

Coffee, Cotton, Fruits, Imports, Logs, Nursery stock, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Rice, Vegetables.

Accordingly, we propose to amend 7 CFR part 319 as follows:

PART 319—FOREIGN QUARANTINE NOTICES

■ 1. The authority citation for part 319 continues to read as follows:

Authority: 7 U.S.C. 450, 7701–7772, and 7781–7786; 21 U.S.C. 136 and 136a; 7 CFR 2.22, 2.80, and 371.3.

■ 2. Section 319.56–69 is added to read as follows:

§ 319.56–69 Apples from China.

Fresh apples (*Malus pumila*) from China may be imported into the

continental United States from China only under the conditions described in this section. These conditions are designed to prevent the introduction of the following quarantine pests: *Adoxophyes orana* (Fischer von Röslerstamm), summer fruit tortix; *Archips micaceana* (Walker), a moth; *Argyrotaenia ljungiana* (Thunberg), grape tortix; *Bactrocera dorsalis* (Hendel), Oriental fruit fly; *Carposina sasakii* Matsumura, peach fruit moth; *Cenopalpus pulcher* (Canestrini & Fanzago), flat scarlet mite; *Cryptoblabes gnidiella* (Millière), honeydew moth; *Cydia funebrana* (Treitschke), plum fruit moth; *Euzophera bigella* (Zeller), quince moth; *Euzophera pyriella* Yang, a moth; *Grapholita inopinata* Heinrich, Manchurian fruit moth; *Leucoptera malifoliella* (Costa), apple leaf miner; *Monilia polystroma* van Leeuwen, Asian brown rot; *Monilinia fructigena* Honey, brown fruit rot; *Rhynchites auratus* (Scopoli), apricot weevil; *Rhynchites bacchus* (L.), peach weevil; *Rhynchites giganteus* Krynicky, a weevil; *Rhynchites heros* Roelofs, a weevil; *Spilonota albicana* (Motschulsky), white fruit moth; *Spilonota prognathana* Snellen, a moth; and *Ulodemis trigrapha* Meyrick, a moth. The conditions for importation of all fresh apples from China are found in paragraphs (a) through (e) of this section; additional conditions for apples imported from areas of China south of the 33rd parallel are found in paragraph (f) of this section.

(a) *General requirements.*

(1) The national plant protection organization (NPPO) of China must provide an operational workplan to APHIS that details the activities that the NPPO of China will, subject to APHIS' approval of the workplan, carry out to meet the requirements of this section.

(2) The apples must be grown at places of production that are registered with the NPPO of China.

(3) Apples from China may be imported in commercial consignments only.

(b) *Place of production requirements.*

(1) The place of production must carry out any phytosanitary measures specified for the place of production under the operational workplan as described in the regulations.

(2) When any apples destined for export to the continental United States are still on the tree and are no more than 2 centimeters in diameter, double-layered paper bags must be placed wholly over the apples. The bags must remain intact and on the apples until the apples arrive at the packinghouse.

(3) The NPPO of China must visit and inspect registered places of production prior to harvest for signs of infestation and/or infection.

(4) If *Monilia polystroma* van Leeuwen or *Monilinia fructigena* is detected at a registered place of production, APHIS may reject the consignment or prohibit the importation into the continental United States of apples from the place of production for the remainder of the season. The exportation to the continental United States of apples from the place of production may resume in the next growing season if an investigation is conducted by the NPPO and APHIS and the NPPO conclude that appropriate remedial action has been taken.

(c) *Packinghouse requirements.*

(1) Packinghouses must be registered with the NPPO of China, and during the time registered packinghouses are in use for packing apples for export to the continental United States, the packinghouses may only accept apples that are from registered places of production and that are produced in accordance with the requirements of this section.

(2) Packinghouses must have a tracking system in place to readily identify all apples destined for export to the continental United States that enter the packinghouse and be able to trace the apples back to their place of production.

(3) Following the packinghouse inspection, the packinghouse must follow a handling procedure for the apples that is mutually agreed upon by APHIS and the NPPO of China.

(4) The apples must be washed and waxed prior to shipment.

(5) The apples must be packed in cartons that are labeled with the identity of the place of production and the packinghouse.

(d) *Shipping requirements.* Sealed containers of apples destined for export to the continental United States must be held in a cold storage facility while awaiting export.

(e) *Phytosanitary certificate.* Each consignment of apples imported from China into the continental United States must be accompanied by a phytosanitary certificate issued by the NPPO of China with an additional declaration stating that the requirements of this section have been met and the consignment has been inspected by the NPPO and found free of quarantine pests.

(f) *Additional conditions for apples from areas of China south of the 33rd parallel.* In addition to the conditions in paragraphs (a) through (e) of this section, apples from areas of China south of the 33rd parallel apples must be treated in accordance with 7 CFR part 305.

Done in Washington, DC, this 14th day of July 2014.

Kevin Shea,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2014–16923 Filed 7–17–14; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 340

[Docket No. APHIS–2006–0124]

RIN 0579–AC08

Sharing Certain Business Information Regarding the Introduction of Genetically Engineered Organisms With State and Tribal Government Agencies

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule; withdrawal.

SUMMARY: We are withdrawing a proposed rule that would have amended the regulations regarding genetically engineered organisms regulated by the United States Department of Agriculture by adding provisions for sharing certain business information with State and Tribal government agencies. We have decided to withdraw the proposed rule to ensure that our ability to protect confidential business information from disclosure is maintained.

DATES: The proposed rule published on February 27, 2013 (78 FR 13286–13294) is withdrawn, as of July 18, 2014.

FOR FURTHER INFORMATION CONTACT: Ms. Chessa Huff-Woodard, Biotechnology Regulatory Services, APHIS, 4700 River Road Unit 146, Riverdale, MD 20737–1236; (301) 851–3943.

SUPPLEMENTARY INFORMATION:

Background

On February 27, 2013, the Animal and Plant Health Inspection Service (APHIS) published in the **Federal Register** a proposal [1] (78 FR 13286–13294, Docket No. APHIS–2006–0124) to amend the regulations to share certain confidential business information (CBI) with State and Tribal regulatory officials. APHIS proposed to share certain CBI contained in permit applications and notifications

[1] To view the proposed rule, supporting documents, and the comments we received, go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2006-0124.*

for importations, interstate movements, and releases into the environment of regulated genetically engineered (GE) organisms only with those specific State or Tribal agencies that have jurisdiction over GE agricultural crops and/or products, to enable the State and Tribal governments to better review and comment on notifications and permit applications received by APHIS and provide information, comments, and recommendations to APHIS.

Since publication of the proposed rule, we have discovered potential vulnerabilities under the Freedom of Information Act (FOIA). While CBI is protected from mandatory public disclosure under FOIA (5 U.S.C. 552(b)(4)), we conducted an in-depth review of FOIA and determined that disclosure of CBI to State and Tribal regulatory officials may constitute a waiver of this FOIA exemption. Specifically, under FOIA, the States are considered members of ''the public.'' Because disclosure to one member of the public means disclosure to the general public, APHIS may be required to disclose the CBI shared with State and Tribal regulatory officials to anyone who requests the same information under FOIA. FOIA mandates that Federal agencies must or may withhold CBI, and we are committed to protecting CBI. Therefore, we have now decided to withdraw the February 27, 2013, proposed rule in order to ensure protection of CBI provided to APHIS in notifications and permit applications.

Authority: 7 U.S.C. 7701–7772 and 7781–7786; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.3.

Done in Washington, DC, this 14th day of July 2014.

Kevin Shea,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2014–16927 Filed 7–17–14; 8:45 am]

BILLING CODE 3410–34–P

NUCLEAR REGULATORY COMMISSION

10 CFR Part 72

[Docket Nos. PRM–72–7; NRC–2012–0266; NRC–2014–0067]

Spent Fuel Cask Certificate of Compliance Format and Content

AGENCY: Nuclear Regulatory Commission.

ACTION: Petition for rulemaking; consideration in the rulemaking process.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) will consider in its rulemaking process six issues raised in a petition for rulemaking (PRM), PRM–72–7, submitted by Anthony Pietrangelo, on behalf of the Nuclear Energy Institute (NEI or the petitioner). The petitioner requests that the NRC amend its regulations to improve the efficiency of the licensing and oversight of spent fuel dry cask storage.

DATES: The docket for the petition for rulemaking, PRM–72–7, is closed on July 18, 2014.

ADDRESSES: Further NRC action on the issues raised by this petition can be found on the Federal rulemaking Web site at *http://www.regulations.gov* by searching on Docket ID: NRC–2014–0067, which is the identification for the future rulemaking.

Please refer to Docket ID NRC–2012–0266 when contacting the NRC about the availability of information regarding this petition. You can access publicly available documents related to the petition using the following methods:

• *Federal Rulemaking Web site:* Go to: *http://www.regulations.gov* and search on the petition Docket ID NRC–2012–0266. Address questions about NRC dockets to Carol Gallagher; telephone: 301–287–3422; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

• *NRC's Agencywide Documents Access and Management System (ADAMS):* You may access 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 or 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in the **SUPPLEMENTARY INFORMATION** section.

• *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.

FOR FURTHER INFORMATION CONTACT: Keith McDaniel, Office of Federal and State Materials and Environmental Management Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–5252; email: *Keith.McDaniel@nrc.gov.*

SUPPLEMENTARY INFORMATION:

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I. The Petition
II. Public Comments on the Petition
III. NRC Analysis
IV. Determination of Petition

I. The Petition

On October 3, 2012, the NRC received a PRM filed by NEI (ADAMS Accession No. ML12299A380). The NEI is a nuclear energy organization that works on matters affecting the nuclear energy industry. The petitioner requests that the NRC amend part 72 of Title 10 of the *Code of Federal Regulations* (10 CFR), ''Licensing Requirements for the Independent Storage of Spent Nuclear Fuel, High-Level Radioactive Waste, and Reactor-Related Greater Than Class C Waste,'' to add a new rule governing spent fuel storage cask certificate of compliance (CoC) format and content, extend the applicability of the backfit rule to CoC holders, and make other changes. The petitioner states that these changes are needed improvements based on experience and risk insights gained since the 10 CFR part 72 regulations were developed in the 1980s and modified in 1990. The petitioner also claims that the proposed changes would improve regulatory efficiency and effectiveness, as well as serve an important safety function by allowing both industry and NRC resources to be focused on safety-significant information. The petitioner states that more efficient and effective NRC oversight of dry cask storage will improve implementation of dry cask storage requirements. Furthermore, the petitioner claims these proposed changes offer a holistic approach to regulatory improvements and result in a more risk-informed regulatory framework.

The NRC published a notice of receipt of the petition and request for public comment in the **Federal Register** (FR) on February 5, 2013 (78 FR 8050). After analyzing the issues raised in the petition and reviewing the public comments, the NRC concludes that the issues are appropriate for rulemaking consideration.

II. Public Comments on the Petition

The notice of receipt of the PRM requested that interested persons submit comments to the NRC. The comment period closed on April 22, 2013. The NRC received five comment letters (ADAMS Accession No. ML14134A072). Four letters were from members or representatives of the nuclear industry and one letter was from four U.S. Senators. The public comments supported NEI's claim that greater efficiencies were needed in the 10 CFR

part 72 licensing process and generally supported the issues raised in the petition.

All five comment letters emphasized creating specific criteria for the format and content included in spent fuel storage cask CoCs and technical specifications. One comment letter suggested that this change would make storage cask licensing consistent with power reactor licensing and improve regulatory efficiency. Three comment letters stated that the proposed changes would create a more risk-informed regulatory framework that may reduce a possible backlog of cask license amendment reviews in the future, if, as the commenters expect, the number of loaded casks doubles in the next 10 years.

One comment letter stated that the proposed changes could improve nuclear safety by focusing the CoC and technical specifications on safety significant issues. Four comment letters stated that the proposed changes would make dry cask licensing consistent with the Commission's Policy Statement on Technical Specifications Improvements for Nuclear Power Reactors (58 FR 39132; July 22, 1993). Finally, three comment letters supported applying backfit protection to CoC holders to create needed regulatory consistency between part 72 licensees and CoC holders.

The NRC considered the public comments in its analysis of the petition.

III. NRC Analysis

Issue 1: Add a New Rule for CoC Format and Content

The petitioner requests that 10 CFR part 72, subpart L, ''Approval of Spent Fuel Storage Casks,'' be amended to provide specific criteria for the format and content of the CoC for a spent fuel storage cask. The petitioner states that this change would improve regulatory clarity and stability by assuring that the level of detail in CoCs is consistent and risk-informed. The petitioner asserts that defining CoC format and content can only be effective if included as a regulation, rather than guidance.

The petitioner asserts that the changes recommended by the petitioner related to the format will improve ease of use and ensure that there is clarity with respect to the division of responsibilities between CoC holders and licensees in implementing the CoC, which will enhance compliance and NRC oversight. The petitioner states that the additions related to the content will ensure that there is clarity for applicants and certificate holders with respect to the appropriate information to be included in the draft CoC (part of the application), which will improve efficiencies by focusing on the safety significant aspects of cask use.

This will also reduce the number of unnecessary CoC amendments by eliminating the need for NRC review of information that the petitioner believes need not be included in many CoCs.

NRC Response to Issue 1

The NRC accepts Issue 1 for consideration in the rulemaking process. The NRC agrees that adding specific criteria for CoC format and content to its regulations could promote consistency. The NRC also agrees that a change may promote efficiency in the oversight of dry storage, including licensing reviews. However, the NRC does not agree with the comment that a significant increase in expected cask loadings (e.g., doubling over the next decade) necessarily correlates to an equivalent increase in the NRC staff's review work.

The requirements in 10 CFR part 72, subpart L, apply to approval of spent fuel storage casks. While the NRC issued guidance in NUREG–1745, ''Standard Format and Content for Technical Specifications for 10 CFR part 72 Cask Certificates of Compliance,'' dated June 2001 (ADAMS Accession No. ML011940387), there are currently no specific requirements for the format or content of the CoC. The CoC includes the certificate and the associated technical specifications (usually an appendix to the certificate). These documents together constitute the approved system and procedures for spent fuel storage casks.

The petitioner claims its request is similar to the requirements in 10 CFR 50.36, ''Technical Specifications,'' for reactors. The NRC staff notes that 10 CFR 50.36 contains requirements for the content, but not format, of technical specifications, and that format for reactor technical specifications is addressed by the NRC in associated guidance, and not by rule.[1]

Furthermore, 10 CFR 50.50 states that the Commission will issue a license in such form and containing such conditions including technical specifications, as it deems appropriate. An analogous approach may be appropriate for 10 CFR part 72 as well. This will be evaluated further in the rulemaking process.

If the NRC determines in the rulemaking process that standardized format and content requirements should be developed for 10 CFR part 72, subpart L, the NRC may also consider development of similar regulations for subpart C, ''Issuance and Conditions of License.'' Specific licenses issued under 10 CFR part 72 also use technical specifications as part of their licensing basis.

Finally, the rulemaking process may consider whether existing CoCs and amendments should be revised to meet any new regulations on content or format.

Issue 2: Add Backfit Protection to CoC Holders

The petitioner requests that 10 CFR 72.62 be modified so that backfit protection is applicable to CoC holders in addition to licensees. The petition states that this change would improve consistency between the way in which specific and general part 72 licensees, and CoC holders, are regulated, and that this revision would ensure that changes to CoCs are imposed only after an adequate justification has been developed.

NRC Response to Issue 2

The NRC accepts Issue 2 for consideration in the rulemaking process. The petitioner raises regulatory stability and predictability concerns with respect to CoC holders. The NRC notes that the application of backfit protection may require revisiting the current NRC practice of issuing each CoC amendment as a stand-alone CoC.

As part of the NRC's consideration of these concerns, the NRC may review the various approaches for addressing regulatory stability and predictability that the NRC has adopted in its regulations, including approaches such as those in 10 CFR 72.62, ''Backfitting,'' and 10 CFR 52.63, ''Finality of Standard Design Certifications.''

Issue 3: Delete the Requirement for the Review of the Cask SER

The petitioner requests that 10 CFR part 72, subpart K, ''General License for Storage of Spent Fuel at Power Reactor Sites,'' be amended to remove the requirement in 10 CFR 72.212(b)(6) for general licensees to perform a review of

[1] See NUREG–1430, Vols. 1 and 2, Rev. 4, ''Standard Technical Specifications—Babcock and Wilcox Plants'' (ADAMS Accession Nos. ML12100A177 and ML12100A178); NUREG–1431, Vols. 1 and 2, Rev. 4, ''Standard Technical Specifications—Westinghouse Plants'' (ADAMS Accession Nos. ML12100A222 and ML12100A228); NUREG–1432, Vols. 1 and 2, Rev. 4, ''Standard Technical Specifications—Combustion Engineering Plants'' (ADAMS Accession No. ML12102A165 and ML12102A169); NUREG–1433, Vols. 1 and 2, Rev. 4, ''Standard Technical Specifications—General Electric Plants (BWR/4)'' (ADAMS Accession Nos. ML12104A192 and ML12104A193); and NUREG–1434, Vols. 1 and 2, Rev. 4, ''Standard Technical Specifications—General Electric Plants (BWR/6)'' (ADAMS Accession Nos. ML12104A195 and ML12104A196).

the NRC's Safety Evaluation Report (SER) for the CoC or amended CoC prior to use by a general licensee. The petition asserts that this change would conform with a previous NRC position and would eliminate an unnecessary requirement. The petitioner further states that review of the SER is extraneous, as the SER will not contain any new requirements or commitments that are not already contained in the CoC and the Final Safety Analysis Report associated with an NRC approved cask design.

NRC Response to Issue 3

The NRC accepts Issue 3 for consideration in the rulemaking process. In 10 CFR 72.212(b)(6), general licensees are required to determine whether or not the reactor site parameters are enveloped by the cask design bases considered in the Safety Analysis Report referenced in the CoC or amended CoC and the related NRC SER.

The CoC and associated technical specifications constitute the system requirements for approved spent fuel storage systems. The CoC holder's Safety Analysis Report provides more detail about the system, guidance for system use, and procedures not included in the technical specifications. The NRC staff's SER describes the staff's review, conclusions on the adequacy of the cask design, and bases for those conclusions. This information may be useful to a general licensee in evaluating the use of an approved cask design at its site. Whether or not review of the SER is required, the general licensee is obligated to ensure that the dry storage system, as used at their site, is in conformance with the CoC, and that dry storage at their site complies with the regulations. Therefore, the NRC staff accepts Issue 3 for consideration in the rulemaking process.

Issue 4: Programs and Plans

The petition requests that 10 CFR part 72, subpart K, be amended to clarify the requirement to review various plans and programs that are governed by other regulations. Section 72.212(b)(10) requires that general licensees perform a review of the emergency plan, quality assurance program, training program, and radiation protection program, to determine if their effectiveness is decreased and, if so, prepare the necessary changes and seek and obtain the necessary approvals. The petitioner claims that the current rule may be interpreted as imposing change control requirements for these programs that are different than the existing change control requirements in other parts of the regulations. Accordingly, the petitioner claims that this change would remove ambiguity and duplication, and improve clarity by only directing the general licensee to the appropriate change control requirements.

NRC Response to Issue 4

The NRC accepts Issue 4 for consideration in the rulemaking process. General licensees have emergency plans, quality assurance programs, training programs, and radiation protection programs that may need to be changed in order to use a spent fuel storage cask. For Issue 4, the petition specifically requests that 10 CFR 72.212(b)(10) be modified to clarify the general licensee review requirements for these programs. The purpose of 10 CFR 72.212(b)(10) is to ensure that such changes are identified and made. While the NRC does not believe that the current rule alters existing change control requirements for the programs listed in 10 CFR 72.212(b)(10), it does recognize the standard for the evaluation in this section may not be applicable for certain programs' change control processes and that the rule could be clarified. Therefore, the NRC agrees to consider if and how 10 CFR 72.212(b)(10) could more clearly state the relationship between the scope of 10 CFR 72.212(b)(10) reviews and other reviews for the same programs.

As part of the NRC's consideration, the NRC may also evaluate whether other programs and plans should be encompassed by 10 CFR 72.212(b)(10).

Issue 5: Revise the Requirement for Cask Marking

The petitioner requests that 10 CFR part 72, subpart L, be amended to remove the requirement in 10 CFR 72.236(k)(3) to mark the empty weight on each storage cask. The petitioner states that marking the empty weight on the cask results in increased time and cost for cask fabrication activities and serves no useful purpose.

NRC Response to Issue 5

The NRC accepts Issue 5 for consideration in the rulemaking process. While the NRC does not agree that the cask marking requirement serves no useful purpose, the NRC agrees that it is appropriate to consider the petitioner's request because the requirement may be limited in its usefulness. For operations covered under 10 CFR part 72, the loaded weight is more relevant than the empty cask weight.

This issue will be more fully evaluated during the rulemaking process which will ensure that appropriate safety and transportation compatibility requirements in the rule, including markings for transportation packages and records of the empty weight, remain adequate.

Issue 6: Criticality Monitoring

The petitioner requests that 10 CFR 72.124(c) be modified to expand the scope of activities for which criticality monitoring is not required. Specifically, the petitioner requests that 10 CFR 72.124(c) be amended to clarify that criticality monitoring is not required for cask loading, preparation, onsite transport, and storage operations for dry storage operations governed by a 10 CFR part 72 license. The petitioner states that this change is consistent with NRC guidance and with other NRC regulations.

NRC Response to Issue 6

The NRC accepts Issue 6 for consideration in the rulemaking process. The NRC staff notes that the criticality monitoring requirements in 10 CFR 72.124(c) have caused confusion in the past, and that clarifying changes may be appropriate. A change to this part of the requirements may also impact other aspects of 10 CFR part 72 criticality safety requirements; this would need to be considered in the rulemaking process. For example, the petitioner notes that power reactor licensees may rely on a demonstration of subcriticality per the requirements in 10 CFR 50.68, ''Criticality Accident Requirements,'' in lieu of providing criticality monitoring. Although the NRC staff may consider analogous requirements for casks in rulemaking, the staff notes that criticality analyses for casks include operational assumptions that may not support complete elimination of monitoring requirements. Additionally, the scope of the rule includes site-specific independent spent fuel storage installations and monitored retrievable storage installations, which may store particular spent fuel types and other forms of high-level radioactive waste that differ from the commercial light-water power reactor spent fuel discussed by the petitioner. These differences may dictate different criticality monitoring needs.

Therefore, the NRC believes that the scope of the NRC consideration of the petitioner's request should include: (1) The need, if any, to modify other criticality safety requirements in 10 CFR 72.124 as a result of sole reliance on bounding criticality analyses instead of criticality monitoring, and (2) the different storage facilities that may be

licensed under 10 CFR part 72 and the different fuel types and high-level radioactive wastes that may be stored at those facilities.

IV. Determination of Petition

The NRC has reviewed the petition and related public comments. Based on its review, the NRC believes that the six issues raised in the petition should be considered in the rulemaking process.

Further NRC action on the issues raised in PRM–72–7 can be monitored on the Federal rulemaking Web site, *http://www.regulations.gov,* by searching on Docket ID NRC–2014–0067, which is the identification for the future rulemaking. In addition, the Federal rulemaking Web site allows you to receive alerts when changes or additions occur in a docket folder. To subscribe for alerts: (1) Navigate to the docket folder (NRC–2014–0067); (2) click the ''Sign up for Email Alerts'' link; and (3) enter your email address and select how frequently you would like to receive emails (daily, weekly, or monthly). The NRC tracks all rulemaking actions on its Web site at *http://www.nrc.gov/reading-rm/doc-collections/rulemaking-ruleforum/.*

For the reasons cited in this document, the NRC will consider this petition in its rulemaking process. The docket for the petition, PRM–72–7, is closed.

Dated at Rockville, Maryland, this 27th day of June, 2014.

For the Nuclear Regulatory Commission.

Darren B. Ash,

Acting Executive Director for Operations.

[FR Doc. 2014–16965 Filed 7–17–14; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2014–0452; Directorate Identifier 2013–NM–185–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for all Airbus Model A318, A319, A320, and A321 series airplanes. This proposed AD was prompted by a determination that more restrictive airworthiness limitations are necessary. This proposed AD would require revising the maintenance or inspection program as applicable. We are proposing this AD to prevent a safety-significant latent failure (which is not annunciated) which, in combination with one or more other specific failures or events, would result in a hazardous or catastrophic failure condition.

DATES: We must receive comments on this proposed AD by September 2, 2014.

ADDRESSES: You may send comments by any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* (202) 493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.
- *Hand Delivery:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this proposed AD, contact Airbus, Airworthiness Office—EIAS, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email *account.airworth-eas@airbus.com*; Internet *http://www.airbus.com.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2014–0452; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone (800) 647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Sanjay Ralhan, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone (425) 227–1405; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2014–0452; Directorate Identifier 2013–NM–185–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD based on those comments.

We will post all comments we receive, without change, to *http://www.regulations.gov,* including any personal information you provide. We will also post a report summarizing each substantive verbal contact we receive about this proposed AD.

Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA Airworthiness Directive 2013–0148, dated July 16, 2013 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for all Airbus Model A318, A319, A320, and A321 series airplanes. The MCAI states:

> The airworthiness limitations for Airbus aeroplanes are currently published in Airworthiness Limitations Section (ALS) documents. The airworthiness limitations applicable to the Certification Maintenance Requirements (CMR) were previously specified in AIRBUS A318/A319/A320/A321 CMR document referenced AI/ST4/993.436/88.
>
> DGAC France issued AD F–2005–101 [(*http://ad.easa.europa.eu/blob/easa_ad_2005_5886_F20051010tb_superseded.pdf/AD_F-2005-101_2*)] (EASA approval 2005–5886) to require compliance with the maintenance tasks as specified in that document.
>
> Since that [DGAC France] AD was issued, the CMR tasks are specified in Airbus A318/A319/A320/A321 ALS Part 3, which is approved by EASA. The original issue of this document introduced more restrictive maintenance requirements and/or airworthiness limitations. Failure to comply with the maintenance requirements contained in this document could result in an unsafe condition.
>
> For the reasons described above, this [EASA] AD supersedes DGAC France AD F–2005–101 and requires the implementation of the instructions and airworthiness limitations as specified in Airbus A318/A319/A320/A321 ALS Part 3 Revision 01.

The unsafe condition is a safety-significant latent failure (which is not annunciated) which, in combination with one or more other specific failures or events, would result in a hazardous or catastrophic failure condition. You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating it in Docket No. FAA–2014–0452.

Relevant Service Information

Airbus has issued Airbus A318/A319/A320/A321 Airworthiness Limitations Section (ALS) Part 3, Certification Maintenance Requirements (CMR), Revision 1, dated June 15, 2012. The actions described in this service information are intended to correct the unsafe condition identified in the MCAI.

FAA's Determination and Requirements of This Proposed AD

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with the State of Design Authority, we have been notified of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all pertinent information and determined an unsafe condition exists and is likely to exist or develop on other products of the same type design.

Differences Between This Proposed AD and the MCAI or Service Information

The EASA MCAI specifies that if there are findings from the ALS inspection tasks, corrective actions must be accomplished in accordance with Airbus maintenance documentation. However, this proposed AD does not include that requirement because operators of U.S.-registered airplanes are required by general airworthiness and operational regulations to use FAA-acceptable methods when performing maintenance. We consider those methods to be adequate to address any corrective actions necessitated by the findings of ALS inspections required by this proposed AD.

''Contacting the Manufacturer'' Paragraph in This Proposed AD

Since late 2006, we have included a standard paragraph titled ''Airworthy Product'' in all MCAI ADs in which the FAA develops an AD based on a foreign authority's AD.

We have become aware that some operators have misunderstood or misinterpreted the Airworthy Product paragraph to allow the owner/operator to use messages provided by the manufacturer as approval of deviations during the accomplishment of an AD-mandated action. The Airworthy Product paragraph does not approve messages or other information provided by the manufacturer for deviations to the requirements of the AD-mandated actions. The Airworthy Product paragraph only addresses the requirement to contact the manufacturer for corrective actions for the identified unsafe condition and does not cover deviations from other AD requirements. However, deviations to AD-required actions are addressed in 14 CFR 39.17, and anyone may request the approval for an alternative method of compliance to the AD-required actions using the procedures found in 14 CFR 39.19.

To address this misunderstanding and misinterpretation of the Airworthy Product paragraph, we have changed the paragraph and retitled it ''Contacting the Manufacturer.'' This paragraph now clarifies that for any requirement in this proposed AD to obtain corrective actions from a manufacturer, the action must be accomplished using a method approved by the FAA, the European Aviation Safety Agency (EASA), or Airbus's EASA DOA.

The Contacting the Manufacturer paragraph also clarifies that, if approved by the DOA, the approval must include the DOA-authorized signature. The DOA signature indicates that the data and information contained in the document are EASA-approved, which is also FAA-approved. Messages and other information provided by the manufacturer that do not contain the DOA-authorized signature approval are not EASA-approved, unless EASA directly approves the manufacturer's message or other information.

This clarification does not remove flexibility previously afforded by the Airworthy Product paragraph. Consistent with long-standing FAA policy, such flexibility was never intended for required actions. This is also consistent with the recommendation of the Airworthiness Directive Implementation Aviation Rulemaking Committee to increase flexibility in complying with ADs by identifying those actions in manufacturers' service instructions that are ''Required for Compliance'' with ADs. We continue to work with manufacturers to implement this recommendation. But once we determine that an action is required, any deviation from the requirement must be approved as an alternative method of compliance.

We also have decided not to include a generic reference to either the ''delegated agent'' or ''design approval holder (DAH) with State of Design Authority design organization approval,'' but instead we have provided the specific delegation approval granted by the State of Design Authority for the DAH throughout this AD.

Costs of Compliance

We estimate that this proposed AD affects 851 airplanes of U.S. registry.

We also estimate that it would take about 1 work-hour per product to comply with the basic requirements of this proposed AD. The average labor rate is $85 per work-hour. Required parts would cost about $0 per product. Based on these figures, we estimate the cost of this proposed AD on U.S. operators to be $72,335, or $85 per product.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. ''Subtitle VII: Aviation Programs,'' describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in ''Subtitle VII, Part A, Subpart III, Section 44701: General requirements.'' Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

We determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify this proposed regulation:

1. Is not a ''significant regulatory action'' under Executive Order 12866;

2. Is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979);

3. Will not affect intrastate aviation in Alaska; and

4. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA proposes to amend 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

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

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by adding the following new airworthiness directive (AD):

Airbus: Docket No. FAA–2014–0452; Directorate Identifier 2013–NM–185–AD.

(a) Comments Due Date

We must receive comments by September 2, 2014.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Airbus Model A318–111, –112, –121, and –122 airplanes; Model A319–111, –112, –113, –114, –115, –131, –132, and –133 airplanes; and Model A320–111, –211, –212, –214, –231, –232, and –233 airplanes; Model A321–111, –112, –131, –211, –212, –213, –231, and –232 airplanes; certificated in any category; all manufacturer serial numbers.

(d) Subject

Air Transport Association (ATA) of America Code 05, Time Limits and Maintenance Checks.

(e) Reason

This AD was prompted by a determination that more restrictive airworthiness limitations are necessary. We are issuing this AD to prevent a safety-significant latent failure (which is not annunciated) which, in combination with one or more other specific failures or events, would result in a hazardous or catastrophic failure condition.

(f) Compliance

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

(g) Maintenance or Inspection Program Revision

Within 30 days after the effective date of this AD, revise the maintenance or inspection program, as applicable, by incorporating Airbus A318/A319/A320/A321 Airworthiness Limitations Section (ALS) Part 3, Certification Maintenance Requirements (CMR), Revision 1, dated June 15, 2012. The initial compliance time for accomplishing the tasks specified in Airbus A318/A319/A320/A321 ALS Part 3, CMR, Revision 1, dated June 15, 2012, is at the applicable time specified in the Record of Revisions of Airbus A318/A319/A320/A321 ALS Part 3, CMR, Revision 1, dated June 15, 2012; or within 30 days after the effective date of this AD, whichever occurs later.

(h) No Alternative Actions or Intervals

After accomplishing the revisions required by paragraph (g) of this AD, no alternative actions (e.g., inspections) or intervals may be used unless the actions or intervals are approved as an alternative method of compliance in accordance with the procedures specified in paragraph (i) of this AD.

(i) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the International Branch, send it to ATTN: Sanjay Ralhan, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, Washington 98057–3356; telephone (425) 227–1405; fax (425) 227–1149. Information may be emailed to: *9-ANM-116-AMOC-REQUESTS@faa.gov.* Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office. The AMOC approval letter must specifically reference this AD.

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain corrective actions from a manufacturer, the action must be accomplished using a method approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; or the European Aviation Safety Agency (EASA); or Airbus's EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(j) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) European Aviation Safety Agency Airworthiness Directive 2013–0148, dated July 16, 2013, for related information. This MCAI may be found in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating it in Docket No. FAA–2014–0452.

(2) For service information identified in this AD, contact Airbus, Airworthiness Office—EIAS, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email *account.airworth-eas@airbus.com;* Internet *http://www.airbus.com.* You may view this service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Issued in Renton, Washington, on July 13, 2014.

Jeffrey E. Duven,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2014–16948 Filed 7–17–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2014–0453; Directorate Identifier 2013–NM–205–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for certain Airbus Model A320–211, –212, –214, –231, –232, and –233 airplanes. This proposed AD was prompted by a report of cracking at the splice plate of a frame butt joint crossing area found during full-scale fatigue testing. This proposed AD would require repetitive inspections for cracking of both sides of the splice plate of that frame butt joint crossing area, and corrective action if necessary. This proposed AD would also provide for an optional modification, which would terminate the repetitive inspections. We are proposing this AD to detect and correct fatigue cracking of the splice plate of the frame 47 butt joint crossing area, which could result in reduced structural integrity of the airplane.

DATES: We must receive comments on this proposed AD by September 2, 2014.

ADDRESSES: You may send comments by any of the following methods:

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

- *Fax:* (202) 493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.
- *Hand Delivery:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this proposed AD, contact Airbus, Airworthiness Office—EAS, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email *account.airworth-eas@airbus.com*; Internet *http://www.airbus.com*. You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov*; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone (800) 647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Sanjay Ralhan, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: 425–227–1405; fax: 425–227–1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2014–0453; Directorate Identifier 2013–NM–205–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD based on those comments.

We will post all comments we receive, without change, to *http://www.regulations.gov*, including any personal information you provide. We will also post a report summarizing each substantive verbal contact we receive about this proposed AD.

Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA Airworthiness Directive 2013–0203, dated September 6, 2013 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for the specified products. The MCAI states:

> During the full scale fatigue test on A320–200, cracks were reported at the splice plate of the frame (FR) 47 butt joint crossing area, both sides.
>
> This condition, if not detected and corrected, could affect the structural integrity of the aeroplane.
>
> Prompted by these findings, Airbus developed Mod 31012 and introduced this on the production line to modify the current 2 fastener row butt joint into a 3 fastener row butt joint to prevent further damage. For in-service aeroplanes, a corresponding modification was developed and published as Airbus Service Bulletin (SB) A320–53–1271.
>
> For the reason described above, this [EASA] AD requires repetitive special detailed inspections (SDI) of the splice plate of the FR47 butt joint crossing area and, depending on findings, accomplishment of applicable corrective action(s).
>
> This [EASA] AD also introduces an optional modification, which constitutes terminating action for the repetitive SDI required by this [EASA] AD.

You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating it in Docket No. FAA–2014–0453.

Relevant Service Information

Airbus has issued Service Bulletins A320–53–1260, dated December 19, 2012, and A320–53–1271, dated December 18, 2012. The actions described in this service information are intended to correct the unsafe condition identified in the MCAI.

FAA's Determination and Requirements of This Proposed AD

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with the State of Design Authority, we have been notified of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all pertinent information and determined an unsafe condition exists and is likely to exist or develop on other products of the same type design.

''Contacting the Manufacturer'' Paragraph in This Proposed AD

Since late 2006, we have included a standard paragraph titled ''Airworthy Product'' in all MCAI ADs in which the FAA develops an AD based on a foreign authority's AD.

The MCAI or referenced service information in an FAA AD often directs the owner/operator to contact the manufacturer for corrective actions, such as a repair. Briefly, the Airworthy Product paragraph allowed owners/operators to use corrective actions provided by the manufacturer if those actions were FAA-approved. In addition, the paragraph stated that any actions approved by the State of Design Authority (or its delegated agent) are considered to be FAA-approved.

In an NPRM having Directorate Identifier 2012–NM–101–AD (78 FR 78285, December 26, 2013), we proposed to prevent the use of repairs that were not specifically developed to correct the unsafe condition, by requiring that the repair approval provided by the State of Design Authority or its delegated agent specifically refer to the FAA AD. This change was intended to clarify the method of compliance and to provide operators with better visibility of repairs that are specifically developed and approved to correct the unsafe condition. In addition, we proposed to change the phrase ''its delegated agent'' to include a design approval holder (DAH) with State of Design Authority design organization approval (DOA), as applicable, to refer to a DAH authorized to approve required repairs for the proposed AD.

One commenter to the NPRM having Directorate Identifier 2012–NM–101–AD (78 FR 78285, December 26, 2013) stated the following: ''The proposed wording, being specific to repairs, eliminates the interpretation that Airbus messages are acceptable for approving minor deviations (corrective actions) needed during accomplishment of an AD mandated Airbus service bulletin.''

This comment has made the FAA aware that some operators have misunderstood or misinterpreted the Airworthy Product paragraph to allow the owner/operator to use messages provided by the manufacturer as approval of deviations during the accomplishment of an AD-mandated action. The Airworthy Product paragraph does not approve messages or other information provided by the

manufacturer for deviations to the requirements of the AD-mandated actions. The Airworthy Product paragraph only addresses the requirement to contact the manufacturer for corrective actions for the identified unsafe condition and does not cover deviations from other AD requirements. However, deviations to AD-required actions are addressed in 14 CFR 39.17, and anyone may request the approval for an alternative method of compliance to the AD-required actions using the procedures found in 14 CFR 39.19.

To address this misunderstanding and misinterpretation of the Airworthy Product paragraph, we have changed the paragraph and retitled it ''Contacting the Manufacturer.'' This paragraph now clarifies that for any requirement in this proposed AD to obtain corrective actions from a manufacturer, the action must be accomplished using a method approved by the FAA, the European Aviation Safety Agency (EASA), or Airbus's EASA DOA.

The Contacting the Manufacturer paragraph also clarifies that, if approved by the DOA, the approval must include the DOA-authorized signature. The DOA signature indicates that the data and information contained in the document are EASA-approved, which is also FAA-approved. Messages and other information provided by the manufacturer that do not contain the DOA-authorized signature approval are not EASA-approved, unless EASA directly approves the manufacturer's message or other information.

This clarification does not remove flexibility previously afforded by the Airworthy Product paragraph. Consistent with long-standing FAA policy, such flexibility was never intended for required actions. This is also consistent with the recommendation of the Airworthiness Directive Implementation Aviation Rulemaking Committee to increase flexibility in complying with ADs by identifying those actions in manufacturers' service instructions that are ''Required for Compliance'' with ADs. We continue to work with manufacturers to implement this recommendation. But once we determine that an action is required, any deviation from the requirement must be approved as an alternative method of compliance.

Costs of Compliance

We estimate that this proposed AD affects 229 airplanes of U.S. registry.

We also estimate that it would take about 98 work-hours per product to comply with the basic requirements of this proposed AD. The average labor rate is $85 per work-hour. Based on these figures, we estimate the cost of this proposed AD on U.S. operators to be $1,907,570, or $8,330 per product.

We have received no definitive data that would enable us to provide cost estimates for the on-condition actions specified in this proposed AD.

In addition, we estimate that any necessary follow-on actions would take about 100 work-hours and require parts costing $1,150, for a cost of $9,650 per product. We have no way of determining the number of aircraft that might need this action.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. ''Subtitle VII: Aviation Programs,'' describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in ''Subtitle VII, Part A, Subpart III, Section 44701: General requirements.'' Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

We determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify this proposed regulation:

1. Is not a ''significant regulatory action'' under Executive Order 12866;

2. Is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979);

3. Will not affect intrastate aviation in Alaska; and

4. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA proposes to amend 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

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

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by adding the following new airworthiness directive (AD):

Airbus: Docket No. FAA–2014–0453; Directorate Identifier 2013–NM–205–AD.

(a) Comments Due Date

We must receive comments by September 2, 2014.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Airbus Model A320–211, –212, –214, –231, –232, and –233 airplanes, certificated in any category, all manufacturer serial numbers, except those on which Airbus Modification 31012 has been embodied in production.

(d) Subject

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

(e) Reason

This AD was prompted by a report of cracking at the splice plate of the frame (FR) 47 butt joint crossing area found during full-scale fatigue testing. We are issuing this AD to detect and correct fatigue cracking of the splice plate of the FR47 butt joint crossing area, which could result in reduced structural integrity of the airplane.

(f) Compliance

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

(g) Repetitive Inspections

At the applicable time specified in paragraph (g)(1), (g)(2), or (g)(3) of this AD: Do a special detailed inspection (rototest) for cracking of both sides of the splice plate of the FR47 butt joint crossing area, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–53–1260, dated December 19, 2012. Repeat the inspection thereafter at intervals not to exceed 14,800 flight cycles or 29,600 flight hours, whichever occurs first.

(1) For airplanes that, as of the effective date of this AD, have accumulated 44,000 or more total flight cycles or 88,000 or more

total flight hours since first flight of the airplane: Do the inspection within 1,500 flight cycles or 3,000 flight hours after the effective date of this AD, whichever occurs first.

(2) For airplanes that, as of the effective date of this AD, have accumulated 27,700 or more total flight cycles or 55,400 or more total flight hours, but fewer than 44,000 total flight cycles or 88,000 total flight hours since first flight of the airplane: Do the inspection within 3,000 flight cycles or 6,000 flight hours after the effective date of this AD, without exceeding 45,500 total flight cycles or 91,000 total flight hours since first flight of the airplane, whichever occurs first.

(3) For airplanes that, as of the effective date of this AD, have accumulated fewer than 27,700 total flight cycles and less than 55,400 total flight hours since first flight of the airplane: Do the inspection before the accumulation of 30,700 total flight cycles or 61,400 total flight hours since first flight of the airplane, whichever occurs first.

(h) Corrective Action

If any crack is found during any inspection required by this AD: Before further flight, repair using a method approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; or the European Aviation Safety Agency (EASA); or Airbus's EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(i) Optional Modification

Accomplishing the modification of the splice plate of the FR47 butt joint in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–53–1271, dated December 18, 2012, constitutes terminating action for the repetitive inspections required by paragraph (g) of this AD.

(j) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Branch FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the International Branch, send it to ATTN: Sanjay Ralhan, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: 425–227–1405; fax: 425–227–1149. Information may be emailed to: *9-ANM-116-AMOC-REQUESTS@faa.gov.* Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office. The AMOC approval letter must specifically reference this AD.

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain corrective actions from a manufacturer, the action must be accomplished using a method approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; or the European Aviation Safety Agency (EASA); or Airbus's EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(k) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA Airworthiness Directive 2013–0203, dated September 6, 2013, for related information. This MCAI may be found in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating it in Docket No. FAA–2014–0453.

(2) For service information identified in this AD, contact Airbus, Airworthiness Office—EAS, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email *account.airworth-eas@airbus.com*; Internet *http://www.airbus.com.* You may view this service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Issued in Renton, Washington, on July 13, 2014.

Jeffrey E. Duven,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2014–16950 Filed 7–17–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2014–0450; Directorate Identifier 2013–NM–250–AD]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for all The Boeing Company Model MD–90–30 airplanes. This proposed AD was prompted by reports of cracks emanating from the aft-most barrel nut holes of the left and right upper rear spar caps of the horizontal stabilizer. This proposed AD would require repetitive high frequency eddy current (ETHF) inspections for cracks in the areas around the two aft-most barrel nut holes of the upper rear spar caps, and corrective action if necessary; and repetitive ETHF inspections for cracks in the areas around the two aft-most barrel nut holes of any repaired or replaced upper rear spar cap, and corrective actions if necessary. We are proposing this AD to detect and correct such cracks, which could propagate until the upper rear spar cap severs, and result in failure of the horizontal stabilizer upper center or aft skin panel and adversely affect the structural integrity of the airplane.

DATES: We must receive comments on this proposed AD by September 2, 2014.

ADDRESSES: You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.
- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this proposed AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, 3855 Lakewood Boulevard, MC D800–0019, Long Beach, CA 90846–0001; telephone 206–544–5000, extension 2; fax 206–766–5683; Internet *https://www.myboeingfleet.com.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425 227–1221.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2014–0450; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (phone: 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: George Garrido, Aerospace Engineer, Airframe Branch, ANM–120L, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, CA 90712–4137; phone: 562–627–5357;

fax: 562–627–5210; email: *george.garrido@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2014–0450; Directorate Identifier 2013–NM–250–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD because of those comments.

We will post all comments we receive, without change, to *http://www.regulations.gov,* including any personal information you provide. We will also post a report summarizing each substantive verbal contact we receive about this proposed AD.

Discussion

We have received reports of cracks emanating from the aft-most barrel nut holes of the left and right upper rear spar caps of the horizontal stabilizer. One airplane had accumulated 40,144 total flight hours and 32,253 total landing cycles, while another airplane had accumulated 58,296 total flight hours and 43,512 total landing cycles. Investigations have determined that the cracks were caused by fatigue. In both cases, the cracks originated inside of the barrel nut holes, and radiated vertically and in the aft direction from the barrel nut holes. This condition, if not corrected, could result in cracks in the horizontal stabilizer, which could propagate until it severs the upper rear spar cap, and result in failure of the horizontal stabilizer upper center or aft skin panel and adversely affect the structural integrity of the airplane.

Relevant Service Information

We reviewed Boeing Alert Service Bulletin MD90–55A017, dated September 27, 2013. For information on the procedures and compliance times, see this service information at *http://www.regulations.gov* by searching for Docket No. FAA–2014–0450.

FAA's Determination

We are proposing this AD because we evaluated all the relevant information and determined the unsafe condition described previously is likely to exist or develop in other products of the same type design.

Proposed AD Requirements

This proposed AD would require accomplishing repetitive high frequency eddy current (ETHF) inspections for cracks of the areas around the aft-most barrel nut holes of the upper rear spar caps, and corrective actions if necessary; and repetitive ETHF inspections for cracks at the two aft-most barrel nut holes of the repaired or replaced upper rear spar cap, and corrective actions if necessary.

The phrase ''corrective actions'' is used in this proposed AD. ''Corrective actions'' are actions that correct or address any condition found. Corrective actions in an AD could include, for example, repairs.

Difference Between This Proposed AD and the Service Information

Table 1 of paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin MD90–55A017, dated September 27, 2013, specifies post-repair inspections of the upper rear spar cap of the aft flange that has been splice-repaired, which may be used in support of compliance with Section 121.1109(c)(2) or 129.109(b)(2) of the Federal Aviation Regulations (14 CFR 121.1109(c)(2) or 14 CFR 129.109(b)(2)). However, this NPRM does not propose to require those post-repair inspections. This difference has been coordinated with Boeing.

Costs of Compliance

We estimate that this proposed AD affects 52 airplanes of U.S. registry.

We estimate the following costs to comply with this proposed AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspection	9 work-hours X $85 per hour = $765 per inspection cycle.	$1,410	$2,175 per inspection cycle.	Up to $113,100 per inspection cycle.

We estimate the following costs to do any necessary repairs and replacements that would be required based on the results of the proposed inspection. We have no way of determining the number of aircraft that might need these repairs and replacements:

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Repair (per side)	368 work-hours X $85 per hour = $31,280	Up to $90,129	Up to $121,409.
Replacement	368 work-hours X $85 per hour = $31,280	$81,764	$113,044.

Authority for this Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. Subtitle VII: Aviation Programs, describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701: ''General requirements.'' Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

We determined that this proposed AD would not have federalism implications under Executive Order 13132. This

proposed AD would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify this proposed regulation:

(1) Is not a ''significant regulatory action'' under Executive Order 12866,

(2) Is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979),

(3) Will not affect intrastate aviation in Alaska, and

(4) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA proposes to amend 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

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

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by adding the following new airworthiness directive (AD):

The Boeing Company: Docket No. FAA–2014–0450; Directorate Identifier 2013 NM–250–AD.

(a) Comments Due Date

We must receive comments by September 2, 2014.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all The Boeing Company Model MD–90–30 airplanes, certificated in any category.

(d) Subject

Air Transport Association (ATA) of America Code Stabilizers, 55.

(e) Unsafe Condition

This AD was prompted by reports of cracks emanating from the aft-most barrel nut holes of the left and right upper rear spar caps of the horizontal stabilizer. We are issuing this AD to detect and correct cracks in the horizontal stabilizer, which could propagate until the upper rear spar cap severs, and result in failure of the horizontal stabilizer upper center or aft skin panel and adversely affect the structural integrity of the airplane.

(f) Compliance

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

(g) Inspection

At the applicable compliance time specified in paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin MD90–55A017, dated September 27, 2013, except as provided by paragraph (i) of this AD: Do a high frequency eddy current inspection (ETHF) for cracks in the areas around the two aft-most barrel nut holes of the upper rear spar cap; and do all applicable corrective actions; in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin MD90–55A017, dated September 27, 2013. Thereafter, repeat the ETHF inspection at the applicable time specified in paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin MD90–55A017, dated September 27, 2013. Do all corrective actions before further flight.

(h) Post-Repair/Replacement Actions

For airplanes on which a splice repair or replacement was done as specified in Boeing Alert Service Bulletin MD90–55A017: At the applicable compliance time specified in paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin MD90–55A017, dated September 27, 2013, do an ETHF inspection for cracks at the two aft-most barrel nut holes of any repaired or replaced upper rear spar cap, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin MD90–55A017, dated September 27, 2013. Thereafter, repeat the ETHF inspection at the applicable time specified in paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin MD90–55A017, dated September 27, 2013. If any cracking is found, before further flight, do the repair or replacement, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin MD90–55A017, dated September 27, 2013.

(i) Post-Repair Inspections

The post-repair inspections of the upper rear spar cap of the aft flange that has been splice-repaired specified in Table 1 of paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin MD90–55A017, dated September 27, 2013, are not required by this AD.

Note 1 to paragraph (h) of this AD: The damage tolerance inspections (post-repair inspections of the upper rear spar cap aft flange) specified in Table 1 of paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin MD90–55A017, dated September 27, 2013, may be used in support of compliance with Section 121.1109(c)(2) or 129.109(b)(2) of the Federal Aviation Regulations (14 CFR 121.1109(c)(2) or 14 CFR 129.109(b)(2)). The corresponding actions specified in the Accomplishment Instructions of Boeing Alert Service Bulletin MD90–55A017, dated September 27, 2013, are not required by this AD.

(j) Exception to the Service Information

Where Boeing Alert Service Bulletin MD90–55A017, dated September 27, 2013, specifies a compliance time ''after the original issue date of this service bulletin,'' this AD requires compliance within the specified compliance time after the effective date of this AD.

(k) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Los Angeles Aircraft Certification Office (ACO), FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the ACO, send it to the attention of the person identified in paragraph (l)(1) of this AD.

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

(3) An AMOC that provides an acceptable level of safety may be used for any repair required by this AD if it is approved by the Boeing Commercial Airplanes Organization Designation Authorization (ODA) that has been authorized by the Manager, Los Angeles ACO, to make those findings. For a repair method to be approved, the repair must meet the certification basis of the airplane, and 14 CFR 25.571, Amendment 45, and the approval must specifically refer to this AD.

(l) Related Information

(1) For more information about this AD, contact George Garrido, Aerospace Engineer, Airframe Branch, ANM–120L, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, CA 90712–4137; phone: 562–627–5357; fax: 562–627–5210; email: *george.garrido@faa.gov.*

(2) For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, 3855 Lakewood Boulevard, MC D800 0019, Long Beach, CA 90846–0001; telephone 206–544–5000, extension 2; fax 206–766–5683; Internet *https://www.myboeingfleet.com.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Issued in Renton, Washington, on July 11, 2014.

Michael Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2014–16942 Filed 7–17–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2014–0451; Directorate Identifier 2013–NM–122–AD]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for all The Boeing Company Model DC–9–81 (MD–81), DC–9–82 (MD–82), DC–9–83 (MD–83), DC–9–87 (MD–87), and MD–88 airplanes. This proposed AD was prompted by reports of cracks emanating from the aft-most barrel nut holes of the left and right upper rear spar caps of the horizontal stabilizer. This proposed AD would require repetitive high frequency eddy current (ETHF) inspections for cracks in the areas around the two aft-most barrel nut holes of the upper rear spar caps, and corrective actions if necessary; and repetitive ETHF inspections for cracks in the areas around the two aft-most barrel nut holes of any repaired or replaced upper rear spar cap, and corrective actions if necessary. We are proposing this AD to detect and correct cracks in the horizontal stabilizer, which could propagate until an upper rear spar cap severs, and result in failure of the horizontal stabilizer upper center or aft skin panel and adversely affect the structural integrity of the airplane.

DATES: We must receive comments on this proposed AD by September 2, 2014.

ADDRESSES: You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.
- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this proposed AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, 3855 Lakewood Boulevard, MC D800–0019, Long Beach, CA 90846–0001; telephone 206–544–5000, extension 2; fax 206–766–5683; Internet *https://www.myboeingfleet.com.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425 227–1221.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov*; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (phone: 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: George Garrido, Aerospace Engineer, Airframe Branch, ANM–120L, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, CA 90712–4137; phone: 562–627–5357; fax: 562–627–5210; email: *george.garrido@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the ADDRESSES section. Include ''Docket No. FAA–2014–0451; Directorate Identifier 2013–NM–122–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD because of those comments.

We will post all comments we receive, without change, to *http://www.regulations.gov*, including any personal information you provide. We will also post a report summarizing each substantive verbal contact we receive about this proposed AD.

Discussion

We have received reports of cracks emanating from the aft-most barrel nut holes of the left and right upper rear spar caps of the horizontal stabilizer. One airplane had accumulated 40,144 total flight hours and 32,253 total landing cycles, while another airplane had accumulated 58,296 total flight hours and 43,512 total landing cycles. Investigations have determined that the cracks were caused by fatigue. In both cases, the cracks originated inside of the barrel nut holes, and radiated vertically and in the aft direction from the barrel nut holes. This condition, if not corrected, could result in cracks in the horizontal stabilizer, which could propagate until an upper rear spar cap severs, and result in failure of the horizontal stabilizer upper center or aft skin panel and adversely affect the structural integrity of the airplane.

Relevant Service Information

We reviewed Boeing Alert Service Bulletin MD80–55A070, Revision 1, dated December 17, 2013. For information on the procedures and compliance times, see this service information at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2014–0451.

FAA's Determination

We are proposing this AD because we evaluated all the relevant information and determined the unsafe condition described previously is likely to exist or develop in other products of the same type design.

Proposed AD Requirements

This proposed AD would require repetitive ETHF inspections for cracks in the areas around the two aft-most barrel nut holes of the left and right upper rear spar caps, and corrective actions if necessary; and repetitive ETHF inspections for cracks in the areas around the two aft-most barrel nut holes of any the repaired or replaced upper rear spar cap, and corrective actions if necessary.

The phrase ''corrective actions'' is used in this proposed AD. ''Corrective actions'' are actions that correct or address any condition found. Corrective actions in an AD could include, for example, repairs.

Costs of Compliance

We estimate that this proposed AD affects 668 airplanes of U.S. registry.

We estimate the following costs to comply with this proposed AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspection	5 work-hours × $85 per hour = $425 per inspection cycle.	$0	$425 per inspection cycle.	$283,900 per inspection cycle.

We estimate the following costs to do any necessary repairs and replacements that would be required based on the results of the proposed inspection. We have no way of determining the number of aircraft that might need these repairs and replacements:

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Repair	Up to 394 work-hours × $85 per hour = $33,490	Up to $32,440	Up to $65,930.
Replacement	Up to 394 work-hours × $85 per hour = $33,490	Up to $60,222	Up to $93,712.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. Subtitle VII: Aviation Programs, describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701: ''General requirements.'' Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

We determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify this proposed regulation:

(1) Is not a ''significant regulatory action'' under Executive Order 12866,

(2) Is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979),

(3) Will not affect intrastate aviation in Alaska, and

(4) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA proposes to amend 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

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

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by adding the following new airworthiness directive (AD):

The Boeing Company: Docket No. FAA–2014–0451; Directorate Identifier 2013–NM–122–AD.

(a) Comments Due Date

We must receive comments by September 2, 2014.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all The Boeing Company Model DC–9–81 (MD–81), DC–9–82 (MD–82), DC–9–83 (MD–83), DC–9–87 (MD–87), and MD–88 airplanes; certificated in any category.

(d) Subject

Air Transport Association (ATA) Code 55, Stabilizers.

(e) Unsafe Condition

This AD was prompted by reports of cracks emanating from the aft-most barrel nut holes of the left and right upper rear spar caps of the horizontal stabilizer. We are issuing this AD to detect and correct cracks in the horizontal stabilizer, which could propagate until an upper rear spar cap severs, and result in failure of the horizontal stabilizer upper center or aft skin panel and adversely affect the structural integrity of the airplane.

(f) Compliance

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

(g) Inspection

At the applicable compliance time specified in paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin MD80–55A070, Revision 1, dated December 17, 2013; except as provided by paragraph (i) of this AD: Do a high frequency eddy current inspection (ETHF) for cracks in the areas around the two aft-most barrel nut holes of the left and right upper rear spar caps, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin MD80–55A070, Revision 1, dated December 17, 2013. Thereafter, repeat the ETHF inspection at the applicable time specified in paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin MD80–55A070, Revision 1, dated December 17, 2013; except as provided by paragraph (i) of this AD. If any cracking is found during any inspection, before further flight, do all applicable corrective actions, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin MD80–55A070, Revision 1, dated December 17, 2013.

(h) Post-Repair/Replacement Actions

For airplanes on which a splice repair or replacement was done, as specified in Boeing Alert Service Bulletin MD80–55A070: At the applicable compliance time specified in paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin MD80–55A070, Revision 1, dated December 17, 2013, do a ETHF inspection for cracks at the two aft-most barrel nut holes of any repaired or replaced upper rear spar cap, in accordance

with the Accomplishment Instructions of Boeing Alert Service Bulletin MD80–55A070, Revision 1, dated December 17, 2013. Thereafter, repeat the ETHF inspection at the applicable time specified in paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin MD80–55A070, Revision 1, dated December 17, 2013. If any cracking is found during any inspection, before further flight, do all applicable corrective actions, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin MD80–55A070, Revision 1, dated December 17, 2013.

(i) Exception to the Service Information Specifications

Where Boeing Alert Service Bulletin MD80–55A070, Revision 1, dated December 17, 2013, specifies a compliance time ''after the original issue date of this service bulletin,'' this AD requires compliance within the specified compliance time after the effective date of this AD.

(j) Credit for Previous Actions

This paragraph provides credit for the actions specified in paragraph (g) of this AD, if those actions were performed before the effective date of this AD using Boeing Alert Service Bulletin MD80–55A070, dated May 22, 2013, which is not incorporated by reference in this AD.

(k) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Los Angeles Aircraft Certification Office (ACO), FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the ACO, send it to the attention of the person identified in paragraph (l)(1) of this AD.

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

(3) An AMOC that provides an acceptable level of safety may be used for any repair required by this AD if it is approved by the Boeing Commercial Airplanes Organization Designation Authorization (ODA) that has been authorized by the Manager, Los Angeles ACO to make those findings. For a repair method to be approved, the repair must meet the certification basis of the airplane, and 14 CFR 25.571, Amendment 45, and the approval must specifically refer to this AD.

(l) Related Information

(1) For more information about this AD, contact George Garrido, Aerospace Engineer, Airframe Branch, ANM–120L, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, CA 90712–4137; phone: 562–627–5357; fax: 562–627–5210; email: *george.garrido@faa.gov.*

(2) For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, 3855 Lakewood Boulevard, MC D800–0019, Long Beach, CA 90846–0001; telephone 206–544–5000, extension 2; fax 206–766–5683; Internet *https://www.myboeingfleet.com.*You may review copies of the referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Issued in Renton, Washington, on July 11, 2014.

Michael Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2014–16940 Filed 7–17–14; 8:45 am]

BILLING CODE 4910–13–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R07–OAR–2014–0400; FRL–9913–80–Region–7]

Approval and Promulgation of Implementation Plans; State of Missouri, Auto Exhaust Emission Controls

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to take direct final action to approve the State Implementation Plan (SIP) revision submitted by the state of Missouri on January 14, 2014, for the purpose of removing an outdated rule. This action amends the SIP to remove a rule that was originally approved in 1972 but has now been rescinded. This rule refers to exhaust emission control components that are no longer manufactured. Vehicle manufacturers now produce newer technology in exhaust emissions equipment in order to meet more stringent Federal motor vehicle standards.

DATES: Comments on this proposed action must be received in writing by August 18, 2014.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R07–OAR–2014–0400, by mail to Paula Higbee, Environmental Protection Agency, Air Planning and Development Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219. Comments may also be submitted electronically or through hand delivery/courier by following the detailed instructions in the **ADDRESSES** section of the direct final rule located in the rules section of this **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Paula Higbee, Environmental Protection Agency, Air Planning and Development Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219 at 913–551–7028, or by email at *higbee.paula@epa.gov*.

SUPPLEMENTARY INFORMATION: In the final rules section of the **Federal Register**, EPA is approving the state's SIP revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial revision amendment and anticipates no relevant adverse comments to this action. A detailed rationale for the approval is set forth in the direct final rule. If no relevant adverse comments are received in response to this action, no further activity is contemplated in relation to this action. If EPA receives relevant adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed action. EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. Please note that if EPA receives adverse comment on part of this rule and if that part can be severed from the remainder of the rule, EPA may adopt as final those parts of the rule that are not the subject of an adverse comment. For additional information, see the direct final rule which is located in the rules section of this **Federal Register**.

Dated: July 1, 2014.

Karl Brooks,

Regional Administrator, Region 7.

[FR Doc. 2014–16701 Filed 7–17–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R06–OAR–2013–0764; FRL–9913–93–Region 6]

Approval and Promulgation of Air Quality Implementation Plans; New Mexico; Grant County Sulfur Dioxide Limited Maintenance Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a limited maintenance plan submitted by the State of New Mexico, dated November 1, 2013, for the Grant County maintenance area for the 1971 sulfur dioxide (SO_2) National Ambient Air Quality Standard (NAAQS). New Mexico submitted this limited

maintenance plan to fulfill the second 10-year maintenance plan requirement, under section 175A(b) of the Clean Air Act (CAA), to ensure maintenance of the 1971 SO_2 NAAQS through 2025. The EPA is also proposing to approve a monitoring network modification for the area. The EPA is proposing to approve these revisions pursuant to the CAA.

DATES: Written comments must be received on or before August 18, 2014.

ADDRESSES: Comments may be mailed to Mr. Guy Donaldson, Chief, Air Planning Section (6PD–L), Environmental Protection Agency, 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202–2733. Comments may also be submitted electronically or through hand delivery/courier by following the detailed instructions in the Addresses section of the direct final rule located in the rules section of this **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Ms. Dayana Medina (6PD–L), Air Planning Section, telephone (214) 665–7241, fax (214) 665–6762, email: *medina.dayana@epa.gov*.

SUPPLEMENTARY INFORMATION: In the final rules section of this **Federal Register**, EPA is approving the State's request for a limited maintenance plan submitted on November 1, 2013, for the Grant County maintenance area for the 1971 sulfur dioxide SO_2 NAAQS because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no relevant adverse comments are received in response to this action, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time.

For additional information, see the direct final rule, which is located in the rules section of this **Federal Register**.

Dated: July 7, 2014.

Ron Curry,

Regional Administrator, Region 6.

[FR Doc. 2014–16816 Filed 7–17–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R06–OAR–2011–0919; FRL–9913–91–Region 6]

Approval and Promulgation of Implementation Plans; Texas; Conformity of General Federal Actions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve State Implementation Plan (SIP) revisions submitted by the State of Texas on October 28, 2011. These revisions remove the State general conformity provisions from the SIP so that Federal rules will govern conformity of general Federal actions within the State of Texas. The revisions also update the narrative portion of the SIP. This action is being taken in accordance with the Clean Air Act.

DATES: Written comments should be received on or before August 18, 2014.

ADDRESSES: Comments may be mailed to Mr. Guy Donaldson, Chief, Air Planning Section (6PD–L), Environmental Protection Agency, 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202–2733. Comments may also be submitted electronically or through hand delivery/courier by following the detailed instructions in the **ADDRESSES** section of the direct final rule located in the rules section of this **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Jeffrey Riley, (214) 665–8542, *riley.jeffrey@epa.gov*.

SUPPLEMENTARY INFORMATION: In the final rules section of this **Federal Register**, EPA is approving the State's SIP submittal as a direct rule without prior proposal because the Agency views this as noncontroversial submittal and anticipates no relevant adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no relevant adverse comments are received in response to this action no further activity is contemplated. If EPA receives relevant adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time.

For additional information, see the direct final rule which is located in the rules section of this **Federal Register**.

Dated: July 7, 2014.

Ron Curry,

Regional Administrator, Region 6.

[FR Doc. 2014–16825 Filed 7–17–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

48 CFR Parts 1511 and 1552

[EPA–HQ–OARM–2012–0476; FRL–9913–37–OARM]

EPAAR Clause for Work Assignments

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) amends the EPA Acquisition Regulation (EPAAR) to update policy, procedures, and contract clauses. The proposed rule updates EPAAR clause 1552.211–74, *Work Assignments.*

DATES: Comments must be received on or before August 18, 2014.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–OARM–2012–0476, by one of the following methods:

- *www.regulations.gov*: Follow the on-line instructions for submitting comments.
- *Email: valentino.thomas@epa.gov.*
- *Mail:* EPA–HQ–OARM–2012–0476, OEI Docket, Environmental Protection Agency, 2822T, 1200 Pennsylvania Ave. NW., Washington, DC 20460. Please include a total of three (3) copies.
- *Hand Delivery:* EPA Docket Center-Attention OEI Docket, EPA West, Room B102, 1301 Constitution Ave. NW., Washington, DC 20004. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA–HQ–OARM–2012–0476. 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*.

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 Office of Environmental Information (OEI) Docket, EPA/DC, EPA 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 Docket Center is (202) 566–1752. This Docket Facility is open from 8:30 a.m. to 4:30 p.m. Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: Thomas Valentino, Policy, Training, and Oversight Division, Office of Acquisition Management (3802R), Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number: 202–564–4522; email address: *valentino.thomas@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. General Information

1. *Submitting CBI.* Do not submit this information to EPA through *www.regulations.gov* or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI, and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for Preparing Your Comments.* When submitting comments, remember to:

- Identify the rulemaking by docket number and other identifying information (subject heading, **Federal Register** date and page number).
- Follow directions—The Agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.
- Explain why you agree or disagree, suggest alternatives, and substitute language for your requested changes.
- Describe any assumptions and provide any technical information and/or data that you used.
- If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.
- Provide specific examples to illustrate your concerns, and suggest alternatives.
- Explain your views as clearly as possible, avoiding the use of profanity or personal threats.
- Make sure to submit your comments by the comment period deadline identified.

II. Background

On 3 December 2009 the Office of Acquisition Management (OAM) Head of the Contracting Activity (HCA) issued a class deviation that revised the prescription for the subject clause by eliminating the requirement that EPA include total estimated labor hours when issuing work assignments. The revised prescription is necessary because including total estimated labor hours when work assignments are issued undermines the negotiation process by providing the contractor no incentive to seek more efficient or innovative approaches to meet the Government's needs under a work assignment. The revised prescription advises contracting officers (COs) that when the nature of the work is nonspecific with changing circumstances (e.g., services at new hazardous waste sites, R&D in new areas with uncertain potential results) then the CO may provide the contractor with the estimated labor hours. Otherwise, COs should not authorize the contractor to expend the level of effort beyond the effort needed to develop the work plan. The revised prescription was published in the **Federal Register** on 14 February 2012. As a result, the subject clause text is being updated to make it consistent with the revised prescription.

In addition, the WA clause prescription is modified to make the clause applicable to EPA cost-reimbursement contracts, and the subject prescription and clause are being updated to add two alternate clause versions. Currently the subject clause has Alternates I and II that are used in Superfund contracts and require the contractor to provide a COI certification. This clause update adds Alternates III and IV which are substantially the same as I and II but are written for non-Superfund contracts. A class deviation for Alternates III and IV was issued by the HCA on 29 June 1994.

III. Proposed Rule

This proposed rule amends the EPAAR to revise paragraphs (b) and (c) in EPAAR clause 1552.211–74, *Work Assignments,* and revises paragraph (b) of its corresponding 1511.011–74 prescription. Alternates III and IV are also being added to clause 1552.211–74.

IV. Statutory and Executive Order Reviews

A. Executive Order 12866: Regulatory Planning and Review

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

B. Paperwork Reduction Act

This action does not impose an information collection burden under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 et seq. No information is collected under this action.

C. Regulatory Flexibility Act (RFA), as Amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), 5 U.S.C. 601 et seq.

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 impact of today's final rule on small entities, ''small entity'' is defined as: (1) A small business that meets the definition of a small business found in the Small Business Act and codified 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 this rule on small entities, I certify that this action will not have a significant economic impact on a substantial number of small entities. This action revises a current EPAAR provision and does not impose requirements involving capital investment, implementing procedures, or record keeping. This rule will not have a significant economic impact on small entities.

D. Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104–4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, Local, and Tribal governments and the private sector.

This rule contains no Federal mandates (under the regulatory provisions of the Title II of the UMRA) for State, Local, and Tribal governments or the private sector. The rule imposes no enforceable duty on any State, Local or Tribal governments or the private sector. Thus, the rule is not subject to the requirements of Sections 202 and 205 of the UMRA.

E. Executive Order 13132: Federalism

Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999), requires EPA to develop an accountable process to ensure ''meaningful and timely input by State and Local officials in the development of regulatory policies that have federalism implications.'' ''Policies that have federalism implications'' is defined in the Executive Order to include regulations that 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.''

This rule 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.

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

Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 9, 2000), requires EPA to develop an accountable process to ensure ''meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications.'' This rule does not have tribal implications as specified in Executive Order 13175.

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

Executive Order 13045, entitled ''Protection of Children from Environmental Health and Safety Risks'' (62 FR 19885, April 23, 1997), applies to any rule that: (1) Is determined to be economically significant as defined under Executive Order 12886, and (2) concerns an environmental health or safety risk that may have a proportionate effect on children. This rule is not subject to Executive Order 13045 because it is not an economically significant rule as defined by Executive Order 12866, and because it does not involve decisions on environmental health or safety risks.

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

This proposed rule is not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution of Use'' (66 FR 28335 (MAY 22, 2001), because it is not a significant regulatory action under Executive Order 12866.

I. National Technology Transfer and Advancement Act of 1995 (NTTAA)

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

This proposed rulemaking does not involve technical standards. Therefore, EPA is not considering 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 (EO) 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 proposed rule will not have disproportionately high and adverse human health or environmental effects on minority or low-income populations because it does not affect the level of protection provided to human health or the environment. This proposed rulemaking does not involve human health or environmental affects.

List of Subjects in 48 CFR Parts 1511 and 1552

Describing agency needs, Solicitation provisions and contract clauses.

Dated: June 11, 2014.

John R. Bashista,

Director, Office of Acquisition Management.

Therefore, 48 CFR Chapter 15 is proposed to be amended as set forth below:

■ 1. The authority citation for 48 CFR parts 1511 and 1552 continues to read as follows:

Authority: 5 U.S.C. 301; Sec. 205(c), 63 Stat. 390, as amended, 40 U.S.C. 486(c); and 41 U.S.C. 418b.

PART 1511—DESCRIBING AGENCY NEEDS

■ 2. Revise paragraph (b) of 1511.011–74 to read as follows:

1511.011–74 Work Assignments.

* * * * *

(b) *Contract Clause.* The CO shall insert the contract clause at 1552.211.74, *Work Assignments,* in cost-reimbursement contracts when work assignments are used.

(1) For Superfund contracts, except for contracts which require annual conflict of interest certificates (e.g., Site-Specific contracts, the Contract Laboratory Program (CLP), Sample Management Office (SMO) contracts), the CO shall use the clause with either Alternate I or Alternate II. Alternate I shall be used for contractors who have at least three (3) years of records that may be searched for certification purposes. Alternate II shall be used for contractors who do not have at least three (3) years of records that may be searched.

(2) For non-Superfund contracts, the CO shall use the clause with either Alternate III or Alternate IV. Alternate III shall be used for contractors who have at least three (3) years of records that may be searched for certification purposes. Alternate IV shall be used for contractors who do not have at least three (3) years of records that may be searched.

PART 1552—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

■ 3. Revise 1552.211–74 to read as follows:

1552.211–74 Work Assignments.

As prescribed in 1511.011–74, insert the following contract clause in cost-reimbursement contracts when work assignments are to be used.

Work Assignments (____ 2013)

(a) The contractor shall perform work under this contract as specified in written work assignments issued by the Contracting Officer.

(b) Each work assignment may include (1) a numerical designation, (2) approved workplan labor hours or an estimated initial level of effort provided in accordance with 1511.011–74, (3) the period of performance and schedule of deliverables, and (4) the description of the work.

(c) The Contractor shall acknowledge receipt of each work assignment by returning to the Contracting Officer a signed copy of the work assignment within ____ calendar days after its receipt. The Contractor shall begin working on a work plan immediately upon receipt of a work assignment. Within ____ calendar days after receipt of a work assignment, the Contractor shall submit ____ copies of a work plan to the Contract-level Contracting Officer's Representative and ____ copies to the Contracting Officer. The work plan shall include a detailed technical and staffing plan and a detailed cost estimate. Within ____ calendar days after receipt of the work plan, the Contracting Officer will provide written approval or disapproval of it to the Contractor. The Contractor is not authorized to start work without an approved work plan unless approved by the Contracting Officer or otherwise specified. Also, if the Contracting Officer disapproves a work plan, the Contractor shall stop work until the problem causing the disapproval is resolved. In either case, the Contractor shall resume work only when the Contracting Officer approves the work plan.

(d) This clause does not change the requirements of the ''Level of Effort'' clause, nor the notification requirements of either the ''Limitation of Cost'' or ''Limitation of Funds'' clauses.

(e) Work assignments shall not allow for any change to the terms or conditions of the contract. Where any language in the work assignment may suggest a change to the terms or conditions, the Contractor shall immediately notify the Contracting Officer.

(End of clause)

Alternate I. As prescribed in 1511.011–74, modify the existing clause by adding the following paragraph (f) to the basic clause:

(f) Within 20 days of receipt of the work assignment or similar tasking document, the Contractor shall provide a conflict of interest (COI) certification. Where work assignments or similar tasking documents are issued under this contract for work on or directly related to a site, the Contractor is only required to provide a COI certification for the first work assignment issued for that site. For all subsequent work on that site under this contract, the Contractor has a continuing obligation to search and report any actual or potential COIs, but no additional COI certifications are required.

Before submitting the COI certification, the Contractor shall search its records accumulated, at a minimum, over the past three years immediately prior to the receipt of the work assignment or similar tasking document. In the COI certification, the Contractor must certify to the best of the Contractor's knowledge and belief that all actual or potential organizational COIs have been reported to the Contracting Officer, or that to the best of the Contractor's knowledge and belief, no actual or potential organizational COIs exist. In addition, the Contractor must certify that its personnel who perform work under this work assignment or relating to this work assignment have been informed of their obligation to report personal and organizational COIs to the Contractor. The COI certification shall also include a statement that the Contractor recognizes its continuing obligation to identify and report any actual or potential COI arising during performance of this work assignment or other work related to this site.

Alternate II. As prescribed in 1511.011–74, modify the existing clause by adding the following paragraph (f) to the basic clause:

(f) Within 20 days of receipt of the work assignment or similar tasking document, the Contractor shall provide a conflict of interest (COI) certification. Where work assignments or similar tasking documents are issued under this contract for work on or directly related to a site, the Contractor is only required to provide a COI certification for the first work assignment issued for that site. For all subsequent work on that site under this contract, the Contractor has a continuing obligation to search and report any actual or potential COIs, but no additional COI certifications are required.

Before submitting the COI certification, the Contractor shall initially search through all of its available records to identify any actual or potential COIs. During the first three years of this contract, the Contractor shall search through all records created since the beginning of the contract plus the records of the Contractor prior to the award of the contract until a minimum of three years of records are accumulated. Once three years of records have accumulated, prior to certifying, the Contractor shall search its records accumulated, at a minimum, over the past three years immediately prior to the receipt of the work assignment or similar tasking document. In the COI certification, the Contractor must certify to the best of the Contractor's knowledge and belief, that all actual or potential organizational COIs have been reported to the Contracting Officer, or that to the best of the Contractor's knowledge and belief, no actual or potential organizational COIs exist. In addition, the Contractor must certify that its personnel who perform work under this work assignment or relating to this work assignment have been informed of their obligation to report personal and organizational COIs to the Contractor. The COI certification shall also include a statement that the Contractor recognizes its continuing obligation to identify and report any actual or potential COI arising during performance of this work assignment or other work related to this site.

Alternate III. As prescribed in 1511.011–74, modify the existing clause by adding the following paragraph (f) to the basic clause:

(f) Within 20 days of receipt of the work assignment or similar tasking document, the Contractor shall provide a conflict of interest (COI) certification.

Before submitting the COI certification, the Contractor shall search its records accumulated, at a minimum, over the past three years immediately prior to the receipt of the work assignment or similar tasking document. In the COI certification, the Contractor must certify to the best of the Contractor's knowledge and belief that all actual or potential organizational COIs have been reported to the Contracting Officer, or that to the best of the Contractor's knowledge and belief, no actual or potential organizational COIs exist. In addition, the Contractor must certify that its personnel who perform work under this work assignment or relating to this work assignment have been informed of their obligation to report personal and organizational COIs to the Contractor. The COI certification shall also include a statement that the Contractor recognizes its

continuing obligation to identify and report any actual or potential COI arising during performance of this work assignment.

Alternate IV. As prescribed in 1511.011–74, modify the existing clause by adding the following paragraph (f) to the basic clause:

(f) Within 20 days of receipt of the work assignment or similar tasking document, the Contractor shall provide a conflict of interest (COI) certification.

Before submitting the COI certification, the Contractor shall initially search through all of its available records to identify any actual or potential COIs. During the first three years of this contract, the Contractor shall search through all records created since the beginning of the contract plus records of the Contractor prior to the award of the contract until a minimum of three years of records have accumulated. Once three years of records have accumulated, prior to certifying, the Contractor shall search its records, at a minimum, over the past three years immediately prior to the receipt of the work assignment or similar tasking document. In the COI certification, the Contractor must certify to the best of the Contractor's knowledge and belief that all actual or potential organizational COIs have been reported to the Contracting Officer, or that to the best of the Contractor's knowledge and belief, no actual or potential organizational COIs exist. In addition, the Contractor must certify that its personnel who perform work under this work assignment or relating to this work assignment have been informed of their obligation to report personal and organizational COIs to the Contractor. The COI certification shall also include a statement that the Contractor recognizes its continuing obligation to identify and report any actual or potential COI arising during performance of this work assignment.

(End of clause)

[FR Doc. 2014–15824 Filed 7–17–14; 8:45 am]

BILLING CODE 6560–50–P

Notices

Federal Register
Vol. 79, No. 138
Friday, July 18, 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

Food and Nutrition Service

Agency Information Collection Activities: Notice of Emergency Approval of New Information Collection for Examination of Cash Nutrition Assistance Program (NAP) Benefits in Puerto Rico

AGENCY: Food and Nutrition Service (FNS), USDA.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces FNS' intention to request emergency approval from the Office of Management and Budget (OMB) and invites the general public and other public agencies to comment on this proposed information collection. This is a new collection for Examination of Cash Nutrition Assistance Program Benefits in Puerto Rico.

ADDRESSES: Comments are invited on (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions that were 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 or other forms of information technology.

Written comments may be sent to Richard Lucas, Office of Policy Support, Food and Nutrition Service, U.S. Department of Agriculture, 3101 Park Center Drive, Room 1014, Alexandria, VA 22302. Comments may also be submitted via fax to the attention of Richard Lucas at 703–305–2576 or via email to *Richard.Lucas@fns.usda.gov*. Comments will also be accepted through the Federal eRulemaking Portal. Go to *http://www.regulations.gov,* and follow the online instructions for submitting comments electronically.

All written comments will be open for public inspection at the office of the Food and Nutrition Service during regular business hours (8:30 a.m. to 5:00 p.m. Monday through Friday) at 3101 Park Center Drive, Room 1014, Alexandria, VA 22302.

All responses to this notice will be summarized and included in the request for Office of Management and Budget approval. All comments will be a matter of public record.

DATES: Written comments must be received on or before September 16, 2014.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of this information collection should be directed to Richard Lucas at 703–305–2017.

SUPPLEMENTARY INFORMATION:

Title: Examination of Cash Nutrition Assistance Program Benefits in Puerto Rico.

OMB Number: 0584—NEW.

Expiration Date: Not yet determined.

Type of Request: Emergency request for a new collection.

Abstract

The Nutrition Assistance Program (NAP) is a critical Federal Government assistance program provided to low-income residents of Puerto Rico. Since July 1982, Puerto Rico has operated NAP from Federal funds received as a block grant. In late 2001, Puerto Rico developed an electronic benefit transfer (EBT) system and mandated that 75 percent of a household's monthly benefit be restricted to the EBT system for purchasing eligible food items at certified retailers. The remaining 25 percent of the monthly benefit may be issued in the form of cash to allow participants a way to purchase food from retailers not certified to accept EBT.

In early 2014, Congress reauthorized the Food and Nutrition Act of 2008 in the Agricultural Act of 2014 (Pub. L. 113–79), commonly known as the 2014 Farm Bill, which included a provision for the gradual discontinuation of the cash portion of the NAP benefit until, by FY 2021, no benefits in the form of cash will be issued (Section 4025). The legislation also required a review of NAP cash benefits in Puerto Rico, including the history and purpose of the cash portion, barriers to redeeming the non-cash portion, and usage of cash benefits for the purchase of non-food items. Additionally, it required an assessment of the potential adverse effects of discontinuing the cash portion for both participants and retailers, and allows the Secretary of Agriculture to exempt participants or categories of participants if the review finds that the discontinuation of cash benefits is likely to have significant adverse effects.

This study performs the required assessment of the cash portion of benefits received under NAP in Puerto Rico. The specific research objectives are to:

- Objective 1: Review the history and purpose of distributing a portion of monthly benefits in the form of cash
- Objective 2: Examine the barriers to the redemption of non-cash benefits by both program participants and retailers
- Objective 3: Examine the current usage of cash benefits for the purchase of non-food and other prohibited items
- Objective 4: Identify and assess the potential adverse effects of the discontinuation of cash benefits for both program participants and retailers

Primary data collected from NAP participants, NAP-certified and uncertified retailers, community-based organizations (CBOs), and group residential facilities will be analyzed to assess barriers to redeeming the non-cash portion of the benefit, use of the cash portion of the benefit, and potential adverse effects on participants and retailers from eliminating the cash portion of the benefit.

The information collection includes the following components:

- A telephone survey with NAP participants,
- Focus groups with NAP participants,
- In-person (semi-structured) interviews with certified and uncertified retailers,
- In-person (semi-structured) interviews with directors of community-based organizations that work with NAP participants, and

- In-person (semi-structured) interviews with directors of residential facilities where NAP participants live

Affected Public

Respondent groups identified include: (1) NAP participants across Puerto Rico; (2) managers or owners of food stores (retailers) across Puerto Rico; (3) directors of CBOs, and (4) directors/managers of group residential facilities.

Estimated Number of Respondents

The total estimated number of respondents is 1,467. This includes 1,000 NAP participants for telephone surveys (75 percent of whom will complete surveys); 396 NAP participants for the focus groups (41 percent of whom will attend the focus groups); and 60 retailers (30 certified and 30 uncertified) for the in-person semi-structured interviews (50 percent of whom will complete interviews). Also included are 6 CBO directors and 5 directors/managers of group residential facilities.

Estimated Number of Responses per Respondent

All respondents (NAP participants, retailers, and CBO and group residential facility directors) will respond once, either to one telephone survey, one focus group, or one in-person interview. In addition, all respondents will be contacted with an advance letter, and will receive recruitment phone calls.

Estimated Total Annual Responses

The estimated total annual responses is 4,475, including contacts with an advance letter, initial recruitment phone calls, follow-up phone calls, and completed surveys, focus groups, and interviews.

The 4,475 responses are based on the sum of 2,659 successful contacts or completed surveys, focus groups, and interviews, and 1,816 attempted contacts, surveys, and interviews.

Estimated Time per Response

Response times may vary from 0.05 hours to 1.5 hours depending on actual activity and respondent group. The estimated time per interview ranges from 0.18 hours to 1.5 hours, depending on respondent group and interview mode.

Estimated Total Annual Burden on Respondents

The estimated total annual burden on respondents is 599.08 hours (including recruitment communications and completed and attempted interviews and surveys). See the table below for estimated total annual burden for each type of respondent.

BILLING CODE: 3410–30–P

Table 1. Total Burden Hours on the Public

		Responsive						Non-Response					
Respondent Type	Instrument	Sample Size	Number of Respondents	Freq. of Response (annual)	Total Annual Response	Avg. Hours per Response	Total Annual Burden	Number of Non-Respondents	Freq. of Response (annual)	Total Annual Response	Avg. Hours per Response	Total Annual Burden	Total Burden Hours
NAP Participants (Telephone Survey)													
NAP Participant	Advance letter/Study information sheet	1000	1000	1	1000	0.05	50.00	0	1	0	0	0.00	50.00
	Survey-first call	1000	400	1	400	0.18	73.20	600	1	600	0.05	30.00	103.20
	Follow-up phone call #1	600	210	1	210	0.18	38.43	390	1	390	0.05	19.50	57.93
	Follow-up phone call #2	390	78	1	78	0.18	14.27	312	1	312	0.05	15.60	29.87
	Follow-up phone call #3	312	62	1	62	0.18	11.35	250	1	250	0.05	12.50	23.85
NAP Participant Subtotal		1000	1750	1	1750	0.11	187.25	1552	1	1552	0.05	77.60	264.85
NAP Participants (Focus Groups)													
NAP Participant	Advance letter/Study information sheet	396	396	1	396	0.05	19.80	0	1	0	0	0.00	19.80
	Focus group recruitment phone call/follow-up communications	396	198	1	198	0.083	16.43	198	1	198	0.083	16.43	32.87
	Focus Group	198	162	1	162	1.5	243.00	36	1	36	0	0.00	243.00
NAP Participant Focus Group Subtotal		396	756	1	756	0.37	279.23	234	1	234	0.07	16.43	295.67
Retailers (In-Person, Semi-Structured Interviews)													
Certified Retailer	Advance letter/Study information sheet	30	30	1	30	0.05	1.50	0	1	0	0.05	0.00	1.50
	Recruitment phone call/follow-up communications	30	15	1	15	0.05	0.75	15	1	15	0.05	0.75	1.50
	In-person interview	15	15	1	15	0.67	10.05	0	1	0	0	0.00	10.05
Uncertified Retailer	Advance Letter	30	30	1	30	0.05	1.50	0	1	0	0.05	0.00	1.50
	Recruitment phone call/follow-up communications	30	15	1	15	0.05	0.75	15	1	15	0.05	0.75	1.50
	In-person interview	15	15	1	15	0.67	10.05	0	1	0	0	0.00	10.05
Retailer In-Person Subtotal		60	120	1	120	0.21	24.60	30	1	30	0.05	1.50	26.10

Community-Based Organization (CBO) Directors (In-Person Semi-Structured Interviews)													
CBO Director	Advance letter/Study information sheet	6	6	1	6	0.05	0.30	0	1	0	0	0.00	0.30
	Recruitment phone call/follow-up communications	6	6	1	6	0.083	0.50	0	1	0	0	0.00	0.50
	In-person interview	6	6	1	6	1	6.00	0	1	0	0	0.00	6.00
CBO Director In-Person Subtotal		6	18	1	18	0.38	6.80	0	1	0	0.00	0.00	6.80
Group Residential Facility Directors (In-Person, Semi-Structured Interviews)													
Group Facility Director	Advance letter/Study information sheet	5	5	1	5	0.05	0.25	0	1	0	0	0.00	0.25
	Recruitment phone call/follow-up communications	5	5	1	5	0.083	0.42	0	1	0	0	0.00	0.42
	In-person interview	5	5	1	5	1	5.00	0	1	0	0	0.00	5.00
Group Facility Director Subtotal		5	15	1	15	0.38	5.67	0	1	0	0.00	0.00	5.67
Total		**1467**	**2659**		**2659**	**0.19**	**503.55**	**1816**		**1816**	**0.05**	**95.53**	**599.08**

Number of respondents: The number of unique respondents.

Note: Frequency of response and total annual response includes responses to all notifications, instruments, and follow-ups.

Dated: July 14, 2014.

Audrey Rowe,

FNS Administrator, Food and Nutrition Service.

[FR Doc. 2014–16914 Filed 7–17–14; 8:45 am]

BILLING CODE 3410–30–C

DEPARTMENT OF AGRICULTURE

National Agricultural Statistics Service

Notice of Opportunity To Submit Content Request for the 2017 Census of Agriculture

AGENCY: National Agricultural Statistics Service, USDA.

ACTION: Notice and request for stakeholder input.

SUMMARY: The National Agricultural Statistics Service (NASS) is currently accepting stakeholder feedback in the form of content requests for the 2017 Census of Agriculture. This census is required by law under the Census of Agriculture Act of 1997, Public Law 105–113 (7 U.S.C. 2204g).

DATES: Comments on this notice must be received by August 4, 2014 to be assured of consideration.

ADDRESSES: Requests *must* address items listed in comments section below. Please submit requests online at *www.agcensus.usda.gov/2017input* or via mail to: USDA–NASS Census Content Team Room 6451, 1400 Independence Ave. SW., Washington, DC 20250. If you have any questions, send an email to *aginputcounts@nass.usda.gov* or call 1–800–727–9540.

FOR FURTHER INFORMATION CONTACT: Joseph T. Reilly, Administrator, National Agricultural Statistics Service, U.S. Department of Agriculture, (202) 720–4333, Fax: 202–720–9013, or email: *HQOA@nass.usda.gov*.

SUPPLEMENTARY INFORMATION: The results of the 2012 Census of Agriculture were released on May 2, 2014. For more information, visit *http://www.agcensus.usda.gov*. The U.S. Department of Agriculture's National Agricultural Statistics is in the process of planning the content of the 2017 Census of Agriculture. We are seeking input on ways to improve the Census of Agriculture. Recommendations or any other ideas concerning the census would be greatly appreciated. The 2012 Census of Agriculture questionnaire may be viewed on-line at: *www.agcensus.usda.gov/2012forms*.

The following justification categories must be addressed when proposing a new line of questioning for the 2017 Census of Agriculture:

1. What data are needed?
2. Why are the data needed?
3. At what geographic level are the data needed? (U.S., State, County, other)
4. Who will use these data?
5. What decisions will be influenced with these data?
6. What surveys have used the proposed question before; what testing has been done on the question; and what is known about its reliability and validity?
7. Draft of the recommended question.

All responses to this notice will become a matter of public record and be summarized and considered by NASS in preparing the 2017 Census of Agriculture questionnaire for OMB approval.

Signed at Washington, DC, July 7, 2014.

Joseph T. Reilly,

Administrator.

[FR Doc. 2014–16939 Filed 7–17–14; 8:45 am]

BILLING CODE 3410–20–P

COMMISSION ON CIVIL RIGHTS

Sunshine Act Meeting Notice

AGENCY: United States Commission on Civil Rights.

ACTION: Notice of briefing and business meeting.

DATE AND TIME: Friday, July 25, 2014; 9:00 a.m. EST.

PLACE: 1331 Pennsylvania Ave. NW., Suite 1150, Washington, DC 20425.

Briefing Agenda—9:00 a.m.–1:30 p.m.

This briefing is open to the public.

Topic: *Enforcement of Sexual Harassment Policy at Educational Institutions by the U.S. Department of Education's Office for Civil Rights (OCR)*

and the Civil Rights Division of the Department of Justice (DOJ).

I. Introductory Remarks by Chairman Castro.

II. Issue Panel I—9:05 a.m.–10:35 a.m.: OCR/DOJ Guidance Speakers' Remarks and Questions from Commissioners.

III. Issue Panel II—10:35 a.m.–11:56: Data on Sexual Harassment Speakers' Remarks and Questions from Commissioners.

IV. Issue Panel III—11:56 p.m.–1:30 p.m.: Pros/Cons on OCR/DOJ Guidance Speakers' Remarks and Questions from Commissioners.

V. Adjourn Briefing.

Business Meeting Agenda—2:00 p.m.

I. Program Planning.

a. Discussion and Vote on Part A & Part B of the briefing report: Increasing Compliance with Section 7 of the NVRA.

b. Consideration and Vote on Commission letter regarding Federal Response to the Unaccompanied Minor Immigrants.

c. Discussion and Vote on the FY2015 Statutory Enforcement Report topic.

d. Discussion and Vote on two briefing topics for FY2015.

II. Management and Operations.

- Staff Director's Report.

III. State Advisory Committee (SAC) Appointments

- Arizona.
- Missouri.
- Virginia.

FOR FURTHER INFORMATION CONTACT: Lenore Ostrowsky, Acting Chief, Public Affairs Unit (202) 376–8591.

Hearing-impaired persons who will attend the briefing and require the services of a sign language interpreter should contact Pamela Dunston at (202) 376–8105 or at *signlanguage@usccr.gov* at least seven business days before the scheduled date of the meeting.

Dated: July 15, 2014.

Marlene Sallo,

Staff Director.

[FR Doc. 2014–17012 Filed 7–16–14; 11:15 am]

BILLING CODE 6335–01–P

DEPARTMENT OF COMMERCE

Economic Development Administration

Notice of Petitions by Firms for Determination of Eligibility To Apply for Trade Adjustment Assistance

AGENCY: Economic Development Administration, Department of Commerce.

ACTION: Notice and Opportunity for Public Comment.

Pursuant to Section 251 of the Trade Act 1974, as amended (19 U.S.C. 2341 et seq.), the Economic Development Administration (EDA) has received petitions for certification of eligibility to apply for Trade Adjustment Assistance from the firms listed below. Accordingly, EDA has initiated investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each of these firms contributed importantly to the total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of each petitioning firm.

LIST OF PETITIONS RECEIVED BY EDA FOR CERTIFICATION ELIGIBILITY TO APPLY FOR TRADE ADJUSTMENT ASSISTANCE

[07/08/2014 through 07/14/2014]

Firm name	Firm address	Date accepted for investigation	Product(s)
Micro Facture, LLC	200 North Donnerville Road, Mountville, PA 17554.	7/14/2014	The firm manufactures metal components for the aerospace, weaponry and medical industries.

Any party having a substantial interest in these proceedings may request a public hearing on the matter. A written request for a hearing must be submitted to the Trade Adjustment Assistance for Firms Division, Room 71030, Economic Development Administration, U.S. Department of Commerce, Washington, DC 20230, no later than ten (10) calendar days following publication of this notice.

Please follow the requirements set forth in EDA's regulations at 13 CFR 315.9 for procedures to request a public hearing. The Catalog of Federal Domestic Assistance official number and title for the program under which these petitions are submitted is 11.313, Trade Adjustment Assistance for Firms.

Dated: July 14, 2014.

Michael DeVillo,

Eligibility Examiner.

[FR Doc. 2014–16895 Filed 7–17–14; 8:45 am]

BILLING CODE 3510–WH–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–33–2014]

Foreign-Trade Zone 72—Indianapolis, Indiana; Authorization of Production Activity; OHL Contract Logistics, LLC; (Kitting—Subassemblies and Parts for Heavy Trucks, Excavation Machinery) Plainfield, Indiana

On March 12, 2014, OHL Contract Logistics LLC, operator of FTZ 72—Site 16, submitted a notification of proposed production activity to the Foreign-Trade Zones (FTZ) Board for its facility in Plainfield, Indiana.

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 18665–18666, 4–3–2014). 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. As noted in the request, foreign textile inputs (classified under HTSUS Subheading 4202.12) will be admitted to the zone in domestic (duty-paid) status or privileged foreign status (19 CFR 146.41).

Dated: July 14, 2014.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2014–16951 Filed 7–17–14; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket B–26–2014]

Foreign-Trade Zone (FTZ) 39—Dallas-Fort Worth, Texas, Application for Production Authority, CSI Calendering, Inc. (Rubber Coated Textile Fabric), Extension of Comment Period on Submission of New Evidence

The comment period provided to allow interested parties to respond to the applicant's submission of new evidence for the record on June 6, 2014 (see 79 FR 34285, June 16, 2014) is being extended upon request to August 15, 2014, to allow interested parties additional time in which to comment. Submissions shall be addressed to the FTZ Board's Executive Secretary at the following address: Office of the Executive Secretary, Foreign-Trade Zones Board, Room 21013, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230–0002.

For further information, contact Pierre Duy at *Pierre.Duy@trade.gov* or (202) 482–1378.

Dated: July 11, 2014.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2014–16863 Filed 7–17–14; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–823–815]

Suspension of Antidumping Investigation: Certain Oil Country Tubular Goods From Ukraine

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

DATES: *Effective Date:* July 10, 2014.

SUMMARY: The Department of Commerce (''the Department'') has suspended the antidumping duty investigation on certain oil country tubular goods (''OCTG'') from Ukraine. The basis for this action is an agreement between the Department and Interpipe, the OCTG producer/exporter accounting for substantially all imports of OCTG from Ukraine, wherein Interpipe agrees to make any necessary price revisions to eliminate completely any amount by which the normal value (''NV'') of this merchandise exceeds the U.S. price of its merchandise subject to the agreement.

FOR FURTHER INFORMATION CONTACT: Sally Craig Gannon or Judith Wey Rudman at (202) 482–0162 or (202) 482–0192, respectively; Bilateral Agreements Unit, Office of Policy, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street & Constitution Avenue NW., Washington, DC, 20230.

SUPPLEMENTARY INFORMATION:

Background

On July 22, 2013, the Department initiated an antidumping duty investigation under section 732 of the Tariff Act of 1930, as amended (''the Act'') to determine whether imports of OCTG from Ukraine are being, or are likely to be, sold in the United States at less than fair value (''LTFV''). *See Certain Oil Country Tubular Goods from India, the Republic of Korea, the Republic of the Philippines, Saudi Arabia, Taiwan, Thailand, the Republic of Turkey, Ukraine, and the Socialist Republic of Vietnam: Initiation of Antidumping Duty Investigations,* 78 FR 45505 (July 29, 2013). On August 16, 2013, the United States International Trade Commission (''ITC'') notified the Department of its affirmative preliminary injury determination in this case. *See Certain Oil Country Tubular Goods From India, Korea, The Philippines, Saudi Arabia, Taiwan, Thailand, Turkey, Ukraine, and Vietnam,* Inv. Nos. 701–TA–499–500 and 731–TA–1215–1223 (Preliminary) USITC Pub. No. 4422, 78 FR 52213 (August 22, 2013). On February 14, 2014, the Department preliminarily determined that OCTG is being, or is likely to be, sold in the United States at LTFV, as provided in section 733 of the Act. On this same date, the Department also preliminarily determined that there is not a reasonable basis to believe or suspect that critical circumstances exist with respect to OCTG from Ukraine and postponed the final determination in this investigation until no later than July 10, 2014. *See Certain Oil Country Tubular Goods From Ukraine: Preliminary Determination of Sales at Less Than Fair Value, Negative Preliminary Determination of Critical Circumstances, and Postponement of Final Determination,* 79 FR 10482 (February 25, 2014) (''*Preliminary Determination*'').

The Department and a representative of Interpipe initialed a proposed agreement suspending this investigation on June 10, 2014. On June 10, 2014, we invited interested parties to provide written comments on the proposed suspension agreement by no later than the close of business on June 17, 2014. In response to our request for comments, we received comments from Interpipe and from petitioners in this proceeding (*i.e.,* Maverick Tube Corporation; United States Steel Corporation; Boomerang Tube LLC; EnergeX, division of JMC Steel Group; Northwest Pipe Company; Tejas Tubular Products, Inc.; TMK IPSCO; Welded Tube USA, Inc.; Wheatland Tube Company; and Vallourec Star L.P. (collectively, ''petitioners'')) on June 17, 2014. We have taken these comments into consideration for the final version of the suspension agreement.

The Department and a representative of Interpipe signed the final suspension agreement on July 10, 2014. *See Agreement Suspending the Antidumping Duty Investigation on Certain Oil Country Tubular Goods from Ukraine,* signed on July 10, 2014 (''*Suspension Agreement*''), attached hereto in Annex I. Pursuant to section 734(g) of the Act, the investigation was continued based upon requests by Interpipe and petitioners. If the ITC's final injury determination is negative, the *Suspension Agreement* will have no force or effect and the investigation will be terminated, pursuant to section 734(f)(3)(A) of the Act.

Scope of Investigation

For a complete description of the scope of the *Suspension Agreement, see Suspension Agreement,* at Appendix A.

Suspension of Investigation

The Department consulted with the parties to the proceeding and, in accordance with section 734(b) of the Act, we have determined that the *Suspension Agreement* covers substantially all imports of the subject merchandise and will eliminate completely sales at LTFV of imported subject merchandise. Moreover, in accordance with section 734(d) of the Act, we find that the *Suspension Agreement* is in the public interest, and that the *Suspension Agreement* can be monitored effectively. *See Percentage of Exports Memorandum and Public Interest and Effective Monitoring Assessment Memorandum,* both dated July 10, 2014. We find, therefore, that the criteria for suspension of an investigation pursuant to sections 734(b) and (d) of the Act have been met. The terms and conditions of this *Suspension Agreement,* signed July 10, 2014, are set forth in Annex I to this notice.

Pursuant to section 734(f)(2)(A) of the Act, the suspension of liquidation of all entries of OCTG from Ukraine entered, or withdrawn from warehouse, for consumption, as directed in the *Preliminary Determination,* is hereby

terminated. Any cash deposits on entries of OCTG from Ukraine posted pursuant to section 733(d)(1)(B) shall be refunded.

Administrative Protective Order Access

The Administrative Protective Order (''APO'') the Department granted in the investigation segment of this proceeding remains in place. While the investigation is suspended, parties subject to the APO may retain, but may not use, information received under that APO. All parties wishing access to business proprietary information submitted during the administration of the *Suspension Agreement* must submit new APO applications in accordance with the Department's regulations currently in effect. *See* section 777(c)(1) of the Act; 19 CFR 351.103. An APO for the administration of the *Suspension Agreement* will be placed on the record within five days of the date of publication of this notice in the **Federal Register**.

We are publishing this notice in accordance with section 734(f)(1)(A) of the Act and 19 CFR 351.208(g)(2).

Dated: July 10, 2014.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

Attachment

ANNEX I

Agreement Suspending the Antidumping Duty Investigation on Certain Oil Country Tubular Goods from Ukraine

Pursuant to section 734(b) of the Tariff Act of 1930, as amended (19 U.S.C. § 1673c(b)) (''the Act''), and 19 CFR 351.208 (the ''Regulations''), the U.S. Department of Commerce (the ''Department'') and the signatory producers/exporters of Certain Oil Country Tubular Goods from Ukraine (''Signatories'') enter into this suspension agreement (''Agreement''). On the basis of this Agreement, on the effective date of this Agreement, the Department shall suspend its antidumping duty investigation initiated on July 22, 2013 (78 FR 45505 (July 29, 2013)) with respect to Certain Oil Country Tubular Goods (''OCTG'') from Ukraine, subject to the terms and provisions set forth below.

(A) Product Coverage

For purposes of this Agreement, the merchandise covered is OCTG, as described in Appendix A.

(B) U.S. Import Coverage

The signatory producers/exporters, collectively, are the producers and exporters in Ukraine that accounted for substantially all (not less than 85 percent) of the subject merchandise imported into the United States, as provided in the Department's regulations at 19 CFR 351.208(c). The Department may, at anytime during the period of the Agreement, require additional producers/exporters in Ukraine to sign the Agreement in order to ensure that not less than substantially all imports of merchandise described in Appendix A into the United States are covered by the Agreement.

In reviewing the operation of the Agreement for the purpose of determining whether this Agreement has been violated or is no longer in the public interest, the Department will consider imports into the United States from all sources of the merchandise described in Section A of the Agreement. For this purpose, the Department will consider factors including, but not limited to, the following: volume of trade, pattern of trade, whether or not the reseller is an original equipment manufacturer, and the reseller's export price (''EP'').

(C) Basis of the Agreement

On and after the effective date of the Agreement, each signatory producer/exporter individually agrees to make any necessary price revisions to eliminate completely any amount by which the normal value (''NV'') of this merchandise exceeds the U.S. price of its merchandise subject to the Agreement. For this purpose, the Department will determine the NV in accordance with section 773(e) of the Act and U.S. price in accordance with section 772 of the Act. For details of the Department's calculation methodology under this Agreement, *see* Appendix B.

(1) For the period from the effective date of this Agreement through the release of the first NVs, each signatory producer/exporter agrees not to sell its merchandise subject to this Agreement in the United States.

(2) For all sales occurring on or after the date of issuance of the first NVs, through December 31, 2014 (''Interim Period''), each signatory producer/exporter issued NVs by the Department agrees not to sell its merchandise subject to this Agreement to any unaffiliated purchaser in the United States at prices that are less than the NVs of the merchandise, as determined by the Department on the basis of the sales and cost information submitted by the signatory producer/exporter in the course of the underlying antidumping duty investigation. The final NVs for a signatory producer/exporter during this Interim Period shall be issued within 15 days after the preliminary NVs are issued pursuant to Section E(2) of this Agreement (*i.e.,* within 30 days after the effective date of the Agreement).[1] *See* Appendix C for details on a special adjustment for the Interim Period NVs.

(3) For all sales occurring after the Interim Period, each signatory producer/exporter issued NVs by the Department agrees not to sell its merchandise subject to this Agreement to any unaffiliated purchaser in the United States at prices that are less than the NV of the merchandise, as determined by the Department on the basis of information submitted to the Department not later than the dates specified in Section D of this Agreement. Normally, preliminary NVs for the January through June semi-annual period will be provided to the parties by November 20, and the final NVs will be provided to the parties by December 20. Normally, the preliminary NVs for the July through December semi-annual period will be provided to the parties by May 20, and the final NVs will be provided to the parties by June 20.[2] These NVs shall apply to sales occurring during the semi-annual period (*i.e.,* January through June or July through December, as applicable), beginning on the first day of the month following the date the Department provides the NVs. However, if the Department's issuance of the final NVs is delayed past the end of semi-annual period (*i.e.,* June 30 or December 31, as applicable) for any reason, the NVs shall be effective immediately upon issuance.

(D) Data Reporting and Monitoring

Each signatory producer/exporter will supply to the Department all information that the Department decides is necessary to ensure that the producer/exporter is in full compliance with the terms of the Agreement. As explained

[1] The issuance of the NVs for any given signatory may be delayed for reasons including: (1) issues related to the underlying antidumping duty investigation, as applicable; (2) to allow sufficient time for signatories to respond to the Department's request for sales and cost data; and/or (3) to resolve issues raised in comments from interested parties or by the Department. In accordance with section 773(f) of the Act, the Department will examine relevant prices and costs and, for any sales period, may disregard or adjust particular prices or costs when the prices are not in the ordinary course of trade, the costs are not in accordance with the generally-accepted accounting principles, the costs do not reasonably reflect the costs associated with the production and sale of the merchandise, or in other situations provided for in the Act or the Department's regulations. Examples of possible areas in which adjustments may be necessary include, but are not limited to, costs related to energy, depreciation, transactions among affiliates, barter transactions, as well as items that are not recognized by the home country's generally accepted accounting principles.

[2] *See* Footnote #1.

below, the Department will provide each signatory producer/exporter a detailed request for information and prescribe a required format and method of data compilation, not later than the beginning of each reporting period. As noted in Section C(2) of this Agreement, the first NVs issued for the signatory producer/exporter may be based on sales and cost information submitted by the signatory in the underlying antidumping duty investigation, and the resulting NVs issued will apply to sales occurring between the issuance date of the final NVs and December 31, 2014 (*i.e.,* during the Interim Period).

(1) Sales Information

The Department will require each producer/exporter to report each sale of the merchandise subject to the Agreement, either directly or indirectly to unaffiliated purchasers in the United States, as well as sales in the comparison market (home or third country market, as appropriate), including each adjustment applicable to each sale, as specified by the Department.

The first report of sales data, pursuant to Section C(3) of this Agreement, shall be submitted to the Department, in the prescribed format and using the prescribed method of data compilation, not later than August 15, 2014, and shall contain the specified sales information covering the period January 1, 2014, through June 30, 2014. Subsequent reports of sales data shall be submitted to the Department not later than July 31 and January 31 of each year. Each July 31 report shall contain the specified information for the semi-annual period ending on June 30 of that year; each January 31 report shall contain the specified information for the semi-annual period ending on December 31 of the prior year, except that if the Department receives information that a possible violation of the Agreement may have occurred, the Department may request sales data on a more frequent basis. All reports must be submitted to the Department in accordance with the requirements of the Department's electronic filing system, IA ACCESS.

(2) Cost Information

Signatory producers/exporters must request NVs for all subject merchandise that will be sold in the United States. For those products which the producer/exporter is requesting NVs, the Department will require each producer/exporter to report, in the prescribed format and using the prescribed method of data compilation, the following: its actual cost of manufacturing; selling, general and administrative (''SG&A'') expenses; packing costs; and profit data on a semi-annual basis. As indicated in Appendix B to this Agreement, profit will be reported by the producers/exporters on a semi-annual basis. Each such producer/exporter also must report anticipated increases in production costs in the semi-annual period in which the information is submitted resulting from factors such as anticipated changes in production yield, changes in production process, changes in production quantities, or changes in production facilities.

The first report of cost data, pursuant to Section C(3) of this Agreement, shall be submitted to the Department not later than September 2, 2014, and shall contain the specified cost data covering the period January 1, 2014, through June 30, 2014. Each subsequent report shall be submitted to the Department not later than August 15 and February 15 of each year. Each August 15 report shall contain the specified information for the semi-annual period ending on June 30 of that year; each February 15 report shall contain the specified information for the semi-annual period ending on December 31 of the prior year. All reports must be submitted to the Department in accordance with the requirements of the Department's electronic filing system, IA ACCESS.

(3) Special Adjustment of Normal Value

If the Department determines that the NV it determined for a previous semi-annual period was erroneous because the reported costs for that period were inaccurate or incomplete, or for any other reason, the Department may adjust NV in a subsequent period or periods, unless the Department determines that Section F of the Agreement applies.

(4) Verification

Each producer/exporter agrees to permit full verification of all cost and sales information semi-annually, or more frequently, as the Department deems necessary.

(5) Bundling or Other Arrangements

Producers/exporters agree not to circumvent the Agreement. In accordance with the dates set forth in Section D(1) of this Agreement, producers/exporters will submit a written statement to the Department certifying that the sales reported herein were not, or are not part of or related to, any bundling arrangement, on-site processing arrangement, discounts/free goods/financing package, swap or other exchange where such arrangement is designed to circumvent the basis of the Agreement.

Where there is reason to believe that such an arrangement does circumvent the basis of the Agreement, the Department will request producers/exporters to provide within 15 days all particulars regarding any such arrangement, including, but not limited to, sales information pertaining to covered and non-covered merchandise that is manufactured or sold by producers/exporters. The Department will accept written comments, not to exceed 30 pages, from all parties no later than 15 days after the date of receipt of such producer/exporter information.

If the Department, after reviewing all submissions, determines that such an arrangement circumvents the basis of the Agreement, it may, as it deems most appropriate, utilize one of two options: (1) the amount of the effective price discount resulting from such arrangement shall be reflected in the NV in accordance with Section D(3) of this Agreement, or (2) the Department shall determine that the Agreement has been violated and take action according to the provisions under Section F of this Agreement.

(6) Rejection of Submissions

The Department may reject any information submitted after the deadlines set forth in this section or any information which it is unable to verify to its satisfaction. If information is not submitted in a complete and timely fashion, or is not fully verifiable, the Department may calculate the NV, and/or U.S. price, based on facts otherwise available, as it determines appropriate, unless the Department determines that Section F of this Agreement applies.

(E) Disclosure and Comment

(1) The Department may make available to representatives of each interested party to the proceeding, under appropriately drawn administrative protective orders, business proprietary information submitted to the Department during the reporting period as well as the results of its analysis under section 777 of the Act.

(2) For sales during the Interim Period, the Department will disclose to each producer/exporter being issued NVs the preliminary results and methodology of the Department's calculations of the NVs within 15 days after the effective date of this Agreement, subject to the possible constraints noted in footnote #1 of Section C(2) of this Agreement. At that time, the Department may also make available such information to the interested parties to the proceeding in accordance with this section.

(3) Normally, by November 20 and May 20 of each ensuing semi-annual sales period, the Department will disclose to each producer/exporter being issued NVs the preliminary results and methodology of the Department's calculations of the NVs. At that time, the Department may also make available such information to the interested parties to the proceeding, in accordance with this section.

(4) Not later than five days after the dates of disclosure under Sections E(2) and E(3), respectively, of this Agreement, the parties to the proceeding may submit written comments to the Department, not to exceed 15 pages. Not later than three days after written comments are due, the parties to the proceeding may submit written rebuttal comments to the Department, not to exceed 15 pages. After reviewing these submissions, the Department will provide to each producer/exporter its final NVs, as provided in Sections C(2) and C(3), respectively, of this Agreement. In addition, the Department may provide such information to interested parties, as specified in this section.

(F) Violations of the Agreement

If the Department determines that the Agreement is being or has been violated or no longer meets the requirements of sections 734(b) or (d) of the Act, the Department shall take action it determines appropriate under section 734(i) of the Act and the Regulations.

(G) Other provisions

In entering into the Agreement, the signatory producers/exporters do not admit that any sales of merchandise subject to the Agreement have been made at less than fair value.

(H) Termination or Withdrawal

This Agreement shall terminate three years after the effective date of this Agreement, on July 10, 2017. At that time, in the event the antidumping duty investigation with respect to OCTG from Ukraine is continued pursuant to section 734(g) of the Act and results in affirmative determinations, as referenced in sections 735(a)(1) and (b)(1) of the Act, by the Department and the International Trade Commission respectively, the Department shall issue an antidumping duty order and order the suspension of liquidation on entries of OCTG from Ukraine in accordance with section 735(c) of the Act. Alternatively, at that time, in the event there was no such continuation, the Department shall resume the investigation.

Before such termination described above, the Department or any of the Signatories may withdraw from the Agreement at any time upon notice, respectively, to the Signatories or the Department. Withdrawal shall be effective 60 days after such notice is given to the Department.

Upon withdrawal, the Department shall follow the procedures outlined in section 734(i)(1) of the Act.

(I) Definitions

For purposes of the Agreement, the following definitions apply:

(1) ''U.S. price'' means the export price or constructed export price at which merchandise is sold by the producer or exporter to the first unaffiliated purchaser in the United States, including the amount of any discounts, rebates, price protection or ship and debit adjustments, and other adjustments affecting the net amount paid or to be paid by the unaffiliated purchaser, as determined by the Department under section 772 of the Act.

(2) ''Normal value'' means the constructed value (''CV'') of the merchandise, as determined by the Department under section 773 of the Act and the corresponding sections of the Department's regulations, and as adjusted in accordance with Appendix B to this Agreement.

(3) ''Producer/Exporter'' means (1) the foreign manufacturer or producer, (2) the foreign producer or reseller which also exports, and (3) the affiliated person by whom or for whose account the merchandise is imported into the United States, as defined in section 771(28) of the Act.

(3) ''Date of sale'' means the date of the invoice as recorded in the exporter's or producer's records kept in the ordinary course of business, unless the Department determines that a different date better reflects the date on which the exporter or producer establishes the material terms of sale, as determined by the Department under its regulations.

The effective date of this Agreement is July 10, 2014.

For Ukraine Producers/Exporters:

_____

Mark S. McConnell
Counsel for Interpipe [3]
Date: _____

For U.S. Department of Commerce:

_____

Ronald K. Lorentzen,
Acting Assistant Secretary for, Enforcement and Compliance.
Date: _____

Appendix A: Product Coverage

Agreement Suspending the Antidumping Investigation on Certain Oil Country Tubular Goods from Ukraine

The merchandise subject to this Agreement is certain OCTG from Ukraine, which are hollow steel products of circular cross-section, including oil well casing and tubing, of iron (other than cast iron) or steel (both carbon and alloy), whether seamless or welded, regardless of end finish (e.g., whether or not plain end, threaded, or threaded and coupled) whether or not conforming to American Petroleum Institute (''API'') or non-API specifications, whether finished (including limited service OCTG products) or unfinished (including green tubes and limited service OCTG products), whether or not thread protectors are attached. The scope of the investigations also covers OCTG coupling stock.

Excluded from the scope of this Agreement are: casing or tubing containing 10.5 percent or more by weight of chromium; drill pipe; unattached couplings; and unattached thread protectors. The merchandise subject to this Agreement is currently classified in the Harmonized Tariff Schedule of the United States (''HTSUS'') under item numbers: 7304.29.10.10, 7304.29.10.20, 7304.29.10.30, 7304.29.10.40, 7304.29.10.50, 7304.29.10.60, 7304.29.10.80, 7304.29.20.10, 7304.29.20.20, 7304.29.20.30, 7304.29.20.40, 7304.29.20.50, 7304.29.20.60, 7304.29.20.80, 7304.29.31.10, 7304.29.31.20, 7304.29.31.30, 7304.29.31.40, 7304.29.31.50, 7304.29.31.60, 7304.29.31.80, 7304.29.41.10, 7304.29.41.20, 7304.29.41.30, 7304.29.41.40, 7304.29.41.50, 7304.29.41.60, 7304.29.41.80, 7304.29.50.15, 7304.29.50.30, 7304.29.50.45, 7304.29.50.60, 7304.29.50.75, 7304.29.61.15, 7304.29.61.30, 7304.29.61.45, 7304.29.61.60, 7304.29.61.75, 7305.20.20.00, 7305.20.40.00, 7305.20.60.00, 7305.20.80.00, 7306.29.10.30, 7306.29.10.90, 7306.29.20.00, 7306.29.31.00, 7306.29.41.00, 7306.29.60.10, 7306.29.60.50, 7306.29.81.10, and 7306.29.81.50.

The merchandise subject to this Agreement may also enter under the following HTSUS item numbers: 7304.39.00.24, 7304.39.00.28, 7304.39.00.32, 7304.39.00.36, 7304.39.00.40, 7304.39.00.44, 7304.39.00.48, 7304.39.00.52, 7304.39.00.56, 7304.39.00.62, 7304.39.00.68, 7304.39.00.72, 7304.39.00.76, 7304.39.00.80, 7304.59.60.00, 7304.59.80.15, 7304.59.80.20, 7304.59.80.25, 7304.59.80.30, 7304.59.80.35, 7304.59.80.40, 7304.59.80.45, 7304.59.80.50, 7304.59.80.55, 7304.59.80.60, 7304.59.80.65, 7304.59.80.70, 7304.59.80.80, 7305.31.40.00, 7305.31.60.90, 7306.30.50.55, 7306.30.50.90, 7306.50.50.50, and 7306.50.50.70.

The HTSUS subheadings above are provided for convenience and customs purposes only. The written description of the scope of the product coverage is dispositive.

Appendix B: Principles of Cost

General Framework

The cost information reported to the Department that will form the basis of the

[3] Interpipe Europe S.A.; Interpipe Ukraine LLC; PJSC Interpipe Niznedneprovsky Tube Rolling Plant (aka Interpipe NTRP); LLC Interpipe Niko Tube; North American Interpipe, Inc. (collectively, Interpipe).

normal value (''NV'') calculations for purposes of the Agreement must be: [4]

- Comprehensive in nature and based on a reliable accounting system (*i.e.,* a system based on well-established standards that can be tied to the audited financial statements);
- Calculated on a semi-annual weighted-average basis of the plants or cost centers manufacturing the product;
- Based on fully-absorbed costs of production, including any downtime;
- Valued in accordance with generally-accepted accounting principles; and
- Reflective of appropriately allocated common costs so that the costs necessary for the manufacturing of the product are not absorbed by other products.

Additionally, a separate figure should be reported for each major cost component making up the cost of production.

Cost of Manufacturing

Costs of manufacturing (''COM'') are reported by major cost category and for major stages of production. Weighted-average costs are used for a product that is produced at more than one facility, based on the product's cost at each facility and relative production quantities.

Direct materials costs include the acquisition costs of all materials that are identified as part of the finished product and may be traced to the finished product in an economically feasible way. In contrast to indirect materials, direct materials are applied and assigned directly to a finished product. Direct materials costs should include transportation charges, import duties, and other expenses normally associated with obtaining the materials that become an integral part of the finished product.

Direct labor costs are the labor costs identified with a specific product. These costs are not allocated among products except when two or more products are produced at the same cost center. Direct labor costs should include salary, bonus and overtime pay, training expenses, and all fringe benefits. Any contracted-labor expense should reflect the actual billed cost.

Variable manufacturing overhead costs include those production costs, other than direct materials or direct labor, that generally vary in total with changes in the volume of merchandise produced at a given level of operations. Variable manufacturing overhead costs may include indirect materials (*e.g.,* supplies used in the manufacturing process), indirect labor (*e.g.* supervisory labor paid on an hourly basis), utilities (*e.g.,* energy), and other variable overhead costs. Because variable overhead costs are typically incurred for an entire production line or factory, the costs must be allocated to the products produced using a reasonable basis.

Fixed manufacturing overhead costs include those production costs that generally do not vary in total with changes in the volume of merchandise produced at a given level of operations. Fixed manufacturing overhead costs may include the costs incurred for building or equipment rental, depreciation, supervisory labor paid on a salary basis, plant property taxes, and factory administrative costs. In addition, fixed manufacturing overhead costs include research and development (''R&D'') costs which relate specifically to the subject merchandise.

Cost of Production

Cost of production (''COP'') is equal to the cost of materials and fabrication or other processing of any kind employed in producing the merchandise plus an amount for selling, general and administrative expenses (''SG&A''), and the cost of all containers and coverings, in the home market (''HM'').[5]

SG&A expenses are those expenses incurred for the operation of the corporation as a whole and not directly related to the manufacture of a particular product. They include corporate general and administrative expenses, financing expenses, and general research and development expenses. Additionally, direct and indirect selling expenses incurred in the HM for sales of the product under investigation are included. Such expenses are allocated to COM using a ratio of SG&A costs.

Constructed Value

Constructed value (''CV'') is equal to the cost of materials and fabrication or other processing of any kind employed in producing the merchandise plus an amount for SG&A, the cost of all containers and coverings for exportation to the United States, plus an amount for profit.

Calculation of Suspension Agreement Normal Values

NVs (for purposes of the Agreement) are calculated by adjusting the CV and are provided for both EP and CEP transactions. In effect, expenses uniquely associated with the covered products sold in the HM are subtracted from the CV, and such expenses uniquely associated with the covered products sold in the United States are added to the CV to calculate the NV.

''Export Price''—Generally, a U.S. sale is classified as an export price sale when the first sale to an unaffiliated person occurs before the goods are imported into the United States. In cases where the foreign manufacturer knows or has reason to believe that the merchandise is ultimately destined for the United States, the manufacturer's sale is the sale subject to review. If, on the other hand, the manufacturer sold the merchandise to a foreign trader without knowledge of the trader's intention to export the merchandise to the United States, then the trader's first sale to an unaffiliated person is the sale subject to review. For EP NVs, the CV is adjusted for movement costs and differences in direct selling expenses such as commissions, credit, warranties, technical services, advertising, and sales promotion.

''Constructed Export Price''—Generally, a U.S. sale is classified as a constructed export price sale when the first sale to an unaffiliated person occurs after importation. However, if the first sale to an unaffiliated person is made by a person in the United States affiliated with the foreign exporter, constructed export price applies even if the sale occurs prior to importation, unless the U.S. affiliate performs only clerical functions in connection with the sale. For CEP NVs, the CV is adjusted similar to EP sales, with differences for adjustment to U.S. and HM indirect selling expenses.

HM direct selling expenses are expenses that are incurred as a direct result of a sale. These include such expenses as commissions, advertising, discounts and rebates, credit, warranty expenses, freight costs, etc. Certain direct selling expenses are treated individually, including:

—Commission expenses, *i.e.,* payments to unaffiliated parties for sales in the HM.
—Credit expenses, *i.e.,* expenses incurred for the extension of credit to HM customers.
—Movement expenses, *e.g.,* foreign inland freight and insurance expenses, warehousing, and foreign brokerage, handling and port charges.

U.S. direct selling expenses are the same as HM direct selling expenses except that they are incurred for sales in the United States. Movement expenses are additional expenses associated with importation into the United States, which typically include: U.S. inland freight and insurance expenses; U.S. brokerage, handling and port charges; U.S. Customs duties, U.S. warehousing; and international freight and insurance.

U.S. indirect selling expenses include general fixed expenses incurred by the U.S. sales subsidiary or affiliated exporter for sales to the United States and may also include a portion of indirect expenses incurred in the HM for export sales.

The EP and CEP NVs are calculated as follows:

For EP Transactions

+ Direct Materials
+ Direct Labor
+ Factory Overhead
= Cost of Manufacturing (COM)
+ Home Market SG&A
= Cost of Production (COP)
+ U.S. Packing
+ Profit
= Constructed Value
+ U.S. Direct Selling Expense
+ U.S. Commission Expense
+ U.S. Movement Expense
+ U.S. Credit Expense
− HM Direct Selling Expense
− HM Commission Expense [1]
− HM Credit Expense
= NV for EP Sales

[1] If the company does not have HM commissions, HM indirect expenses are subtracted only up to the amount of the U.S. commissions.

For CEP Transactions

+ Direct Materials
+ Direct Labor
+ Factory Overhead
= Cost of Manufacturing (COM)
+ Home Market SG&A
= Cost of Production (COP)

[4] *See* Footnote #1 in Section C(2) of this Agreement.

[5] If for some reason the home market is not viable, for part or all of the applicable costs and expenses references to home market costs and/or expenses in this Appendix B are understood to refer to third-country market costs and/or expenses.

+ U.S. Packing
+ Profit
= Constructed Value
+ U.S. Direct Selling Expense
+ U.S. Indirect Selling Expense
+ U.S. Commission Expense
+ U.S. Movement Expense
+ U.S. Credit Expense
+ U.S. Further-Manufacturing Expenses (if any)
+ CEP Profit
− HM Direct Selling Expense
− HM Commission Expense [1]
− HM Credit Expense
= NV for CEP Sales

[1] If the company does not have HM commissions, HM indirect expenses are subtracted only up to the amount of the U.S. commissions.

Appendix C: Special Adjustment for Interim Period Normal Values

Unique events occurred in Ukraine in the first half of 2014, including the National Bank of Ukraine abandoning its *de facto* exchange rate peg and switching to a flexible exchange rate regime in February 2014. Due to this fundamental shift in the exchange rate regime, as well as to other unique circumstances occurring throughout the period, the Department and the signatory producer/exporter, Interpipe, agree that, for purposes of the calculation and issuance of Interpipe's NVs for the Interim Period (*see* Section C(2) of the Agreement), a special adjustment is appropriate to address the disconnect between the costs that were reported before the events described above and the current exchange rate.

In order to calculate the Interim Period NVs from the period of investigation (''POI'') costs and expenses reported in the underlying investigation, the Department intends to adjust Interpipe's Ukrainian Hryvnia (''UAH'')-denominated costs and selling expenses to make them as contemporaneous as possible with the exchange rate that will be used to convert the UAH-denominated NVs to U.S. dollar-denominated NVs upon issuance. The Department will apply to the POI costs and expenses an adjustment factor that accounts for the movement in the Producer Price Index (''PPI'') between the average for the POI and the latest month for which there is data reported in the International Monetary Fund's *International Financial Statistics*. If a time gap exists between the latest month of PPI data available and the exchange rate to be used to convert the UAH-denominated NVs to U.S. dollar-denominated NVs, however, the Department may consider whether further adjustments are appropriate for this Interim Period.

[FR Doc. 2014–16876 Filed 7–17–14; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–489–817]

Certain Oil Country Tubular Goods From the Republic of Turkey: Final Affirmative Countervailing Duty Determination and Final Affirmative Critical Circumstances Determination

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

SUMMARY: The Department of Commerce (the Department) determines that countervailable subsidies are being provided to producers and exporters of certain oil country tubular goods (OCTG) from the Republic of Turkey (Turkey). For information on the estimated subsidy rates, see the ''Suspension of Liquidation'' section of this notice.

DATES: *Effective Date:* July 18, 2014.

FOR FURTHER INFORMATION CONTACT: Jennifer Meek or Shane Subler, AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–2778, and (202) 482–0189, respectively.

SUPPLEMENTARY INFORMATION:

Background

The petitioners in this investigation are Maverick Tube Corporation; United States Steel Corporation; Boomerang Tube; Energex Tube, a division of JMC Steel Group; Northwest Pipe Company; Tejas Tubular Products; TMK IPSCO; Vallourec Star, L.P.; and Welded Tube USA Inc. In addition to the Government of the Republic of Turkey (GOT), the mandatory respondents in this investigation are: (1) Borusan Mannesmann Boru Sanayi ve Ticaret A.S., Borusan Istikbal Ticaret, Borusan Mannesmann Boru Yatirim Holding A.S., and Borusan Holding A.S. (collectively, Borusan); and (2) Tosçelik Profil ve Sac Endustrisi A.S., Tosyali Dis Ticaret A.S., Tosyali Elektrik Enerjisi Toptan Satis Ith. Ihr. A.S., Tosyali Holding A.S., and Tosyali Demir Celik San. A.S. (collectively, Toscelik). The period of investigation (POI) for which we are measuring subsidies is January 1, 2012, through December 31, 2012.

Case History

The events that occurred since the Department published the *Preliminary Determination* [1] on December 23, 2013, and the *Preliminary Determination of Critical Circumstances* [2] on January 27, 2014, are discussed in the Issues and Decision Memorandum.[3] The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (IA ACCESS). IA ACCESS is available to registered users at *http://iaaccess.trade.gov,* and is available to all parties in the Central Records Unit, room 7046 of the main Department of Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/.* The signed Issues and Decision Memorandum and the electronic versions of the Issues and Decision Memorandum are identical in content.

Scope Comments

In accordance with the preamble to the Department's regulations,[4] in the *Initiation Notice,*[5] we set aside a period of time for parties to raise issues regarding product coverage. We encouraged all parties to submit comments within 20 calendar days of publication of the *Initiation Notice.* As described at pages 3–4 of the decision memorandum accompanying the *Preliminary Determination,* on August 12, 2013, WSP Pipe Co., Ltd. (WSP) (the sole mandatory respondent in the concurrent antidumping duty investigation involving OCTG from Thailand) submitted scope comments to the Department regarding ''pierced billets.'' WSP asked the Department to determine that such merchandise was

[1] *See Certain Oil Country Tubular Goods From the Republic of Turkey: Preliminary Negative Countervailing Duty Determination and Alignment of Final Determination with Final Antidumping Determination,* 78 FR 77420 (December 23, 2013) (*Preliminary Determination*).

[2] *See Certain Oil Country Tubular Goods from India and Turkey: Preliminary Determination of Critical Circumstances in the Countervailing Duty Investigations,* 79 FR 4333 (January 27, 2014) (*Preliminary Determination of Critical Circumstances).*

[3] *See* Memorandum from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Ronald K. Lorentzen, Acting Assistant Secretary for Enforcement and Compliance, regarding ''Issues and Decision Memorandum for the Final Determination in the Countervailing Duty Investigation of Certain Oil Country Tubular Goods from the Republic of Turkey,'' dated concurrently with this notice (Issues and Decision Memorandum).

[4] *See Antidumping Duties; Countervailing Duties,* 62 FR 27296, 27323 (May 19, 1997).

[5] *See Certain Oil Country Tubular Goods From India and Turkey: Initiation of Countervailing Duty Investigations,* 78 FR 45502 (July 29, 2013) (*Initiation Notice*).

outside of the scope of this and the other OCTG investigations. The Department addressed WSP's scope comments in the preliminary determination of the corresponding antidumping duty investigation to this case.[6] As stated in the decision memorandum accompanying the *AD Preliminary Determination,* we preliminarily determined not to change the scope language as presented in the *Initiation Notice.* No party submitted comments on this issue subsequent to the *AD Preliminary Determination.* Therefore, we determined not to change the scope language as presented below and in the *Initiation Notice.*

Scope of the Investigation

The merchandise covered by the investigation is certain oil country tubular goods (OCTG), which are hollow steel products of circular cross-section, including oil well casing and tubing, of iron (other than cast iron) or steel (both carbon and alloy), whether seamless or welded, regardless of end finish (*e.g.,* whether or not plain end, threaded, or threaded and coupled) whether or not conforming to American Petroleum Institute (API) or non-API specifications, whether finished (including limited service OCTG products) or unfinished (including green tubes and limited service OCTG products), whether or not thread protectors are attached. The scope of the investigation also covers OCTG coupling stock. For a complete description of the scope of the investigation, *see* Appendix I to this notice.

Critical Circumstances

In the *Preliminary Determination of Critical Circumstances,* the Department concluded that critical circumstances existed with respect to imports of OCTG from Turkey produced and/or exported by Borusan, Toscelik, and all other producers/exporters, in accordance with section 703(e)(1) of the Tariff Act of 1930, as amended (the Act). Our analysis of the results of verification and the comments submitted by interested parties has not led us to change our findings from the *Preliminary Determination of Critical Circumstances.* Therefore, in accordance with section 705(a)(2) of the Act, we continue to find that critical circumstances exist with respect to imports of OCTG from Turkey produced and/or exported by Borusan, Toscelik, and all other producers/exporters.

Analysis of Subsidy Programs and Comments Received

The subsidy programs under investigation and the issues raised in the case and rebuttal briefs by parties in this investigation are discussed in the Issues and Decision Memorandum, which is hereby adopted by this notice. A list of the issues that parties have raised, and to which we responded in the Issues and Decision Memorandum, is attached to this notice as Appendix II.

Use of Adverse Facts Available

For purposes of this final determination, we continue to rely on facts available and to draw an adverse inference, in accordance with sections 776(a) and (b) of the Act, to determine the subsidy rate for Borusan's purchases of hot-rolled steel (HRS) for less than adequate remuneration. Borusan failed to report its HRS purchases for the Halkali and Izmit mills as requested by the Department in two different questionnaires. Because of Borusan's failure to report these purchases, necessary information regarding Borusan's HRS purchases for these facilities is not on the record. Thus, we determine that we must rely on facts otherwise available in this final determination in calculating Borusan's CVD rate.[7] Moreover, we find that Borusan failed to cooperate by not acting to the best of its ability and, consequently, an adverse inference is warranted in the application of facts available.[8] As adverse facts available, we, therefore, inferred that Borusan purchased all HRS for its Halkali and Izmit mills at the lowest price on the record for its Gemlik mill's HRS purchases from Eregli Demir ve Celik Fabrikalari T.A.S. (Erdemir) and Iskenderun Demir ve Celik A.S. (Isdemir). We also inferred as adverse facts available that Borusan purchased the same quantity of HRS during the POI for its Halkali and Izmit mills as the mills' reported annual production capacities. For a full discussion of these issues, *see* the Issues and Decision Memorandum, at ''Use of Facts Otherwise Available and Adverse Facts Available.''

Suspension of Liquidation

In accordance with section 705(c)(1)(B)(i) of the Act, we calculated a rate for each company respondent. Section 705(c)(5)(A)(i) of the Act states that, for companies not individually investigated, we will determine an ''all others'' rate equal to the weighted-average countervailable subsidy rates established for exporters and producers individually investigated, excluding any zero and *de minimis* countervailable subsidy rates, and any rates determined entirely under section 776 of the Act.

Notwithstanding the language of section 705(c)(5)(A)(i) of the Act, we have not calculated the ''all others'' rate by weight averaging the rates of Borusan and Toscelik because doing so risks disclosure of proprietary information. Therefore, we calculated a simple average of Borusan's and Toscelik's rates. Since both Borusan and Toscelik received countervailable export subsidies and the ''all others'' rate is an average based on the individually investigated respondents, the ''all others'' rate includes export subsidies.

We determine the total estimated net countervailable subsidy rates to be:

Company	Subsidy rate (percent)
Borusan Istikbal Ticaret, Borusan Mannesmann Boru Sanayi, Borusan Mannesmann Boru Yatirim Holding A.S., and Borusan Holding A.S	15.89.
Tosyali Dis Ticaret A.S, Tosçelik Profil ve Sac Endustrisi A.S., Tosyali Elektrik Enerjisi Toptan Satis Ith. Ihr. A.S., Tosyali Demir Celik San. A.S., and Tosyali Holding A.S	2.53.
All Others	9.21.

[6] *See Certain Oil Country Tubular Goods From the Republic of Turkey: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Negative Preliminary Determination of Critical Circumstances, and Postponement of Final Determination,* 79 FR 10484 (February 25, 2014) (''*AD Preliminary Determination*''), and accompanying decision memorandum at pages 5–7.

[7] *See* sections 776(a)(1), (a)(2)(A) and (a)(2)(B) of the Act (stating that the Department may make a determination based on facts available if ''(1) necessary information is not available on the record'' or ''(2) an interested party'' ''(A) withholds information that has been requested'' by the Department or ''(B) fails to provide such information by the deadline for the submission of the information'').

[8] *See* section 776(b) of the Act (permitting the Department to ''use an inference that is adverse to the interests of the party in selecting from among the facts otherwise available'').

In accordance with section 705(c)(1)(C) of the Act, we are directing U.S. Customs and Border Protection (CBP) to suspend liquidation of all imports of the subject merchandise from Turkey that are entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register**, and to require a cash deposit for such entries of merchandise in the amounts indicated above. The suspension of liquidation will remain in effect until further notice. Further, as a result of the *Preliminary Determination of Critical Circumstances* and this final affirmative determination of critical circumstances, we are instructing CBP to suspend liquidation of all entries of subject merchandise from Borusan, Toscelik, and all other producers/exporters of OCTG from Turkey which were entered or withdrawn from warehouse for consumption 90 days prior to the date of publication of this notice in the **Federal Register**, pursuant to section 703(e)(2) of the Act.

As our final determination is affirmative and our preliminary determination was negative, in accordance with section 705(b)(3) of the Act, the U.S. International Trade Commission (ITC) will determine within 75 days whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports or sales (or the likelihood of sales) for importation of the subject merchandise. We will issue a countervailing duty order if the ITC issues a final affirmative injury determination. If the ITC determines that material injury, or threat of material injury, does not exist, this proceeding will be terminated and all estimated duties deposited or securities posted as a result of the suspension of liquidation will be refunded or canceled.

ITC Notification

In accordance with section 705(d) of the Act, we will notify the ITC of our determination. In addition, we are making available to the ITC all non-privileged and non-proprietary information related to this investigation. We will allow the ITC access to all privileged and business proprietary information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under an administrative protective order (APO), without the written consent of the Assistant Secretary for Enforcement and Compliance.

Return or Destruction of Proprietary Information

In the event that the ITC issues a final negative injury determination, this notice will serve as the only reminder to parties subject to an APO of their responsibility concerning the destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

This determination is issued and published pursuant to sections 705(d) and 777(i) of the Act.

Dated: July 10, 2014.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix I

Scope of the Investigation

The merchandise covered by the investigation is certain oil country tubular goods (''OCTG''), which are hollow steel products of circular cross-section, including oil well casing and tubing, of iron (other than cast iron) or steel (both carbon and alloy), whether seamless or welded, regardless of end finish (*e.g.,* whether or not plain end, threaded, or threaded and coupled) whether or not conforming to American Petroleum Institute (''API'') or non-API specifications, whether finished (including limited service OCTG products) or unfinished (including green tubes and limited service OCTG products), whether or not thread protectors are attached. The scope of the investigation also covers OCTG coupling stock.

Excluded from the scope of the investigation are: casing or tubing containing 10.5 percent or more by weight of chromium; drill pipe; unattached couplings; and unattached thread protectors.

The merchandise subject to the investigation is currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) under item numbers: 7304.29.10.10, 7304.29.10.20, 7304.29.10.30, 7304.29.10.40, 7304.29.10.50, 7304.29.10.60, 7304.29.10.80, 7304.29.20.10, 7304.29.20.20, 7304.29.20.30, 7304.29.20.40, 7304.29.20.50, 7304.29.20.60, 7304.29.20.80, 7304.29.31.10, 7304.29.31.20, 7304.29.31.30, 7304.29.31.40, 7304.29.31.50, 7304.29.31.60, 7304.29.31.80, 7304.29.41.10, 7304.29.41.20, 7304.29.41.30, 7304.29.41.40, 7304.29.41.50, 7304.29.41.60, 7304.29.41.80, 7304.29.50.15, 7304.29.50.30, 7304.29.50.45, 7304.29.50.60, 7304.29.50.75, 7304.29.61.15, 7304.29.61.30, 7304.29.61.45, 7304.29.61.60, 7304.29.61.75, 7305.20.20.00, 7305.20.40.00, 7305.20.60.00, 7305.20.80.00, 7306.29.10.30, 7306.29.10.90, 7306.29.20.00, 7306.29.31.00, 7306.29.41.00, 7306.29.60.10, 7306.29.60.50, 7306.29.81.10, and 7306.29.81.50.

The merchandise subject to the investigation may also enter under the following HTSUS item numbers: 7304.39.00.24, 7304.39.00.28, 7304.39.00.32, 7304.39.00.36, 7304.39.00.40, 7304.39.00.44, 7304.39.00.48, 7304.39.00.52, 7304.39.00.56, 7304.39.00.62, 7304.39.00.68, 7304.39.00.72, 7304.39.00.76, 7304.39.00.80, 7304.59.60.00, 7304.59.80.15, 7304.59.80.20, 7304.59.80.25, 7304.59.80.30, 7304.59.80.35, 7304.59.80.40, 7304.59.80.45, 7304.59.80.50, 7304.59.80.55, 7304.59.80.60, 7304.59.80.65, 7304.59.80.70, 7304.59.80.80, 7305.31.40.00, 7305.31.60.90, 7306.30.50.55, 7306.30.50.90, 7306.50.50.50, and 7306.50.50.70.

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

Appendix II

Issues and Decision Memorandum

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Comment 10: Toscelik Sales Denominator
Comment 11: Provision of Land for LTAR
Comment 12: Provision of Electricity for LTAR/Law 5084: Energy Support Program
Comment 13: Export Financing Loans: Subtraction of Bank Guarantee Fees From Benefit
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Comment 15: Basis for Affirmative Critical Circumstances Determination
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[FR Doc. 2014–16860 Filed 7–17–14; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–533–858]

Certain Oil Country Tubular Goods From India: Final Affirmative Countervailing Duty Determination and Partial Final Affirmative Determination of Critical Circumstances

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

SUMMARY: The Department of Commerce (the Department) determines that countervailable subsidies are being provided to producers and exporters of certain oil country tubular goods (OCTG) from India. For information on the estimated subsidy rates, see the ''Suspension of Liquidation'' section of this notice.

DATES: *Effective Date:* July 18, 2014.

FOR FURTHER INFORMATION CONTACT: Myrna Lobo, Elfi Blum or Lingjun Wang, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–2371, (202) 482–0197, and (202) 482–2316, respectively.

SUPPLEMENTARY INFORMATION:

Background

The petitioners in this investigation are United States Steel Corporation, Maverick Tube Corporation, Boomerang Tube, Energex Tube, a division of JMC Steel Group, Northwest Pipe Company, Tejas Tubular Products, TMK IPSCO, Vallourec Star, L.P., and Welded Tube USA Inc. This investigation covers 64 government programs. In addition to the Government of India (GOI), the mandatory respondents in this investigation are: (1) GVN Fuels Limited and its cross-owned producers Maharashtra Seamless Limited and Jindal Pipes Limited (GVN/MSL/JPL); and (2) Jindal SAW Limited (Jindal SAW). The period of investigation for which we are measuring subsidies is January 1, 2012, through December 31, 2012.

Case History

The events that have occurred since the Department published the *Preliminary Determination* [1] on December 23, 2013 and the *Preliminary Determination of Critical Circumstances* [2] on January 27, 2014, are discussed in the Issues and Decision Memorandum.[3] The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (IA ACCESS). IA ACCESS is available to registered users at *http://iaaccess.trade.gov,* and is available to all parties in the Central Records Unit, room 7046 of the main Department of Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/.* The signed Issues and Decision Memorandum and the electronic versions of the Issues and Decision Memorandum are identical in content.

Scope of the Investigation

The merchandise covered by the investigation is certain oil country tubular goods (OCTG), which are hollow steel products of circular cross-section, including oil well casing and tubing, of iron (other than cast iron) or steel (both carbon and alloy), whether seamless or welded, regardless of end finish (*e.g.,* whether or not plain end, threaded, or threaded and coupled) whether or not conforming to American Petroleum Institute (API) or non-API specifications, whether finished (including limited service OCTG products) or unfinished (including green tubes and limited service OCTG products), whether or not thread protectors are attached. The scope of the investigation also covers OCTG coupling stock. For a complete description of the scope of the investigation, *see* Appendix I to this notice.

Critical Circumstances

In our *Preliminary Determination of Critical Circumstances,* we determined that critical circumstances exist with respect to Jindal SAW, but do not exist with respect to imports from GVN/MSL/JPL and ''all other'' exporters of OCTG from India.[4] Our analysis for the final determination indicates that critical circumstances continue to exist for imports from Jindal SAW. In addition, we determine that critical circumstances exist for imports from ''all other'' producers and exporters from India. We continue to find that critical circumstances do not exist with respect to imports from GVN/MSL/JPL. Therefore, in accordance with section 705(a)(2) of the Tariff Act of 1930, as amended (the Act), we determine that critical circumstances exist with respect to imports from Jindal SAW and ''all other'' exporters of OCTG from India. We determine that critical circumstances do not exist with respect to GVN/MSL/JPL.

Analysis of Subsidy Programs and Comments Received

The subsidy programs under investigation and the issues raised in the case and rebuttal briefs by parties in this investigation are discussed in the Issues and Decision Memorandum, which is hereby adopted by this notice. A list of the subsidy programs and issues that parties have raised, and to which we responded in the Issues and Decision Memorandum, is attached to this notice as Appendix II.

Use of Facts Otherwise Available, Including Adverse Inferences

For the purposes of this final determination, we relied on facts available and in certain instances have applied an adverse inference (AFA) in accordance with sections 776(a) and (b) of the Act, with regard to the following programs: Advance License Program/ Advance Authorization Program, Export Promotion Capital Goods Program, Pre-Shipment and Post-Shipment Export Financing, Provision of Hot-Rolled Steel by the Steel Authority of India, Ltd. at Less Than Adequate Remuneration, State Government of Maharashtra Sales Tax Program, and Duty Drawback. A full discussion of our decision to apply AFA is presented in the Decision Memorandum under the section ''Use of Facts Otherwise Available and Adverse Inferences.''

Suspension of Liquidation

In accordance with section 705(c)(1)(B)(i) of the Act, we calculated

[1] *See Certain Oil Country Tubular Goods From India: Preliminary Affirmative Countervailing Duty Determination and Alignment of Final Determination with Final Antidumping Determination,* 78 FR 77421 (December 23, 2013) (*Preliminary Determination*).

[2] *See Certain Oil Country Tubular Goods from India and Turkey: Preliminary Determination of Critical Circumstances in the Countervailing Duty Investigations,* 79 FR 4333 (January 27, 2014) (*Preliminary Determination of Critical Circumstances)*

[3] *See* Memorandum from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Ronald K. Lorentzen, Acting Assistant Secretary for Enforcement and Compliance regarding ''Issues and Decision Memorandum for the Final Determination in the Countervailing Duty Investigation of Certain Oil Country Tubular Goods from India,'' dated concurrently with this notice (Issues and Decision Memorandum).

[4] *See Certain Oil Country Tubular Goods From India and Turkey: Preliminary Determination of Critical Circumstances in the Countervailing Duty Investigations,* 79 FR 4333 (January 27, 2014) (*Preliminary Determination of Critical Circumstances*).

a rate for each company respondent.[5] Section 705(c)(5)(A)(i) of the Act states that for companies not individually investigated, we will determine an ''all others'' rate equal to the weighted average countervailable subsidy rates established for exporters and producers individually investigated, excluding any zero and *de minimis* countervailable subsidy rates, and any rates determined entirely under section 776 of the Act. Because we are unable to calculate a weighted average rate, we calculated a simple average of the two respondents rates as the ''all others'' rate.

We determine the total estimated net countervailable subsidy rates to be:

Company	Subsidy rate (percent)
GVN Fuels Limited/ Maharashtra Seamless Limited/Jindal Pipes Limited	5.67
Jindal SAW Limited	19.11
All Others	12.39

As a result of our *Preliminary Determination* and pursuant to section 703(d) of the Act, we instructed U.S. Customs and Border Protection (CBP) to suspend liquidation of all entries of subject merchandise from India, other than those produced/exported by Jindal SAW which received a *de minimis* countervailable subsidy rate in the *Preliminary Determination,* entered or withdrawn from warehouse, for consumption on or after December 23, 2013, the date of the publication of the *Preliminary Determination* in the **Federal Register**.

In accordance with section 703(d) of the Act, we subsequently issued instructions to CBP to discontinue the suspension of liquidation for CVD purposes for subject merchandise entered, or withdrawn from warehouse, on or after April 22, 2014, but to continue the suspension of liquidation of all entries, excepting Jindal SAW, from December 23, 2013, through April 21, 2014.

The Department determines that critical circumstances exist with respect to imports of subject merchandise from Jindal SAW and ''all other'' companies.[6] Consistent with sections 705(c)(1)(C) and 705(c)(4)(C) of the Act, because provisional measures are not in effect for Jindal SAW, we will begin the suspension of liquidation for Jindal SAW, and require a cash deposit for such entries of merchandise in the amount indicated above, with effect from 90 days prior to the date of publication of the final determination in the **Federal Register**. If the U.S. International Trade Commission (ITC) issues a final affirmative injury determination, we will issue a countervailing duty (CVD) order and reinstate the suspension of liquidation for GVN/MSL/JPL and ''all other'' companies, and require a cash deposit for such entries of merchandise in the amounts indicated above. As a result of the critical circumstances determination for ''all other'' companies, consistent with section 705(c)(4)(B) of the Act, we will order CBP to suspend liquidation and require a cash deposit effective September 24, 2013, which is 90 days prior to the publication of the *Preliminary Determination.* If the ITC determines that material injury, or threat of material injury, does not exist, this proceeding will be terminated and all estimated duties deposited or securities posted as a result of the suspension of liquidation will be refunded or canceled.

ITC Notification

In accordance with section 705(d) of the Act, we will notify the ITC of our determination. In addition, we are making available to the ITC all non-privileged and non-proprietary information related to this investigation. We will allow the ITC access to all privileged and business proprietary information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under an administrative protective order (APO), without the written consent of the Assistant Secretary for Enforcement and Compliance.

Return or Destruction of Proprietary Information

In the event that the ITC issues a final negative injury determination, this notice will serve as the only reminder to parties subject to an APO of their responsibility concerning the destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

This determination is issued and published pursuant to sections 705(d) and 777(i) of the Act.

Dated: July 10, 2014.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix I

Scope of the Investigation

The merchandise covered by the investigation is certain oil country tubular goods (''OCTG''), which are hollow steel products of circular cross-section, including oil well casing and tubing, of iron (other than cast iron) or steel (both carbon and alloy), whether seamless or welded, regardless of end finish (*e.g.,* whether or not plain end, threaded, or threaded and coupled) whether or not conforming to American Petroleum Institute (''API'') or non-API specifications, whether finished (including limited service OCTG products) or unfinished (including green tubes and limited service OCTG products), whether or not thread protectors are attached. The scope of the investigation also covers OCTG coupling stock.

Excluded from the scope of the investigation are: Casing or tubing containing 10.5 percent or more by weight of chromium; drill pipe; unattached couplings; and unattached thread protectors.

The merchandise subject to the investigation is currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) under item numbers: 7304.29.10.10, 7304.29.10.20, 7304.29.10.30, 7304.29.10.40, 7304.29.10.50, 7304.29.10.60, 7304.29.10.80, 7304.29.20.10, 7304.29.20.20, 7304.29.20.30, 7304.29.20.40, 7304.29.20.50, 7304.29.20.60, 7304.29.20.80, 7304.29.31.10, 7304.29.31.20, 7304.29.31.30, 7304.29.31.40, 7304.29.31.50, 7304.29.31.60, 7304.29.31.80, 7304.29.41.10, 7304.29.41.20, 7304.29.41.30, 7304.29.41.40, 7304.29.41.50, 7304.29.41.60, 7304.29.41.80, 7304.29.50.15, 7304.29.50.30, 7304.29.50.45, 7304.29.50.60, 7304.29.50.75, 7304.29.61.15, 7304.29.61.30, 7304.29.61.45, 7304.29.61.60, 7304.29.61.75, 7305.20.20.00, 7305.20.40.00, 7305.20.60.00, 7305.20.80.00, 7306.29.10.30, 7306.29.10.90, 7306.29.20.00, 7306.29.31.00, 7306.29.41.00, 7306.29.60.10, 7306.29.60.50, 7306.29.81.10, and 7306.29.81.50.

The merchandise subject to the investigation may also enter under the following HTSUS item numbers: 7304.39.00.24, 7304.39.00.28, 7304.39.00.32, 7304.39.00.36, 7304.39.00.40, 7304.39.00.44, 7304.39.00.48, 7304.39.00.52, 7304.39.00.56, 7304.39.00.62, 7304.39.00.68, 7304.39.00.72, 7304.39.00.76, 7304.39.00.80, 7304.59.60.00, 7304.59.80.15, 7304.59.80.20, 7304.59.80.25, 7304.59.80.30, 7304.59.80.35, 7304.59.80.40, 7304.59.80.45, 7304.59.80.50, 7304.59.80.55, 7304.59.80.60, 7304.59.80.65, 7304.59.80.70, 7304.59.80.80, 7305.31.40.00, 7305.31.60.90, 7306.30.50.55, 7306.30.50.90, 7306.50.50.50, and 7306.50.50.70.

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

Appendix II

Issues and Decision Memorandum

I. Summary
II. Background

[5] *See* Memoranda to the File, ''Final Determination Calculation Memorandum for GVN/MSL/JPL,'' and ''Final Determination Calculation Memorandum for Jindal SAW,'' (Final Calculation Memoranda).

[6] The Department made a negative critical circumstances determination with respect to GVN/MSL/JPL.

III. Critical Circumstances
IV. Subsidies Valuation Information
A. Period of Investigation
B. Allocation Period
C. Cross-Ownership and Attribution of Subsidies
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E. Benchmarks and Discount Rates
V. Use of Facts Otherwise Available and Adverse Inferences
VI. Analysis of Programs
A. Programs Determined To Be Countervailable
B. Programs Determined To Be Not Used or Not To Confer a Benefit During the POI
C. Programs Determined Not To Exist
D. Programs Determined To Be Terminated
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VII. Analysis of Comments
Comment 1: Whether Adverse Inferences Are Warranted When Determining the POI Value of Jindal SAW's Company-Wide Sales and Company-Wide Export Sales
Comment 2: Whether the Appropriate Financial Statements Were Used in Calculating Jindal SAW's Sales Value and Denominator
Comment 3: Whether MSL's Reported Sales Values Should Be Adjusted
Comment 4: Whether Certain Sales Should Be Excluded From the Value of GVN's Export Sales
Comment 5: Whether the Denominator Used To Calculate Jindal SAW's *Ad Valorem* Subsidy Rate for the Duty Drawback Scheme Should Be Revised
Comment 6: Whether Deemed Exports Should Be Included in the Denominator When Calculating the Subsidy Rates for Duty Drawback or Other Programs
Comment 7: Whether the Advance Authorization Scheme Is an Countervailable Subsidy
Comment 8: Whether Jindal SAW's Reported Benefits Under the Advance Authorization Program (AAP) are Countervailable
Comment 9: Whether AFA Is Warranted When Countervailing Jindal SAW's Use of the Advance Authorization Program (AAP)
Comment 10: Whether Jindal SAW's Pre- and Post-Shipment Financing Is Countervailable Because It Is Based on Commercial Loans
Comment 11: Whether Jindal SAW's EPCG Benefits Received by Divisions Producing Non-OCTG Products Are Countervailable
Comment 12: Whether Benefits Received by Jindal SAW Under the Focus Product Scheme Should Be Countervailed
Comment 13: Whether Benefits Received by Jindal SAW Under the Export Oriented Unit (EOU) Scheme Should Be Countervailed
Comment 14: Whether Provisional Measures Should Be Applied to Jindal SAW's Imports of Subject Merchandise
Comment 15: Whether the SGUP Entry Tax Is a Countervailable Subsidy
Comment 16: Whether the SGOM PSI–2007 or PSI–1988 Are Countervailable Subsidies
Comment 17: Whether the Provision of Hot-Rolled Steel by the Steel Authority (SAIL) of India Is a Countervailable Subsidy
Comment 18: Whether To Adjust Benchmark and Freight in the Subsidy Rate Calculation for Hot-Rolled Coil From SAIL at Less Than Adequate Remuneration
Comment 19: Whether the Benefit Calculation for the SGOM Sales Tax Deferral Program Is Incorrect

[FR Doc. 2014–16859 Filed 7–17–14; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–823–815]

Certain Oil Country Tubular Goods From Ukraine: Final Determination of Sales at Less Than Fair Value and Final Negative Determination of Critical Circumstances

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

SUMMARY: The Department of Commerce (the Department) determines that imports of oil country tubular goods (OCTG) from Ukraine are being, or are likely to be, sold in the United States at less than fair value (LTFV), as provided in section 735 of the Tariff Act of 1930, as amended (the Act). The period of investigation is July 1, 2012, through June 30, 2013. The final weighted-average dumping margins are listed below in the section entitled ''Final Determination Margins.''

DATES: Effective Date: July 18, 2014.

FOR FURTHER INFORMATION CONTACT: David Lindgren, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–3870.

SUPPLEMENTARY INFORMATION:

Background

On February 25, 2014, the Department published in the **Federal Register** the preliminary determination of sales at LTFV in the antidumping duty investigation of OCTG from Ukraine.[1] The following events occurred since the *Preliminary Determination* was issued. We issued supplemental sales and cost questionnaires to Interpipe,[2] and received responses to these supplemental questionnaires in March 2014. Also, in May 2014, Interpipe submitted revised sales databases pursuant to the Department's requests.

On March 27, 2014, the petitioners[3] requested that the Department hold a hearing in this investigation and, subsequently, on June 3, 2014, the petitioners withdrew their hearing request.[4] Between March 24, and April 15, 2014, the Department conducted sales and cost verifications of Interpipe, in accordance with section 782(i) of the Act. On May 28, and June 4, 2014, the petitioners and Interpipe submitted case and rebuttal briefs, respectively.

The Department issued a draft suspension agreement on June 10, 2014 and received comments from interested parties on June 17, 2014. On July 1 and 3, 2014, we received requests from petitioners and Interpipe, respectively, requesting that we continue the investigation, should we enter into a suspension agreement. Subsequently, on July 10, 2014, the Department signed a suspension agreement with Interpipe (the Agreement).

Scope of the Investigation

The merchandise covered by this investigation is certain oil country tubular goods (OCTG), which are hollow steel products of circular cross-section, including oil well casing and tubing, of iron (other than cast iron) or steel (both carbon and alloy), whether seamless or welded, regardless of end finish (*e.g.,* whether or not plain end, threaded, or threaded and coupled) whether or not conforming to American Petroleum Institute (API) or non-API specifications, whether finished (including limited service OCTG products) or unfinished (including green tubes and limited service OCTG products), whether or not thread

[1] *See Certain Oil Country Tubular Goods from Ukraine: Preliminary Determination of Sales at Less Than Fair Value, Negative Preliminary Determination of Critical Circumstances, and Postponement of Final Determination,* 79 FR 10482 (February 25, 2014) (*Preliminary Determination*).

[2] The Department preliminarily determined that Interpipe Europe S.A.; Interpipe Ukraine LLC; PJSC Interpipe Niznedneprovsky Tube Rolling Plant (aka Interpipe NTRP); LLC Interpipe Niko Tube; North American Interpipe, Inc. (collectively, Interpipe) are affiliated and should be considered a single entity. For this final determination, we continue to find that these companies are affiliated. For a more detailed discussion on the Department's analysis regarding affiliation and treatment of Interpipe Europe S.A. and certain affiliated companies as a single entity, *see Preliminary Determination* and accompanying Preliminary Determination Memorandum at 5–8.

[3] Boomerang Tube, Energex Tube, a division of JMC Steel Group, Maverick Tube Corporation, Northwest Pipe Company, Tejas Tubular Products, TMK IPSCO, United States Steel Corporation, Vallourec Star, L.P., and Welded Tube USA Inc. (collectively, the petitioners).

[4] *See* U.S. Steel's March 27, 2014 Hearing Request; see also U.S. Steel's June 3, 2014 Request to Withdrawal the Hearing Request.

protectors are attached. The scope of the investigation also covers OCTG coupling stock. For a complete description of the scope of the investigation, *see* Appendix I to this notice.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties in this investigation are addressed in the Issues and Decision Memorandum which is hereby adopted by this notice.[5] A list of the issues raised is attached to this notice as Appendix II. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (IA ACCESS). IA ACCESS is available to registered users at *http://iaaccess.trade.gov* and it is available to all parties in the Central Records Unit, room 7046 of the main Department of Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/.* The signed and electronic versions of the Issues and Decision Memorandum are identical in content.

Changes Since the Preliminary Determination

Based on our analysis of the comments received and our findings at verification, we made certain changes to the margin calculations. For a discussion of these changes, *see* the ''Margin Calculations'' section of the Issues and Decision Memorandum.

Verification

As provided in section 782(i) of the Act, in March and April, 2014, we verified the sales and cost information submitted by Interpipe for use in our final determination. We used standard verification procedures including an examination of relevant accounting and production records, and original source documents provided by Interpipe.[6]

Final Negative Determination of Critical Circumstances

In the *Preliminary Determination,* the Department found that there was no basis to believe or suspect the existence of critical circumstances with respect to imports of OCTG from Ukraine, in accordance with section 733(e)(1) of the Act and 19 CFR 351.206(c)(1).[7] In accordance with section 735(a)(1)(3) of the Act, we continue to find that critical circumstances do not exist with respect to imports from Interpipe or all other producers or exporters of OCTG from Ukraine.[8]

Final Determination Margins

The weighted-average dumping margins are as follows:

Exporter or producer	Weighted-average dumping margin (percent)
Interpipe Europe S.A.; Interpipe Ukraine LLC; PJSC Interpipe Niznedneprovsky Tube Rolling Plant (aka Interpipe NTRP); LLC Interpipe Niko Tube	6.73
All Others	6.73

Section 735(c)(5)(A) of the Act provides that the estimated ''all others'' rate shall be an amount equal to the weighted average of the weighted-average dumping margins calculated for the producers or exporters individually examined, excluding rates that are zero, *de minimis* or determined entirely under section 776 of the Act. The ''All Others'' rate is based on the weighted-average dumping margin calculated for Interpipe, the sole mandatory respondent in the investigation.

Disclosure

We will disclose the calculations performed within five days of the date of publication of this notice to parties in this proceeding in accordance with 19 CFR 351.224(b).

Termination of Suspension of Liquidation

As noted above, on July 10, 2014, the Department signed a suspension agreement with Interpipe (the Agreement). Therefore, in accordance with section 773(f)(2)(A) of the Act, we will instruct U.S. Customs and Border Protection to terminate the suspension of liquidation of all entries of OCTG from Ukraine. Any cash deposits of entries of OCTG from Ukraine shall be refunded. Pursuant to the requests for continuation discussed above, we have continued and completed the investigation in accordance with section 734(g) of the Act. We found the antidumping duty margins noted above in the ''Final Determination Margins'' section.

International Trade Commission Notification

In accordance with section 735(d) of the Act, we will notify the U.S. International Trade Commission (ITC) of our final determination. Because our final determination is affirmative, the ITC will, within 45 days, determine whether these imports are materially injuring, or threatening material injury to, the U.S. industry. If the ITC determines that material injury, or threat of material injury does not exist, the Agreement will have no force or effect, and the investigation shall be terminated.[9] If the ITC determines that such injury does exist, the Agreement shall remain in force but the Department shall not issue an antidumping order so long as (1) the Agreement remains in force, (2) the Agreement continues to meet the requirements of subsections (d) and (l) of the Act, and (3) the parties to the Agreement carry out their obligations under the Agreement in accordance with its terms.[10]

Return or Destruction of Proprietary Information

This notice will serve as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of return/destruction or APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

We are issuing and publishing this determination and notice in accordance with sections 735(d) and 777(i) of the Act.

[5] *See* Memorandum to Ronald K. Lorentzen, Acting Assistant Secretary for Enforcement and Compliance from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, ''Issues and Decision Memorandum for the Final Affirmative Determination in the Less than Fair Value Investigation of Certain Oil Country Tubular Goods from Ukraine'' (Issues and Decision Memorandum), which is dated concurrently with and hereby adopted by this notice.

[6] *See* Memorandum to the File regarding ''Verification of the Cost Response of Interpipe Limited in the Antidumping Duty Investigation of Oil Country Tubular Goods from Ukraine,'' dated May 8, 2014; *see also* Memorandum to the File regarding ''Verification of the Sales Responses of Interpipe in the Antidumping Duty Investigation of Oil Country Tubular Goods from Ukraine,'' dated May 19, 2014; Memorandum to the File regarding ''Verification of the U.S. Sales Responses of Interpipe in the Antidumping Duty Investigation of Oil Country Tubular Goods from Ukraine,'' dated May 19, 2014.

[7] *See Preliminary Determination,* 79 FR at 10483 and accompanying Preliminary Determination Memorandum at 16–18.

[8] *See* Issues and Decision Memorandum at ''Critical Circumstances.''

[9] *See* section 734(f)(3)(A) of the Act.

[10] *See* section 734(f)(3)(B) of the Act.

Dated: July 10, 2014.

Ronald K. Lorentzen,

Acting Assistant Secretary, for Enforcement and Compliance.

Appendix I

Scope of the Investigation

The merchandise covered by the investigation is certain oil country tubular goods (OCTG), which are hollow steel products of circular cross-section, including oil well casing and tubing, of iron (other than cast iron) or steel (both carbon and alloy), whether seamless or welded, regardless of end finish (*e.g.,* whether or not plain end, threaded, or threaded and coupled) whether or not conforming to American Petroleum Institute (API) or non-API specifications, whether finished (including limited service OCTG products) or unfinished (including green tubes and limited service OCTG products), whether or not thread protectors are attached. The scope of the investigation also covers OCTG coupling stock.

Excluded from the scope of the investigation are: casing or tubing containing 10.5 percent or more by weight of chromium; drill pipe; unattached couplings; and unattached thread protectors.

The merchandise subject to the investigation is currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) under item numbers: 7304.29.10.10, 7304.29.10.20, 7304.29.10.30, 7304.29.10.40, 7304.29.10.50, 7304.29.10.60, 7304.29.10.80, 7304.29.20.10, 7304.29.20.20, 7304.29.20.30, 7304.29.20.40, 7304.29.20.50, 7304.29.20.60, 7304.29.20.80, 7304.29.31.10, 7304.29.31.20, 7304.29.31.30, 7304.29.31.40, 7304.29.31.50, 7304.29.31.60, 7304.29.31.80, 7304.29.41.10, 7304.29.41.20, 7304.29.41.30, 7304.29.41.40, 7304.29.41.50, 7304.29.41.60, 7304.29.41.80, 7304.29.50.15, 7304.29.50.30, 7304.29.50.45, 7304.29.50.60, 7304.29.50.75, 7304.29.61.15, 7304.29.61.30, 7304.29.61.45, 7304.29.61.60, 7304.29.61.75, 7305.20.20.00, 7305.20.40.00, 7305.20.60.00, 7305.20.80.00, 7306.29.10.30, 7306.29.10.90, 7306.29.20.00, 7306.29.31.00, 7306.29.41.00, 7306.29.60.10, 7306.29.60.50, 7306.29.81.10, and 7306.29.81.50.

The merchandise subject to the investigation may also enter under the following HTSUS item numbers: 7304.39.00.24, 7304.39.00.28, 7304.39.00.32, 7304.39.00.36, 7304.39.00.40, 7304.39.00.44, 7304.39.00.48, 7304.39.00.52, 7304.39.00.56, 7304.39.00.62, 7304.39.00.68, 7304.39.00.72, 7304.39.00.76, 7304.39.00.80, 7304.59.60.00, 7304.59.80.15, 7304.59.80.20, 7304.59.80.25, 7304.59.80.30, 7304.59.80.35, 7304.59.80.40, 7304.59.80.45, 7304.59.80.50, 7304.59.80.55, 7304.59.80.60, 7304.59.80.65, 7304.59.80.70, 7304.59.80.80, 7305.31.40.00, 7305.31.60.90, 7306.30.50.55, 7306.30.50.90, 7306.50.50.50, and 7306.50.50.70.

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

Appendix II

List of Topics Discussed in the Issues and Decision Memorandum

I. Summary
II. Background
III. Critical Circumstances
IV. Scope of the Investigation
V. Margin Calculations
VI. Discussion of the Issues
1. Re-Export Sales
2. Reject Merchandise
3. Interpipe's U.S. and Home Market Packing Costs
4. Differences Between Theoretical and Actual Weights
5. Payment Information Provided at Verification as Minor Correction
6. Major Input Adjustment
7. Revalued Depreciation
8. Impairment Losses
9. Cost Verification Findings
VII. Recommendation

[FR Doc. 2014–16875 Filed 7–17–14; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–489–816]

Certain Oil Country Tubular Goods From the Republic of Turkey: Final Determination of Sales at Less Than Fair Value and Affirmative Final Determination of Critical Circumstances, in Part

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

SUMMARY: The Department of Commerce (the Department) determines that imports of certain oil country tubular goods (OCTG) from the Republic of Turkey are being, or likely to be, sold in the United States at less than fair value (LTFV), as provided in section 735 of the Tariff Act of 1930, as amended (the Act). The final weighted-average dumping margins of sales at LTFV are listed in the ''Final Determination'' section of this notice.

DATES: *Effective Date:* July 18, 2014.

FOR FURTHER INFORMATION CONTACT: Catherine Cartsos, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–1757.

SUPPLEMENTARY INFORMATION:

Background

On February 25, 2014, the Department published the *Preliminary Determination* in the **Federal Register**.[1] In the *Preliminary Determination,* we postponed the final determination until no later than 135 days after the publication of the *Preliminary Determination* in accordance with section 735(a)(2)(A) of the Act and 19 CFR 351.210(b)(2)(ii) and (e) and invited parties to comment on our *Preliminary Determination.* We received case and rebuttal briefs from Maverick (one of the petitioners),[2] Çayirova Boru Sanayi ve Ticaret A.Ş. and Yücel Boru Ithalat-Ihracat ve Pazarlama A.Ş. (collectively Yücel), and a rebuttal brief from Borusan Mannesmann Boru Sanayi ve Ticaret and Borusan Istikbal Ticaret (collectively Borusan) in May and June 2014. On June 13, 2014, we conducted a hearing in this investigation.

Period of Investigation

The period of investigation is July 1, 2012, through June 30, 2013.

Scope of the Investigation

The merchandise covered by the investigation is certain oil country tubular goods (OCTG), which are hollow steel products of circular cross-section, including oil well casing and tubing, of iron (other than cast iron) or steel (both carbon and alloy), whether seamless or welded, regardless of end finish (*e.g.,* whether or not plain end, threaded, or threaded and coupled) whether or not conforming to American Petroleum Institute (API) or non-API specifications, whether finished (including limited service OCTG products) or unfinished (including green tubes and limited service OCTG products), whether or not thread protectors are attached. The scope of the investigation also covers OCTG coupling stock.

Excluded from the scope of the investigation are: Casing or tubing containing 10.5 percent or more by weight of chromium; drill pipe; unattached couplings; and unattached thread protectors. The merchandise subject to the investigations is currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) under item numbers: 7304.29.10.10, 7304.29.10.20, 7304.29.10.30, 7304.29.10.40, 7304.29.10.50, 7304.29.10.60, 7304.29.10.80, 7304.29.20.10, 7304.29.20.20, 7304.29.20.30, 7304.29.20.40, 7304.29.20.50, 7304.29.20.60,

[1] *See Certain Oil Country Tubular Goods From the Republic of Turkey: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Negative Preliminary Determination of Critical Circumstances, and Postponement of Final Determination,* 79 FR 10484 (February 25, 2014) (*Preliminary Determination)* and accompanying Preliminary Decision Memorandum.

[2] Boomerang Tube, Energex Tube, a division of JMC Steel Group, Maverick Tube Corporation (Maverick), Northwest Pipe Company, Tejas Tubular Products, TMK IPSCO, United States Steel Corporation, Vallourec Star, L.P., and Welded Tube USA Inc. (collectively, the petitioners).

7304.29.20.80, 7304.29.31.10, 7304.29.31.20, 7304.29.31.30, 7304.29.31.40, 7304.29.31.50, 7304.29.31.60, 7304.29.31.80, 7304.29.41.10, 7304.29.41.20, 7304.29.41.30, 7304.29.41.40, 7304.29.41.50, 7304.29.41.60, 7304.29.41.80, 7304.29.50.15, 7304.29.50.30, 7304.29.50.45, 7304.29.50.60, 7304.29.50.75, 7304.29.61.15, 7304.29.61.30, 7304.29.61.45, 7304.29.61.60, 7304.29.61.75, 7305.20.20.00, 7305.20.40.00, 7305.20.60.00, 7305.20.80.00, 7306.29.10.30, 7306.29.10.90, 7306.29.20.00, 7306.29.31.00, 7306.29.41.00, 7306.29.60.10, 7306.29.60.50, 7306.29.81.10, and 7306.29.81.50.

The merchandise subject to the investigation may also enter under the following HTSUS item numbers: 7304.39.00.24, 7304.39.00.28, 7304.39.00.32, 7304.39.00.36, 7304.39.00.40, 7304.39.00.44, 7304.39.00.48, 7304.39.00.52, 7304.39.00.56, 7304.39.00.62, 7304.39.00.68, 7304.39.00.72, 7304.39.00.76, 7304.39.00.80, 7304.59.60.00, 7304.59.80.15, 7304.59.80.20, 7304.59.80.25, 7304.59.80.30, 7304.59.80.35, 7304.59.80.40, 7304.59.80.45, 7304.59.80.50, 7304.59.80.55, 7304.59.80.60, 7304.59.80.65, 7304.59.80.70, 7304.59.80.80, 7305.31.40.00, 7305.31.60.90, 7306.30.50.55, 7306.30.50.90, 7306.50.50.50, and 7306.50.50.70.

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

Analysis of the Comments Received

All issues raised in the case briefs by parties to this investigation are addressed in the Issues and Decision Memorandum.[3] A list of the issues which parties have raised and to which we have responded is in the Issues and Decision Memorandum and attached to this notice as an Appendix. The Issues and Decision Memorandum is a public document and is on file electronically *via* Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (IA ACCESS). IA ACCESS is available to registered users at *http://iaaccess.trade.gov* and it is available to all parties in the Central Records Unit (CRU), Room 7046 of the main Department of Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly on the internet at *http://enforcement.trade.gov/frn/.* The signed Issues and Decision Memorandum and the electronic versions of the Issues and Decision Memorandum are identical in content.

Changes Since the Preliminary Determination

Based on our analysis of the comments received, pre-verification corrections, and our findings at verifications, we have made certain changes to the margin calculations for Borusan and Yücel.[4]

Verification

As provided in section 782(i) of the Act, we conducted sales and cost verifications of the questionnaire responses submitted by Borusan and Yücel. We used standard verification procedures, including examination of relevant accounting and production records, as well as original source documents provided by both companies.[5]

Affirmative Determination of Critical Circumstances, in Part

On December 18, 2013, the petitioners filed a timely critical circumstances allegation, pursuant to section 733(e)(1) of the Act and 19 CFR 351.206(c)(1), alleging that critical circumstances exist with respect to imports of the merchandise under consideration. Based on our analysis, pursuant to 735(a)(3), we find that critical circumstances exist for all other producers and exporters, but not for Borusan or for Yücel.

Disclosure

We will disclose the calculations performed within five days of the date of publication of this notice to parties in this proceeding in accordance with 19 CFR 351.224(b).

Continuation of Suspension of Liquidation

As noted above, for this final determination, the Department found that critical circumstances exist with respect to the all other producers or exporters. Therefore, in accordance with section 735(c)(4)(B) of the Act, the Department will instruct U.S. Customs and Border Protection (CBP) to suspend liquidation of all entries of OCTG from Turkey from all other producers or exporters which were entered, or withdrawn from warehouse, for consumption on or after November 27, 2013, which is 90 days prior to the date of publication of the *Preliminary Determination* in the **Federal Register**, and require a cash deposit for such entries as noted below. With respect to Yücel, pursuant to section 735(c)(1)(B) of the Act, the Department will instruct CBP to continue to suspend liquidation of all entries of OCTG from Turkey from Yücel which were entered, or withdrawn from warehouse, for consumption on or after February 25, 2014, the date of publication of the *Preliminary Determination.* Because the Department reached a negative final determination with respect to Borusan, we will continue to instruct CBP to not suspend liquidation of entries or collect a cash deposit for this company.

In the final determination of the companion countervailing duty investigation on OCTG from Turkey, the Department determined that the all other companies benefitted from export subsidies.[6] Pursuant to sections

[3] *See* the memorandum from Deputy Assistant Secretary Christian Marsh to Acting Assistant Secretary Ronald K. Lorentzen entitled ''Issues and Decision Memorandum for the Final Affirmative Determination in the Less than Fair Value Investigation of Certain Oil Country Tubular Goods from the Republic of Turkey'' dated concurrently with this notice and hereby adopted by this notice (Issues and Decision Memorandum).

[4] For a discussion of these changes, *see* Memorandum to Neal Halper entitled ''Cost of Production and Constructed Value Calculation Adjustments for the Final Determination—Borusan'' dated concurrently with this notice and Memorandum to the File entitled ''Final Determination of Sales at Less Than Fair Value in the Antidumping Duty Investigation of Certain Oil Country Tubular Goods from the Republic of Turkey—Analysis Memorandum for Borusan'' dated concurrently with this notice. *See also* Memorandum to Neal Halper entitled ''Constructed Value Calculation Adjustments for the Final Determination—Cayirova Boru Sanayi ve Ticaret A.S.'' dated concurrently with this notice and Memorandum to the File entitled ''Final Determination of Sales at Less Than Fair Value in the Antidumping Duty Investigation of Certain Oil Country Tubular Goods from the Republic of Turkey—Analysis Memorandum for Yücel.''

[5] *See* Memoranda to the File entitled ''Verification of the Sales Response of Borusan Mannesmann Boru Sanayi ve Ticaret A.S. and its affiliates in the Less-Than-Fair-Value Investigation of Certain Oil Country Tubular Goods from the Republic of Turkey'' dated May 14, 2014, ''Verification of the Sales and Further Manufacturing Responses of Borusan Mannesmann Boru Sanayi ve Ticaret A.S. and its affiliates in the Less-Than-Fair-Value Investigation of Certain Oil Country Tubular Goods from the Republic of Turkey'' dated May 16, 2014, and ''Verification of the Cost Response of Borusan Mannesmann Boru Sanayi ve Ticaret A.S. Antidumping Duty Investigation of Certain Oil Country Tubular Goods from the Republic of Turkey'' dated May 14, 2014. *See also* Memoranda to the File entitled ''Verification of the Sales Response of Çayirova Boru Sanayi ve Ticaret A.Ş. and Yücel Boru Ithalat-Ihracat ve Pazarlama A.Ş., Ltd., in the Less-Than-Fair-Value Investigation of Certain Oil Country Tubular Goods from the Republic of Turkey'' dated May 31, 2014, and ''Verification of the Cost Response of Çayirova Boru Sanayi ve Ticaret A.Ş. Less-Than-Fair-Value Investigation of Certain Oil Country Tubular Goods from the Republic of Turkey'' dated May 14, 2014.

[6] *See Certain Oil Country Tubular Goods from the Republic of Turkey: Final Affirmative*

735(c)(1) and 772(c)(1)(C) of the Act and 19 CFR 351.210(d), the Department will instruct CBP to require cash deposits equal to the weighted-average dumping margins indicated below, adjusted where appropriate for export subsidies.

We will instruct CBP to require a cash deposit equal to the weighted-average amount by which normal value exceeds U.S. price, as follows: (1) The rate for Yücel will be the rate we determined in this final determination; (2) if the exporter is not a firm identified in this investigation but the producer is, the rate will be the rate established for the producer of the subject merchandise; (3) the rate for all other producers or exporters will be 35.86 percent, as discussed in the ''All Others Rate'' section, below. These suspension of liquidation and cash deposit instructions will remain in effect until further notice.

Final Determination

The Department determines that the following dumping margins exist for the period July 1, 2012, through June 30, 2013:

Exporter/manufacturer	Weighted-average dumping margin (percent)
Borusan Mannesmann Boru Sanayi ve Ticaret and Borusan Istikbal Ticaret (collectively Borusan)	0.00
Çayirova Boru Sanayi ve Ticaret A.Ş. and Yücel Boru Ithalat-Ihracat ve Pazarlama A.Ş. (collectively Yücel)	35.86
All Others	35.86

All Others Rate

Section 735(c)(5)(A) of the Act provides that the estimated ''all others'' rate shall be an amount equal to the weighted average of the estimated weighted-average dumping margins established for exporters and producers individually investigated, excluding any zero or *de minimis* margins, and any margins determined entirely under section 776 of the Act. In this final determination, we have assigned the ''All Others'' a rate based on the weighted-average dumping margin calculated for Yücel, the only company for which the Department calculated a rate.

Countervailing Duty Determination and Final Affirmative Critical Circumstances Determination, dated concurrently with this notice.

U.S. International Trade Commission Notification

In accordance with section 735(d) of the Act, we notified the U.S. International Trade Commission (ITC) of our final determination. As our final determination is affirmative, in accordance with section 735(b)(2) of the Act, the ITC will determine within 45 days whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports or sales (or the likelihood of sales) for importation of the subject merchandise. If the ITC determines that such injury exists, the Department will issue an antidumping duty order directing CBP to assess, upon further instruction by the Department, antidumping duties on imports of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation, as discussed above in the ''Continuation of Suspension of Liquidation'' section.

Return or Destruction of Proprietary Information

This notice will serve as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely written notification of the destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

We are issuing and publishing this determination and notice pursuant to sections 735(d) and 777(i)(l) of the Act.

Dated: July 10, 2014.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Issues and Decision Memorandum

I. Summary
II. Background
III. Critical Circumstances
IV. Scope of the Investigation
V. Margin Calculations
VI. Discussion of the Issues
1. Duty Drawback
2. Constructed Value Selling Expenses for Yücel
3. Constructed Value Selling Profit for Yücel
4. Borusan's Home Market Sales
5. Standard J55 and Upgradeable J55
6. Borusan's Export Price Sales
7. Differential Pricing Analysis: Thresholds for the Results of the Ratio Test
8. Treatment of Borusan's Second-Quality Pipe
9. Misclassification of Borusan's Steel Coil Purchases
VII. Recommendation

[FR Doc. 2014–16873 Filed 7–17–14; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–552–817]

Certain Oil Country Tubular Goods From the Socialist Republic of Vietnam: Final Determination of Sales at Less Than Fair Value and Final Affirmative Determination of Critical Circumstances

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

SUMMARY: The Department of Commerce (Department) determines that certain oil country tubular goods (OCTG) from the Socialist Republic of Vietnam (Vietnam) are being, or are likely to be, sold in the United States at less-than-fair value (LTFV), as provided in section 735 of the Tariff Act of 1930, as amended (the Act). The final weighted-average dumping margins of sales at LTFV are shown in the ''Final Determination'' section of this notice.

DATES: Effective Date: July 18, 2014.

FOR FURTHER INFORMATION CONTACT: Fred Baker or Davina Friedmann, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–2924 or (202) 482–0698, respectively.

SUPPLEMENTARY INFORMATION:

Background

The Department published its preliminary determination on February 25, 2014.[1] On June 6, 2014, we received case briefs from United States Steel Corporation (U.S. Steel) and SeAH Steel VINA Corporation (SeAH VINA). On June 13, 2014, we received rebuttal briefs from U.S. Steel and SeAH VINA. At the request of both parties, we held a public hearing on June 20, 2014. Based on an analysis of the comments received, the Department has made

[1] *See Certain Oil Country Tubular Goods From the Socialist Republic of Vietnam: Preliminary Determination of Sales at Less Than Fair Value, Affirmative Preliminary Determination of Critical Circumstances, in Part, and Postponement of Final Determination,* 79 FR 10478 (February 25, 2014) (*Preliminary Determination*), and the accompanying Preliminary Decision memorandum.

changes to the *Preliminary Determination.*

Period of Investigation

The period of investigation (POI) is January 1, 2013, through June 30, 2013.

Scope of the Investigation

The merchandise covered by this investigation is certain oil country tubular goods (OCTG), which are hollow steel products of circular cross-section, including oil well casing and tubing, of iron (other than cast iron) or steel (both carbon and alloy), whether seamless or welded, regardless of end finish (*e.g.,* whether or not plain end, threaded, or threaded and coupled) whether or not conforming to American Petroleum Institute (API) or non-API specifications, whether finished (including limited service OCTG products) or unfinished (including green tubes and limited service OCTG products), whether or not thread protectors are attached. The scope of the investigation also covers OCTG coupling stock.

Excluded from the scope of the investigation are: Casing or tubing containing 10.5 percent or more by weight of chromium; drill pipe; unattached couplings; and unattached thread protectors.

The merchandise subject to the investigation is currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) under item numbers: 7304.29.10.10, 7304.29.10.20, 7304.29.10.30, 7304.29.10.40, 7304.29.10.50, 7304.29.10.60, 7304.29.10.80, 7304.29.20.10, 7304.29.20.20, 7304.29.20.30, 7304.29.20.40, 7304.29.20.50, 7304.29.20.60, 7304.29.20.80, 7304.29.31.10, 7304.29.31.20, 7304.29.31.30, 7304.29.31.40, 7304.29.31.50, 7304.29.31.60, 7304.29.31.80, 7304.29.41.10, 7304.29.41.20, 7304.29.41.30, 7304.29.41.40, 7304.29.41.50, 7304.29.41.60, 7304.29.41.80, 7304.29.50.15, 7304.29.50.30, 7304.29.50.45, 7304.29.50.60, 7304.29.50.75, 7304.29.61.15, 7304.29.61.30, 7304.29.61.45, 7304.29.61.60, 7304.29.61.75, 7305.20.20.00, 7305.20.40.00, 7305.20.60.00, 7305.20.80.00, 7306.29.10.30, 7306.29.10.90, 7306.29.20.00, 7306.29.31.00, 7306.29.41.00, 7306.29.60.10, 7306.29.60.50, 7306.29.81.10, and 7306.29.81.50.

The merchandise subject to the investigation may also enter under the following HTSUS item numbers: 7304.39.00.24, 7304.39.00.28, 7304.39.00.32, 7304.39.00.36, 7304.39.00.40, 7304.39.00.44, 7304.39.00.48, 7304.39.00.52, 7304.39.00.56, 7304.39.00.62, 7304.39.00.68, 7304.39.00.72, 7304.39.00.76, 7304.39.00.80, 7304.59.60.00, 7304.59.80.15, 7304.59.80.20, 7304.59.80.25, 7304.59.80.30, 7304.59.80.35, 7304.59.80.40, 7304.59.80.45, 7304.59.80.50, 7304.59.80.55, 7304.59.80.60, 7304.59.80.65, 7304.59.80.70, 7304.59.80.80, 7305.31.40.00, 7305.31.60.90, 7306.30.50.55, 7306.30.50.90, 7306.50.50.50, and 7306.50.50.70.

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

Verification

As provided in section 782(i) of the Act, the Department verified the information submitted by SeAH VINA for use in the final determination. The Department used standard verification procedures, including examination of relevant accounting and production records and original source documents provided by the respondent.[2]

Analysis of Comments Received

All issues raised in the case and rebuttal briefs for this investigation are addressed in the Issues and Decision Memorandum, which is dated concurrently with and hereby adopted by this notice.[3] A list of the issues which parties have raised and to which we have responded in the Issues and Decision Memorandum is attached to this notice as an Appendix. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (IA ACCESS). Access to IA ACCESS is available to registered users at *http://iaaccess.trade.gov,* and it is available to all parties in the Central Records Unit, Room 7046 of the main Department of Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly on the Internet at *http://www.trade.gov/enforcement/frn/index.html.* The signed version and electronic version of the Issues and Decision Memorandum are identical in content.

Changes Since the Preliminary Determination

Based on our analysis of the comments received and our findings at verification, we have made certain changes to the margin calculation for SeAH VINA.[4]

Critical Circumstances

In the *Preliminary Determination,* the Department found that there was reason to believe or suspect that critical circumstances existed for imports of subject merchandise from the Vietnam-wide entity, and that these imports were massive during a relatively short period.[5] However, the Department did not preliminarily find that there was reason to believe or suspect that critical circumstances existed for imports of subject merchandise from SeAH VINA.[6] No parties commented on the Department's preliminary critical circumstances determination and we find no reason to reconsider this determination. Therefore, we continue to determine that critical circumstances exist for the Vietnam-wide entity, but that critical circumstances do not exist for SeAH VINA for this final determination.

Use of Facts Available and Adverse Facts Available

Section 776(a) of the Act provides that the Department shall apply facts available (''FA'') if (1) necessary information is not on the record, or (2) an interested party or any other person (A) withholds information that has been requested, (B) fails to provide information within the deadlines established, or in the form and manner requested by the Department, subject to subsections (c)(1) and (e) of section 782 of the Act, (C) significantly impedes a proceeding, or (D) provides information that cannot be verified as provided by section 782(i) of the Act.

Section 776(b) of the Act further provides that the Department may use an adverse inference in applying FA when a party has failed to cooperate by

[2] *See* Memorandum to the File From Fred Baker and Scott Hoefke, ''Verification of the Sales and Factors Response of SeAH Steel VINA Corporation (SSV) in the Antidumping Investigation of Oil Country Tubular Goods (OCTG) From the Socialist Republic of Vietnam (Vietnam),'' dated May 7, 2014, and Memorandum to the File From Fred Baker and Scott Hoefke, ''Verification of the Sales of Pusan Pipe America (PPA) in the Antidumping Investigation of Oil Country Tubular Goods (OCTG) From the Socialist Republic of Vietnam (Vietnam),'' dated May 30, 2014.

[3] *See* Memorandum From Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Ronald K. Lorentzen, Acting Assistant Secretary for Enforcement and Compliance, ''Certain Oil Country Tubular Goods From the Socialist Republic of Vietnam: Issues and Decision Memorandum for the Final Determination'' dated July 10, 2014 (Issues and Decision Memorandum).

[4] *See* Issues and Decision Memorandum.

[5] *See* sections 733(e)(1)(A)(ii) and (B) of the Act.

[6] *See Preliminary Determination,* 79 FR at 10478.

not acting to the best of its ability to comply with a request for information. Such an adverse inference may include reliance on information derived from the petition, the final determination, a previous administrative review, or other information placed on the record.

Vietnam-Wide Entity

In the *Preliminary Determination,* the Department determined that certain Vietnamese exporters did not respond to the Department's requests for information and did not establish that they were eligible for a separate rate. Thus, the Department has found that these Vietnamese exporters are part of the Vietnam-wide entity and the Vietnam-wide entity has not responded to our requests for information. Because the Vietnam-wide entity did not provide the Department with requested information, pursuant to section 776(a)(2)(A) of the Act, the Department continues to find it appropriate to base the weighted-average dumping margin for the Vietnam-wide entity on FA.

The Department determines that, because the Vietnam-wide entity did not respond to our request for information, the Vietnam-wide entity has failed to cooperate to the best of its ability. Therefore, pursuant to section 776(b) of the Act, the Department finds that, in selecting from among the FA, an adverse inference is appropriate for the Vietnam-wide entity.

Because the Department begins with the presumption that all companies within an NME country are subject to government control, and because only SeAH VINA has overcome that presumption, the Department is assigning a single weight-average dumping margin to all other exporters of subject merchandise from Vietnam. Such companies have not demonstrated their eligibility for a separate rate.[7]

Selection of the Adverse Facts Available Rate for the Vietnam-Wide Entity

In determining a weighted-average dumping margin based on AFA, the Department's practice is to select a rate that is sufficiently adverse ''as to effectuate the purpose of the adverse facts available rule to induce respondents to provide the Department with complete and accurate information in a timely manner.'' [8] Further, it is the Department's practice to select a rate that ensures ''that the party does not obtain a more favorable result by failing to cooperate than if it had cooperated fully.'' [9] Thus, it is the Department's practice to select as AFA the higher of the (a) highest dumping margin alleged in the petition or (b) the highest calculated rate of any respondent in the investigation.[10] As in the *Preliminary Determination,* we have selected a rate of 111.47 percent for the Vietnam-wide entity, the highest dumping margin alleged in the petition, as corrected by the petitioners [11] prior to our initiation of this investigation.[12]

In order to determine the probative value of the dumping margin in the petition for use as AFA for purposes of this final determination, we compared it to the transaction-specific dumping margins we found for the participating mandatory respondent SeAH VINA. We found that the rate of 111.47 percent is reliable and relevant because it is within the range of SeAH VINA's transaction-specific dumping margins.[13] Accordingly, we find the rate of 111.47 percent is corroborated within the meaning of section 776(c) of the Act.

The weighted-average dumping margin assigned to the Vietnam-wide entity applies to all entries of the merchandise under investigation except for entries of merchandise under investigation from the exporter/producer combinations listed in the chart in the ''Final Determination'' section below.

Final Determination

The Department determines that the following weighted-average dumping margins exist:

Exporter	Producer	Weighted-average dumping margin (percent)
SeAH Steel VINA Corporation.	SeAH Steel VINA Corporation.	24.22
Vietnam-Wide Entity		111.47

Disclosure

The Department intends to disclose calculations performed for this final determination to the parties within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b).

Continuation of Suspension of Liquidation

As noted above, the Department found that critical circumstances exist with respect to imports of merchandise under consideration from the Vietnam-wide entity. In accordance with section 735(c)(1)(B) of the Act, the Department will instruct CBP to continue to suspend liquidation of all appropriate entries of subject merchandise, as described in the ''Scope of Investigation'' section of this notice, from the Vietnam-wide entity that were entered, or withdrawn from warehouse for consumption on or after the date 90 days prior of the publication of the *Preliminary Determination* in the **Federal Register**. Since critical circumstances do not exist for SeAH VINA, the Department will instruct CBP to suspend liquidation of all appropriate entries of subject merchandise produced and exported by SeAH VINA that were entered, or withdrawn from warehouse for consumption on or after February 25, 2014, the publication date of the *Preliminary Determination* in the **Federal Register**. CBP shall require a cash deposit equal to the estimated amount by which the normal value exceeds the U.S. price as shown above. These instructions suspending liquidation will remain in effect until further notice.

International Trade Commission (ITC) Notification

In accordance with section 735(d) of the Act, we will notify the ITC of our final affirmative determination of sales at LTFV. Because the final determination in this proceeding is affirmative, in accordance with section 735(b)(2) of the Act, the ITC will make its final determination as to whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports of OCTG from Vietnam no later than 45 days after our final determination. If the

[7] *See, e.g., Notice of Final Determination of Sales at Less Than Fair Market Value: Synthetic Indigo From the People's Republic of China,* 65 FR 25706, 25707 (May 2, 2000).

[8] *See Notice of Final Determination of Sales at Less than Fair Value: Static Random Access Memory Semiconductors From Taiwan,* 63 FR 8909, 8932 (February 23, 1998).

[9] *See Brake Rotors from the People's Republic of China: Final Results and Partial Rescission of the Seventh Administrative Review; Final Results of the Eleventh New Shipper Review,* 70 FR 69937, 69939 (November 18, 2005)(quoting the *Statement of Administrative Action* accompanying the Uruguay Round Agreements Act, H. Doc. No. 316, 103d Cong., 2d Session at 870 (1994)).

[10] *See, e.g., Seamless Refined Copper Pipe and Tube From the People's Republic of China: Final Determination of Sales at Less Than Fair Value,* 75 FR 60725, 60729 (October 1, 2010).

[11] The petitioners in this proceeding are U.S. Steel, Maverick Tube Corporation, Boomerang Tube, Energex Tube, a division of JMC Steel Group, Northwest Pipe Company, Tejas Tubular Products, TMK IPSCO, Vallourec Star, L.P., and Welded Tube USA Inc.

[12] *See Preliminary Determination,* 79 FR 10479 and the accompanying Preliminary Decision Memorandum at 11 f.

[13] *See* SeAH VINA final determination analysis memorandum dated July 10, 2014.

ITC determines that material injury or threat of material injury does not exist, the proceeding will be terminated and all securities posted will be refunded or canceled. If the ITC determines that such injury does exist, the Department will issue an antidumping duty order directing CBP to assess antidumping duties on all imports of the merchandise under investigation entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation.

Notification Regarding Administrative Protective Orders

This notice also serves as a final reminder to the parties subject to an administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

Notification to Interested Parties

This determination and notice are issued and published in accordance with sections 735(d) and 777(i)(1) of the Act.

Dated: July 10, 2014.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix

Comment 1: Surrogate Value for Domestic Brokerage and Handling
Comment 2: Financial Statements
Comment 3: Surrogate Value for Labor
Comment 4: Surrogate Value for Water
Comment 5: Whether to Exclude ''Limited-Service'' Pipe From the Margin Calculation
Comment 6: Differential Pricing
Comment 7: Valuation of Hot-Rolled Coil
Comment 8: Adjusting the Price of SSV's Hot-Rolled Coil To Reflect Arm's-Length Transactions
Comment 9: Whether To Revise the Reported Yield Rates
Comment 10: Adding Brokerage and Handling and Port Fees to SSV's Market-Economy Purchases of Hot-Rolled Coil
Comment 11: Domestic Inland Insurance
Comment 12: Whether To Revise Further Manufacturing Costs to Include Interest Expenses
Comment 13: Import Duties on Varnish

[FR Doc. 2014–16862 Filed 7–17–14; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–565–802]

Certain Oil Country Tubular Goods From the Republic of the Philippines: Final Determination of Sales at Less Than Fair Value and Negative Final Determination of Critical Circumstances

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

SUMMARY: The Department determines that imports of certain oil country tubular goods from the Republic of the Philippines are being, or likely to be, sold in the United States at less than fair value (LTFV), as provided in section 735 of the Tariff Act of 1930, as amended (the Act). The final weighted-average dumping margins of sales at LTFV are listed in the ''Final Determination'' section of this notice.

DATES: *Effective Date:* July 18, 2014.

FOR FURTHER INFORMATION CONTACT: Dmitry Vladimirov, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–0665.

SUPPLEMENTARY INFORMATION:

Background

On February 25, 2014, the Department published the *Preliminary Determination* in the **Federal Register**.[1] In the *Preliminary Determination,* we postponed the final determination until no later than 135 days after the publication of the *Preliminary Determination* in accordance with section 735(a)(2)(A) of the Act and 19 CFR 351.210(b)(2)(ii) and invited parties to comment on our *Preliminary Determination.* We received case and rebuttal briefs from the petitioners [2] and HLD Clark Steel Pipe Co., Inc. (HLD Clark) in May 2014.[3] On June 2, 2014, we conducted a hearing in this investigation.

Period of Investigation

The period of investigation is July 1, 2012, through June 30, 2013.

Scope of the Investigation

The merchandise covered by the investigation is certain oil country tubular goods (OCTG), which are hollow steel products of circular cross-section, including oil well casing and tubing, of iron (other than cast iron) or steel (both carbon and alloy), whether seamless or welded, regardless of end finish (*e.g.,* whether or not plain end, threaded, or threaded and coupled) whether or not conforming to American Petroleum Institute (API) or non-API specifications, whether finished (including limited service OCTG products) or unfinished (including green tubes and limited service OCTG products), whether or not thread protectors are attached. The scope of the investigation also covers OCTG coupling stock.

Excluded from the scope of the investigation are: Casing or tubing containing 10.5 percent or more by weight of chromium; drill pipe; unattached couplings; and unattached thread protectors. The merchandise subject to the investigations is currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) under item numbers: 7304.29.10.10, 7304.29.10.20, 7304.29.10.30, 7304.29.10.40, 7304.29.10.50, 7304.29.10.60, 7304.29.10.80, 7304.29.20.10, 7304.29.20.20, 7304.29.20.30, 7304.29.20.40, 7304.29.20.50, 7304.29.20.60, 7304.29.20.80, 7304.29.31.10, 7304.29.31.20, 7304.29.31.30, 7304.29.31.40, 7304.29.31.50, 7304.29.31.60, 7304.29.31.80, 7304.29.41.10, 7304.29.41.20, 7304.29.41.30, 7304.29.41.40, 7304.29.41.50, 7304.29.41.60, 7304.29.41.80, 7304.29.50.15, 7304.29.50.30, 7304.29.50.45, 7304.29.50.60, 7304.29.50.75, 7304.29.61.15, 7304.29.61.30, 7304.29.61.45, 7304.29.61.60, 7304.29.61.75, 7305.20.20.00, 7305.20.40.00, 7305.20.60.00, 7305.20.80.00, 7306.29.10.30, 7306.29.10.90, 7306.29.20.00, 7306.29.31.00, 7306.29.41.00, 7306.29.60.10, 7306.29.60.50, 7306.29.81.10, and 7306.29.81.50.

The merchandise subject to the investigation may also enter under the following HTSUS item numbers: 7304.39.00.24, 7304.39.00.28, 7304.39.00.32, 7304.39.00.36, 7304.39.00.40, 7304.39.00.44,

[1] *See Certain Oil Country Tubular Goods From the Republic of the Philippines: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Negative Preliminary Determination of Critical Circumstances, and Postponement of Final Determination,* 79 FR 10491 (February 25, 2014) (*Preliminary Determination).*

[2] Boomerang Tube; Energex Tube, a division of JMC Steel Group; Northwest Pipe Company; Tejas Tubular Products; TMK IPSCO; Vallourec Star, L.P.; and Welded Tube USA Inc. (collectively, the petitioners).

[3] On June 27, 2014, we placed certain new factual information on the record. On July 1, 2014, HLD Clark provided comments on this information.

7304.39.00.48, 7304.39.00.52, 7304.39.00.56, 7304.39.00.62, 7304.39.00.68, 7304.39.00.72, 7304.39.00.76, 7304.39.00.80, 7304.59.60.00, 7304.59.80.15, 7304.59.80.20, 7304.59.80.25, 7304.59.80.30, 7304.59.80.35, 7304.59.80.40, 7304.59.80.45, 7304.59.80.50, 7304.59.80.55, 7304.59.80.60, 7304.59.80.65, 7304.59.80.70, 7304.59.80.80, 7305.31.40.00, 7305.31.60.90, 7306.30.50.55, 7306.30.50.90, 7306.50.50.50, and 7306.50.50.70.

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

Analysis of the Comments Received

All issues raised in the case briefs by parties to this investigation are addressed in the Issues and Decision Memorandum.[4] A list of the issues which parties raised and to which we responded is in the Issues and Decision Memorandum and attached to this notice as an Appendix. The Issues and Decision Memorandum is a public document and is on file electronically *via* Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (IA ACCESS). IA ACCESS is available to registered users at *http://iaaccess.trade.gov* and it is available to all parties in the Central Records Unit (CRU), room 7046 of the main Department of Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly on the internet at *http://enforcement.trade.gov/frn/*. The signed Issues and Decision Memorandum and the electronic versions of the Issues and Decision Memorandum are identical in content.

Changes Since the Preliminary Determination

Based on our analysis of the comments received, pre-verification corrections, and our findings at verifications, we made certain changes to the margin calculations for HLD Clark.[5]

Verification

As provided in section 782(i) of the Act, we conducted sales and cost verifications of the questionnaire responses submitted by HLD Clark. We used standard verification procedures, including examination of relevant accounting and production records, as well as original source documents provided by HLD Clark.[6]

Final Determination

The Department determines that the following dumping margins exist for the period July 1, 2012, through June 30, 2013:

Exporter/manufacturer	Weighted-average dumping margin (percent)
HLD Clark Steel Pipe Co., Inc	9.88
All Others	9.88

Disclosure

We will disclose the calculations performed within five days of the date of publication of this notice to parties in this proceeding in accordance with 19 CFR 351.224(b).

Continuation of Suspension of Liquidation

Pursuant to section 735(c)(1)(B) of the Act, the Department will instruct U.S. Customs and Border Protection (CBP) to continue to suspend liquidation of all entries of certain oil country tubular goods from the Republic of the Philippines which were entered, or withdrawn from warehouse, for consumption on or after February 25, 2014, the date of publication of the *Preliminary Determination.* We will instruct CBP to require a cash deposit equal to the weighted-average amount by which normal value exceeds U.S. price, as follows: (1) The rate for HLD Clark will be the rate we determined in this final determination; (2) if the exporter is not a firm identified in this investigation but the producer is, the rate will be the rate established for the producer of the subject merchandise; (3) the rate for all other producers or exporters will be 9.88 percent, as discussed in the ''All Others Rate'' section, below. These suspension of liquidation instructions will remain in effect until further notice.

All Others Rate

Section 735(c)(5)(A) of the Act provides that the estimated ''all others'' rate shall be an amount equal to the weighted average of the estimated weighted-average dumping margins established for exporters and producers individually investigated, excluding any zero or *de minimis* margins, and any margins determined entirely under section 776 of the Act. The ''All Others'' rate is based on the weighted-average dumping margin calculated for HLD Clark, the only company for which the Department calculated a rate.[7]

U.S. International Trade Commission Notification

In accordance with section 735(d) of the Act, we notified the U.S. International Trade Commission (ITC) of our final determination. As our final determination is affirmative, in accordance with section 735(b)(2) of the Act, the ITC will determine within 45 days whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports or sales (or the likelihood of sales) for importation of the subject merchandise. If the ITC determines that such injury exists, the Department will issue an antidumping duty order directing CBP to assess, upon further instruction by the Department, antidumping duties on all imports of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation.

Return or Destruction of Proprietary Information

This notice will serve as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely written notification of the destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

[4] *See* the memorandum from Deputy Assistant Secretary Christian Marsh to Acting Assistant Secretary Ronald K. Lorentzen entitled ''Issues and Decision Memorandum for the Final Affirmative Determination in the Less than Fair Value Investigation of Certain Oil Country Tubular Goods from the Republic of the Philippines'' dated concurrently with this notice and hereby adopted by this notice (Issues and Decision Memorandum).

[5] For a discussion of these changes, *see* Memorandum to Neal Halper entitled ''Cost of Production and Constructed Value Calculation Adjustments for the Final Determination—HLD Clark Steel Pipe Co. Inc.,'' dated concurrently with this notice and Memorandum to the File entitled ''Final Determination of Sales at Less Than Fair Value in the Antidumping Duty Investigation of Certain Oil Country Tubular Goods from the Republic of the Philippines—Analysis Memorandum for HLD Clark Steel Pipe Co., Inc.,'' dated concurrently with this notice.

[6] *See* Memorandum to the File entitled ''Verification of the Sales Response of HLD Clark Steel Pipe Co., Inc., in the Less-Than-Fair-Value Investigation of Certain Oil Country Tubular Goods from the Republic of the Philippines,'' dated April 10, 2014, and Memorandum to the File entitled ''Verification of the Cost Response of HLD Clark Steel Pipe Co., Inc. in the Antidumping Duty Investigation of Certain Oil Country Tubular Goods from the Republic of the Philippines,'' dated May 13, 2014.

[7] *See* section 735(c)(5)(A) of the Act.

We are issuing and publishing this determination and notice pursuant to sections 735(d) and 777(i)(l) of the Act.

Dated: July 10, 2014.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Issues and Decision Memorandum

I. Summary
II. Background
III. Critical Circumstances
IV. Scope of the Investigation
V. Margin Calculations
VI. Discussion of the Issues
1. Steel Grade Product Characteristic
2. Differential Pricing Analysis
3. Calculation of Short Term Borrowing Rate
VII. Recommendation

[FR Doc. 2014–16865 Filed 7–17–14; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–549–832]

Certain Oil Country Tubular Goods From Thailand: Final Determination of Sales at Less Than Fair Value

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

SUMMARY: The Department determines that imports of certain oil country tubular goods from Thailand are being, or are likely to be, sold in the United States at LTFV, as provided in section 735 of the Tariff Act of 1930, as amended (the Act). The final dumping margins for this investigation are listed in the ''Final Determination'' section below.

DATES: *Effective Date:* July 18, 2014.

FOR FURTHER INFORMATION CONTACT: John Drury or Angelica Mendoza, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–0195 or (202) 482–3019, respectively.

SUPPLEMENTARY INFORMATION:

Background

On February 25, 2014, the Department published the *Preliminary Determination* in the **Federal Register**.[1] In the *Preliminary Determination,* we postponed the final determination until no later than 135 days after the publication of the *Preliminary Determination* in accordance with section 735(a)(2)(A) of the Act and 19 CFR 351.210(b)(2)(ii) and invited parties to comment on our *Preliminary Determination.*

We did not receive any comments from parties.

Period of Investigation

The period of investigation is July 1, 2012, through June 30, 2013.

Scope of the Investigation

The merchandise covered by the investigation is certain oil country tubular goods (OCTG), which are hollow steel products of circular cross-section, including oil well casing and tubing, of iron (other than cast iron) or steel (both carbon and alloy), whether seamless or welded, regardless of end finish (*e.g.,* whether or not plain end, threaded, or threaded and coupled) whether or not conforming to American Petroleum Institute (API) or non-API specifications, whether finished (including limited service OCTG products) or unfinished (including green tubes and limited service OCTG products), whether or not thread protectors are attached. The scope of the investigation also covers OCTG coupling stock.

Excluded from the scope of the investigation are: Casing or tubing containing 10.5 percent or more by weight of chromium; drill pipe; unattached couplings; and unattached thread protectors. The merchandise subject to the investigations is currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) under item numbers: 7304.29.10.10, 7304.29.10.20, 7304.29.10.30, 7304.29.10.40, 7304.29.10.50, 7304.29.10.60, 7304.29.10.80, 7304.29.20.10, 7304.29.20.20, 7304.29.20.30, 7304.29.20.40, 7304.29.20.50, 7304.29.20.60, 7304.29.20.80, 7304.29.31.10, 7304.29.31.20, 7304.29.31.30, 7304.29.31.40, 7304.29.31.50, 7304.29.31.60, 7304.29.31.80, 7304.29.41.10, 7304.29.41.20, 7304.29.41.30, 7304.29.41.40, 7304.29.41.50, 7304.29.41.60, 7304.29.41.80, 7304.29.50.15, 7304.29.50.30, 7304.29.50.45, 7304.29.50.60, 7304.29.50.75, 7304.29.61.15, 7304.29.61.30, 7304.29.61.45, 7304.29.61.60, 7304.29.61.75, 7305.20.20.00, 7305.20.40.00, 7305.20.60.00, 7305.20.80.00, 7306.29.10.30, 7306.29.10.90, 7306.29.20.00, 7306.29.31.00, 7306.29.41.00, 7306.29.60.10, 7306.29.60.50, 7306.29.81.10, and 7306.29.81.50.

The merchandise subject to the investigation may also enter under the following HTSUS item numbers: 7304.39.00.24, 7304.39.00.28, 7304.39.00.32, 7304.39.00.36, 7304.39.00.40, 7304.39.00.44, 7304.39.00.48, 7304.39.00.52, 7304.39.00.56, 7304.39.00.62, 7304.39.00.68, 7304.39.00.72, 7304.39.00.76, 7304.39.00.80, 7304.59.60.00, 7304.59.80.15, 7304.59.80.20, 7304.59.80.25, 7304.59.80.30, 7304.59.80.35, 7304.59.80.40, 7304.59.80.45, 7304.59.80.50, 7304.59.80.55, 7304.59.80.60, 7304.59.80.65, 7304.59.80.70, 7304.59.80.80, 7305.31.40.00, 7305.31.60.90, 7306.30.50.55, 7306.30.50.90, 7306.50.50.50, and 7306.50.50.70.

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

Use of Adverse Facts Available

In the *Preliminary Determination,* we determined that WSP Pipe Co., Ltd. (WSP) failed to respond to the Department's questionnaire and thus withheld necessary information within the meaning of section 776(a) of the Act.[2] Furthermore, because WSP did not submit any response to our requests for information and did not suggest alternative forms in which it could submit such responses, we preliminarily determined that sections 782(c)(1), (d), and (e) of the Act did not apply. Thus, in the *Preliminary Determination,* pursuant to sections 776(a)(2)(A), (B), and (C) of the Act, we based the dumping margin on facts otherwise available for WSP. Moreover, because WSP failed to act to the best of its ability to comply with the Department's requests for information, we applied adverse facts available (AFA) to WSP in the *Preliminary Determination,* pursuant to section 776(b) of the Act.[3]

In the Preliminary Decision Memo, we stated that ''{i}t is the Department's practice to use the highest rate from the petition in an investigation when a respondent fails to act to the best of its ability to provide the necessary information.[4] Therefore, because an

[1] *See Certain Oil Country Tubular Goods From Thailand: Preliminary Determination of Sales at Less Than Fair Value, and Postponement of Final Determination,* 79 FR 10487 (February 25, 2014) (*Preliminary Determination*).

[2] *See Preliminary Determination* and the accompanying Preliminary Decision Memorandum.

[3] *See* section 776(b) of the Act; *see also* 19 CFR 351.308(c); and Statement of Administrative Action, H.R. Doc. No. 103–316, vol. I (1994) at 829–831.

[4] *See* Preliminary Decision Memorandum (citing *Notice of Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final*

adverse inference is warranted, we assigned to WSP the highest margin alleged in the Petition, as referenced in *Certain Oil Country Tubular Goods from India, the Republic of Korea, the Republic of the Philippines, Saudi Arabia, Taiwan, Thailand, the Republic of Turkey, Ukraine, and the Socialist Republic of Vietnam: Initiation of Antidumping Duty Investigations,* 78 FR 45505 (July 29, 2013) *(Initiation Notice*) (*i.e.,* 118.32 percent).'' [5] Because there have been no changes from the *Preliminary Determination,* pursuant to section 776 of the Act, the Department continues to find it appropriate to base WSP's rate on AFA. Further, we continue to find that the margin in the Petition, which we determined during our pre-initiation analysis was based on adequate and accurate information, and which we corroborated in the *Preliminary Determination,* is the appropriate AFA rate for WSP.[6]

Final Determination

The Department determines that the following dumping margins exist for the period July 1, 2012, through June 30, 2013:

Manufacturer/exporter	Weighted-average margin (percent)
WSP Pipe Co., Ltd	118.32
All Others	118.32

Continuation of Suspension of Liquidation

Pursuant to section 735(c)(1)(B) of the Act, the Department will instruct U.S. Customs and Border Protection (CBP) to continue to suspend liquidation of all entries of certain oil country tubular goods from Thailand which were entered, or withdrawn from warehouse, for consumption on or after February 25, 2014, the date of publication of the *Preliminary Determination.* We will instruct CBP to require a cash deposit equal to the weighted-average amount by which normal value exceeds U.S. price, as follows: (1) The rate for WSP will be the rate we determined in this final determination; (2) if the exporter is not a firm identified in this investigation but the producer is, the rate will be the rate established for the producer of the subject merchandise; (3) the rate for all other producers or exporters will be 118.32 percent, as discussed in the ''All Others Rate'' section, below. These suspension of liquidation instructions will remain in effect until further notice.

All Others Rate

Section 735(c)(5)(A) of the Act provides that the estimated ''all others'' rate shall be an amount equal to the weighted average of the estimated weighted-average dumping margins established for exporters and producers individually investigated, excluding any zero or *de minimis* margins, and any margins determined entirely under section 776 of the Act. We cannot apply the methodology described in section 735(c)(5)(A) of the Act to calculate the ''all others'' rate, as the only ''individually investigated'' margin in this final determination was determined entirely under section 776 of the Act. In cases where no weighted-average dumping margins besides zero, *de minimis,* or those determined entirely under section 776 of the Act have been established for individually investigated entities, in accordance with section 735(c)(5)(B) of the Act, the Department averages the margins calculated by the petitioners in the petition and applies the result to all other entities not individually examined.[7] In this case, however, petitioners provided only one margin in the Petition.[8] Therefore, we continue to assign as the all others rate the only margin in the Petition; that rate is 118.32 percent.

U.S. International Trade Commission Notification

In accordance with section 735(d) of the Act, we will notify the U.S. International Trade Commission (ITC) of our final determination. Because our final determination is affirmative, in accordance with section 735(b)(2) of the Act, the ITC will determine within 45 days whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports or sales (or the likelihood of sales) for importation of the subject merchandise. If the ITC determines that such injury exists, the Department will issue an antidumping duty order directing CBP to assess, upon further instruction by the Department, antidumping duties on all imports of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation.

Return or Destruction of Proprietary Information

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely notification of the destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

This determination is issued and published pursuant to sections 735(d) and 777(i)(l) of the Act.

Dated: July 10, 2014.

Ronald K. Lorentzen,

Acting Assistant Secretary, for Enforcement and Compliance.

[FR Doc. 2014–16866 Filed 7–17–14; 8:45 am]

BILLING CODE 3510–DS–P

Determination: Purified Carboxymethylcellulose From Finland, 69 FR 77216, 77218 (December 27, 2004) (unchanged in *Notice of Final Determination of Sales at Less Than Fair Value: Purified Carboxymethylcellulose From Finland,* 70 FR 28279 (May 17, 2005))).

[5] *See* Antidumping Duty Petition on Certain Oil Country Tubular Goods from Thailand, Supplemental Response (Thailand AD Supplement) dated July 12, 2013, at 6, and the July 22, 2013, Antidumping Investigation Initiation Checklist on Certain Oil Country Tubular Goods from Thailand (Initiation Checklist) on file in Enforcement and Compliance's Central Records Unit, at 8; *see also Initiation Notice.*

[6] *See* Preliminary Decision Memo at 6–10.

[7] *See Notice of Preliminary Determination of Sales at Less Than Fair Value: Sodium Nitrite from the Federal Republic of Germany,* 73 FR 21909 (April 23, 2008); unchanged in *Notice of Final Determination of Sales at Less Than Fair Value: Sodium Nitrite from the Federal Republic of Germany,* 73 FR 38986 (July 8, 2008).

[8] *See Initiation Notice; see also Initiation Checklist* at 7–8.

DEPARTMENT OF COMMERCE

International Trade Administration

[A–583–850]

Certain Oil Country Tubular Goods From Taiwan: Final Determination of Sales at Less Than Fair Value

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

SUMMARY: The Department determines that imports of certain oil country tubular goods from Taiwan are being, or are likely to be, sold in the United States at less than fair value (LTFV), as provided in section 735 of the Tariff Act of 1930, as amended (the Act). The final weighted-average dumping margins of sales at LTFV are listed in the ''Final Determination'' section of this notice.

DATES: *Effective Date:* July 18, 2014.

FOR FURTHER INFORMATION CONTACT: Thomas Schauer or Hermes Pinilla, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230;

telephone: (202) 482–0410 or (202) 482–3477, respectively.

SUPPLEMENTARY INFORMATION:

Background

On February 25, 2014, the Department of Commerce (the Department) published its preliminary determination of sales at less than fair value (LTFV) in the antidumping duty investigation of certain oil country tubular goods from Taiwan.[1] In the *Preliminary Determination,* we postponed the final determination until no later than 135 days after the publication of the *Preliminary Determination* in accordance with section 735(a)(2)(A) of the Act and 19 CFR 351.210(b)(2)(ii) and invited parties to comment on our *Preliminary Determination.* We received case and rebuttal briefs from Maverick Tube Corporation (one of the petitioners),[2] CHS, and Tension in May 2014. On May 21, 2014, we conducted a hearing in this investigation.

Period of Investigation

The period of investigation is July 1, 2012, through June 30, 2013.

Scope of the Investigation

The merchandise covered by the investigation is certain oil country tubular goods (OCTG), which are hollow steel products of circular cross-section, including oil well casing and tubing, of iron (other than cast iron) or steel (both carbon and alloy), whether seamless or welded, regardless of end finish (*e.g.,* whether or not plain end, threaded, or threaded and coupled) whether or not conforming to American Petroleum Institute (API) or non-API specifications, whether finished (including limited service OCTG products) or unfinished (including green tubes and limited service OCTG products), whether or not thread protectors are attached. The scope of the investigation also covers OCTG coupling stock.

Excluded from the scope of the investigation are: Casing or tubing containing 10.5 percent or more by weight of chromium; drill pipe; unattached couplings; and unattached thread protectors. The merchandise subject to the investigations is currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) under item numbers: 7304.29.10.10, 7304.29.10.20, 7304.29.10.30, 7304.29.10.40, 7304.29.10.50, 7304.29.10.60, 7304.29.10.80, 7304.29.20.10, 7304.29.20.20, 7304.29.20.30, 7304.29.20.40, 7304.29.20.50, 7304.29.20.60, 7304.29.20.80, 7304.29.31.10, 7304.29.31.20, 7304.29.31.30, 7304.29.31.40, 7304.29.31.50, 7304.29.31.60, 7304.29.31.80, 7304.29.41.10, 7304.29.41.20, 7304.29.41.30, 7304.29.41.40, 7304.29.41.50, 7304.29.41.60, 7304.29.41.80, 7304.29.50.15, 7304.29.50.30, 7304.29.50.45, 7304.29.50.60, 7304.29.50.75, 7304.29.61.15, 7304.29.61.30, 7304.29.61.45, 7304.29.61.60, 7304.29.61.75, 7305.20.20.00, 7305.20.40.00, 7305.20.60.00, 7305.20.80.00, 7306.29.10.30, 7306.29.10.90, 7306.29.20.00, 7306.29.31.00, 7306.29.41.00, 7306.29.60.10, 7306.29.60.50, 7306.29.81.10, and 7306.29.81.50.

The merchandise subject to the investigation may also enter under the following HTSUS item numbers: 7304.39.00.24, 7304.39.00.28, 7304.39.00.32, 7304.39.00.36, 7304.39.00.40, 7304.39.00.44, 7304.39.00.48, 7304.39.00.52, 7304.39.00.56, 7304.39.00.62, 7304.39.00.68, 7304.39.00.72, 7304.39.00.76, 7304.39.00.80, 7304.59.60.00, 7304.59.80.15, 7304.59.80.20, 7304.59.80.25, 7304.59.80.30, 7304.59.80.35, 7304.59.80.40, 7304.59.80.45, 7304.59.80.50, 7304.59.80.55, 7304.59.80.60, 7304.59.80.65, 7304.59.80.70, 7304.59.80.80, 7305.31.40.00, 7305.31.60.90, 7306.30.50.55, 7306.30.50.90, 7306.50.50.50, and 7306.50.50.70.

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

Analysis of the Comments Received

All issues raised in the case briefs by interested parties are addressed in the Issues and Decision Memorandum.[3] A list of the issues which parties raised and to which we responded is attached to this notice as an Appendix. The Issues and Decision Memorandum is a public document and is on file electronically *via* IA ACCESS. IA ACCESS is available to registered users at *http://iaaccess.trade.gov* and it is available to all parties in the Central Records Unit (CRU), Room 7046 of the main Department of Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly on the internet at *http://enforcement.trade.gov/frn/*. The signed Issues and Decision Memorandum and the electronic versions of the Issues and Decision Memorandum are identical in content.

Changes Since the Preliminary Determination

Based on our analysis of the comments received, pre-verification corrections, and our findings at verifications, we made certain changes to the margin calculations for Chung Hung Steel Corp. (CHS) and Tension Steel Industries Co., Ltd. (Tension).[4]

Verification

As provided in section 782(i) of the Act, we conducted sales and cost verifications of the questionnaire responses submitted by CHS and Tension. We used standard verification procedures, including examination of relevant accounting and production records, as well as original source documents provided by both companies.[5]

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[1] *See Certain Oil Country Tubular Goods From Taiwan: Affirmative Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination,* 79 FR 10495 (February 25, 2014) (*Preliminary Determination).* On April 3, 2014, the Department published an amended preliminary determination to correct a ministerial error. *See Certain Oil Country Tubular Goods From Taiwan: Amended Preliminary Negative Determination of Sales at Less Than Fair Value and Postponement of Final Determination,* 79 FR 18667 (April 3, 2014).

[2] Boomerang Tube, Energex Tube, a division of JMC Steel Group, Maverick Tube Corporation (Maverick), Northwest Pipe Company, Tejas Tubular Products, TMK IPSCO, United States Steel Corporation, Vallourec Star, L.P., and Welded Tube USA Inc. (collectively, the petitioners)

[3] *See* the memorandum from Deputy Assistant Secretary Christian Marsh to Acting Assistant Secretary Ronald K. Lorentzen entitled ''Issues and Decision Memorandum for the Final Affirmative Determination in the Less than Fair Value Investigation of Certain Oil Country Tubular Goods from Taiwan'' dated concurrently with this notice and hereby adopted by this notice (Issues and Decision Memorandum).

[4] For a discussion of these changes, *see* Memorandum to Neal Halper entitled ''Cost of Production and Constructed Value Calculation Adjustments for the Final Determination—Chung Hung Steel Corp.,'' Memorandum to Neal Halper entitled ''Cost of Production and Constructed Value Calculation Adjustments for the Final Determination—Tension Steel Industries Co., Ltd.,'' Memorandum to the File entitled ''Final Determination of Sales at Less Than Fair Value in the Antidumping Duty Investigation of Certain Oil Country Tubular Goods from Taiwan—Analysis Memorandum for Chung Hung Steel Corp.,'' and Memorandum to the File entitled ''Final Determination of Sales at Less Than Fair Value in the Antidumping Duty Investigation of Certain Oil Country Tubular Goods from Taiwan—Analysis Memorandum for Tension Steel Industries Co., Ltd.,'' dated concurrently with this notice.

[5] *See* Memorandum to the File entitled ''Verification of the Third-Country and U.S. Sales of Chung Hung Steel Corp. in the Antidumping Duty Investigation of Certain Oil Country Tubular Goods from Taiwan,'' dated March 31, 2014, Memorandum to the File entitled ''Verification of the Sales Response of Tension Steel Industries Co., Ltd., in the Less-Than-Fair-Value Investigation of Certain Oil Country Tubular Goods from Taiwan,'' dated April 4, 2014, Memorandum to the File

Final Determination

The Department determines that the following weighted-average dumping margins exist for the period July 1, 2012, through June 30, 2013:

Manufacturer/exporter	Weighted-average margin (percent)
Chung Hung Steel Corp.	0.00
Tension Steel Industries Co., Ltd.	2.52
All Others	2.52

Suspension of Liquidation

Pursuant to section 735(c)(1)(C) of the Act, the Department will instruct U.S. Customs and Border Protection (CBP) to suspend liquidation of all entries of certain oil country tubular goods from Taiwan—with the exception of subject merchandise produced and exported by Chung Hung Steel Corp., for which we found no weighted average dumping margin—which were entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register**. With the exception of subject merchandise produced and exported by Chung Hung Steel Corp., we will instruct CBP to require a cash deposit equal to the weighted-average amount by which normal value exceeds U.S. price, as follows: (1) The rate for Tension Steel Industries Co., Ltd., will be the rate we determined in this final determination; (2) if the exporter is not a firm identified in this investigation but the producer is, the rate will be the rate established for the producer of the subject merchandise; (3) the rate for all other producers or exporters will be 2.52 percent, as discussed in the ''All Others Rate'' section, below. These suspension of liquidation instructions will remain in effect until further notice.

All Others Rate

Section 735(c)(5)(A) of the Act provides that the estimated ''all others'' rate shall be an amount equal to the weighted average of the estimated weighted-average dumping margins established for exporters and producers individually investigated, excluding any zero or *de minimis* margins, and any margins determined entirely under section 776 of the Act. Because the margin for Chung Hung Steel Corp. was zero, we assigned as the all others rate the margin calculated for Tension Steel Industries Co., Ltd., the only margin we calculated that was neither *de minimis* nor determined under section 776 of the Act; that rate is 2.52 percent.

U.S. International Trade Commission Notification

In accordance with section 735(d) of the Act, we notified the U.S. International Trade Commission (ITC) of our final determination. As our final determination is affirmative and our amended preliminary determination was negative, in accordance with section 735(b)(3) of the Act, the ITC will determine within 75 days whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports or sales (or the likelihood of sales) for importation of the subject merchandise. If the ITC determines that such injury exists, the Department will issue an antidumping duty order directing CBP to assess, upon further instruction by the Department, antidumping duties on all imports of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation.

Return or Destruction of Proprietary Information

This notice serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely notification of the destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

This determination is issued and published pursuant to sections 735(d) and 777(i)(1) of the Act and 19 CFR 351.210(b).

Dated: July 10, 2014.

Ronald K. Lorentzen,

Acting Assistant Secretary, for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Issues and Decision Memorandum

I. Summary
II. Background
III. Scope of the Investigation
IV. Margin Calculations
V. Discussion of the Issues
1. Affiliation
2. Collapsing
3. Rebates
4. Date of Sale
5. Treatment of Non-Prime Pipe
6. Depreciation
7. Value Added Tax
8. Certifications
VI. Recommendation

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entitled ''Verification of the Cost Response of Chung Hung Steel Corp. in the Antidumping Duty Investigation of Oil Country Tubular Goods (''OCTG'') from Taiwan,'' dated Apri1 22, 2014, and Memorandum to the File entitled ''Verification of the Cost Response of Tension Steel Industries Co., Ltd. in the Antidumping Duty Investigation of Certain Oil Country Tubular Goods from Taiwan,'' dated Apri1 22, 2014.

DEPARTMENT OF COMMERCE

International Trade Administration

[A–533–857]

Final Determination of Sales at Less Than Fair Value and Final Negative Determination of Critical Circumstances: Certain Oil Country Tubular Goods From India

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

SUMMARY: The Department of Commerce (the Department) determines that imports of oil country tubular goods (OCTG) from India are being, or are likely to be, sold in the United States at less than fair value (LTFV), as provided in section 735 of the Tariff Act of 1930, as amended (the Act). The period of investigation is July 1, 2012, through June 30, 2013. The final weighted-average dumping margins are listed below in the section entitled ''Final Determination.''

DATES: *Effective Date:* July 18, 2014.

FOR FURTHER INFORMATION CONTACT: Emily Halle, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–0176.

SUPPLEMENTARY INFORMATION:

Background

The events that occurred since the Department published the *Preliminary Determination* on February 25, 2014,[1] are discussed in the Memorandum to Ronald K. Lorentzen, Acting Assistant Secretary for Enforcement and Compliance, from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, ''Issues and Decision Memorandum for the Final Affirmative Determination in the Less than Fair Value Investigation of Certain Oil

[1] *See Certain Oil Country Tubular Goods From India: Preliminary Determination of Sales at Less Than Fair Value, Preliminary Affirmative Determination of Critical Circumstances, in Part, and Postponement of Final Determination,* 79 FR 10493 (February 25, 2014) (*Preliminary Determination*).

Country Tubular Goods from India'' (Issues and Decision Memorandum), which is dated concurrently with and hereby adopted by this notice.

Scope of the Investigation

The merchandise covered by this investigation is certain oil country tubular goods (OCTG), which are hollow steel products of circular cross-section, including oil well casing and tubing, of iron (other than cast iron) or steel (both carbon and alloy), whether seamless or welded, regardless of end finish (*e.g.,* whether or not plain end, threaded, or threaded and coupled) whether or not conforming to American Petroleum Institute (API) or non-API specifications, whether finished (including limited service OCTG products) or unfinished (including green tubes and limited service OCTG products), whether or not thread protectors are attached. The scope of the investigation also covers OCTG coupling stock. For a complete description of the scope of the investigation, *see* Appendix I to this notice.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties in this investigation are addressed in the Issues and Decision Memorandum which is hereby adopted by this notice. A list of the issues raised is attached to this notice as Appendix II. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (IA ACCESS). IA ACCESS is available to registered users at *http://iaaccess.trade.gov* and it is available to all parties in the Central Records Unit, room 7046 of the main Department of Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/*. The signed and electronic versions of the Issues and Decision Memorandum are identical in content.

Changes Since the Preliminary Determination

Based on our analysis of the comments received and our findings at verification, we made certain changes to the calculations of the weighted-average dumping margins. For a discussion of these changes, *see* the ''Margin Calculations'' section of the Issues and Decision Memorandum.

Verification

As provided in section 782(i) of the Act, in March and April, 2014, we verified the sales and cost information submitted by Jindal SAW Ltd. (Jindal SAW) and GVN Fuels Limited (GVN) for use in our final determination. We used standard verification procedures including an examination of relevant accounting and production records, and original source documents provided by Jindal SAW and GVN.[2]

Final Negative Determination of Critical Circumstances

In the *Preliminary Determination,* the Department found that critical circumstances exist for Jindal SAW, but not for GVN or for all other producers and exporters, in accordance with section 733(e)(1) of the Act and 19 CFR 351.206(c)(1).[3] Our analysis of the data and comments submitted by interested parties leads us to change our findings from the *Preliminary Determination.*[4] Therefore, in accordance with section 735(a)(3) of the Act, we find that critical circumstances do not exist with respect to imports from Jindal SAW or GVN, or all other producers or exporters of OCTG from India.

Final Determination

The weighted-average dumping margins for this final determination are as follows:

Exporter or producer	Weighted-average dumping margin (percent)
Jindal SAW Ltd	9.91
GVN Fuels Limited, Maharashtra Seamless Limited and Jindal Pipe Limited	2.05
All Others	5.79

Section 735(c)(5)(A) of the Act provides that the estimated ''all others'' rate shall be an amount equal to the weighted average of the weighted-average dumping margins calculated for the producers or exporters individually examined, excluding rates that are zero, *de minimis* or determined entirely under section 776 of the Act. We calculated an above *de minimis* weighted-average dumping margin for both of the mandatory respondents not based entirely on section 776 of the Act, but in weight-averaging these margins to arrive at the all others rate, we used public data so as not to disclose the proprietary information of Jindal SAW and GVN.[5]

Disclosure

We will disclose the calculations performed within five days of the date of publication of this notice to parties in this proceeding in accordance with 19 CFR 351.224(b).

Suspension of Liquidation

For GVN, because the *Preliminary Determination* was negative, the Department will instruct U.S. Customs and Border Protection (CBP) to suspend liquidation of all appropriate entries of subject merchandise that are entered, or withdrawn from warehouse, for consumption on or after the publication date of this final determination, in accordance with section 735(c)(1)(C) of the Act. For Jindal SAW and for all other producers or exporters, the Department will instruct CBP to continue to suspend liquidation of all appropriate entries of subject merchandise that were entered, or withdrawn from warehouse, for consumption on or after February 25, 2014, the publication date of the *Preliminary Determination* in the **Federal Register**. We find that critical circumstances do not exist for Jindal SAW, GVN or any of the all other producers or exporters. Accordingly, we will instruct CBP to liquidate all appropriate entries of subject merchandise without regard to antidumping duties from Jindal SAW that were suspended prior to the publication date of the *Preliminary Determination.*

Further, the Department will instruct CBP to require a cash deposit equal to the weighted-average amount by which the normal value exceeds U.S. price, adjusted where appropriate for export subsidies, as follows: (1) The rate for Jindal SAW and GVN, when adjusted for export subsidies, is zero percent; (2) if the exporter is not a firm identified in this investigation, but the producer is, the rate will be the rate established for the producer of the subject merchandise, less export subsidies; (3) the rate for all other producers or

[2] *See* the memoranda, ''Verification of the Sales Response of Jindal SAW Ltd. in the Antidumping Duty Investigation of Oil Country Tubular Goods from India,'' May 5, 2014; ''Verification of the Sales Response of GVN Fuels Ltd in the Antidumping Duty Investigation of Oil Country Tubular Goods from India,'' May 5, 2014; and ''Verification of the Sales Response of Jindal SAW USA LLC and Jindal SAW's U.S. Branch in the Antidumping Duty Investigation of Oil Country Tubular Goods from India,'' May 5, 2014.

[3] *See Preliminary Determination,* 79 FR 10493, 10494.

[4] For a full description of the methodology and results of our analysis, *see* the Issues and Decision Memorandum.

[5] *See* Memorandum, ''Calculation of the Final Determination All-Others Rate,'' July 10, 2014 (All-Others Rate Memorandum), providing the precise calculation relying on public information.

exporters when adjusted for export subsidies is zero percent.[6]

International Trade Commission Notification

In accordance with section 735(d) of the Act, we will notify the International Trade Commission (ITC) of our final determination. In addition, we are making available to the ITC all non-privileged and non-proprietary information related to this investigation. We will allow the ITC access to all privileged and business proprietary information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under an administrative protective order (APO), without the written consent of the Assistant Secretary for Enforcement and Compliance.

Notification to Importers

This notice serves as a final reminder to importers of their responsibility under 19 CFR 51.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Administrative Protective Orders

This notice will serve as the only reminder to parties subject to an APO of their responsibility concerning the destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of return/destruction or APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

Notification to Interested Parties

We are issuing and publishing this determination and notice in accordance with sections 735(d) and 777(i) of the Act.

[6] Consistent with the Department's normal practice, because we calculated the ''All Others Rate'' in this investigation by weight-averaging public data from the two mandatory respondents, the ''All Others Rate'' included an export subsidy rate equal to the average of the CVD export subsidy rates applicable to the mandatory respondents. *See Utility Scale Wind Towers From the People's Republic of China: Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination,* 77 FR 46034, 46043 (August 2, 2012); *see also* All-Others Rate Memorandum for the derivation of the All-Others export subsidies.

Dated: July 10, 2014.

Ronald K. Lorentzen,

Acting Assistant Secretary, for Enforcement and Compliance.

Appendix I

Scope of the Investigation

The merchandise covered by the investigation is certain oil country tubular goods (OCTG), which are hollow steel products of circular cross-section, including oil well casing and tubing, of iron (other than cast iron) or steel (both carbon and alloy), whether seamless or welded, regardless of end finish (*e.g.,* whether or not plain end, threaded, or threaded and coupled) whether or not conforming to American Petroleum Institute (API) or non-API specifications, whether finished (including limited service OCTG products) or unfinished (including green tubes and limited service OCTG products), whether or not thread protectors are attached. The scope of the investigation also covers OCTG coupling stock.

Excluded from the scope of the investigation are: Casing or tubing containing 10.5 percent or more by weight of chromium; drill pipe; unattached couplings; and unattached thread protectors.

The merchandise subject to the investigation is currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) under item numbers: 7304.29.10.10, 7304.29.10.20, 7304.29.10.30, 7304.29.10.40, 7304.29.10.50, 7304.29.10.60, 7304.29.10.80, 7304.29.20.10, 7304.29.20.20, 7304.29.20.30, 7304.29.20.40, 7304.29.20.50, 7304.29.20.60, 7304.29.20.80, 7304.29.31.10, 7304.29.31.20, 7304.29.31.30, 7304.29.31.40, 7304.29.31.50, 7304.29.31.60, 7304.29.31.80, 7304.29.41.10, 7304.29.41.20, 7304.29.41.30, 7304.29.41.40, 7304.29.41.50, 7304.29.41.60, 7304.29.41.80, 7304.29.50.15, 7304.29.50.30, 7304.29.50.45, 7304.29.50.60, 7304.29.50.75, 7304.29.61.15, 7304.29.61.30, 7304.29.61.45, 7304.29.61.60, 7304.29.61.75, 7305.20.20.00, 7305.20.40.00, 7305.20.60.00, 7305.20.80.00, 7306.29.10.30, 7306.29.10.90, 7306.29.20.00, 7306.29.31.00, 7306.29.41.00, 7306.29.60.10, 7306.29.60.50, 7306.29.81.10, and 7306.29.81.50.

The merchandise subject to the investigation may also enter under the following HTSUS item numbers: 7304.39.00.24, 7304.39.00.28, 7304.39.00.32, 7304.39.00.36, 7304.39.00.40, 7304.39.00.44, 7304.39.00.48, 7304.39.00.52, 7304.39.00.56, 7304.39.00.62, 7304.39.00.68, 7304.39.00.72, 7304.39.00.76, 7304.39.00.80, 7304.59.60.00, 7304.59.80.15, 7304.59.80.20, 7304.59.80.25, 7304.59.80.30, 7304.59.80.35, 7304.59.80.40, 7304.59.80.45, 7304.59.80.50, 7304.59.80.55, 7304.59.80.60, 7304.59.80.65, 7304.59.80.70, 7304.59.80.80, 7305.31.40.00, 7305.31.60.90, 7306.30.50.55, 7306.30.50.90, 7306.50.50.50, and 7306.50.50.70.

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

Appendix II

List of Topics Discussed in the Issues and Decision Memorandum

1. Summary
2. Background
3. Critical Circumstances
4. Scope of the Investigation
5. Margin Calculations
6. Discussion of the Issues
7. Recommendation

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–580–870]

Certain Oil Country Tubular Goods From the Republic of Korea: Final Determination of Sales at Less Than Fair Value and Negative Final Determination of Critical Circumstances

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

SUMMARY: The Department of Commerce (the Department) determines that imports of oil country tubular goods from the Republic of Korea are being sold in the United States at less than fair value (LTFV), as provided in section 735 of the Tariff Act of 1930, as amended (the Act). The final weighted-average dumping margins of sales at LTFV are listed below in the section entitled ''Final Determination Margins.''

DATES: *Effective Date:* July 18, 2014.

FOR FURTHER INFORMATION CONTACT: Victoria Cho or Deborah Scott, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–5075 or (202) 482–2657.

SUPPLEMENTARY INFORMATION:

Background

On February 25, 2014, the Department published in the **Federal Register** the preliminary determination in the LTFV investigation of OCTG from the Republic of Korea.[1] In the *Preliminary Determination,* we postponed the final determination until no later than 135 days after the publication of the *Preliminary Determination* in accordance with section 735(a)(2)(A) of the Act and 19 CFR 351.210(b)(2)(ii) and

[1] *See Certain Oil Country Tubular Goods From the Republic of Korea: Negative Preliminary Determination of Sales at Less Than Fair Value, Negative Preliminary Determination of Critical Circumstances and Postponement of Final Determination,* 79 FR 10480 (February 25, 2014) (*Preliminary Determination*).

invited parties to comment on our *Preliminary Determination.*

The following events occurred since the *Preliminary Determination* was issued. We issued supplemental sales and cost questionnaires to NEXTEEL Co. Ltd. (NEXTEEL), NEXTEEL's Korean customer and its U.S. subsidiary, NEXTEEL's hot-rolled supplier (POSCO), Hyundai HYSCO (HYSCO), Hyundai HYSCO USA (HHU) and HYSCO's U.S. customer. We received responses to these supplemental questionnaires in March and April 2014.

On March 26, 2014, and March 27, 2014, respectively, Husteel Co. Ltd. (Husteel), Iljin Steel Corporation (Iljin), NEXTEEL, HYSCO, SeAH Steel Corporation (SeAH), and the petitioners [2] requested that the Department hold a hearing in this investigation, which was held on June 26, 2014.

Between April 21, 2014, and June 4, 2014, the Department conducted sales and cost verifications of both respondents. *See* ''Verification,'' *infra.* From June 18, 2014 through June 23, 2014, the petitioners, HYSCO, NEXTEEL, AJU Besteel Co. Ltd. (AJU Besteel), Husteel, Iljin, and SeAH submitted case and/or rebuttal briefs.

Period of Investigation

The period of investigation is July 1, 2012, through June 30, 2013.

Scope of the Investigation

The merchandise covered by this investigation is certain oil country tubular goods (OCTG), which are hollow steel products of circular cross-section, including oil well casing and tubing, of iron (other than cast iron) or steel (both carbon and alloy), whether seamless or welded, regardless of end finish (*e.g.,* whether or not plain end, threaded, or threaded and coupled) whether or not conforming to American Petroleum Institute (API) or non-API specifications, whether finished (including limited service OCTG products) or unfinished (including green tubes and limited service OCTG products), whether or not thread protectors are attached. The scope of the investigation also covers OCTG coupling stock. For a complete description of the scope of the investigation, *see* Appendix I to this notice.

[2] Boomerang Tube, Energex Tube, a division of JMC Steel Group, Maverick Tube Corporation, Northwest Pipe Company, Tejas Tubular Products, TMK IPSCO, United States Steel Corporation, Vallourec Star, L.P., and Welded Tube USA Inc. (collectively, the petitioners).

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties in this investigation are addressed in the Issues and Decision Memorandum [3] which is hereby adopted by this notice. A list of the issues raised is attached to this notice as Appendix II. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (IA ACCESS). IA ACCESS is available to registered users at *http://iaaccess.trade.gov*; the memorandum is available to all parties in the Central Records Unit, room 7046 of the main Department of Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/.* The signed and electronic versions of the Issues and Decision Memorandum are identical in content.

Negative Final Determination of Critical Circumstances

In the *Preliminary Determination,* the Department found that critical circumstances did not exist for HYSCO and NEXTEEL nor for all other producers and exporters, in accordance with section 733(e)(1) of the Act and 19 CFR 351.206(c)(1).[4] Our analysis of the comments submitted by interested parties led us to affirm our findings from the *Preliminary Determination.* In accordance with section 735(a)(3) of the Act, we find that critical circumstances do not exist with respect to imports from HYSCO and NEXTEEL, and for all other producers or exporters of OCTG from the Republic of Korea.[5]

Verification

As provided in section 782(i) of the Act, in April 2014 through June 2014, we verified the sales and cost information submitted by NEXTEEL, NEXTEEL's Korean customer and its U.S. subsidiary, NEXTEEL's hot-rolled supplier (POSCO), HYSCO, HHU, and HYSCO's U.S. customer for use in our final determination. We used standard verification procedures including an examination of relevant accounting and production records, and original source documents provided by NEXTEEL, NEXTEEL's Korean customer and its U.S. subsidiary, NEXTEEL's hot-rolled supplier (POSCO), HYSCO, HHU, and HYSCO's U.S. customer.

Final Determination

The Department determines that the following weighted-average dumping margins exist for the period July 1, 2012, through June 30, 2013:

Exporter or producer	Weighted-average dumping margin (percent)
Hyundai HYSCO	15.75
NEXTEEL Co. Ltd	9.89
All Others	12.82

All Others Rate

Section 735(c)(5)(A) of the Act provides that the estimated ''all others'' rate shall be an amount equal to the weighted average of the estimated weighted-average dumping margins established for exporters and producers individually investigated, excluding any zero or *de minimis* margins, and any margins determined entirely under section 776 of the Act. For the calculation of the dumping margin for all other producers and exporters, *see* the Memorandum to the File from Victoria Cho, International Trade Compliance Analyst, entitled, ''Calculation of the Final Determination All-Others Rate,'' dated concurrently with this notice.

Disclosure

We will disclose to parties in this proceeding the calculations performed for this final determination within five days of the date of publication of this notice, in accordance with 19 CFR 351.224(b).

Suspension of Liquidation

Pursuant to section 735(c)(1)(B) and (C) of the Act, the Department will instruct U.S. Customs and Border Protection (CBP) to suspend liquidation of all entries of OCTG from the Republic of the Korea which were entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final determination. We will instruct CBP to require a cash deposit equal to the weighted-average amount by which normal value exceeds U.S. price, as follows: (1) The rates for NEXTEEL and HYSCO will be the rates we determined in this final

[3] *See* Memorandum to Ronald K. Lorentzen, Acting Assistant Secretary for Enforcement and Compliance, from Christian Marsh, entitled ''Issues and Decision Memorandum for the Final Affirmative Determination in the Less than Fair Value Investigation of Certain Oil Country Tubular Goods from the Republic of Korea'' (Issues and Decision Memorandum), which is dated concurrently with and hereby adopted by this notice.

[4] *See Preliminary Determination,* 79 FR 10480, 10481.

[5] For a full description of the methodology and results of our analysis, *see* the Issues and Decision Memorandum.

determination; (2) if the exporter is not a firm identified in this investigation but the producer is, the rate will be the rate established for the producer of the subject merchandise; (3) the rate for all other producers or exporters will be 12.82 percent. These suspension of liquidation instructions will remain in effect until further notice.

International Trade Commission Notification

In accordance with section 735(d) of the Act, we notified the U.S. International Trade Commission (ITC) of our final determination. As our final determination is affirmative, in accordance with section 735(b)(3) of the Act, the ITC will determine within 75 days whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports or sales (or the likelihood of sales) for importation of the subject merchandise. If the ITC determines that such injury exists, the Department will issue an antidumping duty order directing CBP to assess, upon further instruction by the Department, antidumping duties on all imports of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation.

Notification to Importers

This notice serves as a final reminder to importers of their responsibility under 19 CFR 51.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Return or Destruction of Proprietary Information

This notice will serve as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely written notification of the destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

Notification to Interested Parties

We are issuing and publishing this determination and notice in accordance with sections 735(d) and 777(i) of the Act.

Dated: July 10, 2014.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix I

Scope of the Investigation

The merchandise covered by the investigation is certain oil country tubular goods (OCTG), which are hollow steel products of circular cross-section, including oil well casing and tubing, of iron (other than cast iron) or steel (both carbon and alloy), whether seamless or welded, regardless of end finish (*e.g.,* whether or not plain end, threaded, or threaded and coupled) whether or not conforming to American Petroleum Institute (API) or non-API specifications, whether finished (including limited service OCTG products) or unfinished (including green tubes and limited service OCTG products), whether or not thread protectors are attached. The scope of the investigation also covers OCTG coupling stock.

Excluded from the scope of the investigation are: Casing or tubing containing 10.5 percent or more by weight of chromium; drill pipe; unattached couplings; and unattached thread protectors.

The merchandise subject to the investigation is currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) under item numbers: 7304.29.10.10, 7304.29.10.20, 7304.29.10.30, 7304.29.10.40, 7304.29.10.50, 7304.29.10.60, 7304.29.10.80, 7304.29.20.10, 7304.29.20.20, 7304.29.20.30, 7304.29.20.40, 7304.29.20.50, 7304.29.20.60, 7304.29.20.80, 7304.29.31.10, 7304.29.31.20, 7304.29.31.30, 7304.29.31.40, 7304.29.31.50, 7304.29.31.60, 7304.29.31.80, 7304.29.41.10, 7304.29.41.20, 7304.29.41.30, 7304.29.41.40, 7304.29.41.50, 7304.29.41.60, 7304.29.41.80, 7304.29.50.15, 7304.29.50.30, 7304.29.50.45, 7304.29.50.60, 7304.29.50.75, 7304.29.61.15, 7304.29.61.30, 7304.29.61.45, 7304.29.61.60, 7304.29.61.75, 7305.20.20.00, 7305.20.40.00, 7305.20.60.00, 7305.20.80.00, 7306.29.10.30, 7306.29.10.90, 7306.29.20.00, 7306.29.31.00, 7306.29.41.00, 7306.29.60.10, 7306.29.60.50, 7306.29.81.10, and 7306.29.81.50.

The merchandise subject to the investigation may also enter under the following HTSUS item numbers: 7304.39.00.24, 7304.39.00.28, 7304.39.00.32, 7304.39.00.36, 7304.39.00.40, 7304.39.00.44, 7304.39.00.48, 7304.39.00.52, 7304.39.00.56, 7304.39.00.62, 7304.39.00.68, 7304.39.00.72, 7304.39.00.76, 7304.39.00.80, 7304.59.60.00, 7304.59.80.15, 7304.59.80.20, 7304.59.80.25, 7304.59.80.30, 7304.59.80.35, 7304.59.80.40, 7304.59.80.45, 7304.59.80.50, 7304.59.80.55, 7304.59.80.60, 7304.59.80.65, 7304.59.80.70, 7304.59.80.80, 7305.31.40.00, 7305.31.60.90, 7306.30.50.55, 7306.30.50.90, 7306.50.50.50, and 7306.50.50.70.

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

Appendix II

List of Topics Discussed in the Issues and Decision Memorandum

Case Issues:

General Issues

Comment 1: Constructed Value Profit
Comment 2: The Department Should Base Its Final Determination on an Objective Assessment of the Facts and Law
Comment 3: Whether to Reject Certain Submissions Containing New Factual Information
Comment 4: Denial of Offsets for Non-Dumped Sales With the Average-to-Transaction Method
Comment 5: Application of the Average-to-Transaction Method to All U.S. Sales
Comment 6: Differential Pricing Analysis: Thresholds for the Results of the Ratio Test
Comment 7: Differential Pricing Analysis: Calculations of the Ratio Test

Issues Pertaining to HYSCO

Comment 8: Basis for U.S. Price
Comment 9: HYSCO's International Freight Expenses
Comment 10: Application of Total or Partial Adverse Facts Available to HYSCO's Reported Costs
Comment 11: HYSCO's Domestic Inland Freight Expenses
Comment 12: Raw Material Transportation Costs Provided by HYSCO's Affiliate
Comment 13: Rental Fees Paid to HYSCO's Affiliate
Comment 14: HYSCO's Packing Expenses
Comment 15: Whether to Reject One of HHU's Minor Corrections
Comment 16: Whether to Allocate HHU's Property Taxes to OCTG Sales or Sales of All Products
Comment 17: HYSCO's Warranty Expenses
Comment 18: Treatment of HYSCO's Non-Prime Merchandise
Comment 19: Adjustments to HYSCO's General and Administrative Expenses

Issues Pertaining to NEXTEEL

Comment 20: Affiliation and Application of the Major Input Rule
Comment 21: Propriety of Use of Adverse Facts Available for NEXTEEL
Comment 22: NEXTEEL's Warranty Expenses
Comment 23: NEXTEEL's Warehousing Expenses
Comment 24: NEXTEEL's Direct Sales to U.S. Customers
Comment 25: Alleged Middleman Dumping
Comment 26: Date of Sale
Comment 27: The Department Should Apply AFA to NEXTEEL's Direct Material Costs
Comment 28: The Department Should Adjust NEXTEEL's Reported Data to Correct for the Unreconciled Difference
Comment 29: The Department Should Exclude the Transferred Quantity of OCTG from NEXTEEL's Cost File
Comment 30: The Department Should Increase NEXTEEL's TOTCOM for Costs Related to Test Production
Comment 31: The Department Should Increase NEXTEEL's TOTCOM for Expenses Incurred by NEXTEEL's Wholly-Owned Subsidiary NEXTEEL QNT

Comment 32: The Department Should Rely on Facts Available for NEXTEEL's Heat Treatment Costs
Comment 33: The Department Erred in Adjusting NEXTEEL's Reported Costs for Apparent Minor Differences in Scrap Value
Comment 34: The Department Should Accept NEXTEEL's Reported General and Administrative Expense Ratio Without Adjustment
Comment 35: Miscellaneous Comments on the Department's Cost Verification Report
Issues Pertaining to Non-Selected Respondents
Comment 36: Respondent Selection and Basis for the Weighted-Average Dumping Margin Assigned to Non-Selected Respondents
Comment 37: Critical Circumstances
Comment 38: Incorporating Arguments by Reference

[FR Doc. 2014–16874 Filed 7–17–14; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–517–804]

Certain Oil Country Tubular Goods From Saudi Arabia: Final Determination of Sales at Less Than Fair Value

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

SUMMARY: The Department of Commerce (the Department) determines that imports of oil country tubular goods (OCTG) from Saudi Arabia are being, or likely to be, sold in the United States at less than fair value, as provided in section 735 of the Tariff Act of 1930, as amended (the Act). The final weighted-average dumping margins are listed below in the section entitled ''Final Determination Margins.''

DATES: *Effective Date:* July 18, 2014.

FOR FURTHER INFORMATION CONTACT: Jason Rhoads, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–0123.

SUPPLEMENTARY INFORMATION:

Background

On February 25, 2014, the Department published the *Preliminary Determination* in the **Federal Register**.[1] In the *Preliminary Determination,* we postponed the final determination until no later than 135 days after the publication of the *Preliminary Determination* in accordance with section 735(a)(2)(A) of the Act and 19 CFR 351.210(b)(2)(ii) and invited parties to comment on our *Preliminary Determination.* We received case and rebuttal briefs from the petitioners [2] and the respondent. On June 12, 2014, we conducted a hearing in this investigation.

Period of Investigation

The period of investigation is July 1, 2012, through June 30, 2013.

Scope of the Investigation

The merchandise covered by this investigation is certain oil country tubular goods (OCTG), which are hollow steel products of circular cross-section, including oil well casing and tubing, of iron (other than cast iron) or steel (both carbon and alloy), whether seamless or welded, regardless of end finish (*e.g.,* whether or not plain end, threaded, or threaded and coupled) whether or not conforming to American Petroleum Institute (API) or non-API specifications, whether finished (including limited service OCTG products) or unfinished (including green tubes and limited service OCTG products), whether or not thread protectors are attached. The scope of the investigation also covers OCTG coupling stock. For a complete description of the scope of the investigation, *see* Appendix I to this notice.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties in this investigation are addressed in the Issues and Decision Memorandum [3] which is hereby adopted by this notice. A list of the issues raised is attached to this notice as Appendix II. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (IA ACCESS). IA ACCESS is available to registered users at *http://iaaccess.trade.gov* and it is available to all parties in the Central Records Unit, room 7046 of the main Department of Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/.* The signed and electronic versions of the Issues and Decision Memorandum are identical in content.

Changes Since the Preliminary Determination

Based on our analysis of the comments received and our findings at verification, we made certain changes to the margin calculations. For a discussion of these changes, *see* the ''Margin Calculations'' section of the Issues and Decision Memorandum.

Verification

As provided in section 782(i) of the Act, in March and April, 2014, we verified the sales and cost information submitted by JESCO for use in our final determination. We used standard verification procedures including an examination of relevant accounting and production records, and original source documents provided by JESCO.[4]

Final Determination Margins

The weighted-average dumping margins are as follows:

Exporter or producer	Weighted-average dumping margin (percent)
Jubail Energy Services Company	2.69
All Others	2.69

Section 735(c)(5)(A) of the Act provides that the estimated ''all others'' rate shall be an amount equal to the weighted average of the weighted-average dumping margins calculated for the producers or exporters individually examined, excluding rates that are zero, *de minimis* or determined entirely under section 776 of the Act. Because we calculated a weighted-average dumping margin for only one of the mandatory respondents (JESCO) that

[1] *See Certain Oil Country Tubular Goods From Saudi Arabia: Preliminary Determination of Sales at Less Than Fair Value, and Postponement of Final Determination,* 79 FR 10489 (February 25, 2014) *(Preliminary Determination*).

[2] Boomerang Tube, Energex Tube, a division of JMC Steel Group, Northwest Pipe Company, Tejas Tubular Products, TMK IPSCO, and Welded Tube USA Inc. (collectively, the petitioners).

[3] *See* Memorandum to Ronald K. Lorentzen, Acting Assistant Secretary for Enforcement and Compliance, ''Issues and Decision Memorandum for the Final Affirmative Determination in the Less than Fair Value Investigation of Certain Oil Country Tubular Goods from Saudi Arabia'' (Issues and Decision Memorandum), which is dated concurrently with and hereby adopted by this notice.

[4] *See* the memoranda, ''Verification of the Sales Response of Duferco Steel Inc. in the Antidumping Duty Investigation of Oil Country Tubular Goods (OCTG) from the Kingdom of Saudi Arabia,'' May 16, 2014; ''Verification of the Sales Response of Jubail Energy Services Company (JESCO) in the Antidumping Duty Investigation of Oil Country Tubular Goods (OCTG) from the Kingdom of Saudi Arabia,'' May 16, 2014; and ''Verification of the Cost Response of Jubail Energy Services Company (JESCO) in the Antidumping Duty Investigation of Oil Country Tubular Goods from Saudi Arabia,'' May 6, 2014.

was not zero, *de minimis* or determined entirely under section 776 of the Act, we assigned to all other producers and exporters the rate calculated for JESCO.

Disclosure

We intend to disclose the calculations performed within five days of the date of publication of this notice to parties in this proceeding in accordance with 19 CFR 351.224(b).

Suspension of Liquidation

In accordance with section 735(c)(1)(B) of the Act, we will instruct U.S. Customs and Border Protection (CBP) to continue to suspend liquidation on all entries of OCTG from Saudi Arabia. We will also instruct CBP to require cash deposits equal to the amounts as indicated above. These instructions suspending liquidation will remain in effect until further notice.

International Trade Commission Notification

In accordance with section 735(d) of the Act, we will notify the International Trade Commission (ITC) of our final determination. As our final determination is affirmative, in accordance with section 735(b)(2) of the Act, the ITC will determine within 45 days whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports or sales (or the likelihood of sales) for importation of the subject merchandise. If the ITC determines that such injury does exist, the Department will issue an antidumping duty order directing CBP to assess, upon further instruction by the Department, antidumping duties on all imports of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation. We are making available to the ITC all non-privileged and non-proprietary information related to this investigation. We will allow the ITC access to all privileged and business proprietary information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under an administrative protective order (APO), without the written consent of the Assistant Secretary for Enforcement and Compliance.

Return or Destruction of Proprietary Information

This notice will serve as the only reminder to parties subject to APO of their responsibility concerning the destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of return/destruction or APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

We are issuing and publishing this determination and notice in accordance with sections 735(d) and 777(i) of the Act.

Dated: July 10, 2014.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix I

Scope of the Investigation

The merchandise covered by the investigation is certain oil country tubular goods (OCTG), which are hollow steel products of circular cross-section, including oil well casing and tubing, of iron (other than cast iron) or steel (both carbon and alloy), whether seamless or welded, regardless of end finish (*e.g.,* whether or not plain end, threaded, or threaded and coupled) whether or not conforming to American Petroleum Institute (API) or non-API specifications, whether finished (including limited service OCTG products) or unfinished (including green tubes and limited service OCTG products), whether or not thread protectors are attached. The scope of the investigation also covers OCTG coupling stock.

Excluded from the scope of the investigation are: Casing or tubing containing 10.5 percent or more by weight of chromium; drill pipe; unattached couplings; and unattached thread protectors.

The merchandise subject to the investigation is currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) under item numbers: 7304.29.10.10, 7304.29.10.20, 7304.29.10.30, 7304.29.10.40, 7304.29.10.50, 7304.29.10.60, 7304.29.10.80, 7304.29.20.10, 7304.29.20.20, 7304.29.20.30, 7304.29.20.40, 7304.29.20.50, 7304.29.20.60, 7304.29.20.80, 7304.29.31.10, 7304.29.31.20, 7304.29.31.30, 7304.29.31.40, 7304.29.31.50, 7304.29.31.60, 7304.29.31.80, 7304.29.41.10, 7304.29.41.20, 7304.29.41.30, 7304.29.41.40, 7304.29.41.50, 7304.29.41.60, 7304.29.41.80, 7304.29.50.15, 7304.29.50.30, 7304.29.50.45, 7304.29.50.60, 7304.29.50.75, 7304.29.61.15, 7304.29.61.30, 7304.29.61.45, 7304.29.61.60, 7304.29.61.75, 7305.20.20.00, 7305.20.40.00, 7305.20.60.00, 7305.20.80.00, 7306.29.10.30, 7306.29.10.90, 7306.29.20.00, 7306.29.31.00, 7306.29.41.00, 7306.29.60.10, 7306.29.60.50, 7306.29.81.10, and 7306.29.81.50.

The merchandise subject to the investigation may also enter under the following HTSUS item numbers: 7304.39.00.24, 7304.39.00.28, 7304.39.00.32, 7304.39.00.36, 7304.39.00.40, 7304.39.00.44, 7304.39.00.48, 7304.39.00.52, 7304.39.00.56, 7304.39.00.62, 7304.39.00.68, 7304.39.00.72, 7304.39.00.76, 7304.39.00.80, 7304.59.60.00, 7304.59.80.15, 7304.59.80.20, 7304.59.80.25, 7304.59.80.30, 7304.59.80.35, 7304.59.80.40, 7304.59.80.45, 7304.59.80.50, 7304.59.80.55, 7304.59.80.60, 7304.59.80.65, 7304.59.80.70, 7304.59.80.80, 7305.31.40.00, 7305.31.60.90, 7306.30.50.55, 7306.30.50.90, 7306.50.50.50, and 7306.50.50.70.

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

Appendix II

List of Topics Discussed in the Issues and Decision Memorandum

1. Summary
2. Background
3. Scope of the Investigation
4. Margin Calculations
5. Discussion of the Issues
   a. JESCO's Affiliations in Saudi Arabia
   b. The Department's use of Third Country Sales Data for Calculation of Normal Value
   c. The Department's use of Differential Pricing (DP) in this Investigation
   d. The Department's Calculation of Constructed Value (CV) Profit
   e. The Department's Application of a Scrap Offset to JESCO's Sales Data
6. Recommendation

[FR Doc. 2014–16867 Filed 7–17–14; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD343

Atlantic Coastal Fisheries Cooperative Management Act Provisions; General Provisions for Domestic Fisheries; Application for Exempted Fishing Permits

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

ACTION: Notice; request for comments.

SUMMARY: We are considering issuing an Exempted Fishing Permit to allow the Commercial Fisheries Research Foundation to continue to explore the use of several data recording devices in an industry-based study that would effectively relay more accurate, detailed, and timely American lobster data to fisheries managers and scientists. The Commercial Fisheries Research Foundation is also proposing to use vent-less traps in order to determine the abundance and distribution of juvenile American lobsters in Lobster Management Areas 2 and 3.

The Exempted Fishing Permit renewal application is complete and further consideration of the application is warranted per § 600.745, and the activities authorized under the Exempted Fishing Permit would be consistent with the goals and objectives of the Interstate Fisheries Management

Plan for American lobster. Regulations under the Magnuson-Stevens Fishery Conservation and Management Act require publication of this notification to provide interested parties the opportunity to comment on applications for proposed Exempted Fishing Permits.

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

ADDRESSES: Comments on this notice may be submitted by email. The mailbox address for providing email comments is *nmfs.gar.efp@noaa.gov*. Include in the subject line ''Comments on CFRF Lobster EFP.''

Written comments should be sent to: John K. Bullard, Regional Administrator, NMFS, Greater Atlantic Regional Fisheries Office, 55 Great Republic Drive, Gloucester, MA 01930. Mark the outside of the envelope ''Comments on CFRF Lobster EFP.''

FOR FURTHER INFORMATION CONTACT: Maria Jacob, Environmental Technician, 978–281–9180.

SUPPLEMENTARY INFORMATION: The Commercial Fisheries Research Foundation (CFRF) submitted a complete application for a 1-year renewal to an existing Exempted Fishing Permit (EFP) on May 15, 2014. To conduct its research on the abundance and distribution of juvenile American lobster in Lobster Management Areas (LMAs) 2 and 3, the CFRF is requesting exemptions from the following Federal lobster regulations: (1) Gear specifications to allow for closed escape vents, as prohibited in § 697.21(c); (2) trap limits to be exceeded by 3 additional traps per fishing vessel, for a total of 36 additional traps, as prohibited in § 697.19(a)(2) for LMA 2, and § 697.19(b)(5) for LMA 3; and (3) trap tag requirements, as specified in § 697.19(f). This study would utilize 12 Federal commercial fishing vessels; 6 vessels in each of the 2 management areas. One additional vessel would operate as an alternate vessel, so there would only be 12 active vessels at any given time. Sampling would take place in the following statistical areas: 464 (Area 3 region); 512 (Area 3 region); 515; 525; 526; 537; 538; 539; 561; 562; and 616.

Funding for this study will be provided through NOAA grant NA09NMF4720414, as part of the Southern New England Collaborative Research Initiative Program (SNECRI). One of the main objectives of the SNECRI is to improve collection and management of fishery-dependent data. This study would attempt to achieve this goal.

The study would take place during regular fishing activity, and sampling would take place on each vessel in Area 2 once per week during scheduled fishing trips, and once every 10 days in Area 3 during scheduled fishing trips. If an EFP is granted, there would be an additional 36 modified traps in the water during any given time, for a period of one year. Each participating vessel would have up to three modified traps attached to a regular trap trawl, to be hauled every 6 to 9 days. The addition of 36 modified traps would increase the total number of traps in the fishery by 0.003 percent.

Modifications to a conventional lobster trap would include a closed escape vent, single parlor, smaller mesh size, and smaller entrance head. These modified traps would be attached to one, two, or three randomly selected trap trawl(s) during regular fishing operations. Lobsters retrieved from these modified traps would remain onboard for a short period of time to allow for sampling, after which they would be returned to the water.

Biological information will be collected on both kept and discarded lobsters, including: Carapace length; sexual determination; and presence of eggs, v-notches, and shell disease. For every trap trawl hauled during a designated sampling trip, commercial fishermen would be expected to sample 100 lobsters, or 20 traps if there are less than 100 lobsters to sample in a randomly chosen trap trawl. This study would use several recording devices, including onboard electronic calipers for length measurements, video cameras, and waterproof tablets. Data will be recorded using waterproof tablets, and the information will be uploaded using wireless internet connection once the vessel returns to port.

If approved, the applicant may request minor modifications and extensions to the EFP throughout the year. EFP modifications and extensions may be granted without further notice if they are deemed essential to facilitate completion of the proposed research and have minimal impacts that do not change the scope or impact of the initially approved EFP request. Any fishing activity conducted outside the scope of the exempted fishing activity would be prohibited.

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

Dated: July 15, 2014.

Emily H. Menashes,

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

[FR Doc. 2014–16993 Filed 7–17–14; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD381

Caribbean Fishery Management Council; Public Meeting

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

ACTION: Notice of public meeting.

SUMMARY: The Caribbean Fishery Management Council's (Council) Advisory Panel (AP) will hold a meeting.

DATES: The meeting will be held on Wednesday, August 6, 2014, from 10 a.m. to 4:30 p.m.

ADDRESSES: The meeting will be held at the Doubletree Hotel, De Diego Avenue, 105, San Juan, Puerto Rico 00911.

FOR FURTHER INFORMATION CONTACT: Caribbean Fishery Management Council, 270 Muñoz Rivera Avenue, Suite 401, San Juan, Puerto Rico 00918; telephone: (787) 766–5926.

SUPPLEMENTARY INFORMATION: The Advisory Panel will meet to discuss the items contained in the following agenda:

August 6, 2014, 10 a.m.–4:30 p.m.

—Call to order
—Adoption of Agenda
—Control Rule Public Hearing Results
—Scoping Meeting Report
—New Aps for Island Based FMPs
—Other business

The established times for addressing items on the agenda may be adjusted as necessary to accommodate the timely completion of discussion relevant to the agenda items. To further accommodate discussion and completion of all items on the agenda, the meeting may be extended from, or completed prior to the date established in this notice.

The meeting is open to the public, and will be conducted in English. Fishers and other interested persons are invited to attend and participate with oral or written statements regarding agenda issues.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be subjects for formal action during this meeting. Actions will be restricted to those issues specifically identified in this notice, and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management

Act, provided that the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

The meeting is physically accessible to people with disabilities. For more information or request for sign language interpretation and/other auxiliary aids, please contact Mr. Miguel A. Rolón, Executive Director, Caribbean Fishery Management Council, 270 Muñoz Rivera Avenue, Suite 401, San Juan, Puerto Rico, 00918, telephone (787) 766–5926, at least 5 days prior to the meeting date.

Dated: July 15, 2014.

Tracey L. Thompson,

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

[FR Doc. 2014–16906 Filed 7–17–14; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD391

Caribbean Fishery Management Council; Public Meetings

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

ACTION: Notice of public meetings.

SUMMARY: The Caribbean Fishery Management Council's Scientific and Statistical Committee (SSC) will hold meetings.

DATES: The SSC meetings will be held on August 5–7, 2014.

ADDRESSES: The meetings will be held at the Caribbean Fishery Management Council Headquarters, 270 Muñoz Rivera Avenue, 4th Floor, Suite 401, San Juan, Puerto Rico 00918.

FOR FURTHER INFORMATION CONTACT: Caribbean Fishery Management Council, 270 Muñoz Rivera Avenue, Suite 401, San Juan, Puerto Rico 00918; telephone: (787) 766–5926.

SUPPLEMENTARY INFORMATION: The SSC will meet to discuss the items contained in the following agenda:

August 5, 2014

1. Abrir La Sierra, Bajo de Sico and Tourmaline Compatibility
   a. Results from Public Hearings.
   b. Recommendations to CFMC
2. Evaluating criteria for inclusion of species into Island based FMPs.
   a. Continue developing criteria

August 6, 2014

3. Evaluating criteria for inclusion/exclusions of species into Island based FMPs (continued).
   a. Finalize Criteria
4. SEFSC Update
5. ACL Control Rule.
   a. Results from scoping meetings.
   b. Recommendations to the CFMC

August 7, 2014

Other Business

6. Ecosystem Issues—Walter Ingram
7. Five-year research plan
8. Guidelines for peer-review of external stock assessments

Other Business

Adjourn

The SSC will convene on August 5, 2014, from 9 a.m. until 5 p.m., on August 6, 2014, from 9 a.m. to 5 p.m., and on August 7, from 9 a.m. to 12 noon. The meetings are open to the public, and will be conducted in English.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during these meetings. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

Special Accommodations

These meetings are physically accessible to people with disabilities. For more information or request for sign language interpretation and/other auxiliary aids, please contact Mr. Miguel A. Rolón, Executive Director, Caribbean Fishery Management Council, 270 Muñoz Rivera Avenue, Suite 401, San Juan, Puerto Rico, 00918, telephone (787) 766–5926, at least 5 days prior to the meeting date.

Dated: July 15, 2014.

Tracey L. Thompson,

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

[FR Doc. 2014–16907 Filed 7–17–14; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

National Sea Grant Advisory Board

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice of public meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the National Sea Grant Advisory Board (Board). Board members will discuss and provide advice on the National Sea Grant College Program in the areas of program evaluation, strategic planning, education and extension, science and technology programs, and other matters as described in the Agenda below.

DATES: The announced meeting is scheduled for: Tuesday, August 19, 2014 from 11:00 a.m.–1:00 p.m. EDT.

ADDRESSES: The meeting will be held via conference call. Public access is available at SSMC Bldg 3, Room # 11817, 1315 East-West Highway, Silver Spring, MD. Seating capacity may be limited and will be available on a first-come, first-served basis.

FOR FURTHER INFORMATION CONTACT: Ms. Elizabeth Ban, Designated Federal Officer, National Sea Grant College Program, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Room 11853, Silver Spring, Maryland 20910, *Elizabeth.Ban@NOAA.gov* or (301)734–1082.

SUPPLEMENTARY INFORMATION: The Board, which consists of a balanced representation from academia, industry, state government and citizens groups, was established in 1976 by Section 209 of the Sea Grant Improvement Act (Public Law 94–461, 33 U.S.C. 1128). The Board advises the Secretary of Commerce and the Director of the National Sea Grant College Program with respect to operations under the Act, and such other matters as the Secretary refers to them for review and advice. The agenda for the meeting is as follows:

Tuesday, August 19, 2014—11:00 a.m. to 1:00 p.m. EDT.

Agenda

11:00 Welcome and roll call.
11:10 Discussion and approval of draft Advisory Board report to Congress on the state of Sea Grant.
12:45 Public Comments.
1:00 Adjourn.

Status: The meeting will be open to public participation with a 15-minute

public comment period on Tuesday, August 19 at 12:45 p.m. EDT. The Board expects that public statements presented at its meetings will not be repetitive of previously submitted verbal or written statements. In general, each individual or group making a verbal presentation will be limited to a total time of three (3) minutes. Written comments should be received by the Designated Federal Officer by August 8, 2014 to provide sufficient time for Board review. Written comments received after August 8, 2014, will be distributed to the Board, but may not be reviewed prior to the meeting date. Seats will be available on a first-come, first-served basis.

Special Accommodations: These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Elizabeth Ban, Designated Federal Officer at 301–734–1082 or *Elizabeth.Ban@NOAA.gov* by August 1, 2014.

Any updates to the agenda for this meeting will be available at: *http://seagrant.noaa.gov/WhoWeAre/Leadership/NationalSeaGrantAdvisoryBoard.aspx.*

Dated: July 14, 1014.

Jason Donaldson,

Chief Financial Officer, Office of Oceanic and Atmospheric Research, National Oceanic and Atmospheric Administration.

[FR Doc. 2014–17062 Filed 7–17–14; 8:45 am]

BILLING CODE 3510–KA–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XA179

Endangered Species; File Nos. 18069 and 14726

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

ACTION: Notice; issuance of permit and permit modification.

SUMMARY: Notice is hereby given that Jeffrey Schmid, Ph.D., Conservancy of Southwest Florida, 1450 Merrihue Drive, Naples, FL 34102 and Blair Witherington, Ph.D., Disney's Animal Kingdom, Animal Programs Administration, P.O. Box 10,000, Lake Buena Vista, FL 32830, have been issued a permit [No. 18069] and a permit modification [No. 14726–02], respectively, to take Kemp's ridley (*Lepidochelys kempii*), loggerhead (*Caretta caretta*), green (*Chelonia mydas*), hawksbill (*Eretmochelys imbricata*), and leatherback (*Dermochelys coriacea*) sea turtles for purposes of scientific research.

ADDRESSES: The permits and related documents are available for review upon written request or by appointment in the following office:

Permits and Conservation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301) 427–8401; fax (301) 713–0376.

FOR FURTHER INFORMATION CONTACT: Amy Hapeman or Rosa L. González, (301) 427–8401.

SUPPLEMENTARY INFORMATION: On July 1, 2013 and September 18, 2013, notices were published in the **Federal Register** (78 FR 39258 and 78 FR 57353) that a request for a scientific research permit and a modification of Permit No. 14726–01, respectively, to take sea turtles had been submitted by the above-named individuals. The requested permit and permit modification have been issued under the authority of the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*) and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222–226).

Permit No. 18069 authorizes researchers to capture green, loggerhead, Kemp's ridley, and hawksbill sea turtles by encircle or strike net to assess the species' composition, relative abundance, size-class distribution, genetic structure, trophic status, health, seasonality, habitat use, and migrations of marine turtles inhabiting the coastal waters of Charlotte Harbor and the Ten Thousand Islands in southwest Florida. Sea turtles may have the following procedures performed before release: measure; photograph/video; flipper and passive integrated transponder tag; weigh; skin, scute and blood sample; and/or attach one to two transmitters to the carapace. A subset of animals may be transported and held in the lab for 48 hours for fecal sampling prior to release. The permit is valid for 5 years from the date of issuance.

Permit No. 14726–01 authorizes the permit holder to locate and describe areas of the Atlantic Ocean and Gulf of Mexico near Florida that serve as developmental habitat for pelagic-stage juvenile and neonate loggerhead, green, Kemp's ridley, hawksbill, and leatherback sea turtles, to quantify threats to pelagic sea turtles, and to gather information on their life-history, genetics, movements, behavior, and diet. Researchers are authorized to capture by dip net, flipper and passive integrated transponder tag, measure, weigh, and oral swab sea turtles. A subset of animals may be skin biopsied, fecal sampled, lavaged or have a satellite tag attached. The permit modification (No. 02) 1) expands the action area in the Gulf of Mexico; 2) authorizes another satellite tag attachment method, scute sampling, and blood sampling; and 3) increases the take numbers and life stages of animals that may be harassed or biologically sampled and satellite tagged. The permit is valid through September 15, 2015.

Issuance of these permits, as required by the ESA, was based on a finding that each permit (1) was applied for in good faith, (2) will not operate to the disadvantage of such endangered or threatened species, and (3) is consistent with the purposes and policies set forth in section 2 of the ESA.

Dated: July 15, 2014.

Julia Harrison,

Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2014–16943 Filed 7–17–14; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XC033

Marine Mammals; File No. 17157

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

ACTION: Notice; receipt of application for permit amendment.

SUMMARY: Notice is hereby given that Stephen John Trumble, Ph.D., Baylor University, 101 Bagby Ave, Waco, TX 76706, has applied for an amendment to Scientific Research Permit No. 17157.

DATES: Written, telefaxed, or email comments must be received on or before August 18, 2014.

ADDRESSES: The application and related documents are available for review by selecting ''Records Open for Public Comment'' from the *Features* box on the Applications and Permits for Protected Species home page, *https://apps.nmfs.noaa.gov,* and then selecting File No. 1715 from the list of available applications.

These documents are also available upon written request or by appointment in the Permits and Conservation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room

13705, Silver Spring, MD 20910; phone (301) 427–8401; fax (301) 713–0376.

Written comments on this application should be submitted to the Chief, Permits and Conservation Division, at the address listed above. Comments may also be submitted by facsimile to (301) 713–0376, or by email to *NMFS.Pr1Comments@noaa.gov.* Please include the File No. 17157 in the subject line of the email comment.

Those individuals requesting a public hearing should submit a written request to the Chief, Permits and Conservation Division at the address listed above. The request should set forth the specific reasons why a hearing on this application would be appropriate.

FOR FURTHER INFORMATION CONTACT: Jennifer Skidmore or Amy Sloan, (301) 427–8401.

SUPPLEMENTARY INFORMATION: The subject amendment to Permit No. 17157 is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), the regulations governing the taking and importing of marine mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR 222–226).

Permit No. 17157, issued on July 18, 2012 (77 FR 45592), authorizes the receipt, import and export of up to 25 earplugs each of blue whale (*Balaenoptera musculus*), sei whale (*B. borealis*), minke whale (*B. acutorostrata*), humpback (*Megaptera novaeangliae*), and gray whales (*Eschrichtius robustus*) annually from museums worldwide for analysis. The permit holder is requesting the permit be amended to include 25 earplugs annually from bowhead (*Balaena mysticetus*), fin whale (*B. physalus*) and sperm whale (*Physeter macrocephalus; P. catadon*) from natural history museums as well as from collections in Barrow, Alaska of bowhead whale subsistence harvests. No takes of live animals are or would be authorized. The permit expires on July 17, 2017.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an initial determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of this application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: July 14, 2014.

Julia Harrison,

Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2014–16889 Filed 7–17–14; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF79

Marine Mammals; File No. 932–1905/MA–009526

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

ACTION: Notice; issuance of permit amendment.

SUMMARY: Notice is hereby given that the NMFS Marine Mammal Health and Stranding Response Program (MMHSRP), Silver Spring, MD (Responsible Party, Teri Rowles, Ph.D., D.V.M.) has been issued a minor amendment to Scientific Research and Enhancement Permit No. 932–1905/MA–009562.

ADDRESSES: The amendment and related documents are available for review upon written request or by appointment in the Permits and Conservation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301) 427–8401; fax (301) 713–0376.

FOR FURTHER INFORMATION CONTACT: Amy Sloan or Jennifer Skidmore, (301) 427–8401.

SUPPLEMENTARY INFORMATION: The requested amendment has been granted under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*) and the regulations governing the taking and importing of marine mammals (50 CFR part 216).

Permit No. 932–1905/MA–009526, issued on June 30, 2009, (74 FR 37425) authorizes the MMHSRP to: (1) Carry out response, rescue, rehabilitation, and release of threatened and endangered marine mammals under NMFS jurisdiction in the U.S.; (2) conduct health–related scientific research studies on marine mammals and marine mammal parts under NMFS jurisdiction; (3) conduct Level B harassment on marine mammals under NMFS and U.S. Fish and Wildlife Service (USFWS) jurisdiction incidental to MMHSRP activities; (4) collect, salvage, receive, possess, transfer, import, export, analyze, and curate marine mammal specimens under NMFS jurisdiction; and (5) salvage (from dead stranded animals), receive, possess, transfer, import, export, analyze, and curate marine mammal specimens under USFWS jurisdiction. The minor amendment (No. 932–1905–01/MA–009526–1) extends the duration of the permit through June 30, 2015.

Dated: July 15, 2014.

Julia Harrison,

Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2014–16969 Filed 7–17–14; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XC644

Marine Mammals; File No. 18016

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

ACTION: Notice; issuance of permit.

SUMMARY: Notice is hereby given that a permit has been issued to Tamara McGuire, LGL Alaska Research Associates, Inc., 2000 W International Airport Rd., Suite C1, Anchorage, AK 99502 to conduct research on Cook Inlet beluga whales (*Delphinapterus leucas*).

ADDRESSES: The permit and related documents are available for review upon written request or by appointment in the following office:

Permits and Conservation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301) 427–8401; fax (301) 713–0376.

FOR FURTHER INFORMATION CONTACT: Amy Hapeman or Rosa L. González, (301) 427–8401.

SUPPLEMENTARY INFORMATION: On May 3, 2013 and April 15, 2014, notices were published in the **Federal Register** (78 FR 25954 and 79 FR 21213) that a request for a permit to conduct research on Cook Inlet beluga whales had been submitted by the above-named applicant. The requested permit has been issued under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), the regulations governing the taking and importing of marine mammals (50 CFR

part 216), the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222–226).

Permit No. 18016 authorizes the applicant to conduct research on Cook Inlet beluga whales to provide information about their movement patterns, habitat use, survivorship, reproduction, and population size in Alaska. Researchers may approach up to 120 whales by vessel over the life of the permit, not to exceed 30 takes annually, for photo-identification and observation. Up to 200 harbor seals (*Phoca vitulina*) annually may be incidentally harassed during surveys. The permit is valid for five years from the date of issuance.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), a final determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

As required by the ESA, issuance of this permit was based on a finding that such permit: (1) Was applied for in good faith; (2) will not operate to the disadvantage of such endangered species; and (3) is consistent with the purposes and policies set forth in section 2 of the ESA.

Dated: July 15, 2014.

Julia Harrison,

Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2014–16941 Filed 7–17–14; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD179

Endangered Species; File No. 18528

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

ACTION: Issuance of permit.

SUMMARY: Notice is hereby given that the NMFS National Marine Mammal Laboratory (Responsible Party: John Bengtson, Ph.D.), 7600 Sand Point Way NE., Seattle, WA 98115–0070 has been issued a permit to take Steller sea lions (*Eumetopias jubatus*) for purposes of scientific research.

ADDRESSES: The permit and related documents are available for review upon written request or by appointment in the Permits and Conservation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301) 427–8401; fax (301) 713–0376.

FOR FURTHER INFORMATION CONTACT: Amy Sloan, (301) 427–8401.

SUPPLEMENTARY INFORMATION: On March 24, 2014, notice was published in the **Federal Register** (79 FR 15962) that a request for a scientific research permit to take Steller sea lions had been submitted by the above-named organization. The requested permit has been issued under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), the regulations governing the taking and importing of marine mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222–226).

Permit No. 18528–00 authorizes NMML to conduct research on the Western distinct population segment and Eastern distinct population segment of Steller sea lions in Alaska, Washington, Oregon, and California to measure population status, vital rates, foraging ecology, habitat requirements, and effects of natural and anthropogenic factors pursuant to fulfilling the NMFS' legal requirements under the MMPA and ESA. Steller sea lions may be exposed to aerial surveys by manned or unmanned aircraft and vessel and ground surveys. Researchers may capture, sample, hot brand or non-permanently mark, and instrument sea lions. Non-target species that may be taken incidentally include northern fur seals (*Callorhinus ursinus*) in Alaska, California sea lions (*Zalophus californianus*) and northern elephant seals (*Mirounga angustirostris*) in Washington, Oregon, and California, and harbor seals (*Phoca vitulina*) in all states. The permit expires June 30, 2019.

An environmental assessment (EA) was prepared analyzing the effects of the permitted activities on the human environment in compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.). Based on the analyses in the EA, NMFS determined that issuance of the permit would not significantly impact the quality of the human environment and that preparation of an environmental impact statement was not required. That determination is documented in a Finding of No Significant Impact (FONSI), signed on June 17, 2014.

Issuance of this permit, as required by the ESA, was based on a finding that such permit (1) was applied for in good faith, (2) will not operate to the disadvantage of such endangered or threatened species, and (3) is consistent with the purposes and policies set forth in section 2 of the ESA.

Dated: July 15, 2014.

Julia Harrison,

Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2014–16970 Filed 7–17–14; 8:45 am]

BILLING CODE 3510–22–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List Additions and Deletions

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

ACTION: Additions to and Deletions from the Procurement List.

SUMMARY: This action adds products and a service to the Procurement List that will be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities, and deletes a product and a service from the Procurement List previously furnished by such agencies.

DATES: *Effective Date:* 8/18/2014.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 1401 S. Clark Street, Suite 10800, Arlington, Virginia 22202–4149.

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

SUPPLEMENTARY INFORMATION:

Additions

On 5/16/2014 (79 FR 28490–28491) and 6/13/2014 (79 FR 33911–33912), the Committee for Purchase From People Who Are Blind or Severely Disabled published notices of proposed additions to the Procurement List.

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

Regulatory Flexibility Act Certification

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

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

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

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

End of Certification

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

Products

Undershirt, FREE, Army, Unisex
NSN: 8415–01–588–0506—Desert Sand, Size XS
NSN: 8415–01–588–0740—Desert Sand, Size S
NSN: 8415–01–588–0746—Desert Sand, Size M
NSN: 8415–01–588–0772—Desert Sand, Size L
NSN: 8415–01–588–0774—Desert Sand, Size XL
NSN: 8415–01–588–0794—Desert Sand, Size XXL
NSN: 8415–01–576–9915—Foliage Green, Size XS
NSN: 8415–01–576–9930—Foliage Green, Size S
NSN: 8415–01–577–0407—Foliage Green, Size M
NSN: 8415–01–577–0408—Foliage Green, Size L
NSN: 8415–01–577–0409—Foliage Green, Size XL
NSN: 8415–01–577–0410—Foliage Green, Size XXL
NPA: Bestwork Industries for the Blind, Inc., Runnemede, NJ
Contracting Activity: Army Contracting Command—Aberdeen Proving Ground, Natick Contracting Division, Natick, MA
Coverage: C-List for 100% of the requirement of the Department of the Army, as aggregated by the Army Contracting Command—Aberdeen Proving Ground, Natick Contracting Division, Natick, MA.

Calcium, Lime, and Rust Remover
NSN: 6850–00–NIB–2165—12/28 oz. Bottles
NSN: 6850–00–NIB–2166—4/1 Gallon Bottles
NPA: The Lighthouse for the Blind, St. Louis, MO
Contracting Activity: Defense Logistics Agency Aviation, Richmond, VA
Coverage: A-List for the Total Government Requirement as aggregated by the Defense Logistics Agency Aviation, Richmond, VA.

Service:

Service Type/Location: Healthcare Housekeeping and Related Services, US Army Medical Command, Madigan Army Medical Center, Building 473 Cabrillo St, Suite A1A, Presidio of Monterey, CA.
NPA: HHI Services Inc., San Antonio, TX.
Contracting Activity: Dept of the Army, W40M USA MEDCOM HCAA, Fort Sam Houston, TX.

Deletions

On 6/6/2014 (79 FR 32716–32718) and 6/13/2014 (79 FR 33911–33912), the Committee for Purchase From People Who Are Blind or Severely Disabled published notices of proposed deletions from the Procurement List.

After consideration of the relevant matter presented, the Committee has determined that the product and service listed below are no longer suitable for procurement by the Federal Government under 41 U.S.C. 8501–8506 and 41 CFR 51–2.4.

Regulatory Flexibility Act Certification

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

1. The action will not result in additional reporting, recordkeeping or other compliance requirements for small entities.

2. The action may result in authorizing small entities to furnish the product and service to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 8501–8506) in connection with the product and service deleted from the Procurement List.

End of Certification

Accordingly, the following product and service are deleted from the Procurement List:

Product

Winter Blue Dress Uniform Shirt

NSN: PGC496—U.S.C.G, Unisex, Long Sleeve
NPA: Oswego Industries, Inc., Fulton, NY
Contracting Activity: HQ Contract Operations (CG–912), Washington, DC

Service

Service Type/Location: Linen Distribution, Veterans Affairs Medical Center, 1900 East Main Street, Danville, IL.
NPA: WorkSource Enterprises, NFP, Danville, IL
Contracting Activity: Department of Veterans Affairs, 251-Network Contract Office 11, Indianapolis, IN

Barry S. Lineback,

Director, Business Operations.

[FR Doc. 2014–16894 Filed 7–17–14; 8:45 am]

BILLING CODE 6353–01–P

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Determination Under the Textile and Apparel Commercial Availability Provision of the Dominican Republic-Central America-United States Free Trade Agreement (''CAFTA–DR Agreement'')

AGENCY: The Committee for the Implementation of Textile Agreements.

ACTION: Determination to remove a product currently included in Annex 3.25 of the CAFTA–DR Agreement.

DATES: *Effective Date:* January 14, 2015.

SUMMARY: The Committee for the Implementation of Textile Agreements (''CITA'') has determined that certain ring spun single yarn of micro modal fibers, as specified below, is available in the CAFTA–DR countries in commercial quantities in a timely manner. The product, which is currently included in Annex 3.25 of the CAFTA–DR Agreement in unrestricted quantities, will be removed, effective 180 days after publication of this notice.

FOR FURTHER INFORMATION CONTACT: Maria Dybczak, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–3651.

For Further Information On-Line: http://web.ita.doc.gov/tacgi/CaftaReqTrack.nsf under ''Approved Requests,'' Reference number: 186.2014.06.12.Yarn. Alston&BirdforBuhlerYarns.

SUPPLEMENTARY INFORMATION:

Authority: The CAFTA–DR Agreement; Section 203(o)(4) of the Dominican Republic-Central America-United States Free Trade Agreement Implementation Act (''CAFTA–DR Implementation Act''), Pub. Law 109–53; the Statement of Administrative Action, accompanying the CAFTA–DR Implementation Act; and Presidential Proclamation 7987 (February 28, 2006).

Background: The CAFTA–DR Agreement provides a list in Annex 3.25 for fabrics, yarns, and fibers that the Parties to the CAFTA–DR Agreement have determined are not available in commercial quantities in a timely manner in the territory of any Party. The CAFTA–DR Agreement provides that this list may be modified pursuant to Article 3.25(4)–(5) by adding or removing items when the United States

determines that a fabric, yarn, or fiber is not available in commercial quantities in a timely manner in the territory of any Party; or when the United States determines that a fabric, yarn, or fiber currently on the list is available in commercial quantities in a timely manner. The CAFTA–DR Implementation Act authorizes the President to make such modifications to the list in Annex 3.25. *See* Annex 3.25 of the CAFTA–DR Agreement; *see also* section 203(o)(4)(C) and (E) of the CAFTA–DR Implementation Act.

The CAFTA–DR Implementation Act requires the President to establish procedures governing the submission of a request and providing opportunity for interested entities to submit comments and supporting evidence before a commercial availability determination is made. In Presidential Proclamation 7987, the President delegated to CITA the authority under section 203(o)(4) of CAFTA–DR Implementation Act for modifying the list in Annex 3.25. Pursuant to this authority, CITA published modified procedures it would follow in considering requests to modify the Annex 3.25 list of products determined to be not commercially available in the territory of any Party to CAFTA–DR (*Modifications to Procedures for Considering Requests Under the Commercial Availability Provision of the Dominican Republic-Central America-United States Free Trade Agreement,* 73 FR 53200 (September 15, 2008)) (''CITA's procedures'').

On June 12, 2014, the Acting Chairman of CITA received a request from Alston & Bird LLP, on behalf of Buhler Quality Yarns (''Buhler'') for a Commercial Availability determination to remove or restrict (''Request to Remove'') certain ring spun single yarns of micro modal fibers, currently listed in Annex 3.25. Buhler offered to supply the specified yarn and provided information demonstrating their ability to supply commercial quantities in a timely manner. On June 13, 2014, in accordance with CITA's procedures, CITA notified interested parties of the Request to Remove, which was posted on the dedicated Web site for CAFTA–DR commercial availability proceedings. In its notification, CITA advised that any Response to the Request to Remove must be submitted by June 26, 2014, and any Rebuttal Comments to a Response must be submitted by July 2, 2014, in accordance with Sections 6, 7 and 9 of CITA's procedures. No Response to the Request to Remove was placed on the record of the proceeding.

In accordance with section 203(o)(4)(C) of the CAFTA–DR Implementation Act, Section 8(a) and (b), and Section 9(c)(1) of CITA's procedures, as no interested entity submitted a Response objecting to the Request to Remove, CITA has determined to approve the Request to Remove the subject product from the list in Annex 3.25. Pursuant to Section 9(c)(3)(iii)(A), textile and apparel articles containing the subject product are not to be treated as originating in a CAFTA-DR country if the subject product is obtained from non-CAFTA–DR sources, effective for goods entered into the United States on or after 180 calendar days after the date of publication of this notice. A revised list in Annex 3.25, noting the effective date of the removal of the subject product, has been posted on the dedicated Web site for CAFTA–DR commercial availability proceedings.

Specifications: Certain Ring Spun Single Yarns of Micro Modal Fibers: Certain ring spun single yarns of English yarn number 30 and higher of 0.9 denier or finer micro modal fibers, classified in subheading 5510.11.0000 of the Harmonized Tariff Schedule of the United States (HTSUS).

Janet E. Heinzen,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 2014–16912 Filed 7–17–14; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID DoD–2013–OS–0165]

Submission for OMB Review; Comment Request

ACTION: Notice.

SUMMARY: The Department of Defense has submitted to OMB for clearance, the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

DATES: Consideration will be given to all comments received by August 18, 2014.

FOR FURTHER INFORMATION CONTACT: Fred Licari, 571–372–0493.

SUPPLEMENTARY INFORMATION:

Title, Associated Form and OMB Number: Technology and Contract Information Collection/Commercial and Government Entity (CAGE) Code Request for Information; OMB Control Number 0704–TBD.

Type of Request: New.

Number of Respondents: 13,541.

Responses per Respondent: 1.

Annual Responses: 13,541.

Average Burden per Response: 20 minutes.

Annual Burden Hours: 4,514.

Needs and Uses: Executive Order 12829, ''National Industrial Security Program (NISP),'' (January 6, 1993, as amended), established the NISP, the purpose of which is to ''safeguard classified information that may be released or has been released to current, prospective, or former contractors, licensees, or grantees of United States agencies.'' Pursuant to paragraph 202(a) of the Executive Order, the Secretary of Defense serves as the ''executive agent for inspecting and monitoring the contractors, licensees, and grantees who require or will require access to, or who store, or will store, classified information; and for determining the eligibility for access to classified information of contractors, licensees, and grantees and their respective employees.''

The DSS Director has been assigned specific responsibility for administering the NISP on behalf of DoD components and those Executive Branch departments and agencies that have entered into agreements with the Secretary of Defense for industrial security services required for safeguarding classified information disclosed to industry by these DoD components and executive Branch departments or agencies (collectively referred to hereafter as Government Contracting Activities (GCAs). (See DoD Directive 5105.42, ''Defense Security Service,'' and DoD Instruction 5220.22, ''National Industrial Security Program.'' DSS carries out its NISP administration mission in part by assessing the security posture of cleared contractor facilities in order to determine if the cleared facilities are complying with the provisions of the National Industrial Security Program Operating Manual (NISPOM) and by verifying that cleared contractors mitigate and ensuring identified security vulnerabilities. This public information collection is focused on strengthening DSS analysis of threats to classified information and cleared personnel at cleared contractor facilities by ensuring the accuracy of contract, technology, program, and facility data in the DSS Industrial Security Facilities Database (ISFD). DSS will be able to more effectively and efficiently perform its NISP administration mission if DSS can analyze accurate information in ISFD. In turn, this will allow DSS to better tailor vulnerability assessments and other products and support for cleared facilities. Responding to this public information collection is voluntary. This collection of

information does not seek classified information or trade secrets. Respondents will be requested to state whether any information provided in response to this information collection is privileged or confidential commercial or financial information.

Affected Public: Business or Other For-Profits; Not-for Profit Institutions.

Frequency: On occasion.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Ms. Jasmeet Seehra.

Written comments and recommendations on the proposed information collection should be sent to Ms. Jasmeet Seehra at the Office of Management and Budget, Desk Officer for DoD, Room 10236, New Executive Office Building, Washington, DC 20503.

You may also submit comments, identified by docket number and title, by the following method:

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

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.

DOD Clearance Officer: Ms. Patricia Toppings.

Written requests for copies of the information collection proposal should be sent to Ms. Toppings at WHS/ESD Information Management Division, 4800 Mark Center Drive, East Tower, Suite 02G09, Alexandria, VA 22350–3100.

Dated: July 14, 2014.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2014–16884 Filed 7–17–14; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Renewal of Department of Defense Federal Advisory Committees

AGENCY: DoD.

ACTION: Renewal of Federal Advisory Committee.

SUMMARY: The Department of Defense is publishing this notice to announce that it is renewing the charter for the Uniform Formulary Beneficiary Advisory Panel (''the Panel'').

FOR FURTHER INFORMATION CONTACT: Jim Freeman, Advisory Committee Management Officer for the Department of Defense, 703–692–5952.

SUPPLEMENTARY INFORMATION: This Panel's charter is being renewed under the provisions of 10 U.S.C. 1074g(c), the Federal Advisory Committee Act of 1972 (5 U.S.C. Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b) (''the Sunshine Act''), and 41 CFR 102–3.50(a).

The Panel is a non-discretionary Federal advisory committee that shall provide the Secretary of Defense and the Deputy Secretary of Defense, through the Under Secretary of Defense for Personnel and Readiness (USD(P&R)), the Assistant Secretary of Defense for Health Affairs (ASD(HA)), and the Director, Defense Health Agency, independent advice and recommendations on the development of the uniform formulary. The Secretary of Defense shall consider the comments of the Panel before implementing the uniform formulary or implementing changes to the uniform formulary.

The Panel shall report to the Secretary of Defense and the Deputy Secretary of Defense through the USD(P&R), the ASD(HA), and the Director, Defense Health Agency. The USD(P&R) may act upon the Panel's advice and recommendations.

The Department of Defense (DoD), through the office of the USD(P&R) and the Defense Health Agency, shall provide support, as deemed necessary, for the Panel's performance, and shall ensure compliance with the requirements of the FACA, the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended) (''the Sunshine Act''), governing Federal statutes and regulations, and established DoD policies and procedures.

The Panel, pursuant to 10 U.S.C. 1074g(c)(2), shall be comprised of no more than 15 members. The Panel shall include members that represent:

a. Non-governmental organizations and associations that represent the views and interests of a large number of eligible covered beneficiaries;

b. Contractors responsible for the TRICARE retail pharmacy program;

c. Contractors responsible for the national mail-order pharmacy program; and

d. TRICARE network providers.

Panel members shall be appointed by the Secretary of Defense or the Deputy Secretary of Defense and their appointments shall be renewed on an annual basis in accordance with DoD policies and procedures. Individuals who are not full-time or permanent part-time Federal employees shall be appointed as experts or consultants, pursuant to 5 U.S.C. § 3109, to serve as special government employee (SGE) members. Individuals who are full-time or permanent part-time Federal employees shall be appointed, pursuant to 41 CFR 102–3.130(a), to serve as regular government employee (RGE) members. Panel members shall serve a term of service of one-to-four years, and no member may serve more than two consecutive terms of service without the Secretary of Defense or the Deputy Secretary of Defense approval. This same term of service limitations also applies to any DoD authorized subcommittee.

All new members of the panel are appointed to provide advice on the basis of their best judgment without representing any particular point of view and a manner that is free from conflict of interest.

Panel members will serve without compensation except for reimbursement of travel and per diem as it pertains to official business of the Panel.

DoD, when necessary and consistent with the Panel's mission and DoD policies and procedures, may establish subcommittees, task forces, or working groups to support the Panel. Establishment of subcommittees will be based upon a written determination, to include terms of reference, by the Secretary of Defense, the Deputy Secretary of Defense, or the USD(P&R), as the Panel's sponsor.

Such subcommittees shall not work independently of the chartered Panel, and shall report all of their recommendations and advice solely to the Panel for full and open deliberation and discussion. Subcommittees, task forces, or working groups have no authority to make decisions and recommendations, verbally or in writing, on behalf of the Panel. No subcommittee or any of its members can update or report, verbally or in writing, on behalf of the Panel, directly to the DoD or any Federal officer or employee.

The Secretary of Defense or the Deputy Secretary of Defense will appoint subcommittee members to a term of service of one-to-four years, with annual renewals, even if the member in question is already a member of the Panel. Subcommittee members shall not serve more than two consecutive terms of service unless authorized by the Secretary of Defense or the Deputy Secretary of Defense.

Subcommittee members, if not full-time or permanent part-time Federal employees, will be appointed as experts or consultants pursuant to 5 U.S.C. 3109 to serve as SGE members. Subcommittee

members, who are full-time or permanent part-time Federal employees, shall be appointed pursuant to 41 CFR 102–3.130(a) to serve as RGE members. With the exception of reimbursement of official travel and per diem related to the Panel or its subcommittees, subcommittee members shall serve without compensation.

All subcommittees operate under the provisions of FACA, the Sunshine Act, governing Federal statutes and regulations, and established DoD policies and procedures.

The Panel's Designated Federal Officer (DFO) shall be a full-time or permanent part-time DoD employee and shall be appointed in accordance with established DoD policies and procedures.

The Panel's DFO is required to be in attendance at all meetings of the Panel and any subcommittees for the entire duration of each and every meeting. However, in the absence of the Panel's DFO, a properly approved Alternate DFO, duly appointed to the Panel according to established DoD policies and procedures, shall attend the entire duration of all meetings of the Panel and its subcommittees.

The DFO, or the Alternate DFO, shall call all meetings of the Panel and its subcommittees; prepare and approve all meeting agendas; and adjourn any meeting when the DFO, or the Alternate DFO, determines adjournment to be in the public interest or required by governing regulations or DoD policies and procedures.

Pursuant to 41 CFR 102–3.105(j) and 102–3.140, the public or interested organizations may submit written statements to Uniform Formulary Beneficiary Advisory Panel membership about the Panel's mission and functions. Written statements may be submitted at any time or in response to the stated agenda of planned meeting of the Uniform Formulary Beneficiary Advisory Panel.

All written statements shall be submitted to the DFO for the Uniform Formulary Beneficiary Advisory Panel, and this individual will ensure that the written statements are provided to the membership for their consideration. Contact information for the Uniform Formulary Beneficiary Advisory Panel DFO can be obtained from the GSA's FACA Database—*http://www.facadatabase.gov/.*

The DFO, pursuant to 41 CFR 102–3.150, will announce planned meetings of the Uniform Formulary Beneficiary Advisory Panel. The DFO, at that time, may provide additional guidance on the submission of written statements that are in response to the stated agenda for the planned meeting in question.

Dated: July 14, 2014.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2014–16883 Filed 7–17–14; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Board of Regents, Uniformed Services University of the Health Sciences; Notice of Quarterly Meeting

AGENCY: Uniformed Services University of the Health Sciences (USU), Department of Defense.

ACTION: Quarterly meeting notice.

SUMMARY: The Department of Defense is publishing this notice to announce the following meeting of the Board of Regents, Uniformed Services University of the Health Sciences (''The Board'').

DATES: Tuesday, August 5, 2014, from 8:00 a.m. to 10:30 a.m. (Open Session) and 10:45 a.m. to 11:45 a.m. (Closed Session).

ADDRESSES: Everett Alvarez Jr. Board of Regents Room (D3001), Uniformed Services University of the Health Sciences, 4301 Jones Bridge Road, Bethesda, Maryland 20814.

FOR FURTHER INFORMATION CONTACT: Jennifer Nuetzi James, Designated Federal Officer, 4301 Jones Bridge Road, D3002, Bethesda, Maryland 20814; telephone 301–295–3066; email *jennifer.nuetzi-james@usuhs.edu.*

SUPPLEMENTARY INFORMATION: This meeting notice is being published under the provisions of the Federal Advisory Committee Act of 1972 (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102–3.150.

Purpose of the Meeting: The purpose of the meeting is to review the operations of USU, particularly the academic affairs, and provide advice to the USU President and the Assistant Secretary of Defense for Health Affairs. These actions are necessary for the University to pursue its mission, which is to provide outstanding healthcare practitioners and scientists to the uniformed services, and to obtain institutional accreditation.

Agenda: The actions that will take place include the approval of minutes from the Board Meeting held on May 16, 2014; recommendations regarding the approval of faculty appointments and promotions; recommendations regarding the awarding of post-baccalaureate degrees as follows: Master's and doctoral degrees in the biomedical sciences and public health; Doctor of Medicine, Ph.D. in Nursing Science, Master of Science in Nursing; and the approval of awards and honors. The USU President will provide a report on recent actions affecting academic and operations of the University; a report of Graduate Medical Education in the National Capital Region will be provided; the School of Medicine will report on matriculation and declination information and faculty appointment CV's; and the USU Inspector General will provide a quarterly report on open audits and investigations and will discuss the expanding role of the Office of the Inspector General in University activities. A closed session will be held to discuss personnel actions and active investigations.

Meeting Accessibility: Pursuant to Federal statute and regulations (5 U.S.C. 552b and 41 CFR 102–3.140 through 102–3.165) and the availability of space, the meeting is open to the public from 8:00 a.m. to 10:30 a.m. Seating is on a first-come basis. Members of the public wishing to attend the meeting should contact Jennifer Nuetzi James at the address and phone number noted in the **FOR FURTHER INFORMATION CONTACT** section.

Pursuant to 5 U.S.C. 552b(c)(2, 5–7) the Department of Defense has determined that the portion of the meeting from 10:45 a.m. to 11:45 a.m. shall be closed to the public. The Under Secretary of Defense (Personnel and Readiness), in consultation with the Office of the DoD General Counsel, has determined in writing that a portion of the committee's meeting will be closed as the discussion will disclose sensitive personnel information, will include matters that relate solely to the internal personnel rules and practices of the agency, will involve accusing a person of a crime or censuring an individual, and may disclose investigatory records compiled for law enforcement purposes.

Written Statements: Pursuant to 41 CFR 102–3.140, and section 10(a)(3) of the Federal Advisory Committee Act of 1972, the public or interested organizations may submit written comments to the Board about its approved agenda pertaining to the open portion of this meeting, or at any time on the Board's mission. Individuals submitting a written statement must submit their statement to the Designated Federal Officer at the address listed in the **FOR FURTHER INFORMATION CONTACT** section. If such statement is not received at least 5 calendar days prior to the

meeting, it may not be provided to or considered by the Board until a later date. The Alternate Designated Federal Officer will compile all timely submissions with the Board's Chairman and ensure such submissions are provided to Board Members before the meeting.

Dated: July 15, 2014.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2014–16911 Filed 7–17–14; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Independent Review Panel on Military Medical Construction Standards; Notice of Federal Advisory Committee Meeting; Revision

AGENCY: Department of Defense (DoD).

ACTION: Notice of meeting; revision.

SUMMARY: On Tuesday, July 8, 2014, the Department of Defense published a meeting notice titled Independent Review Panel on Military Medical Construction Standards; Notice of Federal Advisory Committee Meeting (79 FR 38522–38523). Subsequent to the publication of that notice, the Department of Defense realized that the original notice did not specify the location for each of the three meeting dates. In addition, the staff at Wilford Hall Ambulatory Surgical Center required modifications to the original times. This notice makes these revisions. The ''Agenda'' paragraph in the **SUPPLEMENTARY INFORMATION** section is reprinted with revisions. All other information in the July 8, 2014 notice remains the same.

DATES:

Monday, July 21, 2014

10:00 a.m.–12:15 p.m. CDT (Open Session)
12:15 p.m.–4:00 p.m. CDT (Administrative Working Meeting)

Tuesday, July 22, 2014

8:30 a.m.–12:15 p.m. CDT (Administrative Working Meeting)
12:15 p.m.–2:30 p.m. CDT (Open Session)

Wednesday, July 23, 2014

8:00 a.m.–10:00 a.m. CDT (Open Session)
10:00 a.m.–12:00 p.m. CDT (Administrative Working Meeting)

ADDRESSES: San Antonio Military Medical Center, 3551 Roger Brooke Drive, Fort Sam Houston, Texas 78234 on July 21, 2014. Wilford Hall Ambulatory Surgical Center, 2200 Bergquist Drive, Joint Base San Antonio-Lackland, Texas 78236 on July 22, 2014. Carl R. Darnall Army Medical Center, 36000 Darnall Loop, Fort Hood, Texas 76544 on July 23, 2014.

FOR FURTHER INFORMATION CONTACT: The Director is Ms. Christine Bader, 7700 Arlington Boulevard, Suite 5101, Falls Church, Virginia 22042, *christine.bader@dha.mil,* (703) 681–6653, Fax: (703) 681–9539. For meeting information, please contact Ms. Kendal Brown, 7700 Arlington Boulevard, Suite 5101, Falls Church, Virginia 22042, *kendal.brown.ctr@dha.mil,* (703) 681–6670, Fax: (703) 681–9539.

SUPPLEMENTARY INFORMATION:

Agenda

Pursuant to 5 U.S.C. 552b, as amended, and 41 CFR 102–3.140 through 102–3.165 and subject to availability of space, the Panel meeting is open to the public from 10:00 a.m. to 12:15 p.m. on July 21, 12:15 p.m. to 2:30 p.m. on July 22, and 8:00 a.m. to 10:00 a.m. on July 23, 2014, as the Panel will meet with senior military healthcare leaders to discuss facility design standards and benchmarking processes.

Due to difficulties beyond the control of the Department of Defense, the Designated Federal Officer was unable to submit an amended **Federal Register** notice pertaining to the Independent Review Panel on Military Medical Construction Standards' meeting agenda for its scheduled meeting of July 21–23, 2014, that ensured compliance with the requirements of 41 CFR 102–3.150(a). Accordingly, the Advisory Committee Management Officer for the Department of Defense, waives the 15-calendar day notification requirement pursuant to 41 CFR 102–3.150(b).

Dated: July 15, 2014.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2014–16947 Filed 7–17–14; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2014–ICCD–0070]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; U.S. Department of Education Supplemental Information for the SF–424 Form

AGENCY: Office of the Secretary/Office of the Deputy Secretary (OS), Department of Education (ED).

ACTION: Notice.

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

DATES: Interested persons are invited to submit comments on or before August 18, 2014.

ADDRESSES: Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting Docket ID number ED–2014–ICCD–0070 or via postal mail, commercial delivery, or hand delivery. If the regulations.gov site is not available to the public for any reason, ED will temporarily accept comments at *ICDocketMgr@ed.gov. Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted; ED will ONLY accept comments during the comment period in this mailbox when the regulations.gov site is not available.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Mailstop L–OM–2–2E319, Room 2E105, Washington, DC 20202.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Alfreda Pettiford, 202–245–6110.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection

requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: U.S. Department of Education Supplemental Information for the SF–424 form.

OMB Control Number: 1894–0007.

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

Respondents/Affected Public: Private Sector.

Total Estimated Number of Annual Responses: 5,400.

Total Estimated Number of Annual Burden Hours: 1,782.

Abstract: The U.S. Department of Education Supplemental Information form for the SF–424 is used together with the SF–424, Application for Federal Assistance. The Supplemental Information form procures several necessary data elements and questions that are not included on the SF–424.

Stephanie Valentine,

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

[FR Doc. 2014–16886 Filed 7–17–14; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2014–ICCD–0063]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Consolidated Annual Report (CAR) for the Carl D. Perkins Career and Technical Education Act of 2006

AGENCY: Office of Career, Technical and Adult Education (OCTAE), Office of Career, Department of Education (ED).

ACTION: Notice.

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

DATES: Interested persons are invited to submit comments on or before August 18, 2014.

ADDRESSES: Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting Docket ID number ED–2014–ICCD–0063 or via postal mail, commercial delivery, or hand delivery. If the regulations.gov site is not available to the public for any reason, ED will temporarily accept comments at *ICDocketMgr@ed.gov*. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted; ED will ONLY accept comments during the comment period in this mailbox when the regulations.gov site is not available.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Mailstop L–OM–2–2E319, Room 2E115, Washington, DC 20202.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Sharon Head, 202–245–6131.

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

Title of Collection: Consolidated Annual Report (CAR) for the Carl D. Perkins Career and Technical Education Act of 2006.

OMB Control Number: 1830–0569.

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

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

Total Estimated Number of Annual Responses: 55.

Total Estimated Number of Annual Burden Hours: 9,570.

Abstract: The purpose of this information collection package—the Consolidated Annual Report (CAR) is to gather narrative, financial and performance data as required by the reauthorized Carl D. Perkins Career and Technical Education Act of 2006 (Perkins IV) (20 U.S. C. 2301 et seq. As amended by P.L. 109–270). OCTAE staff will determine each State's compliance with basic provisions of Perkins IV and the Education Department General Administrative Regulations (34 CFR Park 80.40 [Annual Performance Report] and Part 80.41 [Financial Status Report]). OCTAE staff will review performance data to determine whether, and to what extent, each State has met its State adjusted levels of performance for the core indicators described in section 113(b)(4) of Perkins IV. Perkins IV requires the Secretary to provide the appropriate committees of Congress copies of annual reports received by the Department from each eligible agency that receives funds under the Act.

Dated: July 14, 2014.

Tomakie Washington,

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

[FR Doc. 2014–16870 Filed 7–17–14; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2014–ICCD–0067]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Adult Education and Family Literacy Act State Plan (PL 105–220)

AGENCY: Technical and Adult Education (OCTAE), Office of Career, Department of Education (ED).

ACTION: Notice.

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

DATES: Interested persons are invited to submit comments on or before August 18, 2014.

ADDRESSES: Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting Docket ID number ED–2014–ICCD–0067 or via postal mail, commercial delivery, or hand delivery. If the regulations.gov site is not available to the public for any reason, ED will temporarily accept comments at *ICDocketMgr@ed.gov. Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted; ED will ONLY accept comments during the comment period in this mailbox when the regulations.gov site is not available.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Mailstop L–OM–2–2E319, Room 2E115, Washington, DC 20202.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Karla Ver Bryck Block, 202–245–6836.

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

Title of Collection: Adult Education and Family Literacy Act State Plan (PL 105–220).

OMB Control Number: 1830–0026.

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

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

Total Estimated Number of Annual Responses: 57.

Total Estimated Number of Annual Burden Hours: 2,565.

Abstract: The Adult Education and Family Literacy Act State Plan requests updates on performance standards of State level adult education, as well as details of any new projects on which federal adult education funds are to be expended. This data collection enables the Department of Education to distribute annual federal adult education allotments in future years.

Dated: July 14, 2014.

Tomakie Washington,

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

[FR Doc. 2014–16872 Filed 7–17–14; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2014–ICCD–0064]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Independent Living Services for Older Individuals Who Are Blind

AGENCY: Office of Special Education and Rehabilitative Services (OSERS), Department of Education (ED).

ACTION: Notice.

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

DATES: Interested persons are invited to submit comments on or before August 18, 2014.

ADDRESSES: Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting Docket ID number ED–2014–ICCD–0064 or via postal mail, commercial delivery, or hand delivery. If the regulations.gov site is not available to the public for any reason, ED will temporarily accept comments at *ICDocketMgr@ed.gov. Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted; ED will ONLY accept comments during the comment period in this mailbox when the regulations.gov site is not available.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Mailstop L–OM–2–2E319, Room 2E115, Washington, DC 20202.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Elizabeth Akinola, 202–245–7303.

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

Title of Collection: Independent Living Services for Older Individuals Who are Blind.

OMB Control Number: 1820–0608.

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

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

Total Estimated Number of Annual Responses: 56.

Total Estimated Number of Annual Burden Hours: 336.

Abstract: This data collection instrument is being submitted to obtain approval for information collection on the Independent Living Services For Older Individuals Who Are Blind program. Through this program, grants are made to states to support services for individuals age 55 or older whose severe visual impairment makes competitive employment difficult to obtain but for whom independent living goals are feasible. This data will be used to evaluate and construct a profile for the program nationwide. The respondents will be the managers of the Independent Living Services For Older Individuals Who Are blind program in each of the 56 states and territories. The revisions to this instrument consist of 2 additional items in Part I to capture the amount of other federal funds made available to the program, and the carryover for those funds. In Part III, rearrangement in the order of requested information to avoid double counting of consumers in the race and ethnicity categories; an additional item to capture the number of consumers served who are homeless; additional items to capture the number of consumers referred from nursing homes, assisted living facilities, government/social service agencies, and self-referrals.

Dated: July 14, 2014.

Tomakie Washington,

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

[FR Doc. 2014–16871 Filed 7–17–14; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2014–ICCD–0074]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Report of Randolph-Sheppard Vending Facility Program

AGENCY: Office of Special Education and Rehabilitative Services (OSERS), Department of Education (ED).

ACTION: Notice.

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

DATES: Interested persons are invited to submit comments on or before August 18, 2014.

ADDRESSES: Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting Docket ID number ED–2014–ICCD–0074 or via postal mail, commercial delivery, or hand delivery. If the regulations.gov site is not available to the public for any reason, ED will temporarily accept comments at *ICDocketMgr@ed.gov. Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted; ED will ONLY accept comments during the comment period in this mailbox when the regulations.gov site is not available.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW, LBJ, Mailstop L–OM–2–2E319, Room 2E115, Washington, DC 20202.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Tara Jordan, 202–245–7341.

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

Title of Collection: Report of Randolph-Sheppard Vending Facility Program.

OMB Control Number: 1820–0009.

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

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

Total Estimated Number of Annual Responses: 52.

Total Estimated Number of Annual Burden Hours: 702.

Abstract: The Vending Facility Program authorized by the Randolph-Sheppard Act provides persons who are blind with remunerative employment and self-support through the operation of vending facilities on federal and other property. Under the Randolph Sheppard Program, state licensing agencies recruit, train, license and place individuals who are blind as operators of vending facilities (including cafeterias, snack bars, vending machines, etc.) located on federal and other properties. In statute at 20 U.S.C. 107a(6)(a), the Secretary of Education is directed through the Commissioner of the Rehabilitation Services Administration (RSA) to conduct periodic evaluations of the programs authorized under the Randolph-Sheppard Act. Additionally, section 107b(4) requires entities designated as the state licensing agency to make such reports in such form and containing such information as the Secretary may from time to time require. The information to be collected is a necessary component of the evaluation process and forms the basis for annual reporting. These data are also used to understand the distribution type and profitability of vending facilities throughout the country. Such information is useful in providing technical assistance to state licensing agencies and property managers. The Code of Federal Regulations, at 34 CFR 395.8, specifies that vending machine income received by the state from federal property managers can be distributed to blind vendors in an amount not to exceed the national average income for blind vendors. This amount is determined through data collected using RSA–15: Report of Randolph-Sheppard Vending Facility Program. In addition, the collection of information ensures the provision and transparency of activities referenced in 34 CFR 395.12 related to disclosure of program and financial information.

The following changes are found in the revised information collection (IC) RSA–15: Report of Randolph-Sheppard Vending Facility Program. At the end of

the reporting form, a text box was added for notes or explanations. The instructions were modified accordingly to accommodate these changes in the form and to clarify information.

Dated: July 14, 2014.

Tomakie Washington,

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

[FR Doc. 2014–16869 Filed 7–17–14; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Secretary of Energy Advisory Board

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a teleconference call of the Secretary of Energy Advisory Board (SEAB). SEAB was reestablished pursuant to the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770). This notice is provided in accordance with the Act.

DATES: Friday, August 1, 2014 from 11:00 a.m. to 11:45 a.m. (ET). 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: Karen Gibson, Designated Federal Officer, U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585; telephone: (202) 586–3787; email: *seab@hq.doe.gov.*

SUPPLEMENTARY INFORMATION:

Background: The Board was established to provide advice and recommendations to the Secretary on the Department's basic and applied research, economic and national security policy, educational issues, operational issues, and other activities as directed by the Secretary.

Purpose of the Meeting: This meeting is a public meeting of the Board.

Tentative Agenda: The meeting will start at 11:00 a.m. on August 1, 2014. The tentative meeting agenda includes updates on the work of the SEAB Next Generation High Performance Computing Task Force and comments from the public. The meeting will conclude at 11:45 a.m. Agenda updates and a draft of the report will be posted on the SEAB Web site: *www.energy.gov/seab.*

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 Karen Gibson at the address or email address listed above. Requests to make oral comments must be received five days prior to the meeting. The Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business.

Those not able to join the teleconference call or who have insufficient time to address the committee are invited to send a written statement to Karen Gibson, U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585, or email to: *seab@hq.doe.gov.*

Minutes: The minutes of the meeting will be available by contacting Ms. Gibson. She may be reached at the postal address or email address above, or by visiting SEAB's Web site at *www.energy.gov/seab.*

Issued in Washington, DC, on July 14, 2014.

LaTanya R. Butler,

Deputy Committee Management Officer.

[FR Doc. 2014–16910 Filed 7–17–14; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Northern New Mexico

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a combined meeting of the Environmental Monitoring and Remediation Committee and Waste Management Committee of the Environmental Management Site-Specific Advisory Board (EM SSAB), Northern New Mexico (known locally as the Northern New Mexico Citizens' Advisory Board [NNMCAB]). The Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) requires that public notice of this meeting be announced in the **Federal Register**.

DATES: Wednesday, August 13, 2014, 2:00 p.m.–4:00 p.m.

ADDRESSES: NNMCAB Office, 94 Cities of Gold Road, Santa Fe, NM 87506.

FOR FURTHER INFORMATION CONTACT: Menice Santistevan, Northern New Mexico Citizens' Advisory Board, 94 Cities of Gold Road, Santa Fe, NM 87506. Phone (505) 995–0393; Fax (505) 989–1752 or Email: *menice.santistevan@nnsa.doe.gov.*

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to make recommendations to DOE–EM and site management in the areas of environmental restoration, waste management, and related activities.

Purpose of the Environmental Monitoring and Remediation Committee (EM&R): The EM&R Committee provides a citizens' perspective to NNMCAB on current and future environmental remediation activities resulting from historical Los Alamos National Laboratory (LANL) operations and, in particular, issues pertaining to groundwater, surface water and work required under the New Mexico Environment Department Order on Consent. The EM&R Committee will keep abreast of DOE–EM and site programs and plans. The committee will work with the NNMCAB to provide assistance in determining priorities and the best use of limited funds and time. Formal recommendations will be proposed when needed and, after consideration and approval by the full NNMCAB, may be sent to DOE–EM for action.

Purpose of the Waste Management (WM) Committee: The WM Committee reviews policies, practices and procedures, existing and proposed, so as to provide recommendations, advice, suggestions and opinions to the NNMCAB regarding waste management operations at the Los Alamos site.

Tentative Agenda

1. 2:00 p.m. Approval of Agenda
2. 2:02 p.m. Approval of Minutes from July 9, 2014
3. 2:05 p.m. Update from Executive Committee—Carlos Valdez, Chair
4. 2:10 p.m. Update from DOE—Lee Bishop, Deputy Designated Federal Officer
5. 2:25 p.m. Presentation by Tom Longo, DOE Headquarters
   - DOE Long Term Stewardship Program
6. 3:10 p.m. Public Comment Period
7. 3:25 p.m. Subcommittee Breakout Session
   - Draft Committee Work Plans for Fiscal Year 2015
   - Discuss Topics for Committee Sponsored Draft Recommendations
   - General Committee Business
8. 4:15 p.m. Adjourn

Public Participation: The NNMCAB's Committees welcome the attendance of the public at their combined committee meeting and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Menice Santistevan at least seven days in advance of the meeting at the telephone number listed above. Written statements may be filed with the Committees either before or after the meeting. Individuals who wish to make oral statements

pertaining to agenda items should contact Menice Santistevan at the address or telephone number listed above. Requests must be received five days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Individuals wishing to make public comments will be provided a maximum of five minutes to present their comments.

Minutes: Minutes will be available by writing or calling Menice Santistevan at the address or phone number listed above. Minutes and other Board documents are on the Internet at: *http://www.nnmcab.energy.gov/*.

Issued at Washington, DC, on July 15, 2014.

LaTanya R. Butler,

Deputy Committee Management Officer.

[FR Doc. 2014–16909 Filed 7–17–14; 8:45 am]

BILLING CODE 6405–01–P

DEPARTMENT OF ENERGY

Proposed Subsequent Arrangement

AGENCY: Office of Nonproliferation and International Security, Department of Energy.

ACTION: Proposed subsequent arrangement.

SUMMARY: This document is being issued under the authority of the Atomic Energy Act of 1954, as amended. The Department is providing notice of a proposed subsequent arrangement under the Agreement for Cooperation Concerning Civil Uses of Nuclear Energy Between the Government of the United States of America and the Government of Canada and the Agreement for Cooperation in the Peaceful Uses of Nuclear Energy Between the United States of America and the European Atomic Energy Community.

DATES: This subsequent arrangement will take effect no sooner than August 4, 2014.

FOR FURTHER INFORMATION CONTACT: Ms. Katie Strangis, Office of Nonproliferation and International Security, National Nuclear Security Administration, Department of Energy. Telephone: 202–586–8623 or email: *Katie.Strangis@nnsa.doe.gov*.

SUPPLEMENTARY INFORMATION: This subsequent arrangement concerns the retransfer of 295,858 kg of U.S.-origin natural uranium hexafluoride (UF6) (67.6% U), 200,000 kg of which is uranium, from Cameco Corporation (Cameco) in Saskatoon, Saskatchewan, to Urenco Ltd. (URENCO) in Almelo, The Netherlands. The material, which is currently located at Cameco in Port Hope, Ontario, will be used for toll enrichment by URENCO at its facility in Almelo, The Netherlands. The material was originally obtained by Cameco from Power Resources, Inc., Cameco Resources-Crowe Butte Operation, and White Mesa Mill pursuant to export license XSOU8798.

In accordance with section 131a. of the Atomic Energy Act of 1954, as amended, it has been determined that this subsequent arrangement concerning the retransfer of nuclear material of United States origin will not be inimical to the common defense and security of the United States of America.

Dated: June 23, 2014.

For the Department of Energy.

Anne M. Harrington,

Deputy Administrator, Defense Nuclear Nonproliferation.

[FR Doc. 2014–16933 Filed 7–17–14; 8:45 am]

BILLING CODE 6450–01–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: RP14–1093–000.

Applicants: Chandeleur Pipe Line, LLC.

Description: Chandeleur Rate Case Section 5 to be effective 4/1/2014.

Filed Date: 7/7/14.

Accession Number: 20140707–5121.

Comments Due: 5 p.m. ET 7/21/14.

Docket Numbers: RP14–556–000.

Applicants: Portland Natural Gas Transmission System.

Description: Motion to Place in Effect RP14–556–000(a) to be effective 7/7/2014.

Filed Date: 7/7/14.

Accession Number: 20140707–5125.

Comments Due: 5 p.m. ET 7/21/14.

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: RP10–1082–002.

Applicants: Mojave Pipeline Company, L.L.C.

Description: Petition to Amend Stipulation and Agreement, Request Shortened Response Period and Request Expedited Approval of Mojave Pipeline Company, L.L.C.

Filed Date: 7/3/14.

Accession Number: 20140703–5153.

Comments Due: 5 p.m. ET 7/10/14.

Docket Numbers: RP14–556–001.

Applicants: Portland Natural Gas Transmission System.

Description: Motion to Place in Effect RP14–556–000(b) to be effective 7/7/2014.

Filed Date: 7/7/14.

Accession Number: 20140707–5126.

Comments Due: 5 p.m. ET 7/21/14.

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 July 8, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–16897 Filed 7–17–14; 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: PR14–40–000.

Applicants: Atmos Energy—Kentucky/Mid-States Division.

Description: Tariff filing per 284.123(e)/.224: Termination of Statement of Operating Conditions to be effective 7/2/2014; TOFC: 800.

Filed Date: 7/2/14.

Accession Number: 20140702–5163.

Comments Due: 5 p.m. ET 7/23/14.

284.123(g) Protests Due:

Docket Numbers: PR14–41–000.

Applicants: Worsham-Steed Gas Storage, LLC.

Description: Tariff filing per 284.123(e) + (g): Amended Statement of Operating Conditions to be effective 7/7/14; TOFC: 1280.

Filed Date: 7/7/14.

Accession Number: 20140707–5112.

Comments Due: 5 p.m. ET 7/28/14.

284.123(g) Protests Due: 5 p.m. ET 9/5/14.

Docket Numbers: PR14–42–000.

Applicants: Hill-Lake Gas Storage, LLC.

Description: Tariff filing per 284.123(e) + (g): Amended Statement of Operating Conditions to be effective 7/7/2014; TOFC: 1280.

Filed Date: 7/7/14.

Accession Number: 20140707–5114.

Comments Due: 5 p.m. ET 7/28/14.

284.123(g) Protests Due: 5 p.m. ET 9/5/14.

Docket Numbers: CP14–519–000.

Applicants: Honeoye Storage Corporation.

Description: Abbreviated Application for a Certificate of Public Convenience and Necessity of Honeoye Storage Corporation.

Filed Date: 7/7/14.

Accession Number: 20140707–5186.

Comments Due: 5 p.m. ET 7/21/14.

Docket Numbers: RP14–1094–000.

Applicants: Southern Natural Gas Company, L.L.C.

Description: Negotiated Rate Filing to be effective 7/1/2014.

Filed Date: 7/8/14.

Accession Number: 20140708–5046.

Comments Due: 5 p.m. ET 7/21/14.

Docket Numbers: RP14–1095–000.

Applicants: Midcontinent Express Pipeline LLC.

Description: Chesapeake Neg Rate to be effective 7/8/2014.

Filed Date: 7/8/14.

Accession Number: 20140708–5077.

Comments Due: 5 p.m. ET 7/21/14.

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 date(s). 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 July 9, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–16898 Filed 7–17–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

(J)Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG14–71–000.

Applicants: Dominion Solar Gen-Tie, LLC.

Description: Self-Certification of EWG status of Dominion Solar Gen-Tie, LLC.

Filed Date: 7/10/14.

Accession Number: 20140710–5019.

Comments Due: 5 p.m. ET 7/31/14.

Docket Numbers: EG14–72–000.

Applicants: Desert Green Solar Farm LLC.

Description: Notice of Self-Certification of Exempt Wholesale Generator Status of Desert Green Solar Farm LLC.

Filed Date: 7/10/14.

Accession Number: 20140710–5028.

Comments Due: 5 p.m. ET 7/31/14.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER14–1713–001.

Applicants: Midcontinent Independent System Operator, Inc.

Description: Midcontinent Independent System Operator, Inc. submits tariff filing per 35: 2014–07–10 Flow Limit (SRBPC) Compliance Filing to be effective 4/12/2014.

Filed Date: 7/10/14.

Accession Number: 20140710–5118.

Comments Due: 5 p.m. ET 7/31/14.

Docket Numbers: ER14–2245–000.

Applicants: TriEagle Energy, LP.

Description: Supplement to June 23, 2014 TriEagle Energy, LP tariff filing.

Filed Date: 7/9/14.

Accession Number: 20140709–5179.

Comments Due: 5 p.m. ET 7/30/14.

Docket Numbers: ER14–2393–000.

Applicants: Macho Springs Solar, LLC.

Description: Macho Springs Amendment Filing to be effective 7/10/2014.

Filed Date: 7/9/14.

Accession Number: 20140709–5165.

Comments Due: 5 p.m. ET 7/30/14.

Docket Numbers: ER14–2394–000.

Applicants: New York State Electric & Gas Corporation.

Description: Notice of Cancellation of Facilities Agreements Rate Schedule No. 72 and 227 New York State Electric & Gas Corporation.

Filed Date: 7/9/14.

Accession Number: 20140709–5178.

Comments Due: 5 p.m. ET 7/30/14.

Docket Numbers: ER14–2395–000.

Applicants: Southwest Power Pool, Inc.

Description: 2827R1 Kansas Power Pool & Westar Meter Agent Agreement to be effective 6/1/2014.

Filed Date: 7/10/14.

Accession Number: 20140710–5032.

Comments Due: 5 p.m. ET 7/31/14.

Docket Numbers: ER14–2396–000.

Applicants: Pennsylvania Electric Company, PJM Interconnection, L.L.C.

Description: Pennsylvania Electric Company Filing of Original & Revised Svc Agrmnts to be effective 8/1/2014.

Filed Date: 7/10/14.

Accession Number: 20140710–5082.

Comments Due: 5 p.m. ET 7/31/14.

Docket Numbers: ER14–2397–000.

Applicants: Public Service Company of New Hampshire.

Description: Public Service Company of New Hampshire submits Notice of Cancellation of First Revised Service Agreement No. 93 with Essential Power Newington, LLC.

Filed Date: 7/10/14.

Accession Number: 20140710–5088.

Comments Due: 5 p.m. ET 7/31/14.

Docket Numbers: ER14–2398–000.

Applicants: PJM Interconnection, L.L.C.

Description: Request for Limited Tariff Waiver Request of PJM Interconnection, L.L.C.

Filed Date: 7/10/14.

Accession Number: 20140710–5124.

Comments Due: 5 p.m. ET 7/31/14.

Take notice that the Commission received the following public utility holding company filings:

Docket Numbers: PH14–12–000.

Applicants: The Northwestern Mutual Life Insurance Company.

Description: The Northwestern Mutual Life Insurance Company submits FERC 65–A Exemption Notification.

Filed Date: 7/10/14.

Accession Number: 20140710–5061.

Comments Due: 5 p.m. ET 7/31/14.

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: July 10, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–16849 Filed 7–17–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ID–7484–000]

Richardson, Alan C.; Notice of Filing

Take notice that on July 11, 2014, Alan C. Richardson submitted for filing, an application for authority to hold interlocking positions, pursuant to section 305(b) of the Federal Power Act (FPA), 16 U.S.C. 825d(b), part 45 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR part 45, and Order No. 664.[1]

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern Time on August 1, 2014.

Dated: July 11, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–16850 Filed 7–17–14; 8:45 am]

BILLING CODE 6717–01–P

[1] *Commission Authorization to Hold Interlocking Positions,* 112 FERC ¶ 61,298 (2005) (Order No. 664); *order on reh'g,* 114 FERC ¶ 61,142 (2006) (Order No. 664–A).

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OECA–2013–0327; FRL–9913–68–OEI]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; NSPS for Portland Cement Plants (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency has submitted an information collection request (ICR), ''NSPS for Portland Cement Plants (40 CFR Part 60, Subpart F) (Renewal)'' (EPA ICR No. 1051.13, OMB Control No. 2060–0025), 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 July 31, 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 August 18, 2014.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA–HQ–OECA–2013–0327, 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: Entities potentially affected by this action are portland cement plants with the following emission units: Kilns, clinker coolers, raw mill systems, raw mill dryers, raw material storage, clinker storage, finished product storage, conveyor transfer points, bagging and bulk loading and unloading systems. Entities are required to submit initial notifications, conduct initial performance tests, and submit semiannual reports for exceedances and startups, shutdown and malfunctions.

Form Numbers: None.

Respondents/affected entities: Portland cement plants.

Respondent's obligation to respond: Mandatory (40 CFR part 60, Subpart F).

Estimated number of respondents: 96 (total).

Frequency of response: Initially and semiannually.

Total estimated burden: 14,535 hours (per year). Burden is defined at 5 CFR 1320.3(b).

Total estimated cost: $2,195,995 (per year), includes $774,234 annualized capital or operation & maintenance costs.

Changes in the Estimates: There is an adjustment decrease in the respondent and Agency burden. This is not due to any program changes. The decrease occurred because we have modified the number of existing cement plants from 118 to 96 to reflect the latest industry data collected by the Agency's Greenhouse Gas Reporting Program. This revision provides a more accurate estimate for the portland cement sector, and results in an overall decrease in burden estimate.

Spencer W. Clark,

Acting Director, Collection Strategies Division.

[FR Doc. 2014–16936 Filed 7–17–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OECA–2013–0348; FRL–9913–27–OEI]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; NESHAP for Primary Aluminum Reduction Plants (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency has submitted an information collection request (ICR), ''NESHAP for Primary Aluminum Reduction Plants (40 CFR part 63, Subpart LL) (Renewal)'' (EPA ICR No. 1767.07, OMB Control No. 2060–0360) 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 July 31, 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 August 18, 2014.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA–HQ–OECA–2013–0348, 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: The affected entities are subject to the General Provisions of the NESHAP (40 CFR Part 63, Subpart A), and any changes, or additions to the Provisions (40 CFR part 63, Subpart LL). Owners or operators of the affected facilities must submit a one-time only report of any physical or operational changes, initial performance tests, and periodic reports and results. Owners or 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 during which the monitoring system is inoperative. Reports are required semiannually at a minimum.

Form Numbers: None.

Respondents/affected entities: Owners or operators of primary aluminum reduction plants.

Respondent's obligation to respond: Mandatory (40 CFR Part 63, Subpart LL).

Estimated number of respondents: 16 (total).

Frequency of response: Initially, semiannually and annually.

Total estimated burden: 80,023 hours (per year). Burden is defined at 5 CFR 1320.3(b).

Total estimated cost: $7,918,987 (per year), which includes $91,348 in either annualized capital/startup or operation & maintenance costs.

Changes in the Estimates: There is no significant change in burden in this ICR compared to the previous ICR. This is due to two considerations: (1) the regulations have not changed over the past three years, and are not anticipated to change over the next three years; and (2) the growth rate for the industry is very low, negative or non-existent, so there is no significant change in the overall burden. The apparent decrease of 375 hours in respondent burden is due to a mathematical correction. The previous ICR incorrectly summed the number of recordkeeping hours. In addition, there is a small increase in respondent cost due to an update in labor rates.

Spencer W. Clark,

Acting Director, Collection Strategies Division.

[FR Doc. 2014–16937 Filed 7–17–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–9015–9]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 564–7146 or *http://www.epa.gov/compliance/nepa/*

Weekly receipt of Environmental Impact Statements

Filed 07/07/2014 Through 07/11/2014 Pursuant to 40 CFR 1506.9.

Notice

Section 309(a) of the Clean Air Act requires that EPA make public its comments on EISs issued by other Federal agencies. EPA's comment letters on EISs are available at: *http://www.epa.gov/compliance/nepa/eisdata.html.*

EIS No. 20140191, Final EIS, NPS, FL, Gulf Islands National Seashore Final General Management Plan, Review Period Ends: 08/18/2014, Contact: Dan Brown 850–934–2600.

EIS No. 20140192, Second Draft Supplement, FTA, CA, Mid-Coast Corridor Transit Project, Comment, Period Ends: 09/02/2014, Contact: Alexander Smith, 415–744–3133.

EIS No. 20140193, Draft EIS, USACE, CA, West Sacramento Project, Comment Period Ends: 09/02/2014, Contact: Anne Baker 916–969–7868.

EIS No. 20140194, Revised Final EIS, USFS, CA, Harris Vegetation Management, Review Period Ends: 08/25/2014, Contact: Emelia Barnum 530–926–9600.

EIS No. 20140195, Final EIS, CALTRANS, CA, State Route 58 (SR–58) Kramer Junction Expressway, Project, Review Period Ends: 08/18/2014, Contact: Kurt Heidelberg 909–388–7028.

Amended Notices

EIS No. 20140113, Draft EIS, USFWS, MA, Monomoy National Wildlife Refuge Draft Comprehensive Conservation Plan, Comment Period Ends: 10/10/2014, Contact: Libby Herland 978–443–4661. Revision to the FR Notice Published 04/18/2014; Extending the Comment Period from 06/06/2014 to 10/10/2014.

EIS No. 20140151, Draft EIS, USFWS, VA, Chincoteague and Wallops Island National Wildlife Refuges Draft Comprehensive Conservation Plan, Comment Period Ends: 08/15/2014, Contact: Thomas Bonetti 413–253–8307. Revision to the FR Notice Published 05/23/2014; Extending Comment Period from 07/15/2014 to 08/15/2014.

Dated: July 15, 2014.

Cliff Rader,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 2014–16926 Filed 7–17–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9914–05–OA]

Request for Nominations of Experts To Augment the Science Advisory Board Ecological Process and Effects Committee for the Consultation and Review of Lake Erie Phosphorous Objectives

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) Science Advisory Board (SAB) Staff Office requests public nominations of scientific experts to augment the SAB Ecological Process and Effects Committee (EPEC) to form a panel to provide early advice on and subsequent review of preliminary binational phosphorous objectives, loading targets and allocations for the nearshore and offshore waters to achieve the Lake Ecosystem Objectives for Lake Erie, pursuant to the Nutrients Annex (Annex 4) of the 2012 Great Lakes Water Quality Agreement (GLWQA).

DATES: Nominations should be submitted by August 8, 2014 per the instructions below.

FOR FURTHER INFORMATION CONTACT: Any member of the public wishing further information regarding this Notice and Request for Nominations may contact the Designated Federal Officer. Nominators unable to submit nominations electronically as described below may contact the Designated Federal Officers for assistance. General information concerning the EPA SAB can be found at the EPA SAB Web site at *http://www.epa.gov/sab.*

SUPPLEMENTARY INFORMATION:

Background: The SAB (42 U.S.C. 4365) is a chartered Federal Advisory Committee that provides independent scientific and technical peer review, advice, consultation, and recommendations to the EPA Administrator on the technical basis for EPA actions. As a Federal Advisory Committee, the SAB conducts business in accordance with the Federal Advisory Committee Act (FACA) (5 U.S.C. App. 2) and related regulations. The SAB Ecological Process and Effects Committee (EPEC) is a subcommittee of the SAB that provides advice through the chartered SAB on technical issues related to EPA environmental programs and the supporting science and research to protect, sustain and restore the health of ecosystems. The SAB and the EPEC, augmented with additional experts, will comply with the provisions of FACA and all appropriate SAB Staff Office procedural policies.

EPA Region 5 is co-leading a binational workgroup to develop and implement the Nutrients Annex (''Annex 4'') of the 2012 Great Lakes Water Quality Agreement (GLWQA) in accordance with Article 3(b)(i) of the GLWQA. Under Annex 4, the U.S. and Canada are charged with establishing binational Substance Objectives for phosphorus concentrations, loading targets and allocations for the nearshore and offshore waters of Lake Erie by February 2016. The general approach is to use an ensemble of Lake Erie ecosystem models to compute appropriate load-response relationships for eutrophication response indicators of concern. EPA Region 5 requested an SAB consultation (i.e., early advice) on the appropriateness of modeling approaches to meet the GLWQA Lake Ecosystem Objectives. EPA is also requesting a subsequent review of the modeled phosphorus targets and loads to obtain advice on (1) whether these targets and loads are sufficient to meet the Lake Ecosystem Objectives as defined in the GLWQA and (2) whether the modeled results reflect the best available information on the phosphorous sources and trophic status of Lake Erie.

Technical Contact for EPA's draft assessments: For information concerning the GLWQA Annex 4 please contact Ms. Santina Wortman, Water Division, US EPA Region 5, 77 West Jackson Boulevard (WW–16J), Chicago, Illinois 60604, phone (312) 353–8319.

Request for Nominations: The SAB Staff Office is seeking nominations of nationally and internationally recognized scientists with demonstrated expertise and research to augment the EPEC and form an augmented standing committee for an early consultation and subsequent review of the binational phosphorous objectives, loading targets and allocations for the nearshore and offshore waters to achieve the Lake Ecosystem Objectives for Lake Erie. For this effort the SAB Staff Office seeks experts in one or more of the following areas, algal and cyanobacteria ecology, aquatic ecology, hydrology, limnology, ecosystem modeling, and nutrient fate and transport. Questions regarding this advisory activity should be directed to Mr. Thomas Carpenter, Designated Federal Officer (DFO), SAB Staff Office, by telephone/voice mail at (202) 564–4885, by fax at (202) 565–2098, or via email at *carpenter.thomas@epa.gov.*

Process and Deadline for Submitting Nominations: Any interested person or organization may nominate qualified individuals in the areas of expertise described above for possible service on the augmented EPEC panel identified in this notice. Nominations should be submitted in electronic format (preferred over hard copy) following the instructions for ''Nominating Experts to Advisory Panels and Ad Hoc Committees Being Formed,'' provided on the SAB Web site (see the ''Nomination of Experts'' link on the blue navigational bar at *http://www.epa.gov/sab*). To receive full consideration, nominations should include all of the information requested

below. EPA's SAB Staff Office requests contact information about the person making the nomination; contact information about the nominee; the disciplinary and specific areas of expertise of the nominee; the nominee's resume or curriculum vitae; sources of recent grant and/or contract support; and a biographical sketch of the nominee indicating current position, educational background, research activities, and recent service on other national advisory committees or national professional organizations.

Persons having questions about the nomination procedures, or who are unable to submit nominations through the SAB Web site, should contact Mr. Thomas Carpenter as indicated above in this notice. Nominations should be submitted in time to arrive no later than August 8, 2014. EPA values and welcomes diversity. In an effort to obtain nominations of diverse candidates, EPA encourages nominations of women and men of all racial and ethnic groups.

The EPA SAB Staff Office will acknowledge receipt of nominations. The names and biosketches of qualified nominees identified by respondents to this **Federal Register** notice, and additional experts identified by the SAB Staff, will be posted in a List of Candidates for each of the three panels on the SAB Web site at *http://www.epa.gov/sab.*

Public comments on each List of Candidates will be accepted for 21 days. The public will be requested to provide relevant information or other documentation on nominees that the SAB Staff Office should consider in evaluating candidates.

For the EPA SAB Staff Office a balanced review panel includes candidates who possess the necessary domains of knowledge, the relevant scientific perspectives (which, among other factors, can be influenced by work history and affiliation), and the collective breadth of experience to adequately address the charge. In forming these expert panels, the SAB Staff Office will consider public comments on the Lists of Candidates, information provided by the candidates themselves, and background information independently gathered by the SAB Staff Office. Selection criteria to be used for panel membership include: (a) Scientific and/or technical expertise, knowledge, and experience (primary factors); (b) availability and willingness to serve; (c) absence of financial conflicts of interest; (d) absence of an appearance of a loss of impartiality; (e) skills working in committees, subcommittees and advisory panels; and, (f) for the panel as a whole, diversity of expertise and scientific points of view.

The SAB Staff Office's evaluation of an absence of financial conflicts of interest will include a review of the ''Confidential Financial Disclosure Form for Special Government Employees Serving on Federal Advisory Committees at the U.S. Environmental Protection Agency'' (EPA Form 3110–48). This confidential form allows government officials to determine whether there is a statutory conflict between a person's public responsibilities (which include membership on an EPA federal advisory committee) and private interests and activities, or the appearance of a lack of impartiality, as defined by federal regulation. The form may be viewed and downloaded from the following URL address *http://yosemite.epa.gov/sab/sabproduct.nsf/Web/ethics?OpenDocument.*

The approved policy under which the EPA SAB Office selects members for subcommittees and review panels is described in the following document: *Overview of the Panel Formation Process at the Environmental Protection Agency Science Advisory Board* (EPA–SAB–EC–02–010), which is posted on the SAB Web site at *http://www.epa.gov/sab/pdf/ec02010.pdf.*

Dated: July 10, 2014.

Thomas H. Brennan,

Deputy Director, Science Advisory Board Staff Office.

[FR Doc. 2014–16917 Filed 7–17–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2014–0502; FRL–9912–84]

Ace Info Solutions, Inc. and Adventure Solutions, Prospect Infosystems, Camber Government Solutions, Inc, EMT Technologies, LLC, Peridot Solutions and KForce; Transfer of Data

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces that pesticide related information submitted to EPA's Office of Pesticide Programs (OPP) pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the Federal Food, Drug, and Cosmetic Act (FFDCA), including information that may have been claimed as Confidential Business Information (CBI) by the submitter, will be transferred to Ace Info Solutions, Inc. and its subcontractor, Adventure Solutions, Prospect Infosystems, Camber Government Solutions, Inc, EMT Technologies, LLC, Peridot Solutions and KForce, in accordance with 40 CFR 2.307(h)(3) and 2.308(i)(2). Ace Info Solutions, Inc. and its subcontractor, Adventure Solutions, Prospect Infosystems, Camber Government Solutions, Inc, EMT Technologies, LLC, Peridot Solutions and KForce, have been awarded a contract to perform work for OPP, and access to this information will enable Ace Info Solutions, Inc. and its subcontractor, Adventure Solutions, Prospect Infosystems, Camber Government Solutions, Inc, EMT Technologies, LLC, Peridot Solutions and KForce, to fulfill the obligations of the contract.

DATES: Ace Info Solutions, Inc. and its subcontractor, Adventure Solutions, Prospect Infosystems, Camber Government Solutions, Inc, EMT Technologies, LLC, Peridot Solutions and KForce, will be given access to this information on or before July 23, 2014.

FOR FURTHER INFORMATION CONTACT: Mario Steadman, Information Technology and Resources Management Division (7502P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (703) 305–8338; email: *steadman.mario@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action applies to the public in general. As such, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How can I get copies of this document and other related information?

EPA has established a docket for this action under docket identification (ID) number EPA–HQ–OPP–2014–0502. Publicly available docket materials are available either in the electronic docket at *http://www.regulations.gov,* or, if only available in hard copy, at the Office of Pesticide Programs (OPP) Regulatory Public Docket in Rm. S–4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. The hours of operation of this Docket Facility are from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The Docket Facility telephone number is (703) 305–5805.

II. Contractor Requirements

Under Contract No. GS–06F–0667Z, Ace Info Solutions, Inc. and its subcontractor, Adventure Solutions, Prospect Infosystems, Camber Government Solutions, Inc, EMT Technologies, LLC, Peridot Solutions and KForce, will perform Information Systems Infrastructure Operations, Software Maintenance and Development, and Website Management Services. The contractor shall provide such support for all project-related issues associated with all OPP information systems residing on Windows servers, Linux servers, VMware servers, the OPP SAN, the Oracle Real Application Cluster, and all other platforms as required that are currently written for Oracle, Java/J2EE, Documentum, Business Objects, Cold Fusion, Dreamweaver, Adobe, Macromedia, and other application development platforms, as necessary. Support is needed to ensure that OPPIN/PRISM information systems remain readily available to OPP personnel via the LAN and OPP external customers via the Intranet/Internet and other mechanisms (Citrix, remote access via RSA tokens, File Transfer Protocol (FTP) sites).

OPP has determined that access by Ace Info Solutions, Inc. and its subcontractor, Adventure Solutions, Prospect Infosystems, Camber Government Solutions, Inc, EMT Technologies, LLC, Peridot Solutions and KForce, to information on all pesticide chemicals is necessary for the performance of this contract.

Some of this information may be entitled to confidential treatment. The information has been submitted to EPA under sections 3, 4, 6, and 7 of FIFRA and under sections 408 and 409 of FFDCA.

In accordance with the requirements of 40 CFR 2.307(h)(2), the contract with Ace Info Solutions, Inc. and its subcontractor, Adventure Solutions, Prospect Infosystems, Camber Government Solutions, Inc, EMT Technologies, LLC, Peridot Solutions and KForce, prohibits use of the information for any purpose not specified in the contract; prohibits disclosure of the information to a third party without prior written approval from the Agency; and requires that each official and employee of the contractor sign an agreement to protect the information from unauthorized release and to handle it in accordance with the *FIFRA Information Security Manual.* In addition, Ace Info Solutions, Inc. and its subcontractor, Adventure Solutions, Prospect Infosystems, Camber Government Solutions, Inc, EMT Technologies, LLC, Peridot Solutions and KForce, are required to submit for EPA approval a security plan under which any CBI will be secured and protected against unauthorized release or compromise. No information will be provided to Ace Info Solutions, Inc. and its subcontractor, Adventure Solutions, Prospect Infosystems, Camber Government Solutions, Inc, EMT Technologies, LLC, Peridot Solutions and KForce, until the requirements in this document have been fully satisfied. Records of information provided to Ace Info Solutions, Inc. and its subcontractor, Adventure Solutions, Prospect Infosystems, Camber Government Solutions, Inc, EMT Technologies, LLC, Peridot Solutions and KForce, will be maintained by EPA Project Officers for this contract. All information supplied to Ace Info Solutions, Inc. and its subcontractor, Adventure Solutions, Prospect Infosystems, Camber Government Solutions, Inc, EMT Technologies, LLC, Peridot Solutions and KForce, by EPA for use in connection with this contract will be returned to EPA when Ace Info Solutions, Inc. and its subcontractor, Adventure Solutions, Prospect Infosystems, Camber Government Solutions, Inc, EMT Technologies, LLC, Peridot Solutions and KForce, have completed their work.

List of Subjects

Environmental protection, Business and industry, Government contracts, Government property, Security measures.

Dated: July 1, 2014.

Michael Hardy,

Acting Director, Information Technology and Resources Management Division, Office of Pesticide Programs.

[FR Doc. 2014–16915 Filed 7–17–14; 8:45 am]

BILLING CODE 6560–50–P

EXPORT-IMPORT BANK

Intent To Conduct a Detailed Economic Impact Analysis

AGENCY: Export-Import Bank.

ACTION: Notice.

SUMMARY: This notice is to inform the public that the Export-Import Bank of the United States is re-notifying this transaction due to the length of time that has elapsed since it was initially posted (June 10, 2013) and because the transaction has not yet been submitted to the Board for consideration.

Pursuant to Section 2(e)(7)(B) of the Ex-Im Charter, this notice is to inform the public that the Export-Import Bank of the United States has received a request for a $99 million comprehensive loan guarantee to support the export of approximately $90 million worth of aluminum beverage cans and ends manufacturing equipment to China. The U.S. exports will enable the Chinese company to produce approximately 2.8 billion aluminum cans per year. In addition, the U.S. exports will enable the foreign buyer will expand its existing annual ends production capacities by 3.9 billion ends. All new production will be sold within China.

DATES: Comments are due August 1, 2014.

ADDRESSES: Comments can be sent electronically to *economic.impact@exim.gov* or by mail to 811 Vermont Avenue, Washington, DC 20571, attention Policy and Planning Division.

Signed:

Helene S. Walsh,

Vice President, Policy and Planning.

[FR Doc. 2014–16896 Filed 7–17–14; 8:45 am]

BILLING CODE 6690–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Sunshine Act Meeting

Pursuant to the provisions of the ''Government in the Sunshine Act'' (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 10:00 a.m. on Tuesday, July 15, 2014, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Disposition of minutes of previous Board of Directors' Meetings.

Memorandum and resolution re: Final Rule on Advanced Approaches Risk-Based Capital Rule: Proposed Revisions to the Definition of Eligible Guarantee.

Memorandum and resolution re: Final Rule on Review of Regulations Transferred from the Former Office of Thrift Supervision: Part 390, Subpart H—Disclosure and Reporting of CRA-Related Agreements.

Memorandum and resolution re: Final Rule on the Removal of Transferred Office of Thrift Institution Regulation 12 CFR Part 390, Subpart A—Restrictions on Post-Employment Activities of Senior Examiners.

Memorandum and resolution re: Notice of Proposed Rulemaking on Review of Regulations Transferred from the Former Office of Thrift Supervision: Part 390, Subpart V—Management Official Interlocks.

Memorandum and resolution re: Notice of Proposed Rulemaking on Review of Regulations Transferred from the Former Office of Thrift Supervision: Part 390, Subpart L—Electronic Operations.

Memorandum and resolution re: Notice of Proposed Rulemaking on Rescission and Removal of Regulations Transferred from the Office of Thrift Supervision: Part 390, Subpart N—Possession by Conservators and Receivers for Federal and State Savings Associations.

Summary reports, status reports, reports of the Office of Inspector General, and reports of actions taken pursuant to authority delegated by the Board of Directors.

Discussion Agenda:

Memorandum and resolution re: Notice of Proposed Rulemaking on Revisions to the Deposit Insurance Assessment System.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street NW., Washington, DC.

This Board meeting will be Webcast live via the Internet and subsequently made available on-demand approximately one week after the event. Visit *https://fdic.primetime.mediaplatform.com/#/channel/1232003497484/Board+Meetings* to view the event. If you need any technical assistance, please visit our Video Help page at: *http://www.fdic.gov/video.html.*

The FDIC will provide attendees with auxiliary aids (e.g., sign language interpretation) required for this meeting. Those attendees needing such assistance should call 703–562–2404 (Voice) or 703–649–4354 (Video Phone) to make necessary arrangements.

Requests for further information concerning the meeting may be directed to Mr. Robert E. Feldman, Executive Secretary of the Corporation, at 202–898–7043.

Dated: July 8, 2014

Federal Deposit Insurance Corporation.

(SEAL)

081997

By

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2014–17082 Filed 7–16–14; 4:15 pm]

BILLING CODE 6714–01–P

FEDERAL ELECTION COMMISSION

Sunshine Act Meetings

AGENCY: Federal Election Commission.

DATE AND TIME: *Wednesday, July 23, 2014 at 10:00 a.m.*

PLACE: 999 E Street NW., Washington, DC (Ninth Floor).

STATUS: This meeting will be open to the public.

ITEMS TO BE DISCUSSED:

Correction and Approval of Minutes for June 26, 2014

Draft Advisory Opinion 2014–05: Henry Ford Health System Government Affairs Services Political Action Committee

Draft Advisory Opinion 2014–06: Congressman Paul Ryan, Ryan for Congress, Inc., and Prosperity Action, Inc.

Draft Advisory Opinion 2014–08: Nick for New York

Management and Administrative Matters

Individuals who plan to attend and require special assistance, such as sign language interpretation or other reasonable accommodations, should contact Shawn Woodhead Werth, Secretary and Clerk, at (202) 694–1040, at least 72 hours prior to the meeting date.

PERSON TO CONTACT FOR INFORMATION: Judith Ingram, Press Officer, Telephone: (202) 694–1220.

Shawn Woodhead Werth,

Secretary and Clerk of the Commission.

[FR Doc. 2014–17106 Filed 7–16–14; 4:15 pm]

BILLING CODE 6715–01–P

FEDERAL ELECTION COMMISSION

Sunshine Act Meeting

AGENCY: Federal Election Commission.

DATE AND TIME: *Tuesday July 22, 2014 At 10:00 a.m.*

PLACE: 999 E Street NW., Washington, DC

STATUS: This meeting will be closed to the public.

ITEMS TO BE DISCUSSED:

Compliance matters pursuant to 2 U.S.C. 437g.

Matters concerning participation in civil actions or proceedings or arbitration.

Information the premature disclosure of which would be likely to have a considerable adverse effect on the implementation of a proposed Commission action.

Internal personnel rules and internal rules and practices.

* * * * *

PERSON TO CONTACT FOR INFORMATION: Judith Ingram, Press Officer, Telephone: (202) 694–1220.

Signed:

Shelley E. Garr,

Deputy Secretary of the Commission.

[FR Doc. 2014–17055 Filed 7–16–14; 4:15 pm]

BILLING CODE 6715–01–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*.

ABF Freight System, Inc. (NVO), 3801 Old Greenwood Road, Fort Smith, AR 72903, Officers: Stephen J. Vicary, Assistant Vice President (QI), Roy M. Slagle, President, Application Type: Transfer of Jurisdiction from Delaware to Arkansas.

AC Export, LLC (OFF), 8351 Northwest 68th Street, Miami, FL 33166, Officers: Alvaro Castillo, Manager (QI), Elizabeth D. de Castillo, Manager, Application Type: New OFF License.

Axima USA LLC (NVO & OFF), 5230 Pacific Concourse Drive, Suite 135, Los Angeles, CA 90045, Officers: Michelle Carollo, Manager (QI), Sandra Fairchild, Manager, Application Type: Add trade name KLSS.

Barthco International, Inc. dba OHL-International (NVO & OFF), 5101 South Broad Street, Philadelphia, PA 19112, Officers: Theresa Brougher, Assistant Vice President (QI), Patrick Moebel, President, Application Type: QI Change.

Blue Circle & Co. (NVO), 1142 S. Diamond Bar Blvd., Suite 329, Diamond Bar, CA 91765, Officers: Ping Chuan Tu, CEO (QI), Josephine Cheng, President, Application Type: New NVO License.

Caesar International Logistics (LAX) Co. Ltd. (NVO), 572 S. Barranca Avenue,

Covina, CA 91723, Officers: Ying Hu, Vice President (QI), Ping Zhang, President, Application Type: New NVO License.

CIL Freight, Inc. (NVO & OFF), 1990 Lakeside Parkway, Suite 300, Tucker, GA 30084, Officer: Ying Liu, President (QI), Application Type: QI Change.

CMA CGM Logistics USA LLC (NVO & OFF), 1 Meadowlands Plaza, Suite 201, East Rutherford, NJ 07073, Officers: Stefan Weber, Managing Director (QI), Diane Mendez, Secretary, Application Type: QI Change.

CR & J Logistics, Inc dba Brightwater Shipping Services (NVO & OFF), 8401 Lake Worth Road, Suite 122, Lake Worth, FL 33467, Officers: Lawrence C. Freeman, Vice President (QI), Ronald S. Penn, President, Application Type: QI Change.

Helmsman Freight Solutions, LLC (NVO & OFF), 7600 NW 82nd Place, Miami, FL 33166, Officers: Ismael G. Diaz, Vice President (QI), Arturo Corona, Vice President and Sales Manager, Application Type: Additional QI.

Herco Freight Forwarders, Inc. (NVO & OFF), 7700 NW 81st Place, Suite 1, Medley, FL 33166, Officers: Romulo F. Souza, Secretary (QI), Kesia Pompeu, President, Application Type: New NVO & OFF License.

HJM International of NY Inc. (NVO & OFF), 15339 Rockaway Blvd., Suite 2, Jamaica, NY 11434, Officers: Raymond Mandil, President (QI), Mireille Drabmann, Secretary, Application Type: Add OFF Service.

Interlog USA, Inc. (NVO), 2818A Anthony Lane So., Minneapolis, MN 55418, Officers: David Canfield, President (QI), Justin Engelmeier, Secretary, Application Type: QI Change.

Johanson Transportation Service (NVO & OFF), 5583 E. Olive Avenue, Fresno, CA 93727, Officers: Danielle N. Bidegarary, Vice President (QI), Larry Johanson, Director, Application Type: QI Change.

Overseas NVOCC Corp. (NVO & OFF), 8305 NW 27th Street, Suite 111, Miami, FL 33122, Officers: Claudio R. Lopez, Secretary (QI), Jorge Perez, President, Application Type: New NVO & OFF License.

Prestige Shipping Inc. (NVO), 3392 Guider Avenue, Unit 15, Brooklyn, NY 11235, Officer: Vadim Alper, President (QI), Application Type: New NVO License.

Romax Logistics, Inc (NVO & OFF), 861 NE 72nd Terrace, Miami, FL 33138, Officer: Maximino Flores, President (QI), Application Type: New NVO & OFF License.

Sara Barnes dba Aras Forwarding (OFF), 10805 180th Avenue E, Bonney Lake, WA 98391, Officer: Sara Foster, Sole Proprietor (QI), Application Type: Name Change to Sara Foster dba Aras Forwarding.

Transmodal Solutions LLC (NVO & OFF), 25405 162nd Place SE., Covington, WA 98042, Officer: James T. Brieger, Member (QI), Application Type: New NVO & OFF License.

UIA Worldwide Logistics, Inc. (NVO), 265 E. Redondo Beach Blvd., Gardena, CA 90248, Officers: Doris Ma Ling, CFO (QI), Alvin Lin, President, Application Type: QI Change.

Dated: July 15, 2014.

By the Commission.

Karen V. Gregory,

Secretary.

[FR Doc. 2014–16979 Filed 7–17–14; 8:45 am]

BILLING CODE 6730–01–P

FEDERAL MARITIME COMMISSION

Ocean Transportation Intermediary License Reissuances

The Commission gives notice that the following Ocean Transportation Intermediary licenses have been reissued pursuant to section 19 of the Shipping Act of 1984 (46 U.S.C. 40101).

License No.: 019923F.
Name: Tretaylor International, Inc.
Address: 2034 Rolling Hills Way, Rocky Face, GA 30740.
Date Reissued: May 28, 2014.

License No.: 024273N.
Name: Evgeny Lavrentev dba Galaxy Enterprises LA.
Address: 14732 Calvert Street, Van Nuys, CA 91411.
Date Reissued: May 28, 2014.

Sandra L. Kusumoto,

Director, Bureau of Certification and Licensing.

[FR Doc. 2014–16934 Filed 7–17–14; 8:45 am]

BILLING CODE 6730–01–P

FEDERAL MARITIME COMMISSION

Ocean Transportation Intermediary License Revocations and Terminations

The Commission gives notice that the following Ocean Transportation Intermediary licenses have been revoked or terminated for the reason indicated pursuant to section 19 of the Shipping Act of 1984 (46 U.S.C. 40101) effective on the date shown.

License No.: 16693N.
Name: Horizon International Shipping, Inc.
Address: 10943 NW. 122nd Street, Medley, FL 33178.
Date Surrendered: June 2, 2014.
Reason: Voluntary surrender of license.

License No.: 020234F.
Name: Arrow Worldwide, LLC.
Address: 917 Pacific Avenue, Tacoma, WA 98402.
Date Revoked: June 20, 2014.
Reason: Failed to maintain a valid bond.

License No.: 020282N.
Name: A C H Freight Forwarding Inc.
Address: 136–21 Roosevelt Avenue, Suite 309, Flushing, NY 11354.
Date Surrendered: May 27, 2014.
Reason: Voluntary surrender of license.

License No.: 023084N.
Name: Crest Logistics Inc.
Address: 27911 Ridgecove Court North, Rancho Palos Verdes, CA 90275.
Date Surrendered: June 18, 2014.
Reason: Voluntary surrender of license.

License No.: 023461NF.
Name: Norgistics North America, Inc.
Address: 99 Wood Avenue South, Suite 9–F, Iselin, NJ 08830.
Date Surrendered: June 13, 2014.
Reason: Voluntary surrender of license.

License No.: 023649N.
Name: OQ Enterprises, Inc.
Address: 23990 Hesperian Blvd., Hayward, CA 94541.
Date Surrendered: June 25, 2014.
Reason: Voluntary surrender of license.

License No.: 023850NF.
Name: Caribbean Forwarding LLC.
Address: 2070 NW. 79th Avenue, Suite 204, Miami, FL 33122.
Date Revoked: June 18, 2014.
Reason: Failed to maintain valid bonds.

Sandra L. Kusumoto.

Director, Bureau of Certification and Licensing.

[FR Doc. 2014–16935 Filed 7–17–14; 8:45 am]

BILLING CODE 6730–01–P

FEDERAL RESERVE SYSTEM

Agency Information Collection Activities: Announcement of Board Approval Under Delegated Authority and Submission to OMB

AGENCY: Board of Governors of the Federal Reserve System.

SUMMARY: Notice is hereby given of the final approval of proposed information collections by the Board of Governors of the Federal Reserve System (Board) under OMB delegated authority, as per 5 CFR 1320.16 (OMB Regulations on

Controlling Paperwork Burdens on the Public). Board-approved collections of information are incorporated into the official OMB inventory of currently approved collections of information. Copies of the Paperwork Reduction Act Submission, supporting statements and approved collection of information instrument(s) are placed into OMB's public docket files. The Federal Reserve may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

FOR FURTHER INFORMATION CONTACT: Federal Reserve Board Clearance Officer, Cynthia Ayouch, Office of the Chief Data Officer, Board of Governors of the Federal Reserve System, Washington, DC 20551 (202) 452–3829. Telecommunications Device for the Deaf (TDD) users may contact (202) 263–4869, Board of Governors of the Federal Reserve System, Washington, DC 20551.

OMB Desk Officer, Shagufta Ahmed, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW., Washington, DC 20503.

Final approval under OMB delegated authority of the extension for three years, without revision, of the following reports:

1. Report title: Notification of Nonfinancial Data Processing Activities.
Agency form numbers: FR 4021.
OMB control number: 7100–0306.
Frequency: On occasion.
Reporters: Bank holding companies.
Estimated annual reporting hours: 4 hours.
Estimated average hours per response: 2 hours.
Number of respondents: 2.
General description of report: This information collection is required to obtain a benefit. (12 U.S.C. 1843(c)(8), (j) and (k)) and may be given confidential treatment upon request (5 U.S.C. 552(b)(4)).
Abstract: Bank holding companies submit this notification to request permission to administer the 49-percent revenue limit on nonfinancial data processing activities on a business-line or multiple-entity basis. A request may be filed in a letter form; there is no reporting form for this information collection.

2. Report title: Recordkeeping Requirements Associated With Limitations on Interbank Liabilities.
Agency form number: Regulation F.
OMB control number: 7100–0331.
Frequency: On occasion.
Reporters: State member banks.
Estimated annual reporting hours: 6,672 hours.
Estimated average time per response: 8 hours.
Number of respondents: 834.
General description of report: This information collection is mandatory pursuant to section 23 of the Federal Reserve Act, as added by section 308 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (FDICIA) (12 U.S.C. 371b–2). Because the Federal Reserve does not collect any information, no issue of confidentiality normally arises. However, if a compliance program becomes a Federal Reserve record during an examination, the information may be protected from disclosure under exemptions (b)(4) and (b)(8) of the Freedom of Information Act (5 U.S.C. 552(b)(4) and (b)(8)).
Abstract: Section 206.3 of Regulation F requires insured depository institutions to establish and maintain policies and procedures designed to prevent excessive exposure to correspondents in order to limit the risks that the failure of a depository institution would pose to insured depository institutions. The Federal Reserve accounts for the paperwork burden on state member banks for Regulation F compliance.

3. Report title: Recordkeeping and Disclosure Requirements Associated With Regulation R.
Agency form number: FR 4025.
OMB control number: 7100–0316.
Frequency: On occasion.
Reporters: Commercial banks and savings associations.
Estimated annual reporting hours: Section 701, disclosures to customers: 12,500 hours; Section 701, disclosures to brokers: 375 hours; Section 723, recordkeeping; 188 hours; Section 741, disclosures to customers: 62,500 hours.
Estimated average time per response: Section 701, disclosures to customers: 5 minutes; Section 701, disclosures to brokers: 15 minutes; Section 723, recordkeeping: 15 minutes; Section 741, disclosures to customers: 5 minutes.
Number of respondents: Section 701, disclosures to customers: 1,500; Section 701, disclosures to brokers: 1,500; Section 723, recordkeeping: 75; Section 741, disclosures to customers: 750.
General description of report: This information collection is required to obtain a benefit pursuant to section 3(a)(4)(F) of the Exchange Act (15 U.S.C. 78c(a)(4)(F)) and may be given confidential treatment under the authority of the Freedom of Information Act (5 U.S.C. 552(b)(4) and (b)(8)).
Abstract: Regulation R implements certain exceptions for banks from the definition of broker under Section 3(a)(4) of the Securities Exchange Act of 1934, as amended by the Gramm-Leach-Bliley Act. Sections 701, 723, and 741 of Regulation R contain information collection requirements. Section 701 requires banks that wish to utilize the exemption in that section to make certain disclosures to the high net worth customer or institutional customer. In addition, section 701 requires banks that wish to utilize the exemption in that section to provide a notice to its broker-dealer partner regarding names and other identifying information about bank employees. Section 723 requires a bank that chooses to rely on the exemption in that section to exclude certain trust or fiduciary accounts in determining its compliance with the chiefly compensated test in section 721 to maintain certain records relating to the excluded accounts. Section 741 requires a bank relying on the exemption provided by that section to provide customers with a prospectus for the money market fund securities, not later than the time the customer authorizes the bank to effect the transaction in such securities, if the class of series of securities are not no-load.

4. Report title: Registration of Mortgage Loan Originators.
Agency form number: CFPB Regulation G (12 CFR 1007).
OMB control number: 7100–0328.
Frequency: Annually.
Reporters: Employees of state member banks, certain subsidiaries of state member banks, branches and agencies of foreign banks that are regulated by the Federal Reserve, and commercial lending companies of foreign banks who act as residential mortgage loan originators (MLOs).
Estimated annual reporting hours: MLOs *(new)* Initial set up and disclosure; 938 hours; MLOs *(existing)* Maintenance and disclosure: 16,255 hours; MLOs *(existing)* Updates for changes: 2,391 hours; Depository Institutions and subsidiaries: 90,388 hours.
Estimated average time per response: MLOs *(new)* Initial set up and disclosure: 3.50 hours; MLOs *(existing)* Maintenance and disclosure: .85 hours; MLOs *(existing)* Updates for changes: .25 hours; Depository Institutions and subsidiaries: 118 hours.
Number of respondents: MLOs *(new)* Initial set up and disclosure: 268; MLOs *(existing)* Maintenance and disclosure: 19,124; MLOs *(existing)* Updates for changes: 9,562; Depository Institutions, and subsidiaries: 766.
General description of report: Section 1507 of the Secure and Fair

Enforcement for Mortgage Licensing Act (the S.A.F.E. Act), 12 U.S.C. 5106, requires that the Consumer Financial Protection Bureau (CFPB) develop and maintain a system for registering individual MLOs of covered financial institutions supervised directly by the Bureau or regulated by a federal banking agency with the Nationwide Mortgage Licensing System and Registry. Section 1504 of the S.A.F.E. Act, 12 U.S.C. 5103, requires that an individual desiring to engage in the business of a loan originator maintain an annual federal registration (or be licensed by an equivalent state regulatory scheme) and appear on the Registry with a unique identifier. Section 1007.103 of Regulation G implements this registration scheme on behalf of the Bureau, and Section 1007.105 of Regulation G requires that covered financial institutions provide the unique identifiers of MLOs to consumers. 12 CFR 1007.103 thru 105. This information collection is mandatory.

The unique identifier of MLOs must be made public and is not considered confidential. In addition, most of the information that MLOs submit in order to register with the Nationwide Mortgage Licensing System and Registry will be publicly available. However, certain identifying data on individuals who act as MLOs are entitled to confidential treatment under (b)(6) of the Freedom of Information Act (FOIA), which protects from disclosure information that ''would constitute a clearly unwarranted invasion of personal privacy.'' 5 U.S.C. 552(b)(6).

With respect to the information collection requirements imposed on depository institutions, because the requirements are that depository institutions retain their own records and make certain disclosures to customers, the FOIA would only be implicated if the Federal Reserve's examiners obtained a copy of these records as part of the examination or supervision process of a financial institution. However, records obtained in this manner are exempt from disclosure under FOIA exemption (b)(8), regarding examination-related materials. 5 U.S.C. 552(b)(8).

Abstract: On July 28, 2010, the Federal Reserve amended Regulation H to implement the Secure and Fair Enforcement for Mortgage Licensing Act (the S.A.F.E. Act) with respect to its regulated entities, enacted July 30, 2008.[1] On July 21, 2011, provisions of the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010 (Dodd-Frank Act) transferred certain S.A.F.E. Act responsibilities to the CFPB, including rulemaking authority for all federal depository institutions and supervisory authority for S.A.F.E. Act compliance for entities under the CFPB's jurisdiction. On December 19, 2011, the CFPB published an interim final rule establishing a new Regulation G,[2] S.A.F.E. ACT Mortgage Licensing Act—Federal Registration of Residential Mortgage Loan Originators.[3] The CFPB's rule did not impose any new substantive obligations on regulated persons or entities. The Federal Reserve retains supervisory authority for S.A.F.E. Act compliance for most Federal Reserve-supervised entities with consolidated assets of $10 billion or less.

The CFPB's Regulation G requires employees of state member banks, certain subsidiaries of state member banks, branches and agencies of foreign banks that are regulated by the Federal Reserve, and commercial lending companies of foreign banks who act as residential mortgage loan originators (MLOs) to register with the Nationwide Mortgage Licensing System and Registry (NMLSR), obtain a unique identifier, maintain this registration, and disclose to consumers upon request and through the NMLSR their unique identifier, and the MLO's employment history and publicly adjudicated disciplinary and enforcement actions. The CFPB's regulation also requires the institutions employing these MLOs to adopt and follow written policies and procedures to ensure their employees comply with these requirements and to disclose the unique identifiers of their MLOs.

5. Report title: Recordkeeping and Disclosure Requirements Associated with Securities Transactions Pursuant to Regulation H.

Agency form number: Reg H–3.

OMB control number: 7100–0196.

Frequency: On occasion.

Reporters: State member banks.

Estimated annual reporting hours: 97,869 hours.

Estimated average time per response: State member banks (de novo): recordkeeping, 40 hours.

State member banks *with* trust departments: recordkeeping, 2 hours; disclosure, 16 hours. State member banks *without* trust departments: recordkeeping, 15 minutes; disclosure, 5 hours.

Number of respondents: State member banks (de novo): 3; state member banks *with* trust departments: 228; state member banks *without* trust departments: 615.

General description of report: Regulation H requirements are authorized by Section 23 of the Securities Exchange Act of 1934 (''the 34 Act''), 15 U.S.C. 78w, which empowers the Federal Reserve to make rules and regulations implementing those portions of the 34 Act for which it is responsible. The requirements of 12 CFR 208.34(c), (d), & (g) also are impliedly authorized by Section 9 of the Federal Reserve Act, 12 U.S.C. 325, which requires state member banks to submit to examinations by the Federal Reserve System. These securities transactions requirements appear to be reasonably related to the Federal Reserve's supervisory authority with respect to the safety and soundness of state member banks. Accordingly, the Federal Reserve is authorized by implication under 12 U.S.C. 325 to impose these recordkeeping, disclosure, and policy establishment requirements. The obligation of a state member bank to comply with the Regulation H requirements is mandatory, save for the limited exceptions set forth in 12 CFR 208.34(a).

Inasmuch as the Federal Reserve System does not collect or receive any information concerning securities transactions pursuant to these requirements, no issues of confidentiality normally will arise. If, however, these records were to come into the possession of the Federal Reserve, they may be protected from disclosure pursuant to exemption 4 of the Freedom of Information Act (''FOIA''), 5 U.S.C. 552(b)(4), under the standards set forth in *National Parks & Conservation Ass'n* v. *Morton,* 498 F.2d 765 (D.C. Cir. 1974), to the extent an institution can establish the potential for substantial competitive harm. They also may be subject to withholding under FOIA exemption 6, 5 U.S.C. 552(b)(6), should disclosure constitute an unwarranted invasion of personal privacy. Additionally, if such information were included in the work papers of System examiners or abstracted in System reports of examination, the information also would be protected under exemption 8 of FOIA, 5 U.S.C. 552(b)(8). Any withholding determination would be made on a case-by-case basis in response to a specific request for disclosure of the information.

Abstract: The Federal Reserve's Regulation H requires state member banks to maintain records for three years following a securities transaction. These requirements are necessary to protect the customer, to avoid or settle

[1] 75 FR 44656 (July 28, 2010). See also the revised **Federal Register** preamble at 75 FR 51623 (August 23, 2010).

[2] 12 CFR 1007.

[3] 76 FR 78483.

customer disputes, and to protect the institution against potential liability arising under the anti-fraud and insider trading provisions of the Securities Exchange Act of 1934.

6. Report title: HMDA Loan/Application Register.

Agency form number: FR HMDA–LAR.

OMB control number: 7100–0247.

Frequency: Annually.

Reporters: State member banks, subsidiaries of state member banks, subsidiaries of bank holding companies, U.S. branches and agencies of foreign banks (other than federal branches, federal agencies, and insured state branches of foreign banks), commercial lending companies owned or controlled by foreign banks, and organizations operating under section 25 or 25A of the Federal Reserve Act.[4]

Estimated annual reporting hours: 127,652 hours.

Estimated average time per response: State member banks: 242 hours; mortgage subsidiaries: 192 hours.

Number of respondents: State member banks: 514; mortgage subsidiaries: 17.

General description of report: Section 304(j) of the Home Mortgage Disclosure Act (HMDA), which requires the Consumer Financial Protection Bureau (CFPB) to prescribe by regulation the form of a LAR that must be maintained by lending institutions, is mandatory for covered institutions. Regulation C implements this statutory provision and requires that reports be sent to the appropriate federal banking agency. HMDA requires that the LAR be made available to the public in the form prescribed by the CFPB. The CFPB is authorized to require certain deletions from the LAR information to protect the privacy of applicants and to protect depository institutions from liability under Federal or state privacy law. The deleted information is exempt from disclosure under that provision of HMDA and pursuant to Exemption 6 of the Freedom of Information Act (5 U.S.C. 552(b)(6)).

Abstract: HMDA was enacted in 1975 and is implemented by Regulation C. HMDA requires depository and certain for-profit, non-depository institutions to collect, report to regulators, and disclose to the public data about originations and purchases of home mortgage loans (home purchase and refinancing) and home improvement loans, as well as loan applications that do not result in originations (for example, applications that are denied or withdrawn). HMDA was enacted to provide the public with loan data that can be used to: (1) Help determine whether financial institutions are serving the housing needs of their communities, (2) assist public officials in distributing public-sector investments so as to attract private investment to areas where it is needed, and (3) assist in identifying possible discriminatory lending patterns and enforcing anti-discrimination statutes.[5]

Current Actions: On April 18, 2014, the Federal Reserve published a notice in the **Federal Register** (79 FR 21926) requesting public comment for 60 days on the extension, without revision, of the FR 4021, Reg F, FR 4025, CFPB Regulation G (12 CFR 1007), Reg H–3, and FR HMDA–LAR. The comment period for this notice expired on June 17, 2014. The Federal Reserve did not receive any comments.

Board of Governors of the Federal Reserve System, July 14, 2014.

Robert deV. Frierson,

Secretary of the Board.

[FR Doc. 2014–16885 Filed 7–17–14; 8:45 am]

BILLING CODE 6210–01–P

[4] The CFPB supervises, among other institutions, insured depository institutions with over $10 billion in assets and their affiliates (including affiliates that are themselves depository institutions regardless of asset size and subsidiaries of such affiliates).

[5] 12 CFR 1003.1(b).

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than August 14, 2014.

A. Federal Reserve Bank of Richmond (Adam M. Drimer, Assistant Vice President) 701 East Byrd Street, Richmond, Virginia 23261–4528:

1. *First Citizens BancShares, Inc.,* Raleigh, North Carolina; to merge with First Citizens Bancorporation, Inc., and thereby indirectly acquire First Citizens Bank and Trust Company, Inc., both in Columbia, South Carolina.

Board of Governors of the Federal Reserve System, July 15, 2014.

Michael J. Lewandowski,

Associate Secretary of the Board.

[FR Doc. 2014–16916 Filed 7–17–14; 8:45 am]

BILLING CODE 6210–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Agency for Healthcare Research and Quality, HHS.

ACTION: Notice.

SUMMARY: This notice announces the intention of the Agency for Healthcare Research and Quality (AHRQ) to request that the Office of Management and Budget (OMB) approve the proposed information collection project: ''Patient Safety Organization Certification for Initial Listing and Related Forms, Patient Safety Confidentiality Complaint Form, and Common Formats.'' In accordance with the Paperwork Reduction Act, 44 U.S.C. 3501–3521, AHRQ invites the public to comment on this proposed information collection.

DATES: Comments on this notice must be received by September 16, 2014.

ADDRESSES: Written comments should be submitted to: Doris Lefkowitz, Reports Clearance Officer, AHRQ, by email at *doris.lefkowitz@AHRQ.hhs.gov.*

Copies of the proposed collection plans, data collection instruments, and specific details on the estimated burden can be obtained from the AHRQ Reports Clearance Officer.

FOR FURTHER INFORMATION CONTACT: Doris Lefkowitz, AHRQ Reports Clearance Officer, (301) 427–1477, or by

email at *doris.lefkowitz@AHRQ.hhs.gov.*

SUPPLEMENTARY INFORMATION:

Proposed Project

Patient Safety Organization Certification for Initial Listing and Related Forms, Patient Safety Confidentiality Complaint Form, and Common Formats

The Patient Safety and Quality Improvement Act of 2005 (hereafter the Patient Safety Act), 42 U.S.C. 299b–21 to 299b–26, was enacted in response to growing concern about patient safety in the United States and the Institute of Medicine's 1999 report, To Err is Human: Building a Safer Health System. The goal of the statute is to improve patient safety by providing an incentive for health care providers to work voluntarily with experts in patient safety to reduce risks and hazards to the safety and quality of patient care. The Patient Safety Act signifies the Federal Government's commitment to fostering a culture of patient safety among health care providers; it offers a mechanism for creating an environment in which the causes of risks and hazards to patient safety can be thoroughly and honestly examined and discussed without fear of penalties and liabilities. It provides for the voluntary formation of Patient Safety Organizations (PSOs) that can collect, aggregate, and analyze confidential information reported voluntarily by health care providers. By analyzing substantial amounts of patient safety event information across multiple institutions, PSOs will be able to identify patterns of failures and propose measures to eliminate or reduce patient safety risks and hazards.

In order to implement the Patient Safety Act, the Department of Health and Human Services (HHS) issued the Patient Safety and Quality Improvement Final Rule (hereafter the Patient Safety Rule), 42 CFR part 3, which became effective on January 19, 2009. The Patient Safety Rule establishes a framework by which hospitals, doctors, and other health care providers may voluntarily report information to PSOs, on a privileged and confidential basis, for the aggregation and analysis of patient safety events. In addition, the Patient Safety Rule outlines the requirements that entities must meet to become PSOs and the process by which the Secretary of HHS (hereafter the Secretary) will review and accept certifications and list PSOs.

In addition to the Patient Safety Act and the Patient Safety Rule, HHS issued Guidance Regarding Patient Safety Organizations' Reporting Obligations and the Patient Safety and Quality Improvement Act of 2005 (hereafter Guidance) on December 30, 2010. The Guidance addresses questions that have arisen regarding the legal obligations of PSOs when they or the organization of which they are a part report certain information to the Food and Drug Administration (FDA) under the Federal Food, Drug, and Cosmetic Act (FDCA) and its implementing regulations. This includes providing the FDA with access to its records, including access during an inspection of its facilities. This Guidance applies to all entities that seek to be a PSO, or are one currently, either alone or as a component if another organization that have mandatory FDA-reporting obligations under the FDCA and its implementing regulations (''FDA-regulated reporting entities''). It also covers PSOs that are organizationally related to such FDA-regulated reporting entities (e.g., parent organizations, subsidiaries, sibling organizations).

When PSOs meet the requirements of the Patient Safety Act, the information collected and the analyses and deliberations regarding the information receive Federal confidentiality and privilege protections under this legislation. The Secretary delegated authority to the Director of the Office for Civil Rights (OCR) to enforce the confidentiality protections of the Patient Safety Act. 71 **Federal Register** 28701–28702 (May 17, 2006). OCR is responsible for enforcing protections regarding patient safety work product (PSWP), which generally includes information that could improve patient safety, health care quality, or health care outcomes and (1) is assembled or developed by a provider for reporting to a PSO and is reported to a PSO or (2) is developed by a PSO for the conduct of patient safety activities. Civil money penalties may be imposed for knowing or reckless impermissible disclosures of PSWP. AHRQ implements and administers the rest of the Patient Safety Act's provisions.

Pursuant to 42 CFR 3.102, an entity that seeks to be listed as a PSO by the Secretary must certify that it meets certain requirements and, upon listing, will meet other criteria. To remain listed for renewable three-year periods, a PSO must recertify that it meets these obligations and will continue to meet them while listed. The Patient Safety Act and Patient Safety Rule also impose other obligations, discussed below, that a PSO must meet to remain listed. In order for the Secretary to administer the Patient Safety Act and Rule, the entities seeking to be listed and to remain listed must complete the proposed forms.

Method of Collection

With this submission, AHRQ is requesting approval of the following proposed administrative forms.

1. PSO Certification for Initial Listing Form. This form, which is to be completed by an entity seeking to be listed by the Secretary as a PSO for an initial three-year period, contains certifications that the entity meets the requirements for listing as a PSO, in accordance with 42 U.S.C. 299b–24(a)(1) and 42 CFR 3.102.

2. PSO Certification for Continued Listing Form. In accordance with 42 U.S.C. 299b–24(a)(2) and the Patient Safety Rule, this form is to be completed by a listed PSO seeking continued listing as a PSO by the Secretary for an additional three year period.

3. PSO Two Bona Fide Contracts Requirement Certification Form. To remain listed, a PSO must have contracts with more than one provider, within successive 24 month periods, beginning with the date of its initial listing. 42 U.S.C. 299b–24(b)(1)(C). This form is to be used by a PSO to certify whether it has met this requirement.

4. PSO Disclosure Statement Form. A PSO must submit this form when it (i) has a Patient Safety Act contract with a health care provider and (ii) it has financial, reporting, and contractual relationships with that contracting provider or is not independent of that contracting provider. 42 U.S.C. 299b–24(b)(1)(E); 42 CFR 3.102(d)(2).

5. PSO Profile Form. This form, previously called the PSO Information Form, gathers information on PSOs and the type of health care providers and settings that they are working with to conduct patient safety activities in order to improve patient safety. It is designed to collect a minimum level of data necessary to develop aggregate statistics relating to the Patient Safety Act, including types of institutions participating and their general location in the US. This information will be included in AHRQ's annual quality report, required by 42 U.S.C. 299b–23(c).

6. PSO Change of Listing Information Form. The Secretary is required under 42 U.S.C. 299b–24(d) and the Patient Safety Rule to maintain a publicly available list of PSOs that includes, among other information, contact information for each entity. The Patient Safety Rule, section 3.102(a)(vi), also requires that a PSO must promptly notify the Secretary during its period of listing if there have been any changes in the accuracy of the information submitted for listing, along with the pertinent changes. This form is to be

used by a PSO to revise its listing information, to include updating its contact information that will be used in the Secretary's list of PSOs.

The forms described above, other than the PSO Change of Listing Information Form, are revised collection instruments that were previously approved by OMB in 2008 and 2011. These forms, along with the new PSO Change of Listing Information Form, will be used by AHRQ to obtain information necessary to implement the Patient Safety Act and Patient Safety Rule, e.g., obtaining initial and subsequent certifications from entities seeking to be listed as PSOs and for making the statutorily-required determinations prior to and during an entity's period of listing as a PSO. This information is used by the PSO Program Office housed in AHRQ's Center for Quality Improvement and Patient Safety.

OCR is requesting approval of the following administrative form:

Patient Safety Confidentiality Complaint Form. The purpose of this collection is to allow OCR to collect the minimum information needed from individuals filing patient safety confidentiality complaints with the OCR so that there is a basis for initial processing of those complaints.

In addition, AHRQ is requesting approval for a set of common definitions and reporting formats (hereafter Common Formats). Pursuant to 42 U.S.C. 299b–23(b), AHRQ coordinates the development of the Common Formats that allow PSOs and health care providers to voluntarily collect and submit standardized information regarding patient safety events.

Estimated Annual Respondent Burden

While there are a number of information collection forms described below, the forms will be implemented at different times and frequency due to the voluntary nature of seeking listing and remaining listed as a PSO, filing a Patient Safety Confidentiality Complaint Form, and using the Common Formats. Exhibit 1 shows the estimated annualized burden hours for the respondent to provide the requested information, and Exhibit 2 shows the estimated annualized cost burden associated with the respondents' time to provide the requested information. The total burden hours are estimated to be 100,704 hours annually and the total cost burden is estimated to be $3,618,294.72 annually.

PSO Certification for Initial Listing Form

The average annual burden for the collection of information requested by the certification forms for initial listing is based upon a total average estimate of 17 respondents per year and an estimated time of 18 hours per response. The estimated response number not only includes submissions by entities that are successfully listed as PSOs, but also submissions by entities that submit an initial listing form that do not become a PSO. During the past three years, AHRQ has provided substantial technical assistance about the PSO Program, including to entities seeking initial listing. After submitting an initial listing form, an entity may withdraw its form or submit a revised form, particularly after receiving technical assistance from AHRQ. In addition, AHRQ, on behalf of the Secretary, may deny listing if an entity does not meet the requirements of the Patient Safety Act and Patient Safety Rule or if the entity does not provide other information determined to be necessary to make the listing determination, such as a lack of response to requests for clarifications by AHRQ on the attestations and responses on the form. This collection of information takes place on an ongoing basis.

Certification for Continued Listing Form

The average annual burden for the collection of information requested by the certification form for continued listing is an estimated time of eight hours per response and 16 responses annually. The Certification for Continued Listing Form must be completed by any interested PSO at least 75 days before the end of its current three-year listing period. The number of respondents is based upon the estimate that 65% of the projected 77 listed PSOs will submit forms for continued listing. The estimated number of responses reflects the fact that a PSO can choose to voluntarily relinquish its status as a PSO for any reason or that a PSO can choose to not seek continued listing and allow its listing to expire. In addition, AHRQ, on behalf of the Secretary, can revoke the listing of a PSO if it is found to no longer meet the requirements of the Patient Safety Act or Patient Safety Rule. Therefore, AHRQ estimates that approximately two thirds of PSOs will seek continued listing and submit the form.

Two Bona Fide Contracts Requirement Certification

The average annual burden for the collection of information requested by the two-contract requirement is based upon an estimate of 30 respondents per year and an estimated one hour per response. This collection of information takes place when the PSO notifies the Secretary that it has entered into two contracts.

Disclosure Statement Form

AHRQ assumes that only a small percentage of entities will need to file a disclosure form. However, AHRQ is providing a high estimate of 2 respondents and thus presumably overestimating respondent burden. The average annual burden estimate of six hours for the collection of information requested by the disclosure form is based upon an estimated three hours per response. This information collection takes place when a PSO first reports having any of the specified types of additional relationships with a health care provider with which it has a contract to carry out patient safety activities.

Profile Form

The overall annual burden estimate of 231 hours for the collection of information requested by the PSO Profile Form is based upon an estimate of 77 respondents per year and an estimated three hours per response. Newly listed PSOs first report in the calendar year after their listing by the Secretary.

Patient Safety Confidentiality Complaint Form

The overall annual burden estimate of one hour for the collection of information requested by the form is based on an estimate of three respondents per year and an estimated 20 minutes per response. OCR's information collection using this form will not begin until after there is an allegation of a violation of the statutory protection of PSWP.

PSO Change of Listing Information Form

The average annual burden for the collection of information requested by the change of listing information forms is based upon a total average estimate of 24 respondents per year and an estimated time of five minutes per response. This collection of information takes place when the PSO notifies the Secretary that its listing information has changed.

Common Formats

AHRQ estimates that 5% FTE of a Patient Safety Manager at a hospital will be spent to administer the Common Formats, which is approximately 100 hours a year. In the previous submission, AHRQ estimated that 1,000 hospitals would be using the Common

Formats in year 3. AHRQ estimates the number of hospitals using Common Formats will remain level for the next three years at 1,000 hospitals.

EXHIBIT 1—ESTIMATED ANNUALIZED BURDEN HOURS

Form	Number of respondents	Number of responses per respondent	Hours per response	Total burden hours
Certification for Initial Listing Form *	17	1	18	306
Certification for Continued Listing Form *	16	1	8	128
Two Bona Fide Contracts Requirement Form **	30	1	1	30
Disclosure Statement Form ***	2	1	3	6
Profile Form ****	77	1	3	231
Patient Safety Confidentiality Complaint Form ***	3	1	20/60	1
Change of Listing Information ***	24	1	05/60	2
Common Formats	1,000	1	100	100,000
Total ***	1,169	NA	NA	100,704

* AHRQ expects the number of PSOs to remain relatively stable, with 65% of listed PSOs seeking continued listing. The number of new entities seeking listing as PSOs and PSOs seeking continued listing will be offset by the number of entities that will voluntarily relinquish their status as a PSO, allow their listing to expire, or have their listing revoked for cause by AHRQ.

** The Two Bona Fide Contracts Requirement Form will be completed by each PSO within the 24-month period after listing by the Secretary.

*** The Disclosure Statement Form and the Change of Listing Information form may be submitted by individual PSOs in different years. Due to changes in their operations, a PSO can submit more than one Change of Listing Information in a year. OCR is anticipating considerable variation in the number of complaints per year. Hence, the total for each year is expressed as an average of the expected total over the three year collection period.

**** The Profile Form collects data from listed PSOs each calendar year. The prior version of this form, the PSO Information Form, began collecting data from listed PSOs each calendar year in 2011.

EXHIBIT 2—ESTIMATED ANNUALIZED COST BURDEN

Form	Number of respondents	Total burden hours	Average hourly wage rate *	Total cost
Certification for Initial Listing Form	17	306	$35.93	$10,994.58
Certification for Continued Listing Form	16	128	35.93	4,599.04
Two Bona Fide Contracts Requirement Form	30	30	35.93	1,077.90
Disclosure Statement Form	2	6	35.93	215.58
Profile Form	77	231	35.93	8,299.83
Patient Safety Confidentiality Complaint Form	3	1	35.93	35.93
Change of Listing Information	24	2	35.93	71.86
Common Formats	1,000	100,000	35.93	3,593,000.00
Total	1,169	100,704	NA	3,618,294.72

* Based upon the mean of the hourly wages for healthcare practitioner and technical occupations, 29–0000, National Compensation Survey, May 2013, ''U.S. Department of Labor, Bureau of Labor Statistics.'' (*http://www.bls.gov/oes/current/oes_nat.htm#29–0000*).

Request for Comments

In accordance with the Paperwork Reduction Act, comments on AHRQ's information collection are requested with regard to any of the following: (a) Whether the proposed collection of information is necessary for the proper performance of AHRQ health care research and health care information dissemination functions, including whether the information will have practical utility; (b) the accuracy of AHRQ' s estimate of burden (including hours and costs) of the proposed collection(s) 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 upon the respondents, including the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and included in the Agency's subsequent request for OMB approval of the proposed information collection. All comments will become a matter of public record.

Dated: July 1, 2014.

Richard Kronick,

AHRQ Director.

[FR Doc. 2014–16670 Filed 7–17–14; 8:45 am]

BILLING CODE 4160–90–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Scientific Information Request on Management of Postpartum Hemorrhage

AGENCY: Agency for Healthcare Research and Quality (AHRQ), HHS.

ACTION: Request for scientific information submissions.

SUMMARY: The Agency for Healthcare Research and Quality (AHRQ) is seeking scientific information submissions from the public. Scientific information is being solicited to inform our review of Management of Postpartum Hemorrhage, which is currently being conducted by the Evidence-based Practice Centers for the AHRQ Effective Health Care Program. Access to

published and unpublished pertinent scientific information will improve the quality of this review. AHRQ is conducting this systematic review pursuant to Section 1013 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, Public Law 108–173, and Section 902(a) of the Public Health Service Act, 42 U.S.C. 299a(a).

DATES: Submission Deadline on or before August 18, 2014.

ADDRESSES:

Online submissions: http://effectivehealthcare.AHRQ.gov/index.cfm/submit-scientific-information-packets/. Please select the study for which you are submitting information from the list to upload your documents.

Email submissions: SIPS@epc-src.org.

Print Submissions

Mailing Address

Portland VA Research Foundation, Scientific Resource Center, ATTN: Scientific Information Packet Coordinator, P.O. Box 69539, Portland, OR 97239.

Shipping Address (FedEx, UPS, etc.)

Portland VA Research Foundation, Scientific Resource Center, ATTN: Scientific Information Packet Coordinator, 3710 SW U.S. Veterans Hospital Road, Mail Code: R&D 71, Portland, OR 97239.

FOR FURTHER INFORMATION CONTACT: Ryan McKenna,Telephone: 503–220–8262 ext. 58653 or Email: *SIPS@epc-src.org.*

SUPPLEMENTARY INFORMATION: AHRQ has commissioned the Effective Health Care (EHC) Program Evidence-based Practice Centers to complete a review of the evidence for Management of Postpartum Hemorrhage.

The EHC Program is dedicated to identifying as many studies as possible that are relevant to the questions for each of its reviews. In order to do so, we are supplementing the usual manual and electronic database searches of the literature by requesting information from the public (e.g., details of studies conducted). We are looking for studies that report on Management of Postpartum Hemorrhage, including those that describe adverse events. The entire research protocol, including the key questions, is also available online at: *http://effectivehealthcare.AHRQ.gov/search-for-guides-reviews-and-reports/?pageaction=displayproduct&productID=1918.*

This notice is to notify the public that the EHC program would find the following information on Management of Postpartum Hemorrhage helpful:

- A list of completed studies that your company has sponsored for this indication. In the list, please indicate whether results are available on *ClinicalTrials.gov* along with the *ClinicalTrials.gov* trial number.
- For completed studies that do not have results on *ClinicalTrials.gov,* please provide a summary, including the following elements: study number, study period, design, methodology, indication and diagnosis, proper use instructions, inclusion and exclusion criteria, primary and secondary outcomes, baseline characteristics, number of patients screened/eligible/enrolled/lost to follow-up/withdrawn/analyzed, effectiveness/efficacy, and safety results.
- A list of ongoing studies that your company has sponsored for this indication. In the list, please provide the *ClinicalTrials.gov* trial number or, if the trial is not registered, the protocol for the study including a study number, the study period, design, methodology, indication and diagnosis, proper use instructions, inclusion and exclusion criteria, and primary and secondary outcomes.
- Description of whether the above studies constitute ALL Phase II and above clinical trials sponsored by your company for this indication and an index outlining the relevant information in each submitted file.

Your contribution will be very beneficial to the EHC Program. Since the contents of all submissions will be made available to the public upon request, materials submitted must be publicly available or can be made public. Materials that are considered confidential; marketing materials; study types not included in the review; or information on indications not included in the review cannot be used by the EHC Program. This is a voluntary request for information, and all costs for complying with this request must be borne by the submitter.

The draft of this review will be posted on AHRQ's EHC program Web site and available for public comment for a period of 4 weeks. If you would like to be notified when the draft is posted, please sign up for the email list at: *http://effectivehealthcare.AHRQ.gov/index.cfm/join-the-email-list1/.*

The systematic review will answer the following questions. This information is provided as background. AHRQ is not requesting that the public provide answers to these questions. The entire research protocol, is also available online at: *http://effectivehealthcare.AHRQ.gov/search-for-guides-reviews-and-reports/?pageaction=displayproduct&productID=1918.*

The Key Questions (KQ)

KQ1. What is the evidence for the comparative effectiveness of interventions for management of postpartum hemorrhage?

a. What is the comparative effectiveness of interventions intended to treat postpartum hemorrhage likely due to atony?

b. What is the comparative effectiveness of interventions intended to treat postpartum hemorrhage likely due to retained placenta?

c. What is the comparative effectiveness of interventions intended to treat postpartum hemorrhage likely due to genital tract trauma?

d. What is the comparative effectiveness of interventions intended to treat postpartum hemorrhage likely due to uncommon causes (e.g., coagulopathies, uterine inversion, subinvolution)?

KQ2.What is the evidence for choosing one intervention over another and when to proceed to subsequent interventions for management of postpartum hemorrhage?

KQ3. What are the comparative harms, including adverse events, associated with interventions for management of postpartum hemorrhage?

KQ4. What is the comparative effectiveness of interventions to treat acute blood loss anemia after stabilization of postpartum hemorrhage?

KQ5. What systems-level interventions are effective in improving management of postpartum hemorrhage?

PICOTS (Population, Intervention, Comparator, Outcomes, Timing, and Setting)

Population

- KQ1–3: Women with postpartum hemorrhage (PPH) immediately post-birth to 12 weeks postpartum following pregnancy >24 weeks gestation.
- KQ4: Women with stabilized PPH and acute blood loss anemia
- KQ 1–5: All modes of birth

Intervention(s)

- KQ1–3, 5
  - Compression techniques (external uterine massage, bimanual compression, aortic compression)
  - Medications (oxytocin [Pitocin], prostaglandin El [Misoprostol, Cytotec], methylergonovine [Methergine], prostaglandin 15-methyl F2a [Hemabate], prostaglandin E2 [Dinoprostone], recombinant factor Vila [NovoSeven], and tranexamic acid [Cyklokapron])

- Devices (Bakri postpartum balloon, Foley catheter, Sengstaken-Blakemore tube, Rusch balloon)
- Procedures (manual removal of placenta, manual evacuation of clot, uterine tamponade, uterine artery embolization, laceration repair)
- Surgeries (curettage, uterine artery ligation, uterine hemostatic compression suturing, hysterectomy)
- Blood and fluid products
- Anti-shock garment
- Systems-level interventions (e.g., implementation of protocols, training)

- KQ4
  - Interventions for acute blood loss anemia (e.g., iron replacement, erythropoietin)

Comparator

- Different intervention (any intervention compared with any other intervention)
- Placebo

Outcomes

- Intermediate outcomes
  - Blood loss
  - Transfusion
  - ICU admission
  - Anemia
  - Length of stay
- Final outcomes
  - Mortality
  - Uterine preservation
  - Future fertility
  - Breastfeeding
  - Psychological impact
  - Harms

Timing

- Immediately post-birth to 12 weeks postpartum
- Primary (< 24 hours postpartum) or secondary (>= 24 hours postpartum)

Setting

All birth settings (hospital, birth center, home)

Dated: July 1, 2014.

Richard Kronick,

AHRQ Director.

[FR Doc. 2014–16667 Filed 7–17–14; 8:45 am]

BILLING CODE 4160–90–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifiers: CMS–10477, CMS–R–185 and CMS–10343]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, HHS.

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (the PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information (including each proposed extension or reinstatement of an existing collection of information) and to allow 60 days for public comment on the proposed action. Interested persons are invited to send comments regarding our burden estimates or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments must be received by *September 16, 2014.*

ADDRESSES: When commenting, please reference the document identifier or OMB control number (OCN). To be assured consideration, comments and recommendations must be submitted in any one of the following ways:

1. *Electronically.* You may send your comments electronically to *http://www.regulations.gov.* Follow the instructions for ''Comment or Submission'' or ''More Search Options'' to find the information collection document(s) that are accepting comments.

2. *By regular mail.* You may mail written comments to the following address: CMS, Office of Strategic Operations and Regulatory Affairs, Division of Regulations Development, Attention: Document Identifier/OMB Control Number ____, Room C4–26–05, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' Web site address at *http://www.cms.hhs.gov/PaperworkReductionActof1995.*

2. Email your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@cms.hhs.gov.*

3. Call the Reports Clearance Office at (410) 786–1326.

FOR FURTHER INFORMATION CONTACT: Reports Clearance Office at (410) 786–1326.

SUPPLEMENTARY INFORMATION:

Contents

This notice sets out a summary of the use and burden associated with the following information collections. More detailed information can be found in each collection's supporting statement and associated materials (see **ADDRESSES**).

CMS–10477 Medicaid Incentives for Prevention of Chronic Disease (MIPCD) Demonstration

CMS–R–185 Granting and Withdrawal of Deeming Authority to Private Nonprofit Accreditation Organizations and of State Exemption Under State Laboratory Programs and Supporting Regulations

CMS–10343 State Plan Preprint for Medicaid Recovery Audit Contractors (RAC) Program

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. The term ''collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA requires federal agencies to publish a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice.

Information Collection

1. *Type of Information Collection Request*): Revision of a currently approved information collection; *Title of Information Collection:* Medicaid Incentives for Prevention of Chronic

Disease (MIPCD) Demonstration; *Use:* Under section 4108(d)(1) of the Affordable Care Act, we are required to contract with an independent entity or organization to conduct an evaluation of the Medicaid Incentives for Prevention of Chronic Disease (MIPCD) demonstration. The contractor will conduct state site visits, two rounds of focus group discussions, interviews with key program stakeholders, and field a beneficiary satisfaction survey. Both the state site visits and interviews with key program stakeholders will entail one-on-one interviews; however each set will have a unique data collection form. Thus, each evaluation task listed above has a separate data collection form and this proposed information collection encompasses six data collection forms.

The purpose of the evaluation and assessment includes determining the following:

- The effect of such initiatives on the use of health care services by Medicaid beneficiaries participating in the program;
- The extent to which special populations (including adults with disabilities, adults with chronic illnesses, and children with special health care needs) are able to participate in the program;
- The level of satisfaction of Medicaid beneficiaries with respect to the accessibility and quality of health care services provided through the program; and
- The administrative costs incurred by state agencies that are responsible for administration of the program.

Subsequent to the initial OMB approval issued January 23, 2014, we have added two Administrative Cost forms to the information collection. The burden estimates for this information collection have been revised to account for the burden associated with the new forms.

Form Number: CMS–10477 (OMB control number: 0938–1219); *Frequency:* Annually; *Affected Public:* Individuals and households, business or other for-profits and not-for-profit institutions, State, Local or Tribal Governments; *Number of Respondents:* 4,706; *Total Annual Responses:* 4,706; *Total Annual Hours:* 2,236. (For policy questions regarding this collection contact Jean Scott at 410–786–6327.)

2. *Type of Information Collection Request:* Extension of currently approved collection; *Title of Information Collection:* Granting and Withdrawal of Deeming Authority to Private Nonprofit Accreditation Organizations and of State Exemption Under State Laboratory Programs and Supporting Regulations; *Use:* The information required is necessary to determine whether a private accreditation organization/State licensure program standards and accreditation/licensure process is at least equal to or more stringent than those of the Clinical Laboratory Improvement Amendments of 1988 (CLIA). If an accreditation organization is approved, the laboratories that it accredits are ''deemed'' to meet the CLIA requirements based on this accreditation. Similarly, if a State licensure program is determined to have requirements that are equal to or more stringent than those of CLIA, its laboratories are considered to be exempt from CLIA certification and requirements. The information collected will be used by HHS to: Determine comparability/equivalency of the accreditation organization standards and policies or State licensure program standards and policies to those of the CLIA program; to ensure the continued comparability/equivalency of the standards; and to fulfill certain statutory reporting requirements.

Form No.: CMS–R–185 (OMB control number: 0938–0686); *Frequency:* Occasionally; *Affected Public:* Private sector—business or other for-profits and not-for-profit institutions; *Number of Respondents:* 12; *Total Annual Responses:* 96; *Total Annual Hours:* 384. (For policy questions regarding this collection contact Arlene Lopez at 410–786–6782.)

3. *Type of Information Collection Request:* Reinstatement without change of a previously approved collection; *Title of Information Collection:* State Plan Preprint for Medicaid Recovery Audit Contractors (RACs); *Use:* Under section 1902(a)(42)(B)(i) of the Social Security Act, States are required to establish programs to contract with one or more Medicaid Recovery Audit Contractors (RACs) for the purpose of identifying underpayments and recouping overpayments under the State plan and any waiver of the State plan with respect to all services for which payment is made to any entity under such plan or waiver. Further, the statute requires States to establish programs to contract with Medicaid RACs in a manner consistent with State law, and generally in the same manner as the Secretary contracts with Medicare RACs. State programs contracted with Medicaid RACs were not required to be fully operational until after December 31, 2010. States may submit, to CMS, a State Plan Amendment (SPA) attesting that they will establish a Medicaid RAC program. States have broad discretion regarding the Medicaid RAC program design and the number of entities with which they elect to contract. Many States already have experience utilizing contingency-fee-based Third Party Liability recovery contractors.

Form Number: CMS–10343 (OMB control number: 0938–1126); *Frequency:* Once; *Affected Public:* State, Local, or Tribal Governments; *Number of Respondents:* 56; *Total Annual Responses:* 56; *Total Annual Hours:* 56. (For policy questions regarding this collection contact Yolanda Green at 410–786–0798.)

Dated: July 15, 2014.

Martique Jones,

Deputy Director, Regulations Development Group, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2014–16960 Filed 7–17–14; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS–3287–FN]

Medicare and Medicaid Programs; Initial Approval of The Compliance Team's (TCT's) Rural Health Clinic (RHC) Accreditation Program

AGENCY: Centers for Medicare and Medicaid Services, HHS.

ACTION: Final notice.

SUMMARY: This final notice announces our decision to approve The Compliance Team (TCT) for initial recognition as a national accrediting organization for Rural Health Clinics (RHCs) that wish to participate in the Medicare or Medicaid programs.

DATES: This final notice is effective July 18, 2014 through July 18, 2018.

FOR FURTHER INFORMATION CONTACT: Valarie Lazerowich, (410) 786–4750, Cindy Melanson, (410) 786–0310, or Patricia Chmielewski, (410) 786–6899.

SUPPLEMENTARY INFORMATION:

I. Background

Under the Medicare program, eligible beneficiaries may receive covered services in a RHC provided certain requirements are met. Section 1861(aa) and 1905(l)(1) of the Social Security Act (the Act) establishes distinct criteria for facilities seeking designation as a RHC. The minimum requirements that a RHC must meet to participate in Medicare are set forth in regulation at 42 CFR part 491, subpart A. The conditions for Medicare payment for RHCs are set forth at 42 CFR 405, subpart X. Regulations

concerning provider agreements are at 42 CFR part 489 and those pertaining to activities relating to the survey and certification of facilities are at 42 CFR part 488.

For an RHC to enter into a provider agreement with the Medicare program, the RHC must first be certified by a state survey agency as complying with the conditions or requirements set forth in section 1861(aa) of the Act and 42 CFR part 491. Thereafter, the RHC is subject to regular surveys by a state survey agency to determine whether it continues to meet these requirements. However, there is an alternative to surveys by state agencies. Certification by a nationally recognized accreditation program can substitute for ongoing state review.

Section 1865(a)(1) of the Act provides that, if a provider entity demonstrates through accreditation by an approved national accrediting organization (AO) that all applicable Medicare conditions are met or exceeded, we will deem those provider entities as having met the requirements. Accreditation by an AO is voluntary and is not required for Medicare participation.

If an AO is recognized by the Secretary of the Department of Health and Human Services (the Secretary) as having standards for accreditation that meet or exceed Medicare requirements, any provider entity accredited by the national accrediting body's approved program would be deemed to have met the Medicare conditions. A national AO applying for approval of its accreditation program under part 488, subpart A, must provide us with reasonable assurance that the AO requires the accredited provider entities to meet requirements that are at least as stringent as the Medicare conditions. Our regulations concerning the approval of AOs are set forth at § 488.4 and § 488.8(d)(3).

II. Application Approval Process

Section 1865(a)(3)(A) of the Act provides a statutory timetable to ensure that our review of applications for CMS-approval of an accreditation program is conducted in a timely manner. The Act provides us 210 days after the date of receipt of a complete application, with any documentation necessary to make the determination, to complete our survey activities and application process. Within 60 days after receiving a complete application, we must publish a notice in the **Federal Register** that identifies the national accrediting body making the request, describes the request, and provides no less than a 30-day public comment period. At the end of the 210-day period, we must publish a notice in the **Federal Register** approving or denying the application.

III. Provisions of the Proposed Notice

On February 24, 2014, we published a proposed notice in the **Federal Register** (79 FR 10162) announcing TCT's request for approval of its RHC accreditation program. In the proposed notice, we detailed our evaluation criteria. Under section 1865(a)(2) of the Act and in our regulations at § 488.4 and § 488.8, we conducted a review of TCT's application in accordance with the criteria specified by our regulations, which include, but are not limited to the following:

- An onsite administrative review of TCT's: (1) Corporate policies; (2) financial and human resources available to accomplish the proposed surveys; (3) procedures for training, monitoring, and evaluation of its surveyors; (4) ability to investigate and respond appropriately to complaints against accredited facilities; and, (5) survey review and decision-making process for accreditation.
- The comparison of TCT's accreditation requirements to our current Medicare RHC conditions for certification.
- A documentation review of TCT's survey process to determine the following:

++ Determine the composition of the survey team, surveyor qualifications, and TCT's ability to provide initial and continuing surveyor training.

++ Compare TCT's processes to those of state survey agencies, including survey frequency, and the ability to investigate and respond appropriately to complaints against accredited facilities.

++ Evaluate TCT's procedures for monitoring RHCs out of compliance with TCT's program requirements. The monitoring procedures are used only when TCT identifies non-compliance. If non-compliance is identified by the state survey agency through validation surveys, the state survey agency monitors corrections as specified at § 488.7(d).

++ Assess TCT's ability to report deficiencies to the surveyed facilities and respond to the facility's plan of correction in a timely manner.

++ Establish TCT's ability to provide us with electronic data and reports necessary for effective validation and assessment of the organization's survey process.

++ Determine the adequacy of TCT's staff and other resources.

++ Confirm TCT's ability to provide adequate funding for performing required surveys.

++ Confirm TCT's policies with respect to whether surveys are announced or unannounced.

++ Obtain TCT's agreement to provide CMS with a copy of the most current accreditation survey together with any other information related to the survey as we may require, including corrective action plans.

In accordance with section 1865(a)(3)(A) of the Act, the February 24, 2014 proposed notice also solicited public comments regarding whether TCT's requirements met or exceeded the Medicare conditions for certification for RHCs. We received eight comments in response to our proposed notice. All of the comments received expressed unanimous support for TCT's RHC accreditation program.

IV. Provisions of the Final Notice

A. Differences Between TCT's Standards and Requirements for Accreditation and Medicare's Conditions and Survey Requirements

We compared TCT's RHC requirements and survey process with the Medicare conditions for certification and survey process as outlined in the State Operations Manual (SOM). Our review and evaluation of TCT's RHC application, which were conducted as described in section III of this final notice, yielded the following:

- To meet the requirements at § 491.2, TCT revised its standards to include the definition of ''Secretary'' and ''Rural Area.''
- To meet the requirements at § 491.5(a)(3), TCT revised its standards to address the requirement that RHCs can be both permanent and mobile units.
- To meet the requirements at § 491.5(d)(1)(i), TCT revised its standards to ensure the requirements related to designation of a shortage area included the ratio of primary care physicians practicing within the area to the resident population.
- To meet the requirements at § 491.7(b)(2)–(3), TCT revised its crosswalk to include standards concerning the disclosure of the names and addresses of the person principally responsible for directing the operation of the clinic or center and the person responsible for medical direction.
- To meet the requirements at § 491.8(a)(1), TCT revised its standards to address the requirement to have one or more physicians and one or more physician's assistants or nurse practitioners.
- To meet the requirements at § 491.8(b)(1)(iii), TCT revised its standards address the role of the

physician in providing medical orders and medical care services to patients of the clinic or center.

• To meet the requirements at § 491.9(b)(4), TCT revised its standards to address the requirement that patient care policies are reviewed at least annually, and as necessary by the clinic or center.

• To meet the requirements at § 491.9(c)(2), TCT revised its standards to ensure laboratory services are provided in accordance with the requirements at 42 CFR Part 493 and Section 353 of the Public Health Service Act.

• To meet the requirements at § 491.9(d)(1), TCT revised its standards to require the clinic or center have an agreement or arrangement with one or more providers or suppliers participating under Medicare or Medicaid to furnish other services to its patients.

• TCT developed an action plan to ensure compliance with its own policies regarding RHCs receiving the correct accreditation date on their notice of survey results.

• To meet the requirements at § 488.4(a)(6), TCT revised its policies to ensure timeframes for investigation of complaints are comparable with the requirements in section 5075.9 of the State Operations Manual.

• To meet the requirements at § 489.13(b), TCT revised its policies to clarify that the effective date of the agreement or approval is determined by the CMS Regional Office and may not be earlier than the latest of the dates of which CMS determines that all applicable federal requirements are met. TCT revised all Clinic Advisor On-Site Worksheets to include a descriptive title for the requirement of each worksheet for increased clarity.

B. Term of Approval

Based on our review and observations described in section III of this final notice, we have determined that TCT's RHC accreditation program requirements meet or exceed our requirements. Therefore, we approve TCT as a national accreditation organization for RHCs that request participation in the Medicare program, effective July 18, 2014 through July 18, 2018.

V. Collection of Information Requirements

This document does not impose information collection requirements, that is, reporting, recordkeeping or third-party disclosure requirements. Consequently, there is no need for review by the Office of Management and Budget under the authority of the Paperwork Reduction Act of 1995.

Dated: July 8, 2014.

Marilyn Tavenner,

Administrator, Centers for Medicare & Medicaid Services.

[FR Doc. 2014–16735 Filed 7–17–14; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Comment Request

Proposed Projects

Title: Child Care Quarterly Case Record Report—ACF–801.

OMB No.: 0970–0167.

Description: Section 658K of the Child Care and Development Block Grant Act of 1990 (P.L. 101–508, 42 U.S.C. 9858) requires that States and Territories submit monthly case-level data on the children and families receiving direct services under the Child Care and Development Fund. The implementing regulations for the statutorily required reporting are at 45 CFR 98.70. Case-level reports, submitted quarterly or monthly (at grantee option), include monthly sample or full population case-level data. The data elements to be included in these reports are represented in the ACF–801. ACF uses disaggregate data to determine program and participant characteristics as well as costs and levels of child care services provided. This provides ACF with the information necessary to make reports to Congress, address national child care needs, offer technical assistance to grantees, meet performance measures, and conduct research. Consistent with the statute and regulations, ACF requests extension of the ACF–801 without changes.

Respondents: States, the District of Columbia, and Territories including Puerto Rico, Guam, the Virgin Islands, American Samoa, and the Northern Marianna Islands.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
ACF–801	56	4	25	5,600

Estimated Total Annual Burden Hours: 5,600.

In compliance with the requirements of Section 506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Administration for Children and Families is soliciting public comment on the specific aspects of the information collection described above. Copies of the proposed collection of information can be obtained and comments may be forwarded by writing to the Administration for Children and Families, Office of Planning, Research and Evaluation, 370 L'Enfant Promenade SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer. Email address: *infocollection@acf.hhs.gov*. All requests should be identified by the title of the information collection.

The Department specifically requests comments on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) 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. Consideration will be given to

comments and suggestions submitted within 60 days of this publication.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 2014–16922 Filed 7–17–14; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2014–D–0903]

Draft Guidance for Industry: Providing Submissions in Electronic Format—Postmarketing Safety Reports for Vaccines; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a draft document entitled ''Guidance for Industry: Providing Submissions in Electronic Format—Postmarketing Safety Reports for Vaccines'' dated July 2014. The draft guidance document provides information and recommendations pertaining to the electronic submission of postmarketing safety reports involving vaccine products marketed for human use with approved biologics license applications (BLAs), including individual case safety reports (ICSRs) and attachments to ICSRs (ICSR attachments), into the Vaccine Adverse Event Reporting System (VAERS). FDA recently published in the **Federal Register** a final rule requiring that certain postmarketing safety reports for human drug and biological products, including vaccines, be submitted to FDA in an electronic format that the Agency can process, review, and archive. The draft guidance, when finalized, is intended to help applicants required to submit postmarketing safety reports comply with the final rule. The draft guidance, when finalized, also will supersede the document entitled ''Guidance for Industry: How to Complete the Vaccine Adverse Event Report System Form (VAERS–1)'' dated September 1998.

DATES: Although you can comment on any guidance at any time (see 21 CFR 10.115(g)(5)), to ensure that the Agency considers your comment on this draft guidance before it begins work on the final version of the guidance, submit either electronic or written comments on the draft guidance by September 16, 2014.

ADDRESSES: Submit written requests for single copies of the draft guidance to the Office of Communication, Outreach and Development, Center for Biologics Evaluation and Research (CBER), Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 3128, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist the office in processing your requests. The draft guidance may also be obtained by mail by calling CBER at 1–800–835–4709 or 240–402–7800. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance document.

Submit electronic comments on the draft guidance to *http://www.regulations.gov*. Submit written comments to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: John Reilly, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 7301, Silver Spring, MD 20993–0002, 240–402–7911.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a draft document entitled ''Guidance for Industry: Providing Submissions in Electronic Format—Postmarketing Safety Reports for Vaccines'' dated July 2014. The draft guidance provides information and recommendations pertaining to the electronic submission of postmarketing safety reports involving vaccine products, including ICSRs and ICSR attachments, into VAERS. The guidance is applicable to vaccine products marketed for human use with approved BLAs for which CBER has regulatory responsibility. This guidance does not apply to any other biologic product.

In the **Federal Register** of June 10, 2014 (79 FR 33072), FDA published a final rule requiring that certain postmarketing safety reports for human drug and biological products, including vaccines, be submitted to FDA in an electronic format that the Agency can process, review, and archive. The draft guidance, when finalized, is intended to help applicants subject to postmarketing safety reporting requirements comply with the final rule. Along with other information, the draft guidance provides updated information about the following: (1) Options for submitting ICSRs and ICSR attachments, as well as other postmarketing safety reports to FDA in electronic format, (2) the notification sent to submitters when FDA has received the electronic postmarketing safety report, and (3) procedures for requesting temporary waivers from the electronic submission requirement. The draft guidance, when finalized, also will supersede the document entitled ''Guidance for Industry: How to Complete the Vaccine Adverse Event Reporting System Form (VAERS–1)'' dated September 1998.

The draft guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The draft guidance, when finalized, will represent FDA's current thinking on this topic. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirement of the applicable statutes and regulations.

II. Paperwork Reduction Act of 1995

The information collection resulting from this draft guidance is covered by the information collection provisions of the June 10, 2014, final rule entitled ''Postmarketing Safety Reports for Human Drug and Biological Products; Electronic Submission Requirements.'' The information collection provisions of the final rule have been submitted to the Office of Management and Budget (OMB) for review, as required under section 3507(d) of the Paperwork Reduction Act. Prior to the effective date of the final rule, FDA will publish a notice in the **Federal Register** announcing OMB's decision to approve, modify, or disapprove the information collection provisions in the final rule. 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.

III. Comments

The draft guidance is being distributed for comment purposes only and is not intended for implementation at this time. Interested persons may submit either electronic comments regarding this document to *http://www.regulations.gov* or written comments to the Division of Dockets Management (see **ADDRESSES**). It is only necessary to send one set of comments. Identify comments with the docket number found in brackets in the heading of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday, and will be posted to the docket at *http://www.regulations.gov*.

IV. Electronic Access

Persons with access to the Internet may obtain the draft guidance at either *http://www.fda.gov/BiologicsBloodVaccines/GuidanceComplianceRegulatoryInformation/Guidances/default.htm* or *http://www.regulations.gov*.

Dated: July 14, 2014.

Peter Lurie,

Associate Commissioner for Policy and Planning.

[FR Doc. 2014–16931 Filed 7–17–14; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Proposed Collection; 60-Day Comment Request; A Generic Submission for Formative Research, Pre-Testing, Stakeholder Measures and Advocate Forms at NCI

Summary: In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, for opportunity for public comment on proposed data collection projects, the National Cancer Institute (NCI), National Institutes of Health (NIH), will publish periodic summaries of proposed projects to be submitted to the Office of Management and Budget (OMB) for review and approval.

Written comments and/or suggestions from the public and affected agencies are invited on one or more of the following points: (1) Whether the proposed collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility; (2) The accuracy of the agency's estimate of the burden of the proposed collection of information, 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 those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

To Submit Comments and for Further Information: To obtain a copy of the data collection plans and instruments, submit comments in writing, or request more information on the proposed project, contact: Kelley Landy, Acting Director of the Office of Advocacy Relations (OAR), NCI, NIH, 31 Center Drive, Bldg. 31, Room 10A28, MSC 2580, Bethesda, MD 20892, call non-toll-free number 301–594–3194, or email your request, including your address, to *kelley.landy@mail.nih.gov.*

Comment Due Date: Comments regarding this information collection are best assured of having their full effect if received within 60 days of the date of this publication.

Proposed Collection: A Generic Submission for Formative Research, Pre-testing, Stakeholder Measures and Advocate Forms at NCI, 0925–0641, Revision, National Cancer Institute (NCI), National Institutes of Health (NIH).

Need and Use of Information Collection: The Office of Advocacy Relations (OAR) disseminates cancer-related information to a variety of stakeholders, seeks input and feedback, and facilitates collaboration to advance NCI's authorized programs. It is beneficial for NCI, through the OAR, to pretest strategies, concepts, activities and materials while they are under development. Additionally, administrative forms are a necessary part of collecting demographic information and areas of interest for advocates. Pre-testing, or formative evaluation, helps ensure that the products and services developed by NCI have the greatest capacity of being received, understood, and accepted by their target audiences. Since OAR is responsible for matching advocates to NCI programs and initiatives across the cancer continuum, it is necessary to measure the satisfaction of both internal and external stakeholders with this collaboration. This customer satisfaction research helps ensure the relevance, utility, and appropriateness of the many initiatives and products that OAR and NCI produce. The OAR will use a variety of qualitative (focus groups, interviews) and quantitative (paper, phone, in-person, and web surveys) methodologies to conduct this research, allowing NCI to: (1) Understand characteristics (attitudes, beliefs, and behaviors) of the intended target audience and use this information in the development of effective strategies, concepts, activities; (2) use a feedback loop to help refine, revise, and enhance OAR's efforts—ensuring that they have the greatest relevance, utility, appropriateness, and impact for/to target audiences; and (3) expend limited program resource dollars wisely and effectively. The anticipated individual respondents will consist of: Adult cancer research advocates, members of the public, health care professionals, and organizational representatives.

OMB approval is requested for 3 years. There are no costs to respondents other than their time. The total estimated annualized burden hours are 1,025.

ESTIMATED ANNUALIZED BURDEN HOURS

Respondent type	Form name	Number of respondents	Frequency of response	Average time per response (minutes/hour)	Annual burden hours
Individuals	Self-Administered Questionnaires	800	1	1	800
	Individual In-Depth Interviews	75	1	1	75
	Focus Group Interviews	100	1	90/60	150

Dated: July 14, 2014.

Karla Bailey,

NCI Project Clearance Liaison, National Institutes of Health.

[FR Doc. 2014–16908 Filed 7–17–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material,

and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Institute Special Emphasis Panel Small Grants Program for Epidemiology.

Date: July 23, 2014.

Time: 1:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Cancer Institute Shady Grove, 9609 Medical Center Drive, Room 2E032, Rockville, MD 20850, (Telephone Conference Call).

Contact Person: Gerald G. Lovinger, Ph.D., Scientific Review Officer, Research Technology and Contract Review Branch, Division of Extramural Activities, National Cancer Institute, 9609 Medical Center Drive, Room 7W266, Bethesda, MD 20892–8329, 240–276–6385.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: National Cancer Institute Special Emphasis Panel, NCI U01 Review.

Date: August 26, 2014.

Time: 8:00 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Cancer Institute Shady Grove, 9609 Medical Center Drive, Room 3W032/034, Rockville, MD 20850.

Contact Person: Ben Prickril, Ph.D., Scientific Review Officer, Research Program and Review Branch, DEA, Division of Extramural Activities, National Cancer Institute, 9609 Medical Center Drive, Room 7W634, Rockville, MD 20850, 240–276–5794, *prickril@mail.nih.gov*.

Name of Committee: National Cancer Institute Special Emphasis Panel NCI Program Project Meeting II (P01).

Date: September 30–October 1, 2014.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hilton Rockville Hotel, 1750 Rockville Pike, Rockville, MD 20852.

Contact Person: Majed M. Hamawy, Ph.D., MBA, Scientific Review Officer, Research Programs Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, 7W120, Rockville, MD 20850, 240–276–6457, *mh101v@nih.gov*.

Name of Committee: National Cancer Institute Initial Review Group Subcommittee J—Career Development.

Date: October 29, 2014.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Cancer Institute Shady Grove, 9609 Medical Center Drive, Room 7W640, Rockville, MD 20850, (Telephone Conference Call).

Contact Person: Ilda F. S. Melo, Ph.D., Scientific Review Officer, Resources and Training Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W122, Rockville, MD 20850, 240–276–6468, *ilda.melo@mail.nih.gov*.

Information is also available on the Institute's/Center's home page: *http://deainfo.nci.nih.gov/advisory/sep/sep.htm,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: *July 14, 2014.*

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–16854 Filed 7–17–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute On Alcohol Abuse and Alcoholism; Notice of Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.); notice is hereby given of a meeting of the Board of Scientific Counselors, NIAAA.

The meeting will be closed to the public as indicated below in accordance with the provisions set forth in section 552b(c)(6), Title 5 U.S.C., as amended for the review, discussion, and evaluation of individual intramural programs and projects conducted by the National Institute on Alcohol Abuse and Alcoholism, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Board of Scientific Counselors, NIAAA.

Date: August 26–27, 2014.

Time: 7:45 a.m. to 5:15 p.m.

Agenda: To review and evaluate personal qualifications and performance; and competence of individual investigators.

Place: National Institute of Health, 5635 Fisher Lane, Terrace Conference Center, Bethesda, MD 20892.

Contact Person: George Kunos, M.D., Ph.D., Director, Division of Intramural Clinical and Biological Research, National Institute on Alcohol Abuse and Alcoholism, National Institutes of Health, 5625 Fishers Lane, Room 2S–24A, Bethesda, MD 20892, 301–443–2069, *gkunos@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.271, Alcohol Research Career Development Awards for Scientists and Clinicians; 93.272, Alcohol National Research Service Awards for Research Training; 93.273, Alcohol Research Programs; 93.891, Alcohol Research Center Grants; 93.701, ARRA Related Biomedical Research and Research Support Awards, National Institutes of Health, HHS).

Dated: July 14, 2014.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–16890 Filed 7–17–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of a meeting of the National Heart, Lung, and Blood Advisory Council.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

Name of Committee: National Heart, Lung, and Blood Advisory Council.

Date: September 9, 2014.

Open: 8:00 a.m. to 5:00 p.m.

Agenda: To discuss program policies and issues.

Place: National Institutes of Health, Building 31, 31 Center Drive, Bethesda, MD 20892.

Date: September 10, 2014.

Open: 8:00 a.m. to 12:00 p.m.

Agenda: To discuss program policies and issues.

Place: National Institutes of Health, Building 35A, Porter Building, Room 640, 35A Convent Drive, Bethesda, MD 20892.

Contact Person: Stephen C. Mockrin, Ph.D., Director, Division of Extramural Research Activities, National Heart, Lung, and Blood Institute, National Institutes of Health, 6701 Rockledge Drive, Room 7100, Bethesda, MD 20892, (301) 435–0260, *mockrins@nhlbi.nih.gov*.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

In the interest of security, NIH has instituted stringent procedures for entrance onto the NIH campus. All visitor vehicles, including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

Information is also available on the Institute's/Center's home page: *www.nhlbi.nih.gov/meetings/nhlbac/index.htm,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: July 14, 2014.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–16857 Filed 7–17–14; 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 Member Conflict: AIDS and AIDS Related Research.

Date: August 6–7, 2014.

Time: 9:00 a.m. to 12:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Robert Freund, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5216, MSC 7852, Bethesda, MD 20892, 301–435–1050, *freundr@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel Aspects of NeuroAIDS.

Date: August 8, 2014.

Time: 11:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Mary Clare Walker, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5208, MSC 7852, Bethesda, MD 20892, (301) 435–1165, *walkermc@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: July 14, 2014.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–16855 Filed 7–17–14; 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 Member Conflict: AIDS and AIDS Related Research.

Date: July 21, 2014.

Time: 4:00 p.m. to 6:00 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: Jose H. Guerrier, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5218, MSC 7852, Bethesda, MD 20892, 301–435–1137, *guerriej@csr.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel Member Conflict: AIDS and AIDS Related Research.

Date: July 23, 2014.

Time: 10:00 a.m. to 12:30 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: Mark P. Rubert, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5218, MSC 7852, Bethesda, MD 20892, 301–435–1775, *rubertm@csr.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research; 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: July 14, 2014.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–16856 Filed 7–17–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Prospective Grant of Co-Exclusive Option License: The Development of a Single Domain Human Anti-Mesothelin Monoclonal Antibody for the Treatment of Human Cancers

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: This is notice, in accordance with 35 U.S.C. 209 and 37 CFR Part 404, that the National Institutes of Health, Department of Health and Human Services, is contemplating the grant of a co-exclusive (or exclusive, if the other party declines to move forward with an agreement) start-up option license to practice the inventions embodied in U.S. Patent Application 61/706,396 entitled ''Mesothelin Antibodies And Methods For Eliciting Potent Antitumor Activity'' [HHS Ref. E–236–2012/0–US–01], PCT Application PCT/US2013/059883 entitled ''Mesothelin Antibodies And Methods For Eliciting Potent Antitumor Activity'' [HHS Ref. E–236–2012/0–PCT–02], and all related continuing and foreign patents/patent applications for the technology family, to MesoPharm Therapeutics, Inc. The

patent rights in these inventions have been assigned to and/or exclusively licensed to the Government of the United States of America.

The prospective co-exclusive (or exclusive) start-up option licensed territory may be worldwide, and the field of use may be limited to:

The use of the monoclonal antibody SD1 (and glycoengineered variants thereof) as an antibody therapy for the treatment of mesothelioma, pancreatic cancer, breast cancer, ovarian cancer and lung adenocarcinoma. The Licensed Field of Use explicitly excludes the use of the antibody in the form of an immunoconjugate, including, but not limited to, immunotoxins.

Upon the expiration or termination of the co-exclusive start-up option license, MesoPharm Therapeutics, Inc. will have the co-exclusive right to execute a co-exclusive (or exclusive, if the other party declines their option) commercialization license which will supersede and replace the co-exclusive start-up option license with no greater field of use and territory than granted in the co-exclusive start-up option license.

DATES: Only written comments and/or applications for a license which are received by the NIH Office of Technology Transfer on or before August 4, 2014 will be considered.

ADDRESSES: Requests for copies of the patent application, inquiries, comments, and other materials relating to the contemplated co-exclusive start-up option license should be directed to: David A. Lambertson, Ph.D., Senior Licensing and Patenting Manager, Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, MD 20852–3804; Telephone: (301) 435–4632; Facsimile: (301) 402–0220; Email: *lambertsond@mail.nih.gov.*

SUPPLEMENTARY INFORMATION: This invention concerns a monoclonal antibody and methods of using the antibody for the treatment of mesothelin-expressing cancers, including mesothelioma, lung cancer, ovarian cancer and pancreatic cancer. The specific antibody covered by this technology is designated SD1, which is a single domain, fully human monoclonal antibody against mesothelin.

Mesothelin is a cell surface antigen that is preferentially expressed on certain types of cancer cells. The SD1 antibody can selectively bind to these cancer cells and induce cell death while leaving healthy, essential cells unharmed. This can result in an effective therapeutic strategy with fewer side effects due to less non-specific killing of cells.

The prospective co-exclusive start-up option license will be royalty bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR Part 404. The prospective co-exclusive start-up option license may be granted unless the NIH receives written evidence and argument that establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR Part 404 within fifteen (15) days from the date of this published notice.

Complete applications for a license in the field of use filed in response to this notice will be treated as objections to the grant of the contemplated co-exclusive start-up option license. Comments and objections submitted to this notice will not be made available for public inspection and, to the extent permitted by law, will not be released under the Freedom of Information Act, 5 U.S.C. 552.

Dated: July 14, 2014.

Richard U. Rodriguez,

Director, Division of Technology Development and Transfer, Office of Technology Transfer, National Institutes of Health.

[FR Doc. 2014–16853 Filed 7–17–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Agency Information Collection Activities: Proposed Collection; Comment Request

In compliance with Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 concerning opportunity for public comment on proposed collections of information, the Substance Abuse and Mental Health Services Administration (SAMHSA) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the information collection plans, call the SAMHSA Reports Clearance Officer on (240) 276–1243.

Comments are invited on: (a) Whether the proposed collections of information are necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; 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.

Proposed Project: Multi-Site Evaluation of the Safe Schools/Healthy Students (SS/HS) State Program—NEW

The Substance Abuse and Mental Health Services Administration's (SAMHSA) Center for Mental Health Services (CMHS) will conduct the multi-site evaluation of the Safe Schools/Healthy Students (SS/HS) state program. The data collected through the multi-site evaluation addresses three study components: (1) The planning, collaboration, and partnership study; (2) the implementation study; and (3) the workforce study.

The SS/HS state program funded grantees in seven states beginning in September 2013. Data will be collected from state/tribal administrators, Local Education Authorities (LEAs)/Districts, local program staff (e.g., school resource officers, teachers and administrators, and psychologists) and program partners (e.g., parents, representatives from the juvenile justice and mental health providers).

Data collection activities will include key informant interviews, and web-based surveys. The instruments to be used for data collection are as follows:

Planning, Collaboration and Partnership Study

- State Key Informant Interview Protocol.
- District Key Informant Interview Protocol.
- State Collaborator Survey.
- District Collaborator Survey.
- State Collaboration Indicator Data Instrument.
- District Collaboration Indicator Data Instrument.

Implementation Study

- State & District Key Informant Interview Protocol.
- School-Level Survey.

Workforce Study

- No additional instruments will be used for this study. Data will be gathered from the Planning, Collaboration and Partnership Study and the Implementation Study.

A summary table of the number of respondents and respondent burden has also been included.

Data Collection Activities for MSE Grantees

Data for all instruments will be collected annually with the exception of data for the state and District

Collaboration Indicator Data Instrument which will be collected quarterly.

State Key Informant Interview (Planning, Collaboration and Partnership Study)

The key informant interview protocol will collect information on the service model, partnerships and interagency collaboration, program implementation fidelity, plan deviations, and state and local policy development at the state level. Interviews will also include questions to learn about opportunities that were provided for workforce training. Responses will be compared over time to assess positive development of the program model, emerging barriers and facilitators to implementation, and evolving solutions. On average, 14 state administrators will be interviewed annually and the duration of the interview is estimated to be one hour.

District Key Informant Interview (Planning, Collaboration and Partnership Study)

The purpose of these interviews is to identify, through the perspectives of LEA administrators and program partners their descriptions of SS/HS program activities. In particular, the degree to which critical SS/HS framework elements are operationalized, as well as the degree to which principles and strategies are acknowledged and integrated as part of the service processes. Topics include the provider's approach to service provision (sensitivity to health disparities, cultural competence), the coordination of services across the LEA and other local agencies, training of mental health workers, local policy and protocol development, and barriers/facilitators at the local level that influence the adoption, integration, and sustainability of SS/HS principles. Responses will be compared over time to assess positive development of the program model. It is anticipated that an average of 63 district administrators and program partners will participate in the interview each year and the interviews will be about one hour in duration.

State Collaborator Survey (Planning, Collaboration and Partnership Study)

The state administrator's survey will seek to understand the level of inter-professional collaboration among entities working at the state level to promote expanded school mental health. The survey will also capture perceptions of partnership functioning in terms of partner goals, resources, culture and values, and roles and responsibilities, as well as leadership and collaboration among partners as they impact (1) school and community partner engagement, (2) facilitators, (3) barriers, (4) shared decision-making, (5) partnership structure, and (6) sustainability. An average of 208 state administrators and program partners will complete the survey annually and it is estimated that completion will take 30 minutes.

District Collaborator Survey (Planning, Collaboration and Partnership Study)

The state administrator's survey will seek to understand the level of inter-professional collaboration among entities working at the district level to promote expanded school mental health. The survey will also capture perceptions of partnership functioning in terms of partner goals, resources, culture and values, and roles and responsibilities, as well as leadership and collaboration among partners as they impact (1) school and community partner engagement, (2) facilitators, (3) barriers, (4) shared decision-making, (5) partnership structure, and (6) sustainability. An average of 624 LEA district administrators and program partners will complete the survey annually and the time for completion is estimated to be 45 minutes.

State Collaboration Indicator Data Instrument (Planning, Collaboration and Partnership Study)

The State Collaboration Indicator Data Instrument will gather data about the program activities that occur at the state level. By tracking these activities, it will be possible to determine the frequency with which administrators engage in SS/HS program related activities such as holding meetings, the number of persons who attend such meetings, whether and the frequency with which trainings and other support activities occur as well as the participants in such trainings. The instrument will also track whether and what type of resources are leveraged by program partners at the state level. One instrument will be completed by each state and it is estimated that it will take on average 1.5 hours to gather the data and complete the instrument.

District Collaboration Indicator Data Instrument (Planning, Collaboration and Partnership Study)

The District Collaboration Indicator Data Instrument will gather data about the program activities that occur at the LEA/district level. By tracking these activities, it will be possible to determine the frequency with which LEA administrators and program partners at the district level hold meetings, the number of persons who attend such meetings, whether and the frequency with which trainings and other support activities occur, and the participants in such trainings. The instrument will also track whether and what type of resources are leveraged by program partners at the district level. One instrument will be completed by each of the 21 LEAs and it is estimated that it will take on average 1.5 hours to gather the data and complete the instrument.

State and District Key Informant Interview (Implementation Study)

The State and District Key Informant Interviews will be held with administrators and program partners at the state and LEA districts. The interviews will seek to gain an understanding of respondents' perspectives as these relate to the degree to which critical SS/HS framework elements are operationalized, as well as the degree to which mental health principles and strategies are acknowledged and integrated as part of the service processes. The interviews will also seek to gain an understanding of the types of services and supports that have been implemented as a result of the SS/HS program, children's access to mental health services, and the facilitators and barriers to program implementation. Interviews will also include questions to learn about the role workforce development opportunities played in program implementation. A total of 56 persons will be interviewed: 14 at the state/tribal level and 42 at the district level. Interviews will take on average one hour to complete.

School-Level Survey (Implementation Study): The school-level survey will be completed by persons who work within the schools that are participating in the SS/HS state program. The survey combines items from three surveys: **The Evidence-Based Practice Attitude Scale (EBPAS)** assesses mental health and social service provider attitudes toward adopting evidence-based practices. **The Mental Health Service Integration Survey (MHSIS)** assesses professional school mental health roles, service integration, and barriers and facilitators of mental health service integration in schools. **The School Mental Health Quality Assessment Questionnaire (SMHQAQ)** is a 40 item instrument divided into 10 domains that assess the integration of school mental health services delivered in schools. The 10 domains related to the 10 principles of expanded school mental health include: (1) Access to care; (2) Needs assessment; (3) Evidence-based practices; (4) Stakeholder involvement and feedback;

(5) Quality assessment and improvement; (6) Continuum of care and referral processes; (7) Clinician training, support, and service delivery; (8) Competently addressing developmental, cultural, and personal differences; (9) Interdisciplinary collaboration and communication; and (10) Community coordination. **The School Mental Health Capacity Instrument** is a 27-item scale that assesses the capacity of schools to address the mental health needs of students. The schools can be rated along a continuum using the three individual subscales of intervention, early recognition & referral, or prevention & promotion. In addition, the total sum of all three scales provides an overall measure of capacity. The intervention subscale looks at training, protocols, and the designation of specific follow-up procedures for children referred for mental health services. Early recognition and referral covers universal screenings for potential problems, and communication between staff members to discuss students who may be experiencing mental health concerns. Finally, prevention and promotion looks at the efforts focused on student's social-emotional development. A total of 2,100 persons will be invited to complete the survey annually and it is estimated that completion of the survey will take on average 25 minutes.

Internet-based technology will be used for collecting data via Web-based surveys, and for data entry and management. The average annual respondent burden is estimated below.

TABLE 1—ESTIMATES OF ANNUALIZED HOUR BURDEN

Type of respondents	Instrument	Number of respondents	Responses per respondent	Average hours per respondent	Total annual hour burden
Planning, Collaboration & Participation Study					
Key project staff at state level (e.g., project coordinators, evaluators), SMT members.	State KIIs	14	1	1	14
Key project staff at LEA level (e.g., project coordinators, evaluators), CMT members.	District KIIs	63	1	1	63
Key project staff at state level (e.g., project coordinators, evaluators), SMT members.	State Collaborator Survey	208	1	.5	104
Key project staff at LEA level (e.g., project coordinators, evaluators), CMT members.	District Collaborator Survey	624	1	.33	206
Project Evaluator	State Collaboration Indicator Data Instrument.	7	4	1.5	42
Project Evaluator	District Collaboration Indicator Data Instrument.	21	4	1.5	126
Implementation Study					
Program and school staff working at the state & district level.	KIIs	56	1	1	56
Program and school staff working at the school level.	School-Level Survey	*2,100	1	.45	945
Total		3,093			1,556

*10 respondents will participate in up to 10 schools in each of the 21 LEAs.

The estimate reflects the average annual number of respondents, the average annual number of responses, the time it will take for each response, and the average annual burden. The number of grantees in each year is assumed to be constant.

Send comments to Summer King, SAMHSA Reports Clearance Officer, Room 2–1057, One Choke Cherry Road, Rockville, MD 20857 *OR* email her a copy at *summer.king@samhsa.hhs.gov.* Written comments should be received by September 16, 2014.

Summer King,

Statistician.

[FR Doc. 2014–16891 Filed 7–17–14; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5758–N–10]

60-Day Notice of Proposed Information Collection: Authority To Accept Unsolicited Proposals for Research Partnerships

AGENCY: Office of the Assistant Secretary for Policy Development and Research, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 60 days of public comment.

DATES: *Comments Due Date:* September 16, 2014.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW., Room 4176, Washington, DC 20410–5000; telephone 202–402–5564 (this is not a toll-free number) or email at *Colette.Pollard@hud.gov* for a copy of the proposed forms or other available information. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

FOR FURTHER INFORMATION CONTACT: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street

SW., Washington, DC 20410; email Colette Pollard at *Colette.Pollard@hud.gov* or telephone 202–402–3400. This is not a toll-free number. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

A. Overview of Information Collection

Title of Information Collection: Authority to Accept Unsolicited Proposals for Research Partnerships.

OMB Approval Number: Pending.

Type of Request: New Request.

The notice published in the **Federal Register** on Friday, March 21, 2014 authorizes HUD's Office of Policy Development and Research (PD&R) to enter into non-competitive cooperative agreements for research partnerships that are aligned with PD&R's research priorities and where HUD can gain value by having substantial involvement in the research activity. To facilitate the proposal review process, all proposals must include the following types of information:

- The name of the entity(s) submitting the proposal;
- Submitting entity's DUNS and EIN numbers;
- The name, phone number and email address of a contact person(s);
- The amount of HUD funding being requested in a detailed budget and narrative;
- The amount of the cost share and the names of the entities contributing to it;
- A clear description of the research project, including the research question(s) being addressed and the methodology being used;
- If HUD data will be required for the proposed research project, a clear description of the data requirements should be provided. Please note that if the data requested involves personally identifiable information (PII), a data license agreement will be required;
- An explanation of the project's alignment with one of the research priorities listed in this notice;
- A detailed project budget with proposed line items including the HUD share and the contributions of any partners and the submitting institution.

Proposals for research partnerships that have already been submitted to HUD as part of a grant competition are ineligible as the subject of a non-competitive cooperative agreement.

Protection of Human Research Subjects

HUD will require successful applicants to comply with requirements of the federal Common Rule (45 CFR part 46) for protecting human research subjects when applicable. Compliance may require grantees to seek review and approval of research plans by an Institutional Review Board (IRB). For research requiring an IRB review, work plans shall identify the IRB that the awardee will use and factor in the necessary cost and time involved in that review. HUD will require awardees to provide appropriate assurances and certifications of compliance before human subjects research begins.

For an applicant to receive an award, they must, prior to award, complete the following submissions:

Description of the need for the information and proposed use: PD&R intends to establish cooperative agreements with qualified for-profit and non-profit research organizations and universities to conduct research, demonstrations, and data analysis. To assess qualified organizations for cooperative research, PD&R must collect information about the qualifications and capacity of organizations that apply under the notice published in the **Federal Register**.

Estimation of the Total Number of Hours Needed To Prepare the Information Collection Including Number of Respondents, Frequency of Response, and Hours of Response

Information pursuant to grant award will be submitted once a year. The following chart details the respondent burden on an annual and quarterly basis:

Information collection	Number of respondents	Responses per annum	Burden hour per response	Annual burden hours
Quarterly Reports	25	100	8	800
Final Reports	10	10	12	120
Recordkeeping	25	25	5	125
Total	60	135	25	1045

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

Authority: 12 U.S.C. 1701z–1 Research and Demonstrations.

Dated: July 11, 2014.

Katherine M. O'Regan,

Assistant Secretary for Policy, Development and Research.

[FR Doc. 2014–17010 Filed 7–17–14; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5750–N–29]

Federal Property Suitable as Facilities to Assist the Homeless

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for possible use to assist the homeless.

FOR FURTHER INFORMATION CONTACT: Juanita Perry, Department of Housing

and Urban Development, 451 Seventh Street SW., Room 7262, Washington, DC 20410; telephone (202) 402–3970; TTY number for the hearing- and speech-impaired (202) 708–2565, (these telephone numbers are not toll-free), or call the toll-free Title V information line at 800–927–7588.

SUPPLEMENTARY INFORMATION: In accordance with the December 12, 1988 court order in *National Coalition for the Homeless* v. *Veterans Administration,* No. 88–2503–OG (D.D.C.), HUD publishes a notice, on a weekly basis, identifying unutilized, underutilized, excess and surplus Federal buildings and real property that HUD has reviewed for suitability for use to assist the homeless. This notice is for the purpose of announcing that no additional properties have been determined suitable or unsuitable this week.

Dated: July 10, 2014.

Brian P. Fitzmaurice,

Director, Division of Community Assistance, Office of Special Needs Assistance Programs.

[FR Doc. 2014–16563 Filed 7–17–14; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Office of the Secretary

U.S. Coral Reef Task Force Public Meeting and Public Comment

AGENCY: Department of the Interior, Office of Policy and International Affairs.

ACTION: Notice of public meeting; request for public comment.

SUMMARY: We, the U.S. Department of the Interior, announce a public meeting of the U.S. Coral Reef Task Force and a request for written comments. This meeting, the 32nd biannual meeting of the task force, provides a forum for coordinated planning and action among Federal agencies, State and territorial governments, and nongovernmental partners.

DATES: *Meeting Dates:* September 8, 2014, through September 13, 2014. *Advance Public Comments:* Submit by August 20, 2014.

ADDRESSES: Meetings will be held at the Westin Maui Hotel, 2365 Ka'anapali Parkway, Maui, Hawaii 96761 (phone number 808–921–4651).

FOR FURTHER INFORMATION CONTACT: Liza Johnson, DOI U.S. Coral Reef Task Force Steering Committee Point of Contact, U.S. Department of the Interior, MS–3530–MIB, 1849 C Street NW., Washington, DC 20240 (phone: 202–208–1378; fax: 202–208–4867; email: *Liza_M_Johnson@ios.doi.gov*); or visit the USCRTF Web site at *www.coralreef.gov.*

SUPPLEMENTARY INFORMATION: Established by Presidential Executive Order 13089 in 1998, the U.S. Coral Reef Task Force has a mission to lead, coordinate, and strengthen U.S. government actions to better preserve and protect coral reef ecosystems. The Departments of Commerce and the Interior co-chair the task force, whose members include leaders of 12 Federal agencies, 2 U.S. States and 5 U.S. territories, and 3 freely associated States. For more information about the meetings, draft agendas, and how to register, go to *www.coralreef.gov.* A written summary of the meeting will be posted on the Web site after the meeting.

Registration To Attend the Meeting

Attendees can register online before the start of the meeting, or on site at the registration desk. Registration details will be announced on the task force Web site at *www.coralreef.gov.*

Public Comments

Comments may address the meeting, the role of the USCRTF, or general coral reef conservation issues. Copies of comments given at the meeting can be submitted afterwards in writing to Liza Johnson by email, fax, or mail (see **FOR FURTHER INFORMATION CONTACT**) by September 26, 2014.

Public Availability of Comments

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: July 11, 2014.

Willie Taylor,

Acting Deputy Assistant Secretary for Policy and International Affairs, Department of the Interior.

[FR Doc. 2014–16925 Filed 7–17–14; 8:45 am]

BILLING CODE 4310–RK–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[134D0102DRDS5B800000DR.5B811.IA000913DLB000000.000000]

Renewal of Agency Information Collection for Tribal Energy Development Capacity Program

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 for the collection of information for the Tribal Energy Development Capacity (TEDC) program. The information collection is currently authorized by OMB Control Number 1076–0177, which expires July 31, 2014.

DATES: Interested persons are invited to submit comments on or before August 18, 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 you may send an email to: *OIRA_Submission@omb.eop.gov*. Please send a copy of your comments to David B. Johnson, 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: *DavidB.Johnson@bia.gov*.

FOR FURTHER INFORMATION CONTACT: David Johnson, (202) 208–3026.

SUPPLEMENTARY INFORMATION:

I. Abstract

The Energy Policy Act of 2005 authorizes the Secretary of the Interior to provide assistance to Indian tribes and tribal energy resource development organizations for energy development and appropriates funds for such projects on a year-to-year basis. See 25 U.S.C. 3502. When funding is available, the Office of Indian Energy and Economic Development (IEED) may solicit proposals for projects for building capacity for tribal energy resource development on Indian land from tribal energy resource development organizations and Indian tribes, including Alaska Native regional and village corporations under the TEDC program. For the purposes of this program, ''Indian land'' includes: All land within the boundaries of an Indian

reservation, pueblo, or Rancheria; any land outside those boundaries that is held by the United States in trust for a tribe or individual Indian or by a tribe or individual Indian with restrictions on alienation; and land owned by an Alaska Native regional or village corporation.

Those who would like to submit a TEDC project proposal must submit an application that includes certain information and, once funding is received must submit reports on how they are using the funding. A complete application must contain the following:

- A formal signed resolution of the governing body of the tribe or tribal energy resource development organization demonstrating authority to apply;
- A proposal describing the planned activities and deliverable products; and
- A detailed budget estimate, including contracted personnel costs, travel estimates, data collection and analysis costs, and other expenses.

The project proposal must include the information about the tribe or tribal energy resource development organization sufficient to allow IEED to evaluate the proposal based on the following criteria:

(a) Energy resource potential;

(b) Applicant's energy resource development history and current status;

(c) Applicant's existing energy resource development capabilities;

(d) Demonstrated willingness of the applicant to establish and maintain an independent energy resource development business entity;

(e) Intent to develop and retain energy development capacity within the applicant's government or business entities; and

(f) Applicant commitment of staff, training, or monetary resources.

The IEED requires this information to ensure that it provides funding only to those projects that meet the goals of the TEDC and the purposes for which Congress provides the appropriations.

II. Request for Comments

The IEED requests your comments on this 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 has 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: 1076–0177.

Title: Tribal Energy Development Capacity Program Grants.

Brief Description of Collection: Indian tribes and tribal energy resource development organizations that would like to apply for TEDC funding must submit an application that includes certain information. A complete application must contain a formal signed resolution of the governing body of the tribe or tribal energy resource development organization, a proposal describing the planned activities and deliverable products; and a detailed budget estimate, including contracted personnel costs, travel estimates, data collection and analysis costs, and other expenses. The IEED requires this information to ensure that it provides funding only to those projects that meet the goals of the TEDC program and purposes for which Congress provides the appropriation. Upon acceptance of an application, the successful applicant must then submit one- to two-page progress reports twice during the grant period summarizing events, accomplishments, problems and/or results in executing the project. A response is required to obtain a benefit.

Type of Review: Extension without change of currently approved collection.

Respondents: Indian tribes and tribal energy resource development organizations under 25 U.S.C. 3502.

Number of Respondents: 26 per year, on average; 9 project participants each year, on average.

Frequency of Response: Once per year for applications; 2 times per year for progress reports.

Estimated Time per Response: 40 hours per application; 1.5 hours per progress report.

Estimated Total Annual Hour Burden: 1,067 hours (1,040 for applications and 27 for progress reports).

Estimated Total Annual Non-Hour Dollar Cost: $0.

Dated: July 14, 2014.

Christine Cho,

Acting Assistant Director for Information Resources.

[FR Doc. 2014–16882 Filed 7–17–14; 8:45 am]

BILLING CODE 4310–G1–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[145A2100DD/A0T501010.999900/AAK3000000]

Renewal of Agency Information Collection for Verification of Indian Preference for Employment in BIA and IHS

AGENCIES: Bureau of Indian Affairs, Interior.

ACTION: Notice of request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the Bureau of Indian Affairs (BIA) is seeking comments on the renewal of Office of Management and Budget (OMB) approval for the collection of information for Verification of Indian Preference for Employment in BIA and IHS authorized by OMB Control Number 1076–0160. This information collection expires November 30, 2014.

DATES: Submit comments on or before September 16, 2014.

ADDRESSES: You may submit comments on the information collection to: Ms. Laurel Iron Cloud, Chief, Division of Tribal Government Services, Office of Indian Services, Bureau of Indian Affairs, 1849 C Street NW., Mail Stop 4513 MIB, Washington, DC 20240; facsimile: (202) 208–5113; email: *laurel.ironcloud@bia.gov*.

FOR FURTHER INFORMATION CONTACT: Ms. Laurel Iron Cloud, telephone (202) 513–7641.

SUPPLEMENTARY INFORMATION:

I. Abstract

BIA is seeking renewal of the approval for the information collection conducted under 25 U.S.C. 43, 36 Stat. 472, *inter alia,* and implementing regulations, at 25 CFR part 5, regarding verification of Indian preference for employment. The purpose of Indian preference is to encourage qualified Indian persons to seek employment with the BIA and Indian Health Service (IHS) by offering preferential treatment to qualified candidates of Indian

heritage. BIA collects the information to ensure compliance with Indian preference hiring requirements. The information collection relates only to individuals applying for employment with the BIA and IHS. The tribe's involvement is limited to verifying membership information submitted by the applicant. The collection of information allows certain persons who are of Indian descent to receive preference when appointments are made to vacancies in positions with the BIA and IHS as well as in any unit that has been transferred intact from the BIA to a Bureau or office within the Department of the Interior or the Department of Health and Human Services and that continues to perform functions formerly performed as part of the BIA and IHS. You are eligible for preference if (a) you are a member of a federally recognized Indian tribe; (b) you are a descendent of a member and you were residing within the present boundaries of any Indian reservation on June 1, 1934; (c) you are an Alaska native; or (d) you possess one-half degree Indian blood derived from tribes that are indigenous to the United States.

II. Request for Comments

The BIA requests your comments on this collection concerning: (a) The necessity of the information collection for the proper performance of the functions of the agencies, 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 sponsor or conduct, 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 during the hours of 9:00 a.m. to 5:00 p.m., Eastern Time, Monday through Friday except for legal holidays. 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: 1076–0160.

Title: Verification of Indian preference for Employment in the BIA and IHS, 25 CFR part 5.

Brief description of collection: Submission of this information by Indian applicants for jobs with BIA and IHS allows the Personnel Offices of BIA and IHS to verify that the individual meets the requirements for Indian preference in hiring. Response is required to obtain the benefit of preferential hiring.

Type of Review: Extension without change of a currently approved collection.

Respondents: Qualified Indian persons who are seeking preference in employment with the BIA and IHS.

Number of Respondents: 5,000 per year, on average.

Number of Responses: 5,000 per year, on average.

Frequency of Response: On occasion.

Estimated Time per response: 30 minutes.

Estimated Total Annual Hour Burden: 2,500 hours.

Estimated Total Annual Non-Hour Dollar Cost: $6,920 (postage and copying costs).

Dated: July 14, 2014.

Christine Cho,

Acting Assistant Director for Information Resources—Indian Affairs.

[FR Doc. 2014–16971 Filed 7–17–14; 8:45 am]

BILLING CODE 4310–4J–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[145A2100DD/A0T501010.999900/AAK3000000]

Renewal of Agency Information Collection for Certificate of Degree of Indian or Alaska Native Blood (CDIB)

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the Bureau of Indian Affairs (BIA) is seeking comments on the renewal of Office of Management and Budget (OMB) approval for the collection of information for the Certificate of Degree of Indian or Alaska Native Blood (CDIB) authorized by OMB Control Number 1076–0153. This information collection expires October 31, 2014.

DATES: Submit comments on or before September 16, 2014.

ADDRESSES: You may submit comments on the information collection to: Ms. Laurel Iron Cloud, Chief, Division of Tribal Government Services, Office of Indian Services, Bureau of Indian Affairs, 1849 C Street NW., Mail Stop 4513 MIB, Washington, DC 20240; facsimile: (202) 208–5113; email: *laurel.ironcloud@bia.gov.*

FOR FURTHER INFORMATION CONTACT: Ms. Laurel Iron Cloud, telephone (202) 513–7641.

SUPPLEMENTARY INFORMATION:

I. Abstract

BIA is seeking renewal of the approval for the information collection conducted under the numerous laws authorizing BIA to administer program services to Indians, provided that the individual possess a minimum degree of Indian or Alaska Native blood. When applying for program services authorized by these laws, an applicant must provide acceptable documentation to prove that he or she meets the minimum required degree of Indian or Alaska Native blood. Currently, the BIA certifies an individual's degree of Indian or Alaska Native blood if the individual can provide sufficient information to prove his or her identity and prove his or her descent from an Indian ancestor(s) listed on historic documents approved by the Secretary of the Interior that include blood degree information. To obtain the CDIB, the applicant must fill out an application form and provide supporting documents. BIA is seeking renewal of OMB approval to collect the information necessary to issue CDIBs.

II. Request for Comments

The BIA requests your comments on this collection concerning: (a) The necessity of the information collection for the proper performance of the functions of the agencies, 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 sponsor or conduct, 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 during the hours of 9:00 a.m. to 5:00 p.m., Eastern Time, Monday through Friday except for legal holidays. Before including your address, phone number, email address or other personally identifiable information in your comment, you should be aware that your entire comment—including your personally identifiable information—may be made publicly available at any time. While you can ask us in your comment to withhold your personally identifying information from public review, we cannot guarantee that we will be able to do so.

III. Data

OMB Control Number: 1076–0153.

Title: Certificate of Degree of Indian or Alaska Native Blood.

Brief description of collection: Submission of this information allows BIA to verify the applicant's Indian ancestry and to determine the applicant's degree of Indian blood. The applicant will provide information, such as birth certificates, death certificates, and probates to document the applicant's descent from an Indian ancestor(s). BIA uses historic roll(s) or other documents that list the ancestors' name, gender, date of birth, date of death, blood degree and other identifying information to verify the applicant's descent. After the information and supporting documentation has been verified, BIA will issue a CDIB to the applicant. The applicant may use the CDIB to help document their eligibility for BIA programs and services. Other agencies may also rely on a CDIB as proof of eligibility for certain programs and services. CDIBs do not establish membership in an Indian tribe. A CDIB is not an enrollment document. The collection of this information is voluntary. Response is required to obtain or retain a benefit.

Type of Review: Extension without change of a currently approved collection.

Respondents: Individuals.

Number of Respondents: 154,980 per year, on average.

Number of Responses: 154,980 per year, on average.

Frequency of Response: Once.

Estimated Time per Response: 1.5 hours.

Estimated Total Annual Hour Burden: 232,470 hours.

Estimated Total Annual Non-Hour Dollar Cost: $6,199,200.

Dated: July 14, 2014.

Christine Cho,

Acting Assistant Director for Information Resources—Indian Affairs.

[FR Doc. 2014–16967 Filed 7–17–14; 8:45 am]

BILLING CODE 4310–4J–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLCO910000 L11100000.DO0000]

Notice of Intent To Incorporate Gunnison Sage-Grouse Conservation Measures Into the Bureau of Land Management Land Use Plans, Colorado and Utah and Prepare an Associated Environmental Impact Statement

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Intent.

SUMMARY: In compliance with the National Environmental Policy Act of 1969, as amended (NEPA), and the Federal Land Policy and Management Act (FLMPA) of 1976, as amended, the Bureau of Land Management (BLM) intends to incorporate Gunnison Sage-Grouse Conservation Measures into Resource Management Plans (RMPs) within the range of the species and prepare an associated Environmental Impact Statement (EIS). By this notice, the BLM is announcing the beginning of the scoping process to solicit public comments and identify issues.

DATES: This notice initiates the public scoping process for the EIS. Comments on issues may be submitted in writing until August 18, 2014. The date(s) and location(s) of any scoping meetings will be announced at least 15 days in advance through local news media, newspapers and the BLM Web site at: *http://www.blm.gov/co/st/en/BLM_Programs/wildlife/sage-grouse/GUSG.html.* In order to be included in the analysis, all comments must be received prior to the close of the 30-day scoping period or 15 days after the last public meeting, whichever is later. Comments that are specific to a particular area or land use plan should be identified as such. We will provide additional opportunities for public participation upon publication of the Draft EIS.

ADDRESSES: You may submit comments on issues and planning criteria related to Gunnison Sage-Grouse planning effort by any of the following methods:

- Web site: *http://www.blm.gov/co/st/en/BLM_Programs/wildlife/sage-grouse/GUSG.html*; Email: *gusg_amend@blm.gov.*
- Fax: 303–239–3699.
- Mail: Colorado State Office, 2850 Youngfield Street, Lakewood, CO 80215.

Documents pertinent to this proposal may be examined at the Colorado State Office (see address above); the Colorado Southwest District Office, 2465 South Townsend Avenue, Montrose, CO 81401; and Utah Canyon County District Office, 82 East Dogwood, Moab, UT 84532.

FOR FURTHER INFORMATION CONTACT: Leigh D. Espy, Project Manager, via telephone: 303–239–3801; at the Colorado State Office (see address above); or via email: *lespy@blm.gov.* You may contact Ms. Espy to have your name added to our mailing list. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, seven days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: In January 2013, the U.S. Fish and Wildlife Service (FWS) published its proposed listing and proposed critical habitat decision for the Gunnison Sage-Grouse indicating that listing of the species as ''Endangered'' was warranted. The inadequacy of regulatory mechanisms to conserve the Gunnison Sage-Grouse and its habitat was identified as a significant threat in the FWS preliminary finding on the petition to list the Gunnison Sage-Grouse as an endangered species. The FWS has proposed conservation measures to be included in RMPs as the principal mechanism to assure adequate conservation of the Gunnison Sage-Grouse and its habitat on public lands. In view of the identified threats to the Gunnison Sage-Grouse, the BLM proposes incorporating consistent objectives and conservation measures to protect Gunnison Sage-Grouse and its habitat into RMPs by July 2016. The BLM plans to prepare an EIS to analyze proposed amendments within the range of the species for the following RMPs:

- Colorado
  - San Luis RMP (1991)
  - Gunnison RMP (1993)
  - San Juan/San Miguel RMP (1985) (currently under revision in the Tres Rios and Uncompahgre RMPs)
  - Uncompahgre Basin RMP (1989) (currently under revision in the Dominquez-Escalante National Conservation Area [NCA] RMP and Uncompahgre RMP)
  - Grand Junction RMP (1987) (Currently under revision in the Grand

Junction RMP and the Dominquez-Escalante NCA RMP)
- ○ Gunnison Gorge NCA RMP (2004)
- ○ Canyons of the Ancients National Monument RMP (2010)
- Utah
- ○ Moab RMP (2008)
- ○ Monticello RMP (2008)

Where an ongoing plan revision or amendment may not be completed by July 2016, the date of the underlying completed RMP is also listed, as it may be amended as part of this EIS effort. This amendment may modify planning decisions in the NCAs and/or the National Monument listed above, consistent with the designation.

The purpose of the public scoping process is to determine relevant issues relating to the conservation of the Gunnison Sage-Grouse and its habitat that will influence the scope of the environmental analysis, including alternatives, and guide the process for developing the EIS. The BLM and FWS identified preliminary issues for the planning areas, including sagebrush habitat management practices, science directly applicable to protection of the Gunnison Sage-Grouse, and the effects of sagebrush habitat management on other public land resources including: Fluid minerals, coal mining, hard rock mining, mineral materials, renewable energy development, rights-of-way (including transmission), invasive species, livestock grazing, vegetation management, fire, land tenure, off-highway vehicle management, and recreation. Additionally, as part of this EIS and planning process, the BLM intends to identify and apply appropriate mitigation objectives and management actions to meet conservation objectives for the Gunnison Sage-Grouse. These objectives and management actions could include on-site and regional mitigation measures. Preliminary planning criteria include:

- The BLM will consider allocative and/or prescriptive standards to conserve Gunnison Sage-Grouse and their habitat on public land, as well as habitat objectives and management actions designed to restore or enhance proposed Gunnison Sage-Grouse unoccupied proposed critical habitat.
- The BLM will use the Gunnison Sage-Grouse Rangewide Conservation Plan (Rangewide Steering Committee, 2005), and any other appropriate resources to identify Gunnison Sage-Grouse habitat requirements and best management practices.
- The BLM will consider FWS-developed Gunnison Sage-Grouse conservation measures.
- The planning effort will comply with FLPMA; NEPA; Council on Environmental Quality regulations at 40 CFR parts 1500–1508; Department of the Interior Regulations at 43 CFR part 46 and 43 CFR part 1600; the BLM *H–1601 Land Use Planning Handbook,* ''Appendix C: Program-Specific and Resource-Specific Decision Guidance Requirements'' for affected resource programs; the 2008 BLM NEPA Handbook (H–1790–1); and all other applicable BLM policies and guidance.
- The planning effort will be limited to making land use planning decisions specific to the conservation of Gunnison Sage-Grouse and its habitat.
- The BLM will consider land use allocations and/or prescriptive standards to conserve Gunnison Sage-Grouse habitat, as well as objectives and management actions to restore, enhance and improve Gunnison Sage-Grouse habitat.
- The planning effort will recognize valid existing rights.
- Lands addressed in the RMP amendments/revisions will be public lands (including split-estate lands) managed by the BLM in Gunnison Sage-Grouse occupied and unoccupied habitats. Decisions in the RMP amendments/revisions will apply only to Federal lands and minerals administered by the BLM.
- The BLM will use a collaborative and multi-jurisdictional approach, where appropriate, to determine the goals and objectives of public lands for the conservation of Gunnison Sage-Grouse and their habitat.
- The BLM will consider a reasonable range of alternatives, including appropriate management prescriptions that focus on the relative values of resources while contributing to the conservation of the Gunnison Sage-Grouse and sage-grouse habitat.
- The BLM will address socioeconomic impacts of the alternatives developed. Socioeconomic analyses will use an accepted input-output quantitative model such as Impact Analysis for Planning or Regional Input-Output Modeling System.
- The BLM will use current scientific information, research, technologies, and results of inventory, monitoring, and coordination to determine appropriate local and regional management strategies that will enhance or restore Gunnison Sage-Grouse habitat.
- Gunnison Sage-Grouse habitat management that intersects with Wilderness Study Areas (WSA) on public lands administered by the BLM will be guided by the *BLM Manual Section—6330 Management of Wilderness Study Areas.* Land use allocations made for WSAs must be consistent with laws, regulations and policies related to WSA management.
- For BLM-administered lands, all activities and uses within Gunnison Sage-Grouse habitat will follow existing land health standards. Standards and guidelines for livestock grazing and other applicable programs will be applicable to all alternatives for BLM lands.
- The BLM will consult with Indian tribes to identify sites, areas and objectives important to their cultural and religious heritage within Gunnison Sage-Grouse habitat.
- The BLM will coordinate and communicate with state, local and tribal governments to ensure the BLM considers provisions of pertinent plans; seek to resolve inconsistencies between state, local and tribal plans; and provide ample opportunities for state, local and tribal governments to comment on the development of amendments or revisions.
- The planning effort will be based on the principles of Adaptive Management.
- The most current approved BLM corporate spatial data will be supported by current metadata and will be used to ascertain Gunnison Sage-Grouse habitat extent and quality. Data will be consistent with the principles of the Information Quality Act of 2000.
- The BLM will use the FWS and appropriate State game and fish agencies' Gunnison Sage-Grouse data and expertise to the fullest extent practicable in making management determinations on Federal lands. The BLM recognizes State game and fish agencies' jurisdiction as the primary management agencies for species not managed under the Endangered Species Act.

You may submit comments on issues and planning criteria in writing to the BLM at any public scoping meeting, or you may submit them to the BLM using one of the methods listed in the **ADDRESSES** section above. To be most helpful, you should submit comments by the close of the 30-day scoping period or within 15 days after the last public meeting, whichever is later.

The public is also invited to nominate or recommend areas on public lands for Gunnison Sage-Grouse and its habitat within the planning areas identified above to be considered as Areas of Critical Environmental Concern as a part of this planning process (BLM Manual 1613.3.31).

Parties interested in leasing and development of Federal coal in the planning areas should provide coal resources data for their area(s) of

interest. Specifically, information is requested on the location, quality and quantity of Federal coal with development potential, and on surface resource values related to the 20 coal unsuitability criteria described in 43 CFR part 3461. This information will be used for any necessary updating of coal screening determinations (43 CFR 3420.1–4) in the Decision Area and in the environmental analysis.

The BLM will use the NEPA public participation requirements to assist the agency in satisfying the public involvement requirements under Section 106 of the National Historic Preservation Act (NHPA) (16 U.S.C. 470(f)) pursuant to 36 CFR 800.2(d)(3). The information about historic and cultural resources within the area potentially affected by the proposed action will assist the BLM in identifying and evaluating impacts to such resources in the context of both NEPA and Section 106 of the NHPA. The BLM will consult with Indian tribes on a government-to-government basis in accordance with Executive Order 13175 and other policies. Tribal concerns, including impacts on Indian trust assets and potential impacts to cultural resources, will be given due consideration. Federal, state and local agencies, along with tribes and other stakeholders that may be interested in or affected by the proposed action the BLM is evaluating, are invited to participate in the scoping process and, if eligible, may request or be requested by the BLM to participate in the development of the environmental analysis as a cooperating agency.

The BLM will evaluate identified issues to be addressed in the plan amendments/revisions, and will place them into one of three categories:

1. Issues to be resolved in the plan;
2. Issues to be resolved through policy or administrative action; or
3. Issues beyond the scope of this plan.

The BLM will provide an explanation in the Draft EIS as to why an issue was placed in category two or three. The public is also encouraged to help identify any management questions and concerns that should be addressed in the plan amendments/revisions. The BLM will work collaboratively with interested parties to identify the management decisions that are best suited to local, regional and national needs and concerns.

The BLM will use an interdisciplinary approach to develop the plan amendments in order to consider the variety of resource issues and concerns identified. Specialists with expertise in the following disciplines will be involved in the planning process: Rangeland management, minerals and geology, vegetation management, fire, outdoor recreation, wildlife, lands and realty, hydrology, soils, sociology, and economics.

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.

Authority: 40 CFR 1501.7 and 43 CFR 1610.2.

David McCormack,

Acting BLM Colorado State Director.

[FR Doc. 2014–16819 Filed 7–17–14; 8:45 am]

BILLING CODE 4310–JB–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[L12200000. MA0000/LLUTY00000]

Notice of Proposed Supplementary Rules for Public Lands Managed by the Moab and Monticello Field Offices in Grand and San Juan Counties, UT

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Proposed Supplementary Rules.

SUMMARY: In accordance with the Records of Decision (ROD) for the Moab and Monticello Field Office Approved Resource Management Plans (RMP) and associated Environmental Impact Statements (EIS), the Bureau of Land Management (BLM) is proposing supplementary rules and requesting comments. The proposed rules address conduct on BLM public land in Grand County and San Juan County, Utah. The conduct addressed includes the operation of motorized or mechanized vehicles, camping and campfires, firewood and petrified wood collection, and the use of glass containers.

DATES: Comments on the proposed supplementary rules must be received or postmarked by September 16, 2014 to be assured of consideration.

ADDRESSES: Comments may be submitted by mail, hand delivery, or email to the BLM Canyon Country District Office, Attention: Jason Moore, 82 East Dogwood Avenue, Moab, UT 84532, or *jdmoore@blm.gov*. The proposed supplementary rules and approved RMPs are available for inspection at the BLM Moab Field Office, located at 82 East Dogwood Avenue, Moab, UT; the BLM Monticello Field Office, located at 435 North Main Street, Monticello, UT; and, on the BLM Moab and Monticello Field Office Web sites: *http://www.blm.gov/ut/st/en/fo/moab.html* and *http://www.blm.gov/ut/st/en/fo/monticello.html*.

FOR FURTHER INFORMATION CONTACT: Jason Moore, Supervisory Staff Law Enforcement Ranger, 82 East Dogwood Avenue, Moab, UT 84532, 435–259–2109, or *jdmoore@blm.gov*. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to leave a message or question with the above individual. The FIRS is available 24 hours a day, 7 days a week. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION:

I. Public Comment Procedures
II. Background
III. Discussion
IV. Procedural Matters
V. Proposed Supplementary Rules for the BLM Moab Field Office and the Monticello Field Office

I. Public Comment Procedures

Written comments on the proposed supplementary rules must be sent in accordance with the information outlined in the **DATES** and **ADDRESSES** sections of this notice. The BLM is not obligated to consider comments that are received after the close of the comment period (see **DATES**), unless they are postmarked or electronically dated before the deadline; or if the comments are delivered to an address other than that listed above in **ADDRESSES**. Comments should be specific, confined to issues pertinent to the proposed supplementary rules, and should explain the reason for any recommended change. Where possible, comments should reference the specific section or paragraph of the rule that the comment is addressing.

Comments, including names, addresses, and other contact information of respondents, will be available for public review at the BLM Moab Field Office, 82 East Dogwood Avenue, Moab, UT 84532, during regular business hours (7:45 a.m.–4:30 p.m., Monday through Friday, except Federal holidays). Before including an address, telephone number, email address, or other personal identifying information in your comment, be aware that the entire comment, including personal identifying information, may be made publicly available at any time. While you can ask in your comment to

withhold personal identifying information from public review, we cannot guarantee that we will be able to do so.

II. Background

In 2008, the BLM finalized RMPs for the Moab and Monticello Field Offices. During the public planning and EIS processes, the BLM identified the need to establish supplementary rules to provide for visitor health and safety, and to protect the cultural and natural resources on the BLM Moab and Monticello Field Office lands. The BLM has recorded significant increases in visitation numbers and resulting pressures on recreation areas and archaeological sites in the Moab and Monticello areas. Therefore, the BLM has determined that these proposed rules are necessary to protect visitor health and safety, prevent natural and cultural resource degradation, and promote high-quality outdoor recreation opportunities. Some of the proposed rules would apply to the entire field office areas, while others would apply only to specific geographic areas experiencing the most intense visitation pressures. The proposed rules only address land use limitations and restrictions that were previously proposed, analyzed, and approved as part of the public planning processes for the Moab and Monticello RMPs and associated EISs.

Several of the proposed rules are necessary for all BLM Moab and Monticello Field Office areas, and others are only appropriate for specific BLM lands such as canyons and recreation areas that experience the most intense visitation. The geographic applicability of each rule is addressed in sections III and V of this notice.

The BLM took the following steps to involve the public in developing the plans which are the basis for the proposed rules:

(1) The BLM held five scoping meetings for the Moab and Monticello Field Offices between October 14 and November 13, 2003, in the planning area. A formal scoping period was held between June 6, 2003, and January 31, 2004. The BLM also engaged in Tribal consultation during the planning process.

(2) The Draft RMP/EIS, which included recommendations for published closures, limitations, restrictions, and special rules, was available for a 90-day public comment period. Moab's Draft RMP/EIS was available from August 24, 2007, to November 30, 2007. Four public meetings were held on the Draft RMP beginning September 25, 2007. Monticello's Draft RMP/EIS was available for public review and comment from November 2, 2007, through February 8, 2008. Five public meetings were held on the Draft RMP beginning in January 2008.

(3) The BLM released the Proposed RMPs and Final EISs, which included recommendations for published closures, limitations, restrictions, and special rules on August 1, 2008 (Moab), and on September 5, 2008 (Monticello), for a 30-day protest period.

(4) The BLM summarized all public comments and addressed them in the Final EISs published August 1, 2008 (Moab), and September 5, 2008 (Monticello).

III. Discussion

The BLM Moab Field Office

The BLM Moab Field Office's jurisdiction is bound by the Grand County line to the north, the Utah-Colorado State line to the east, Harts Draw and Lisbon Valley to the south, and the Green River to the west. The public lands managed by the BLM Moab Field Office are domestic and international tourist destinations and since 1999, annual visitation has increased by over 500,000 to 1.8 million visitors per year.

The proposed supplementary rules are critical to provide for public health and safety and protect natural and cultural resources on public lands experiencing high levels of sustained and concentrated visitor use. For over 20 years, supplementary rules have been in place for several specific locations with high visitor use in the BLM Moab Field Office. See 57 FR 33005 (July 24, 1992), 58 FR 17424 (April 2, 1993), and 61 FR 60724 (Nov. 29, 1996). Those rules have been effective in providing for visitor health and safety, and protecting cultural and natural resources in the specified locations. The proposed rules in this notice would not replace existing rules. The proposed rules would supplement existing rules by providing protection to additional high visitation areas and to the entire Moab Field Office area.

The proposed rules regarding camping, campfires, human waste, and wood gathering (Moab rules 7, 8, 9 and 10) would cover areas that receive an estimated 90 percent of the 1.8 million visitors to the Moab Field Office. The restrictions are directly related to the degradation of natural resources, health and safety issues posed by the presence of human waste, and the overuse of undeveloped camping areas where no facilities exist to mitigate visitor impacts.

All of the locations listed for camping restrictions were also specifically listed in the 2008 Moab RMP/EIS. In the majority of the areas affected by camping restrictions, the BLM offers existing campgrounds with toilet facilities and trash disposal, thus ensuring the public's ability to camp on these BLM lands. Public lands that do not receive intense visitation and are not listed in this notice and the 2008 RMP/EIS would not be affected by the proposed camping rules.

The reasoning for each rule is addressed below.

1. Proposed rule: *You must not burn wood pallets.*

Wood pallets are the wood frame structures typically used in shipping operations. Burning wood pallets is hazardous to visitors, BLM personnel, wildlife, and livestock that use the public lands because they contain many nails that remain behind after the pallets are burned. These nails can cause physical injury to people and animals, and property damage to vehicles. By prohibiting the burning of wood pallets, the BLM would be better able to ensure the safety of people and animals, and limit property damage. This rule would apply to all lands managed by the Moab Field Office because the hazards are the same regardless of where the pallets are burned.

2. Proposed rule: *You must not camp in archaeological sites.*

Camping activities destroy fragile archaeological resources and cause irreparable damage. Although visitors may not intentionally harm archaeological sites when they camp, several activities associated with camping may cause inadvertent damage. For example, campfires can destroy and/or contaminate the archaeological record, which is important to our scientific and historical understanding of archaeological resources. Also, inadvertent trampling from foot traffic and camping shelters causes movement of artifacts and site features. Camping in sites also increases the risk of illegal artifact collection. Finally, food preparation often results in food scraps being left behind on the ground, and this attracts animals that dig in and damage the site. This rule would apply to all lands managed by the Moab Field Office because of the high density of archaeological sites across the entire region. The definition of archaeological site is found in the ''Definitions'' section.

3. Proposed rule: *You must not camp in historic sites posted as closed to camping.*

If these proposed rules are finalized, historic sites that are important to the

historical record and local and national heritage would be posted as closed to camping. Sites that are included or eligible for inclusion in the National Register of Historical Places would be covered under this rule. Camping would be prohibited in posted sites because camping activities can destroy fragile historical resources and may cause irreparable damage. Although visitors may not intentionally harm historical sites when they camp, several activities associated with camping cause inadvertent damage. For example, campfires can destroy and/or contaminate the historical record, which is important to our understanding of historical resources. Also, inadvertent trampling from foot traffic and camping shelters causes movement of structures and site features.

4. Proposed rule: *You must not operate a motorized or mechanized vehicle on any route, trail, or area not designated as open to such use by a BLM sign or map.*

Mechanized and motorized travel across sensitive desert landscapes and off of established routes can damage scenic, cultural, soil, vegetation, and wildlife habitat resources. The proposed rule would limit these modes of travel to designated routes in order to prevent the degradation of the public land resources that draw people to the area. The proliferation of user-created routes also contributes to confusion among visitors as to their location and this has contributed to an increased demand on search and rescue resources. This rule would apply to all lands managed by the Moab Field Office because the resources at risk of damage from vehicles are present across the entire region.

5. Proposed rule: *You must not gather petrified wood.*

In the Moab area, there are two BLM Special Recreation Management Areas (SRMA) where petrified wood can be found exposed on the ground. As a result, the SRMAs experience heavy visitation and the petrified wood is collected and removed from the public land. In order to preserve this resource for future public viewing, the collection of petrified wood would be prohibited. This potential restriction was analyzed in the 2008 Moab RMP/EIS. The two SRMAs that would be affected by this rule are the Colorado Riverway SRMA and the Labyrinth Rim/Gemini Bridges SRMA.

6. Proposed rule: *You must not possess or use glass beverage containers.*

Broken glass poses a health and safety hazard to visitors and property, especially in areas where children and adults are likely to go barefoot. This proposed rule would only apply to two specific areas where the health and safety risks are greatest: The Sand Hill area near the entrance of Arches National Park, where visitors can be easily harmed by broken glass hidden in the sand; and at the Powerhouse/Mill Creek area, a rare swimming hole near the city of Moab, where visitors can be easily harmed by broken glass in the stream bed. Broken glass has been a problem at these two locations and this rule would help safeguard the public. The geographic descriptions of these locations are listed in the ''Proposed Supplementary Rules'' section.

7. Proposed rule: *You must not camp at a non-designated site.*

This proposed rule would only apply to specific geographic areas where dispersed camping is degrading natural, visual, and wildlife resources, and causing risks to human health. The affected areas, which are enumerated in the Proposed Supplementary Rules section, reflect the recreation management decision (REC–6) in the 2008 Moab RMP to limit dispersed camping as visitation impacts and environmental conditions warrant. Therefore, by regulating campsites along the scenic highways and byways, the BLM would be better able to preserve the viewshed for those travelling along the road. Also, dispersed camping is negatively affecting crucial Desert Bighorn Sheep lambing areas shown in map 9 of the Moab RMP. In addition, the presence of campers without the benefit of toilet facilities devalues adjacent private property and poses a health threat to domestic water wells in Spanish Valley and Castle Valley. All the geographic locations affected by this proposed rule are listed in the ''Proposed Supplementary Rules'' section.

8. Proposed rule: *You must not ignite or maintain a campfire at a non-designated site.*

Campfires made without a metal fire ring create an increased risk of wildfire and resulting damage to natural and cultural resources, and threats to public safety. In addition, non-designated campfire rings, ashes, and associated garbage that are often left behind at campfire sites have a negative visual impact on the area. Finally, the presence of non-designated campfire rings encourages repeated illegal camping. The areas affected by this rule receive the most intense visitation and so the risks posed by campfires are amplified in these areas. All the geographic locations affected by this proposed rule are enumerated in the ''Proposed Supplementary Rules'' section.

9. Proposed rule: *You must not dispose of human waste in any other container than a portable toilet.*

Exposure to human waste is a health risk to the public and BLM personnel. The continuous deposition of human waste on or just beneath the surface of the ground—which is largely sand and bare rock in the Moab region—is a risk that is not naturally mitigated. Therefore, in the high visitation areas, these risks are amplified so they must be mitigated by limiting the methods of disposal. This rule would apply to the enumerated areas because they experience the highest levels of visitation and, in the case of the Areas of Critical Environmental Concern (ACEC) and Desert Bighorn Sheep lambing areas, the lands are especially sensitive to human impacts. All geographic locations affected by this proposed rule are listed in the ''Proposed Supplementary Rules'' section.

10. Proposed rule: *You must not gather wood.*

Wood gathering depletes an already limited supply of wood that is not readily replaced in the desert environment. As with camping, campfires, and human waste, the areas that this rule would apply to are at a greater risk of resource damage and depletion due to high visitation. In order to ensure that future visitors can enjoy the visual resources, and the sensitive desert ecology is protected, wood gathering in the enumerated areas would be prohibited. All geographic locations affected by this proposed rule are listed in the Proposed Supplementary Rules section.

The BLM Monticello Field Office

The BLM Monticello Field Office's jurisdiction is bound by Harts Draw and Lisbon Valley to the north, the Utah-Colorado State line to the east, the Navajo Indian Reservation and Utah-Arizona State line to the south, and Canyonlands National Park and the Glen Canyon National Recreation Area to the west. A number of archaeological and historical resources are located on the public lands throughout the BLM Monticello Field Office.

The BLM Monticello Field Office's proposed supplementary rules are integral in protecting natural and cultural resources. The Office currently enforces supplementary rules that have been effective in protecting resources in the Indian Creek area. See 63 FR 110 (Jan. 2, 1998). The proposed rules in this notice would not replace existing rules. The proposed rules would supplement existing rules and provide protection to archaeological sites. Each of the

proposed rules was analyzed in the 2008 Monticello RMP and accompanying EIS.

The reasoning for each rule is addressed below.

1. Proposed rule: *You must not camp in archaeological sites.*

Camping activities destroy fragile archaeological resources and cause irreparable damage. Although visitors may not intentionally harm archaeological sites when they camp, several activities associated with camping cause inadvertent damage. For example, campfires can destroy and/or contaminate the archaeological record, which is important to our scientific and historical understanding of cultural resources. Also, inadvertent trampling from foot traffic and camping shelters causes movement of artifacts and site features. Camping in sites also increases the risk of illegal artifact collection. Finally, food preparation often results in food scraps being left behind on the ground and this attracts animals that dig in and damage the site. This rule would apply to all lands managed by the Monticello Field Office because of the high density of archaeological sites across the entire region. The definition of archaeological site is found in the ''Definitions'' section.

2. Proposed rule: *You must not enter archaeological sites designated as closed to the public.*

Individual archaeological sites are closed on a case-by-case basis due to degradation from increased visitation. Closing these sites to the general public protects them for future generations and our national heritage, and also ensures the integrity of the site for further scientific study. These sites may still be enjoyed from outside the barriers but due to the degradation and their fragile nature, further public visitation would cause irreparable damage. This rule would apply to all lands managed by the Monticello Field Office because of the high density of archaeological sites across the entire region. A more thorough definition of archaeological site is found in the ''Definitions'' section.

3. Proposed rule: *You must not use ropes or other climbing aids to access archaeological sites.*

The use of ropes or other climbing aids to access archaeological sites can cause irreparable damage and it increases visitation and resulting degradation to otherwise rare and inaccessible sites. Ropes and climbing aids cause damage because climbers put them in direct contact with fragile features such as prehistoric walls and towers. For example, ropes rub against walls as climbers go up and over sites, and climbing aids such as bolts and other protection pieces cause direct damage to the rock where they are placed. Also, the use of climbing aids in general increases human contact with fragile sites and artifacts. Many otherwise inaccessible sites still retain cultural integrity and important scientific information, and the use of ropes and climbing aids to access these sites may destroy what little remains of the cultural heritage and valuable knowledge of the past. This rule would apply to all lands managed by the Monticello Field Office because of the high density of archaeological sites across the entire region. A more thorough definition of archaeological site is found in the Definitions section.

4. Proposed rule: *You must not bring domestic pets or pack animals to archaeological sites.*

Pets and pack animals cause damage to archaeological sites when they paw, dig in, defecate on, and trample fragile structures and artifacts. In order to promote the integrity and longevity of these sites, pets and pack animals would be prohibited. This rule would apply to all lands managed by the Monticello Field Office because of the high density of archaeological sites across the entire region. A more thorough definition of archaeological site is found in the ''Definitions'' section.

5. Proposed rule: *You must not operate a motorized or mechanized vehicle on any route, trail, or area not designated as open to such use by a BLM sign or map.*

Similar to the Moab area, mechanized and motorized travel across sensitive desert landscapes and off of established routes in the Monticello area damages scenic, cultural, soil, vegetation, and wildlife habitat resources. The proposed rules would limit these modes of travel to designated routes in order to prevent the degradation of the public land resources that draw people to area. The proliferation of user-created routes also contributes to confusion among visitors as to their location on the ground, and has contributed to more frequent search and rescue activity. This rule would apply to all lands managed by the Moab Field Office because the resources at risk of damage from vehicles are present across the entire region.

6. Proposed rule: *You must not ignite or maintain a campfire in the Dark Canyon Special Recreation Management Area or White Canyon Special Recreation Management Area.*

The Dark Canyon SRMA has a high density of archaeological resources and so campfires would be prohibited in order to reduce the risk of starting wildfires which can cause extensive damage to those resources. Also, by prohibiting campfires, the BLM would reduce the risk that visitors will remove ancient wood from archaeological sites for fuel. Campfires would be prohibited in the White Canyon SRMA because it is a narrow slot canyon in which burning poses significant health and safety risks. In addition, the logjams that people rely on to navigate the canyon are targeted for firewood. By prohibiting campfires in both of these SRMAs, the likelihood of wildfires would be greatly reduced, thereby providing greater protection of human safety, wildlife, livestock, public land resources, and private property.

IV. Procedural Matters

Executive Order 12866, Regulatory Planning and Review

These proposed supplementary rules are not significant regulatory actions and are not subject to review by the Office of Management and Budget under Executive Order 12866. These proposed supplementary rules would not have an annual effect of $100 million or more on the economy. They would not adversely affect in a material way the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or Tribal governments or communities. These proposed supplementary rules would not create a serious inconsistency or otherwise interfere with an action taken or planned by another agency. The proposed supplementary rules would not materially alter the budgetary effects of entitlements, grants, user fees, or loan programs or the rights or obligations of their recipients; nor does it raise novel legal or policy issues. These supplementary rules merely establish rules of conduct for public use on a limited area of public lands.

Clarity of the Regulations

Executive Order 12866 requires each agency to write regulations that are simple and easy to understand. The BLM invites comments on how to make this supplementary rule easier to understand, including answers to questions such as the following:

1. Are the requirements in the supplementary rule clearly stated?

2. Does the supplementary rule contain technical language or jargon that interferes with their clarity?

3. Does the format of the supplementary rule (grouping and order of sections, use of headings, paragraphing, etc.) aid or reduce clarity?

4. Is the description of the supplementary rule in the

SUPPLEMENTARY INFORMATION section of this preamble helpful in understanding the supplementary rule? How could this description be more helpful in making the supplementary rule easier to understand?

Please send any comments on the clarity of the rule to the address specified in the **ADDRESSES** section.

National Environmental Policy Act

These proposed supplementary rules are consistent with and necessary to properly implement decisions proposed, analyzed, and approved in the 2008 Moab and Monticello Field Office RMPs, Final EISs, and RODs. They would establish rules of conduct for public use of public lands managed by the Moab and Monticello Field Offices in order to protect public health and safety and protect natural and cultural resources on the public lands. The approved RMPs, EISs, and RODs are available for review at the physical and on-line locations identified in the **ADDRESSES** section. These proposed rules are a component of a larger planning process for the Moab and Monticello Field Offices (i.e., the RMPs/RODs). In developing the RMPs/RODs, the BLM prepared two Draft and Final EISs which include analysis of the proposed rules. The Draft and Final EISs, the Proposed RMPs, and the RMPs/RODs are on file and available to the public in the BLM administrative record at the address specified under **ADDRESSES**. The documents are also online at: *http://www.blm.gov/ut/st/en/fo/moab/planning/rod__approved__rmp.html* and *http://www.blm.gov/ut/st/en/fo/monticello/planning/Monticello__Resource__Management__Plan.html*.

Regulatory Flexibility Act

Congress enacted the Regulatory Flexibility Act (RFA) of 1980, as amended (5 U.S.C. 601–612) to ensure that Government regulations do not unnecessarily or disproportionately burden small entities. The RFA requires a regulatory flexibility analysis if a rule would have a significant economic impact, either detrimental or beneficial, on a substantial number of small entities. These proposed supplementary rules would merely establish rules of conduct for public use on a limited area of public lands. Therefore, the BLM has determined that the proposed supplementary rules would not have a significant economic impact on a substantial number of small entities.

Small Business Regulatory Enforcement Fairness Act

These proposed supplementary rules are not ''major'' as defined under 5 U.S.C. 804(2). The proposed supplementary rules would merely establish rules of conduct for public use on a limited area of public lands and would not affect commercial or business activities of any kind.

Unfunded Mandates Reform Act

These proposed supplementary rules would not impose an unfunded mandate on State, local, or Tribal governments in the aggregate, or the private sector of more than $100 million per year; nor would they have a significant or unique effect on small governments. The proposed supplementary rules would have no effect on governmental or Tribal entities and would impose no requirements on any of these entities. The proposed supplementary rules would merely establish rules of conduct for public use on a limited selection of public lands and would not affect tribal, commercial, or business activities of any kind. Therefore, the BLM is not required to prepare a statement containing the information required by the Unfunded Mandates Reform Act (2 U.S.C. 1531 *et seq.*).

Executive Order 12630, Governmental Actions and Interference With Constitutionally Protected Property Rights (Takings)

These proposed supplementary rules do not have significant takings implications, nor are they capable of interfering with Constitutionally-protected property rights. The proposed supplementary rules would merely establish rules of conduct for public use on a limited area of public lands and would not affect anyone's property rights. Therefore, the Department of the Interior has determined that these proposed supplementary rules would not cause a ''taking'' of private property or require preparation of a takings assessment under this Executive Order.

Executive Order 13132, Federalism

These proposed supplementary rules would not have a substantial direct effect on the States, the relationship between the Federal Government and the States, nor the distribution of power and responsibilities among the various levels of government. These proposed supplementary rules would not conflict with any State law or regulation. Therefore, in accordance with Executive Order 13132, the BLM has determined that these supplementary rules do not have sufficient Federalism implications to warrant preparation of a Federalism Assessment.

Executive Order 12988, Civil Justice Reform

Under Executive Order 12988, the Office of the Solicitor has determined that these proposed supplementary rules would not unduly burden the judicial system and that they meet the requirements of sections 3(a) and 3(b)(2) of the Order.

Executive Order 13175, Consultation and Coordination With Tribal Governments

In accordance with Executive Order 13175, the BLM conducted consultation and coordination with Tribal governments in the development of the RMPs which form the basis for the proposed rules.

Moab

The proposed rules are in accordance with the issues raised in consultation with the Tribes during the RMP planning process.

As part of the RMP/EIS scoping process, by letter dated August 1, 2003, the Utah State Director initiated consultation for land use planning with 34 Tribal organizations. Between November 2003 and May 2004, all 34 Tribal organizations were contacted to determine the need for additional or future consultation for the study areas identified in the consultation letter. Meetings were arranged when requested.

In consulting with Tribes or Tribal entities, the BLM emphasized the importance of identifying historic properties having cultural significance to Tribes (commonly referred to as Traditional Cultural Properties (TCP). The BLM held meetings with 12 Tribal organizations between December 2003 and May 2004. During these meetings, Tribal organizations were invited to be a cooperating agency in the development of the land use plan. None of the Tribal organizations requested to be a cooperating agency.

In 2006 and 2007, the Moab field office (FO) manager and archaeologist participated in a second round of meetings with the five Tribes who so requested. At these meetings, the draft RMP/EIS alternatives were discussed with special emphasis on cultural resource issues. A copy of the Moab Draft RMP/EIS was mailed in August 2007 to 12 Tribal organizations. In April 2008, the BLM extended an invitation to meet with Tribal organizations regarding the Proposed RMP/Final EIS. Two Tribes accepted this invitation.

Monticello

The proposed rules are in accordance with the issues raised in consultation

with the Tribes during the RMP planning process.

Consultations with Native Americans on the Monticello RMP began in 2003. The Draft RMP/EIS was sent to the Tribes for review and comment on November 5, 2007. Monticello FO received comments from three tribes, the Hopi Tribe, the Navajo Nation, and the Ute Mountain Ute Tribe. Tribal concerns related to the Draft RMP/EIS were focused on the following:

1. Maintaining access for collection of plants for medicinal, spiritual, and sustenance uses.
2. Protection of the cultural resources in the Allen and Cottonwood Canyon areas which are important to the culture and history of the White Mesa Utes.
3. Allocation of sites for scientific use.
4. Ongoing consultation on selection and allocation of sites for interpretive development, educational, public, and scientific uses.
5. Inadvertent discoveries.

The BLM provided additional clarification or modifications in developing the Proposed RMP to address these concerns. None of the Tribes filed a protest.

Energy Supply, Distribution, or Use

Under Executive Order 13211, the BLM has determined that the proposed supplementary rules would not comprise a significant energy action, and that they would not have an adverse effect on energy supplies, production, or consumption.

Paperwork Reduction Act

These supplementary rules do not contain information collection requirements that the Office of Management and Budget must approve under the Paperwork Reduction Act of 1995, 44 U.S.C. 3501 *et seq.* Federal criminal investigations or prosecutions may result from these rules, and the collection of information for these purposes is exempt from the Paperwork Reduction Act, 44 U.S.C. 3518(c)(1).

Author

The principal author of these supplementary rules is Jason Moore, Supervisory Staff Law Enforcement Ranger, Canyon Country District Office, 82 East Dogwood Avenue, Moab, Utah 84532.

V. Proposed Supplementary Rules for the BLM Moab Field Office and the Monticello Field Office

For the reasons stated in the preamble, and under the authorities for supplementary rules found at 43 U.S.C. 1740, 43 U.S.C. 315a, and 43 CFR 8365.1–6, the BLM Utah State Director is proposing the following supplementary rules:

Definitions

The following definitions apply to the supplementary rules of both the Moab Field Office and the Monticello Field Office.

Archaeological Site: Any site containing material remains of past human life or activities that are at least 100 years old and are of archaeological interest. Material remains include, but are not limited to: Structures or portions of structures, pit houses, rock paintings, rock carvings, intaglios, graves, surface or subsurface artifact concentrations, and the physical site, location, or context in which they are found, such as alcoves and caves.

Campfire: Any outdoor fire used for warmth or cooking.

Camping: The erecting of a tent or shelter of natural or synthetic material, preparing a sleeping bag or other bedding material for use, parking of a motor vehicle, motor home or trailer, or mooring of a vessel, for the apparent purpose of overnight occupancy while engaged in recreational activities such as hiking, hunting, fishing, bicycling, sightseeing, off-road vehicle activities, or other generally recognized forms of recreation.

Climbing Aid: Climbing aids include, but are not limited to: Bolts, anchors, ascenders, rappelling devices, webbing and cord material, cams, stoppers, and other protection devices.

Colorado Riverway Special Recreation Management Area: Public land located along the Colorado River corridor from Dewey Bridge to the boundary of Canyonlands National Park. The SRMA also includes public land along Kane Creek, in Long Canyon, and along the Dolores River. Maps of the area can be viewed at the BLM Moab Field Office.

Dark Canyon Special Recreation Management Area: The Dark Canyon SRMA includes canyon rims and bottoms for Dark Canyon, Gypsum Canyon, Bowdie Canyon, Lean To Canyon, Palmer Canyon, Lost Canyon, Black Steer Canyon, Young's Canyon, and Fable Valley Canyon. Trailheads and associated parking/camping areas at these canyons are included within the SRMA boundaries.

Historic Site: Any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places. The term ''eligible for inclusion in the National Register of Historic Places'' includes both properties formally determined as such by the Secretary of the Interior and all other properties that meet National Register of Historic Places listing criteria.

Labyrinth Rims/Gemini Bridges Special Recreation Management Area: Public land located south of the Blue Hills Road, west of Arches National Park, north of the Colorado River and Canyonlands National Park, and east of the Green River. Maps of the area can be viewed at the BLM Moab Field Office.

Mechanized Vehicle: Any device propelled solely by human power, upon which a person, or persons, may ride on land, having any wheels, with the exception of a wheelchair.

Off-Highway Vehicle: Any motorized vehicle capable of, or designed for, travel on or immediately over land, water, or other natural terrain, excluding: (1) Any non-amphibious registered motorboat; (2) Any military, fire, emergency, or law enforcement vehicle being used for emergency purposes; (3) Any vehicle whose use is expressly authorized by the authorized officer, or otherwise officially approved; (4) Vehicles in official use; and (5) Any combat or combat support vehicle when used in times of national defense emergencies.

Portable Toilet: (1) A containerized and reusable system; (2) A commercially available biodegradable system that is landfill disposable (e.g., a ''WAG bag''); or (3) A toilet within a camper, trailer or motor home.

Wheelchair: Any device that is designed solely for use by a mobility-impaired person for locomotion, and that is suitable for use in an indoor pedestrian area.

White Canyon Special Recreation Management Area: The White Canyon SRMA includes canyon rims and bottoms in White Canyon as it parallels State Route 95 from Natural Bridges National Monument to Glen Canyon National Recreation Area. Trailheads and associated parking/camping areas at these canyons are included within the SRMA boundaries.

Moab Field Office

Unless otherwise authorized, on all public lands within the BLM Moab Field Office jurisdiction:

(1) You must not burn wood pallets.

(2) You must not camp in archaeological sites.

(3) You must not camp in historic sites posted as closed to camping.

(4) You must not operate a motorized or mechanized vehicle on any route, trail, or area not designated as open to such use by a BLM sign or map.

The following rules apply only to the enumerated areas:

(5) You must not gather petrified wood in the following two areas:

i. The Colorado Riverway SRMA; and

ii. High visitation sites within the Labyrinth Rim/Gemini Bridges SRMA.

(6) You must not possess or use glass beverage containers in the following areas:

i. Moab Canyon Sand Hill within Sections 20 and 21 of Township 25 South, Range 21 East, Salt Lake Meridian; and

ii. Powerhouse Lane Trailhead, Lower Mill Creek, and the North Fork of Mill Creek for a distance of one mile from the trailhead at Powerhouse Lane within Sections 3, 4, 5, 8, 9 and 10 of Township 26 South, Range 22 East, Salt Lake Meridian.

(7) You must not camp at a non-designated site.

(8) You must not ignite or maintain a campfire at a non-designated site.

(9) You must not dispose of human waste in any other container than a portable toilet.

(10) You must not gather wood.

Rules 7, 8, 9 and 10 apply to lands within one half mile of the following roads:

i. Utah Highway 313;

ii. The Island in the Sky entrance road between Utah Highway 313 and Canyonlands;

iii. The Gemini Bridges Route (Grand County Road No. 118) and the spur route into Bride Canyon within Section 24, Township 25 South, Range 20 East, Salt Lake Meridian;

iv. The Kane Springs Creek Canyon Rim route from U.S. Highway 191 to where it first crosses the eastern boundary of Section 20, Township 27 South, Range 22 East, Salt Lake Meridian, exclusive of the State and private land west of Blue Hill in Sections 25, 26, 35, and 36; and

Rules 7, 8, 9 and 10 also apply to:

v. Lands within Long Canyon (Grand County Road No. 135) coincident with a portion of the Colorado Riverway SRMA and the BLM lands within Dead Horse Point State Park.

vi. Lands along both sides of U.S. Highway 191 bounded by Arches National Park on the east, private lands in Moab Valley on the south, the Union Pacific Railroad Potash Rail Spur on the west, and private and State land near the lower Gemini Bridges Trailhead on the north.

vii. Lands located between the upper end of the Nefertiti Rapid parking area in Section 1, Township 19 South, Range 16 East, Salt Lake Meridian, along the shoreline of the Green River on the east side of the river to Swaseys Take-Out in Section 3, Township 20 South, Range 16 East, Salt Lake Meridian. This includes all public lands between Nefertiti and Swaseys along Grand County Road No. 154.

viii. Lands including Castle Rock, Ida Gulch, Professor Valley, Mary Jane Canyon, and the upper Onion Creek areas that are south of the Colorado Riverway SRMA, below the rims of Adobe and Fisher Mesas, and west of the private land in Fisher Valley;

ix. Lands along the Potash Trail (Grand County Road Nos. 134 and 142, between the western end of Potash Lower Colorado River Scenic Byway (Grand County Road No. 279) and Canyonlands National Park) that are east of Canyonlands National Park, south of Dead Horse Point State Park, and other State and private lands north of the Colorado river and west of the Colorado Riverway SRMA, excluding riverside campsites accessible by water craft from the Colorado River;

x. Lands located at the southern end of Spanish Valley located on the east and west sides of U.S. Highway 191 to the rim of the valley, south of the San Juan County line to the Kane Springs Creek Canyon Rim Road.

xi. Lands within the Mill Creek Canyon ACEC and the Mill Creek Canyon Wilderness Study Area (WSA). Backpack-type camping within the Mill Creek Canyon ACEC and the Mill Creek Canyon WSA is allowed at sites one-quarter mile or farther from designated roads and greater than 100 feet from Mill Creek and archaeological sites.

xii. Lands within Desert Bighorn Sheep lambing areas (46,319 acres) as shown on map 9 of the Approved Moab RMP.

Monticello Field Office

Unless otherwise authorized, on all public lands administered by the BLM Monticello FO:

(1) You must not camp in archaeological sites.

(2) You must not enter archaeological sites designated as closed to the public.

(3) You must not use ropes or other climbing aids to access archaeological sites.

(4) You must not bring domestic pets or pack animals to archaeological sites.

(5) You must not operate a motorized or mechanized vehicle on any route, trail, or area not designated as open to such use by a BLM sign or map.

(6) You must not ignite or maintain a campfire in the Dark Canyon SRMA or White Canyon SRMA.

Penalties

Under the Taylor Grazing Act of 1934, 43 U.S.C. 315a, any willful violation of these supplementary rules on public lands within a grazing district shall be punishable by a fine of not more than $500 or, under Section 303(a) of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1733(a) and 43 CFR 8360.0–7, any person who violates any of these supplementary rules on public lands within Utah may be tried before a United States Magistrate and fined no more than $1,000, imprisoned for no more than 12 months, or both. Such violations may also be subject to the enhanced fines provided for by 18 U.S.C. 3571.

Exemptions

Any Federal, State, local or military persons acting within the scope of their duties; and members of an organized rescue or firefighting force in performance of an official duty. Such violations may also be subject to the enhanced fines provided for by 18 U.S.C. 3571.

Juan Palma,

State Director, Bureau of Land Management, Utah.

[FR Doc. 2014–16699 Filed 7–17–14; 8:45 am]

BILLING CODE 4310–DQ–P

DEPARTMENT OF THE INTERIOR

Bureau of Ocean Energy Management

[MMAA104000]

Western Gulf of Mexico Planning Area (WPA) Outer Continental Shelf (OCS) Oil and Gas; Lease Sale 238 (WPA Sale 238)

AGENCY: Bureau of Ocean Energy Management, Interior.

ACTION: Final notice of sale.

SUMMARY: On Wednesday, August 20, 2014, BOEM will open and publicly announce bids received for blocks offered in WPA Sale 238 in accordance with the provisions of the OCS Lands Act (OCSLA, 43 U.S.C. 1331–1356, as amended) and the implementing regulations issued pursuant thereto (30 CFR parts 550 and 556).

The WPA 238 Final Notice of Sale (NOS) package (Final NOS Package) contains information essential to potential bidders, and bidders are charged with knowing the contents of the documents contained in the Final NOS Package. The Final NOS Package is available at the address and Web site below.

DATES: Public bid reading for WPA Sale 238 will begin at 9:00 a.m., Wednesday, August 20, 2014, at the Mercedes-Benz Superdome, 1500 Sugarbowl Drive, New Orleans, Louisiana 70112. The lease sale will be held in the St. Charles Club Room on the second floor (Loge Level). Entry to the Superdome will be on the Poydras Street side of the building

through Gate A on the Ground Level; parking will be available at Garage 6. All times referred to in this document are local times in New Orleans, unless otherwise specified.

BID Submission Deadline: BOEM must receive all sealed bids between 8:00 a.m. and 4:00 p.m. on normal working days, or from 8:00 a.m. to the Bid Submission Deadline of 10:00 a.m. on Tuesday, August 19, 2014, the day before the lease sale. For more information on bid submission, see Section VII, ''Bidding Instructions,'' of this document.

ADDRESSES: Interested parties, upon request, may obtain a compact disc (CD–ROM) containing the Final NOS Package by contacting the BOEM Gulf of Mexico Region (GOMR) at: Gulf of Mexico Region Public Information Office, Bureau of Ocean Energy Management, 1201 Elmwood Park Boulevard, New Orleans, Louisiana 70123–2394, (504) 736–2519 or (800) 200–GULF, or by visiting the BOEM Web site at *http://www.boem.gov/Sale-238/.*

Table of Contents

This Final NOS includes the following sections:

I. Lease Sale Area
II. Statutes and Regulations
III. Lease Terms and Economic Conditions
IV. Lease Stipulations
V. Information to Lessees
VI. MAPS
VII. Bidding Instructions
VIII. Bidding Rules and Restrictions
IX. Forms
X. The Lease Sale
XI. Delay of Sale

I. Lease Sale Area

Blocks Offered for Leasing

In WPA Sale 238, BOEM is offering for lease all blocks and partial blocks in the document ''List of Blocks Available for Leasing'' included in the Final NOS Package. All of these blocks are shown on the following leasing maps and Official Protraction Diagrams (OPDs):

Outer Continental Shelf Leasing Maps—Texas Map Numbers 1 Through 8

TX1 South Padre Island Area (revised November 1, 2000)
TX1A South Padre Island Area, East Addition (revised November 1, 2000)
TX2 North Padre Island Area (revised November 1, 2000)
TX2A North Padre Island Area, East Addition (revised November 1, 2000)
TX3 Mustang Island Area (revised November 1, 2000)
TX3A Mustang Island Area, East Addition (revised September 3, 2002)
TX4 Matagorda Island Area (revised November 1, 2000)
TX5 Brazos Area (revised November 1, 2000)
TX5B Brazos Area, South Addition (revised November 1, 2000)
TX6 Galveston Area (revised November 1, 2000)
TX6A Galveston Area, South Addition (revised November 1, 2000)
TX7 High Island Area (revised November 1, 2000)
TX7A High Island Area, East Addition (revised November 1, 2000)
TX7B High Island Area, South Addition (revised November 1, 2000)
TX7C High Island Area, East Addition, South Extension (revised November 1, 2000)
TX8 Sabine Pass Area (revised November 1, 2000)

Outer Continental Shelf Leasing Maps—Louisiana Map Numbers 1A, 1B, and 12

LA1A West Cameron Area, West Addition (revised February 28, 2007)
LA1B West Cameron Area, South Addition (revised February 28, 2007)
LA12 Sabine Pass Area (revised July 1, 2011)

Outer Continental Shelf Official Protraction Diagrams

NG14–03 Corpus Christi (revised November 1, 2000)
NG14–06 Port Isabel (revised November 1, 2000)
NG15–01 East Breaks (revised November 1, 2000)
NG15–02 Garden Banks (revised February 28, 2007)
NG15–04 Alaminos Canyon (revised November 1, 2000)
NG15–05 Keathley Canyon (revised July 1, 2013)
NG15–08 Sigsbee Escarpment (revised July 1, 2013)
NG 15–09 Amery Trace (revised July 1, 2013)

Please Note: A CD–ROM (in ArcInfo and Acrobat (.pdf) format) containing all of the GOM leasing maps and OPDs, is available from the BOEM Gulf of Mexico Region Public Information Office for a price of $15.00. These GOM leasing maps and OPDs also are available online for free in .pdf and .gra formats at *http://www.boem.gov/Oil-and-Gas-Energy-Program/Mapping-and-Data/Official-Protraction-Diagrams.aspx.*

For the current status of all WPA leasing maps and OPDs, please refer to 66 FR 28002 (May 21, 2001), 67 FR 60701 (September 26, 2002), 72 FR 27590 (May 16, 2007), 76 FR 54787 (September 2, 2011), and 79 FR 32572 (June 5, 2014). In addition, Supplemental Official OCS Block Diagrams (SOBDs) for blocks containing the U.S. 200-Nautical Mile Limit line and the U.S.-Mexico Maritime and Continental Shelf Boundary line are available. These SOBDs also are available from the BOEM Gulf of Mexico Region Public Information Office and on BOEM's Web site at *http://www.boem.gov/Oil-and-Gas-Energy-Program/Mapping-and-Data/Supplemental-Official-OCS-Block-Diagrams-SOBDs.aspx.* For additional information, or to order the above referenced maps or diagrams, please call the Mapping and Automation Section at (504) 736–5768.

All blocks being offered in the lease sale are shown on these leasing maps and OPDs. The available Federal acreage of each whole and partial block in this lease sale is shown in the document ''List of Blocks Available for Leasing'' included in the Final NOS Package. Some of these blocks may be partially leased or deferred, or transected by administrative lines, such as the Federal/State jurisdictional line. A bid on a block must include all of the available Federal acreage of that block. Also, information on the unleased portions of such blocks is found in the document entitled ''Western Planning Area, Lease Sale 238, August 20, 2014—Unleased Split Blocks and Available Unleased Acreage of Blocks with Aliquots and Irregular Portions under Lease or Deferred,'' which is included in the Final NOS Package.

For additional information, please call Mr. Lenny Coats, Chief of the Mapping and Automation Section, at (504) 736–1457.

Blocks Not Offered for Leasing

The following whole and partial blocks are not offered for lease in this sale:

Whole and partial blocks that lie within the boundaries of the Flower Garden Banks National Marine Sanctuary (Sanctuary) in the East and West Flower Garden Banks and Stetson Bank. The following list identifies all blocks affected by the Sanctuary boundaries:

High Island, East Addition, South Extension (Leasing Map TX7C)
Whole Block: A–398
Portions of Blocks: A–366, A–367, A–374, A–375, A–383, A–384 *, A–385 *, A–388, A–389, A–397 *, A–399, A–401
High Island, South Addition (Leasing Map TX7B)
Portions of Blocks: A–502, A–513
Garden Banks (OPD NG15–02)
Portions of Blocks: 134, 135

* Leased.

Blocks That Lie Within the Former Western Gap and Within 1.4 Nautical Miles North of the Continental Shelf Boundary (1.4-Nautical Mile Buffer) Between the United States and Mexico

The United States and Mexico exchanged instruments of ratification in January 2001, and a Continental Shelf Boundary treaty entered into force in the Western Gap area of the GOM. The treaty states that, at the earliest, exploration or development within 1.4 nautical miles of the Continental Shelf Boundary would occur after January 2011. On June 23, 2010, the United States and Mexico mutually agreed to extend this period for an additional three years. The treaty provision was to remain in effect until January 17, 2014, but, by exchange of diplomatic notes on January 17, 2014, the United States and Mexico have extended the prohibition on exploration and development in the 1.4-nautical mile buffer until July 17, 2014, or until the day the Agreement between the United States of America and the United Mexican States Concerning Transboundary Hydrocarbon Reservoirs in the Gulf of Mexico (Agreement) enters into force, whichever is sooner. The Agreement (described below), negotiated between and signed by the United States and Mexico on February 20, 2012, received Congressional approval and the President's signature but required a further exchange of diplomatic notes to allow it to enter into force. The United States and Mexico exchanged diplomatic notes on May 19, 2014, indicating that the Agreement will enter into force on July 18, 2014. As such, whole and partial blocks in the 1.4-nautical mile buffer area will be offered for lease in WPA Sale 238.

Bids on Blocks Near the U.S.-Mexico Maritime and Continental Shelf Boundary

The following definitions apply to this section: ''Agreement'' refers to the transboundary agreement between the United States of America and the United Mexican States that addresses identification and unitization of transboundary hydrocarbon reservoirs, allocation of production, inspections, safety, and environmental protection. A copy of the Agreement can be found at *http://www.boem.gov/BOEM-Newsroom/Library/Boundaries-Mexico.aspx.*''Boundary Area'' means an area comprised of any and all blocks in the WPA that are wholly or partially located within 3 statute miles of the Maritime and Continental Shelf Boundary with Mexico, as that Maritime Boundary is delimited in the November 23, 1970, Treaty to Resolve Pending Boundary Differences and Maintain the Rio Grande and Colorado River as the International Boundary; the May 4, 1978, Treaty on Maritime Boundaries between the United Mexican States and the United States of America; and the June 9, 2000, Treaty on the Continental Shelf between the Government of the United Mexican States and the Government of the United States of America.

Bidders should refer to Stipulation No. 5 in the Stipulations section of the Final NOS Package, which will be applicable to leases issued for blocks in the Boundary Area. The following whole and partial blocks comprise the entire Boundary Area (not all of which may be available under WPA Sale 238).

Port Isabel (NG14–06) Blocks—914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 945, 946, 947, 948, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 989, 990, 991, and 992

Alaminos Canyon (NG15–04) Blocks—881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899,* 900,* 901,* 902, 903,* 904,* 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942,* 943,* 944,* 945,* 946, 947,* 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 992, 993, 994, 995, 996, 997, 998, 999, 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, and 1009

Keathley Canyon (NG15–05) Blocks—925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, and 981

Sigsbee Escarpment (NG15–08) Blocks—11, 12, 13, 14, 15, 57, 58, 59, 60, 61, 103, 104, 105, 106, 148, 149, 150, and 194.

South Padre Island (TX1) Blocks—1154, 1163, 1164, 1165, and 1166

South Padre Island, East Addition (TX1A) Blocks—1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, A 78, A 79, A 80, A 81, A 82, A 83, A 84, A 85, A 86, A 87, A 89, and A 90

* Leased

II. Statutes and Regulations

Each lease is issued pursuant to OCSLA, and is subject to OCSLA, implementing regulations promulgated pursuant thereto, and other applicable statutes and regulations in existence upon the effective date of the lease, as well as those applicable statutes enacted and regulations promulgated thereafter, except to the extent that the after-enacted statutes and regulations explicitly conflict with an express provision of the lease. Each lease also is subject to amendments to statutes and regulations, including, but not limited to, OCSLA, that do not explicitly conflict with an express provision of the lease. The lessee expressly bears the risk that such new or amended statutes and regulations (i.e., those that do not explicitly conflict with an express provision of the lease) may increase or decrease the lessee's obligations under the lease.

III. Lease Terms and Economic Conditions

Lease Terms

OCS Lease Form

BOEM will use Form BOEM–2005 (October 2011) to convey leases resulting from this sale. This lease form may be viewed on the BOEM Web site at *http://www.boem.gov/About-BOEM/Procurement-Business-Opportunities/BOEM-OCS-Operation-Forms-BOEM-2005.aspx.* The lease form will be amended to conform with the specific terms, conditions, and stipulations applicable to the individual lease. The terms, conditions, and stipulations applicable to this sale are set forth below.

Initial Periods

Initial periods are summarized in the following table:

Water depth (meters)	Initial period
0 to < 400	Standard initial period is 5 years; the lessee may earn an additional 3 years (i.e., for an 8-year extended initial period) if a well is spudded targeting hydrocarbons below 25,000 feet True Vertical Depth Subsea (TVD SS) during the first 5 years of the lease.
400 to < 800	Standard initial period is 5 years; the lessee will earn an additional 3 years (i.e., for an 8-year extended initial period) if a well is spudded during the first 5 years of the lease.
800 to < 1,600	Standard initial period is 7 years; the lessee will earn an additional 3 years (i.e., for a 10-year extended initial period) if a well is spudded during the first 7 years of the lease.
1,600 +	10 years.

(1) The standard initial period for a lease in water depths less than 400 meters issued as a result of this sale is 5 years. If the lessee spuds a well targeting hydrocarbons below 25,000 feet TVD SS within the first 5 years of the lease, then the lessee may earn an additional 3 years, resulting in an 8-year extended initial period. The lessee will earn the 8-year extended initial period when the well is drilled to a target below 25,000 feet TVD SS, or the lessee may earn the 8-year extended initial period in cases where the well targets, but does not reach, a depth below 25,000 feet TVD SS due to mechanical or safety reasons, where sufficient evidence is provided.

In order to earn the 8-year extended initial period, the lessee is required to submit to the Bureau of Safety and Environmental Enforcement (BSEE) Gulf of Mexico Regional Supervisor for Production and Development, within 30 days after completion of the drilling operation, a letter providing the well number, spud date, information demonstrating a target below 25,000 feet TVD SS and whether that target was reached, and if applicable, any safety, mechanical, or other problems encountered that prevented the well from reaching a depth below 25,000 feet TVD SS. The BSEE Gulf of Mexico Regional Supervisor for Production and Development must concur in writing that the conditions have been met for the lessee to earn the 8-year extended initial period. The BSEE Gulf of Mexico Regional Supervisor for Production and Development will provide a written response within 30 days of receipt of the lessee's letter.

A lessee that has earned the 8-year extended initial period by spudding a well with a hydrocarbon target below 25,000 feet TVD SS during the first 5 years of the lease, confirmed by BSEE, will not be granted a suspension for that same period under the regulations at 30 CFR 250.175 because the lease is not at risk of expiring.

(2) The standard initial period for a lease in water depths ranging from 400 to less than 800 meters issued as a result of this sale is 5 years. The lessee will earn an additional 3 years, resulting in an 8-year extended initial period, if the lessee spuds a well within the first 5 years of the lease.

In order to earn the 8-year extended initial period, the lessee is required to submit to the appropriate BSEE District Manager, within 30 days after spudding a well, a letter providing the well number and spud date, and requesting concurrence that the lessee has earned the 8-year extended initial period. The BSEE District Manager will review the request and make a written determination within 30 days of receipt of the request. The BSEE District Manager must concur in writing that the conditions have been met by the lessee to earn the 8-year extended initial period.

(3) The standard initial period for a lease in water depths ranging from 800 to less than 1,600 meters issued as a result of this sale will be 7 years. The lessee will earn an additional 3 years, resulting in a 10-year extended initial period, if the lessee spuds a well within the first 7 years of the lease.

In order to earn the 10-year extended initial period, the lessee is required to submit to the appropriate BSEE District Manager, within 30 days after spudding a well, a letter providing the well number and spud date, and requesting concurrence that the lessee has earned the 10-year extended initial period. The BSEE District Manager will review the request and make a written determination within 30 days of receipt of the request. The BSEE District Manager must concur in writing that the conditions have been met by the lessee to earn the 10-year extended initial period.

(4) The standard initial period for a lease in water depths 1,600 meters or greater issued as a result of this sale will be 10 years.

Economic Conditions

Minimum Bonus Bid Amounts

- $25.00 per acre or fraction thereof for blocks in water depths less than 400 meters
- $100.00 per acre or fraction thereof for blocks in water depths 400 meters or deeper

BOEM will not accept a bonus bid unless it provides for a cash bonus in the amount equal to, or exceeding, the specified minimum bid of $25.00 per acre or fraction thereof for blocks in water depths less than 400 meters, and $100.00 per acre or fraction thereof for blocks in water depths 400 meters or deeper.

Rental Rates

Annual rental rates are summarized in the following table:

RENTAL RATES PER ACRE OR FRACTION THEREOF

Water depth (meters)	Years 1–5	Years 6, 7, and 8+
0 to <200	$7.00	$14.00, $21.00, and $28.00
200 to <400	11.00	$22.00, $33.00, and $44.00
400+	11.00	16.00

Escalating Rental Rates for Leases With an 8-Year Extended Initial Period in Water Depths Less Than 400 Meters

Any lessee with a lease in less than 400 meters water depth who earns an 8-year extended initial period will pay an escalating rental rate as shown above. The rental rates after the fifth year for blocks in less than 400 meters water depth will become fixed and no longer escalate if another well is spudded targeting hydrocarbons below 25,000 feet TVD SS after the fifth year of the lease, and BSEE concurs that such a well has been spudded. In this case, the rental rate will become fixed at the rental rate in effect during the lease year in which the additional well was spudded.

Royalty Rate

- 18.75 percent

Minimum Royalty Rate

- $7.00 per acre or fraction thereof per year for blocks in water depths less than 200 meters
- $11.00 per acre or fraction thereof per year for blocks in water depths 200 meters or deeper

Royalty Suspension Provisions

The issuance of leases with royalty suspension volumes (RSVs) or other forms of royalty relief is authorized under existing BOEM regulations at 30 CFR part 560. The specific details relating to eligibility and implementation of the various royalty relief programs, including those involving the use of RSVs, are codified in BSEE regulations at 30 CFR part 203. In this sale, the only royalty relief program being offered, which involves the provision of RSVs, relates to the drilling of ultra-deep wells in water depths of less than 400 meters, as described below.

Royalty Suspension Volumes on Gas Production From Ultra-Deep Wells

A lease issued as a result of this sale may be eligible for RSV incentives on gas produced from ultra-deep wells pursuant to 30 CFR part 203. These regulations implement the requirements of the Energy Policy Act of 2005. Under this program, certain wells on leases in less than 400 meters of water depth completed to a drilling depth of 20,000 feet TVD SS or deeper may receive an RSV of 35 billion cubic feet of natural gas. This RSV incentive is subject to applicable price thresholds set forth in the regulation at 30 CFR part 203.

IV. Lease Stipulations

One or more of the following stipulations may be applied to leases

issued as a result of this sale. The detailed text of these stipulations is contained in the ''Lease Stipulations'' section of the Final NOS Package.

(1) Topographic Features
(2) Military Areas
(3) Law of the Sea Convention Royalty Payment
(4) Protected Species
(5) Agreement between the United States of America and the United Mexican States Concerning Transboundary Hydrocarbon Reservoirs in the Gulf of Mexico

V. Information to Lessees

The Information to Lessees (ITL) clauses provide detailed information on certain issues pertaining to this oil and gas lease sale. The detailed text of these ITL clauses is contained in the ''Information to Lessees'' section of the Final NOS Package:

(1) Navigation Safety
(2) Ordnance Disposal Areas in the WPA
(3) Existing and Proposed Artificial Reefs/Rigs-to-Reefs
(4) Lightering Zones
(5) Indicated Hydrocarbons List
(6) Military Areas in the WPA
(7) Safety Zones for Certain Production Facilities
(8) Bureau of Safety and Environmental Enforcement (BSEE) Inspection and Enforcement of Certain Coast Guard Regulations
(9) Potential Sand Dredging Activities in the WPA
(10) Notice of Arrival on the Outer Continental Shelf
(11) Bidder/Lessee Notice of Obligations Related to Criminal/Civil Charges and Offenses, Suspension, or Debarment

VI. Maps

The maps pertaining to this lease sale may be found on the BOEM Web site at *http://www.boem.gov/Sale-238.* The following maps also are included in the Final NOS Package:

Lease Terms and Economic Conditions Map

The lease terms and economic conditions and the blocks to which these terms and conditions apply are shown on the map entitled ''Final, Western Planning Area, Lease Sale 238, August 20, 2014, Lease Terms and Economic Conditions,'' which is included in the Final NOS Package.

Stipulations and Deferred Blocks Map

The blocks to which one or more lease stipulations may apply are shown on the map entitled ''Final, Western Planning Area, Lease Sale 238, August 20, 2014, Stipulations and Deferred Blocks,'' which is included in the Final NOS Package.

VII. Bidding Instructions

Instructions on how to submit a bid, secure payment of the advance bonus bid deposit (if applicable), and what information must be included with the bid are as follows:

Bid Form

For each block bid upon, a separate sealed bid shall be submitted in a sealed envelope (as described below) and must include the following:

- Total amount of the bid in whole dollars only;
- Sale number;
- Sale date;
- Each bidder's exact name;
- Each bidder's proportionate interest, stated as a percentage, using a maximum of five decimal places (e.g., 33.33333 percent);
- Typed name and title, and signature of each bidder's authorized officer;
- Each bidder's qualification number;
- Map name and number or Official Protraction Diagram (OPD) name and number;
- Block number; and
- Statement acknowledging that the bidder(s) understand that this bid legally binds the bidder(s) to comply with all applicable regulations, including payment of one-fifth of the bonus bid amount on all apparent high bids.

The information required on the bid(s) is specified in the document ''Bid Form'' contained in the Final NOS Package. A blank bid form is provided therein for convenience and may be copied and completed with the necessary information described above.

Bid Envelope

Each bid must be submitted in a separate sealed envelope labeled as follows:

- ''Sealed Bid for Oil and Gas Lease Sale 238, not to be opened until 9 a.m. Wednesday, August 20, 2014'';
- Map name and number or OPD name and number;
- Block number for block bid upon; and
- The exact name and qualification number of the submitting bidder only.

The Final NOS Package includes a sample bid envelope for reference.

Mailed Bids

If bids are mailed, please address the envelope containing the sealed bid envelope(s) as follows: Attention: Leasing and Financial Responsibility Section, BOEM Gulf of Mexico Region, 1201 Elmwood Park Boulevard, New Orleans, Louisiana 70123–2394. **Contains Sealed Bids for WPA Oil and Gas Lease Sale 238 Please Deliver to Ms. Cindy Thibodeaux or Ms. Kasey Couture, 2nd Floor, Immediately**

Please Note: Bidders mailing bid(s) are advised to call Ms. Cindy Thibodeaux at (504) 736–2809, or Ms. Kasey Couture at (504) 736–2909, immediately after putting their bid(s) in the mail. If BOEM receives bids later than the Bid Submission Deadline, the BOEM Regional Director (RD) will return those bids unopened to bidders. Please see ''Section XI. Delay of Sale'' regarding BOEM's discretion to extend the Bid Submission Deadline in the case of an unexpected event (e.g., flooding or travel restrictions) and how bidders can obtain more information on such extensions.

Advance Bonus Bid Deposit Guarantee

Bidders that are not currently an OCS oil and gas lease record title holder or designated operator, or those that ever have defaulted on a one-fifth bonus bid deposit, by Electronic Funds Transfer (EFT) or otherwise, must guarantee (secure) the payment of the one-fifth bonus bid deposit prior to bid submission using one of the following four methods:

- Provide a third-party guarantee;
- Amend an areawide development bond via bond rider;
- Provide a letter of credit; or
- Provide a lump sum payment in advance via EFT.

For more information on EFT procedures, see Section X of this document entitled ''The Lease Sale.''

Affirmative Action

Prior to bidding, each bidder should file Equal Opportunity Affirmative Action Representation Form BOEM–2032 (October 2011) and Equal Opportunity Compliance Report Certification Form BOEM–2033 (October 2011) with the BOEM Gulf of Mexico Region Adjudication Section. This certification is required by 41 CFR part 60 and Executive Order No. 11246, issued September 24, 1965, as amended by Executive Order No. 11375, issued October 13, 1967. Both forms must be on file for the bidder(s) in the GOM Region Adjudication Section prior to the execution of any lease contract.

Geophysical Data and Information Statement (GDIS)

The GDIS is composed of three parts:

(1) The ''Statement'' page includes the company representatives' information and lists of blocks bid on that used proprietary data and those blocks bid on that did not use proprietary data;

(2) The ''Table'' listing the required data about each *proprietary* survey used (see below); and

(3) The ''Maps'' being the live trace maps for each survey that are identified in the GDIS statement and table.

Every bidder submitting a bid on a block in WPA Sale 238, or participating as a joint bidder in such a bid, must submit at the time of bid submission all three parts of the GDIS. A bidder must submit the GDIS *even if a joint bidder or bidders on a specific block also have submitted a GDIS.* Any speculative data that has been reprocessed externally or ''in-house'' is considered proprietary due to the proprietary processing and is no longer considered to be speculative.

The GDIS must be submitted in a separate and sealed envelope, and identify all proprietary data; reprocessed speculative data, and/or any Controlled Source Electromagnetic surveys, Amplitude Versus Offset, Gravity, or Magnetic data; or other information used as part of the decision to bid or participate in a bid on the block. The bidder and joint bidder must also include a live trace map (e.g., .pdf and ArcGIS shape file) for each survey that they identify in the GDIS illustrating the actual areal extent of the *proprietary* geophysical data in the survey (see the ''Example of Preferred Format'' in the Final NOS Package for additional information).

The GDIS statement must include the name, phone number, and full address of a contact person and an alternate who are both *knowledgeable about the information and data listed and who are available for 30 days after the sale date.* The GDIS statement also must include entries for all blocks bid upon that did not use proprietary or reprocessed pre- or post-stack geophysical data and information as part of the decision to bid or to participate as a joint bidder in the bid. The GDIS statement must be submitted even if no proprietary geophysical data and information were used in bid preparation for the block.

The GDIS table should have columns that clearly state the sale number; the bidder company's name; the block area and block number bid on; the owner of the original data set (i.e., who initially acquired the data); the industry's original name of the survey (e.g., E Octopus); the BOEM permit number for the survey; whether the data set is a fast track version; whether the data is speculative or proprietary; the data type (e.g., 2–D, 3–D, or 4–D; pre-stack or post-stack; and time or depth); migration algorithm (e.g., Kirchhoff Migration, Wave Equation Migration, Reverse Migration, Reverse Time Migration) of the data; and areal extent of bidder survey (i.e., number of line miles for 2–D or number of blocks for 3–D). Provide the computer storage size, to the nearest gigabyte, of each seismic data and velocity volume used to evaluate the lease block in question. This will be used in estimating the reproduction costs for each data set, if applicable. The availability of reimbursement of production costs will be determined consistent with 30 CFR 551.13. The next column should state who reprocessed the data (e.g., external company name or ''in-house'') and when the date of final reprocessing was completed (month and year). If the data was sent to BOEM for bidding in a previous lease sale, list the date the data was processed (month and year) and indicate if AVO data was used in the evaluation. BOEM reserves the right to query about alternate data sets, to quality check, and to compare the listed and alternative data sets to determine which data set most closely meets the needs of the fair market value determination process. An example of the preferred format of the table may be found in the Final NOS Package, and a blank digital version of the preferred table may be accessed on the WPA Sale 238 sale page at *http://www.boem.gov/Sale-238/.*

Pursuant to 30 CFR 551.12 and 30 CFR 556.32, as a condition of the sale, the BOEM Gulf of Mexico RD requests that all bidders and joint bidders submit the proprietary data identified on their GDIS within 30 days after the lease sale (unless they are notified after the lease sale that BOEM has withdrawn the request). This request only pertains to proprietary data that is not commercially available. Commercially available data is not required to be submitted to BOEM, and reimbursement will not be provided if such data is submitted by a bidder. The BOEM Gulf of Mexico RD will notify bidders and joint bidders of any withdrawal of the request, for all or some of the proprietary data identified on the GDIS, within 15 days of the lease sale. Pursuant to 30 CFR part 551 and as a condition of this sale, all bidders required to submit data must ensure that the data is received by BOEM no later than the 30th day following the lease sale, or the next business day if the submission deadline falls on a weekend or Federal holiday. The data must be submitted to BOEM at the following address: Bureau of Ocean Energy Management, Resource Studies, MS 881A, 1201 Elmwood Park Blvd., New Orleans, LA 70123–2304.

BOEM recommends that bidders mark the submission's external envelope as ''Deliver Immediately to DASPU.'' BOEM also recommends that the data be submitted in an internal envelope, or otherwise marked, with the following designation: ''Proprietary Geophysical Data Submitted Pursuant to WPA Sale 238 and used during <Bidder Name's> evaluation of Block <Block Number>.''

In the event a person supplies any type of data to BOEM, that person must meet the following requirements to qualify for reimbursement:

(1) Persons must be registered with the System for Award Management (SAM), formerly known as the Central Contractor Registration (CCR). CCR usernames will not work in SAM. A new SAM User Account is needed to register or update an entity's records. The Web site for registering is *https://www.sam.gov.*

(2) Persons must be enrolled in the Department of Treasury's Invoice Processing Platform (IPP) for electronic invoicing. The person must enroll in the IPP at *https://www.ipp.gov/.* Access then will be granted to use the IPP for submitting requests for payment. When a request for payment is submitted, it must include the assigned Purchase Order Number on the request.

(3) Persons must have a current On-line Representations and Certifications Application at *https://www.sam.gov.*

Please Note: The GDIS Information Table **must** be submitted digitally, preferably as an Excel spreadsheet, on a CD or DVD along with the seismic data map(s). If bidders have any questions, please contact Ms. Dee Smith at (504) 736–2706, or Mr. John Johnson at (504) 736–2455. Bidders should refer to Section X of this document, ''The Lease Sale: Acceptance, Rejection, or Return of Bids,'' regarding a bidder's failure to comply with the requirements of the Final NOS, including any failure to submit information as required in the Final NOS or Final NOS Package.

Telephone Numbers/Addresses of Bidders

BOEM requests that bidders provide this information in the suggested format prior to or at the time of bid submission. The suggested format is included in the Final NOS Package. The form must not be enclosed inside the sealed bid envelope.

Additional Documentation

BOEM may require bidders to submit other documents in accordance with 30 CFR 556.46.

VIII. Bidding Rules and Restrictions

Restricted Joint Bidders

BOEM published in the **Federal Register** on May 5, 2014, the most recent List of Restricted Joint Bidders at 79 FR 25615. Potential bidders are advised to refer to the **Federal Register**, prior to bidding, for the most current List of Restricted Joint Bidders in place at the time of the lease sale. Please refer

to joint bidding provisions at 30 CFR 556.41 for additional restrictions.

Authorized Signatures

All signatories executing documents on behalf of bidder(s) must execute the same in conformance with the BOEM qualification records. Bidders are advised that BOEM considers the signed bid to be a legally binding obligation on the part of the bidder(s) to comply with all applicable regulations, including payment of one-fifth of the bonus bid on all high bids. A statement to this effect must be included on each bid form (see the document ''Bid Form'' contained in this Final NOS Package).

Unlawful Combination or Intimidation

BOEM warns bidders against violation of 18 U.S.C. 1860, prohibiting unlawful combination or intimidation of bidders.

Bid Withdrawal

Bids may be withdrawn only by written request delivered to BOEM prior to the Bid Submission Deadline. The withdrawal request must be on company letterhead and must contain the bidder's name, its BOEM qualification number, the map name/number, and the block number(s) of the bid(s) to be withdrawn. The request must be executed in conformance with the BOEM qualification records. Signatories must be authorized to bind their respective legal business entities (e.g., a corporation, partnership, or LLC); they also must have an incumbency certificate and/or specific power of attorney setting forth express authority to act on the business entity's behalf for purposes of bidding and lease execution under OCSLA. The name and title of the signatory must be typed under the signature block on the withdrawal letter. Upon approval of the BOEM Gulf of Mexico RD, or the RD's designee, of such requests, the RD or RD's designee will indicate approval by signing and dating the withdrawal request.

Bid Rounding

The bonus bid amount must be stated in whole dollars. Minimum bonus bid calculations, including all rounding, for all blocks are shown in the document entitled ''List of Blocks Available for Leasing,'' which is included in the Final NOS Package. If the acreage of a block contains a decimal figure, then prior to calculating the minimum bonus bid, BOEM has rounded up to the next whole acre. The appropriate minimum rate per acre was then applied to the whole (rounded up) acreage. If this calculation resulted in a fractional dollar amount, the minimum bonus bid was rounded up to the next whole dollar amount. The bonus bid amount must be greater than or equal to the minimum bonus bid in whole dollars.

IX. Forms

The Final NOS Package includes instructions, samples, and/or the preferred format for the following items. BOEM strongly encourages bidders to use these formats; should bidders use another format, they are responsible for including all the information specified for each item in the Final NOS Package.

(1) Bid Form.
(2) Sample Completed Bid.
(3) Sample Bid Envelope.
(4) Sample Bid Mailing Envelope.
(5) Telephone Numbers/Addresses of Bidders Form.
(6) GDIS Form.
(7) GDIS Envelope Form.

X. The Lease Sale

Bid Opening and Reading

Sealed bids received in response to the Final NOS will be opened at the place, date, and hour specified in the **DATES** section of this document above. The opening of the bids is for the sole purpose of publicly announcing and recording the bids received; no bids will be accepted or rejected at that time.

Bonus Bid Deposit for Apparent High Bids

Each bidder submitting an apparent high bid must submit a bonus bid deposit to the U.S. Department of the Interior's Office of Natural Resources Revenue (ONRR) equal to one-fifth of the bonus bid amount for each such bid. A copy of the notification of the high bidder's one-fifth bonus liability may be obtained at the EFT Area outside the Bid Reading Room on the day of the bid opening, or it may be obtained on the BOEM Web site at *http://www.boem.gov/Sale-238/* under the heading ''Notification of EFT 1/5 Bonus Liability.'' All payments must be deposited electronically into an interest-bearing account in the U.S. Treasury by 11:00 a.m. Eastern time the day following the bid reading (no exceptions). Account information is provided in the ''Instructions for Making Electronic Funds Transfer Bonus Payments'' found on the BOEM Web site identified above.

BOEM requires bidders to use EFT procedures for payment of one-fifth bonus bid deposits for WPA Sale 238, following the detailed instructions contained on the ONRR Payment Information Web page at *http://onrr.gov/ReportPay/payments.htm.* Acceptance of a deposit does not constitute and shall not be construed as acceptance of any bid on behalf of the United States.

Withdrawal of Blocks

The United States reserves the right to withdraw any block from this lease sale prior to issuance of a written acceptance of a bid for the block.

Acceptance, Rejection, or Return of Bids

The United States reserves the right to reject any and all bids. No bid will be accepted, and no lease for any block will be awarded to any bidder, unless: (1) The bidder has complied with all requirements of the Final NOS, including those set forth in the documents contained in the Final NOS Package and applicable regulations; (2) the bid is the highest valid bid; and (3) the amount of the bid has been determined to be adequate by the authorized officer. Any bid submitted that does not conform to the requirements of the Final NOS and Final NOS Package, OCSLA, or other applicable statute or regulation may be rejected and returned to the bidder. The U.S. Department of Justice and the Federal Trade Commission will review the results of the lease sale for antitrust issues prior to the acceptance of bids and issuance of leases. To ensure that the Government receives a fair return for the conveyance of leases from this sale, high bids will be evaluated in accordance with BOEM's bid adequacy procedures. A copy of current procedures, ''Modifications to the Bid Adequacy Procedures,'' published at 64 FR 37560 on July 12, 1999, can be obtained from the BOEM Gulf of Mexico Region Public Information Office, or via the BOEM Gulf of Mexico Region Web site at *http://www.boem.gov/Oil-and-Gas-Energy-Program/Leasing/Regional-Leasing/Gulf-of-Mexico-Region/Bid-Adequacy-Procedures.aspx.*

Lease Award

BOEM requires each bidder awarded a lease to: (1) Execute all copies of the lease (Form BOEM–2005 (October 2011), as amended); (2) pay by EFT the balance of the bonus bid amount and the first year's rental for each lease issued in accordance with the requirements of 30 CFR 218.155 and 556.47(f); and (3) satisfy the bonding requirements of 30 CFR part 556, subpart I, as amended. ONRR requests that only one transaction be used for payment of the four-fifths bonus bid amount and the first year's rental.

XI. Delay of Sale

The BOEM Gulf of Mexico RD has the discretion to change any date, time, and/or location specified in the Final

NOS Package in case of an event that the BOEM Gulf of Mexico RD deems may interfere with the carrying out of a fair and orderly lease sale process. Such events could include, but are not limited to, natural disasters (e.g., earthquakes, hurricanes, and floods), wars, riots, acts of terrorism, fires, strikes, civil disorder, or other events of a similar nature. In case of such events, bidders should call (504) 736–0557, or access the BOEM Web site at *http://www.boem.gov,* for information regarding any changes.

Dated: July 14, 2014.

Walter D. Cruickshank,

Acting Director, Bureau of Ocean Energy Management.

[FR Doc. 2014–16962 Filed 7–17–14; 8:45 am]

BILLING CODE 4310–MR–P

DEPARTMENT OF THE INTERIOR

Bureau of Ocean Energy Management

Gulf of Mexico, Outer Continental Shelf (OCS), Western Planning Area; (WPA) Oil and Gas Lease Sale 238; MMAA 104000

AGENCY: Bureau of Ocean Energy Management (BOEM), Interior.

ACTION: Notice of Availability (NOA) of a Record of Decision (ROD) for WPA Lease Sale 238, most recently analyzed in the *Gulf of Mexico OCS Oil and Gas Lease Sales: 2014–2016; Western Planning Area Lease Sales 238, 246, and 248; Final Supplemental Environmental Impact Statement* (WPA 238, 246, and 248 Supplemental EIS).

SUMMARY: BOEM prepared a ROD for proposed oil and gas WPA Lease Sale 238, scheduled for August 20, 2014. The Assistant Secretary, Land and Minerals Management (ASLM) has signed that ROD. The proposed lease sale is in the Gulf of Mexico's WPA off the States of Texas and Louisiana. Proposed WPA Lease Sale 238 is the third WPA lease sale scheduled in the OCS Oil & Gas Leasing Program for 2012–2017 (Five-Year Program). In preparing the ROD, BOEM considered alternatives to the proposed action, the potential impacts as presented in the WPA 238, 246, and 248 Supplemental EIS, and all comments received throughout the National Environmental Policy Act (NEPA) process. The WPA 238, 246, and 248 Supplemental EIS evaluated the environmental and socioeconomic impacts for proposed WPA Lease Sale 238. The WPA 238, 246, and 248 Supplemental EIS tiers from and incorporates by reference, the *Gulf of Mexico OCS Oil and Gas Lease Sales: 2013–2014 Western Planning Area Lease Sale 233/Central Planning Area Lease Sale 231—Final Supplemental Environmental Impact Statement* and the *Gulf of Mexico OCS Oil and Gas Lease Sales: 2012–2017; Western Planning Area Lease Sales 229, 233, 238, 246, and 248; Central Planning Area Lease Sales 227, 231, 235, 241, and 247—Final Environmental Impact Statement.* One comment letter was received after publication of the Final WPA 238, 246, and 248 Supplemental EIS from the United States Environmental Protection Agency (USEPA), which did not raise any new or significant issues not already discussed.

SUPPLEMENTARY INFORMATION: In the WPA 238, 246, and 248 Supplemental EIS, BOEM evaluated the alternatives that are summarized below:

Alternative A—The Proposed Action: This was BOEM's preferred alternative. This alternative would offer for lease all unleased blocks within the proposed WPA lease sale area for oil and gas operations with the following exception: Whole and partial blocks within the boundary of the Flower Garden Banks National Marine Sanctuary (i.e., the boundary as of the publication of the WPA 238, 246, and 248 Supplemental EIS).

The unleased whole and partial blocks in the WPA that the Department of the Interior (DOI) will offer for leasing in proposed WPA Lease Sale 238 are listed in the document entitled ''List of Blocks Available for Leasing,'' which is included in the Final Notice of Sale Package for WPA Lease Sale 238. The proposed WPA lease sale area encompasses virtually all of the WPA's 28.58 million acres. As of June 2014, approximately 21.5 million acres of the proposed WPA lease sale area are currently unleased. The estimated amount of resources projected to be developed as a result of the proposed WPA lease sale is 0.116–0.200 billion barrels of oil and 0.538–0.938 trillion cubic feet of gas.

Alternative B—The Proposed Action Excluding the Unleased Blocks Near the Biologically Sensitive Topographic Features: This alternative would offer for lease all unleased blocks within the proposed WPA lease sale area, as described for a proposed action (Alternative A), but it would exclude from leasing any unleased blocks subject to the Topographic Features Stipulation. The estimated amount of resources projected to be developed is 0.116–0.200 BBO and 0.538–0.938 Tcf of gas. The number of blocks that would not be offered under Alternative B represents only a small percentage of the total number of blocks to be offered under Alternative A; therefore, it is assumed that the levels of activity for Alternative B would be essentially the same as those projected for the WPA proposed action.

Alternative C—No Action: This alternative is the cancellation of proposed WPA Lease Sale 238 and is identified as the environmentally preferred alternative.

After careful consideration, the ASLM selected the proposed action, identified as BOEM's preferred alternative (Alternative A) in the WPA 238, 246, and 248 Supplemental EIS. The ASLM's selection of the preferred alternative meets the purpose and need for the proposed action, as identified in the WPA 238, 246, and 248 Supplemental EIS, and provides for an orderly resource development with protection of the human, marine, and coastal environments while also ensuring that the public receives an equitable return for these resources and that free-market competition is maintained.

Record of Decision Availability: To obtain a single printed or CD copy of the ROD for proposed WPA Lease Sale 238, you may contact BOEM, Gulf of Mexico OCS Region, Public Information Office (GM 335A), 1201 Elmwood Park Boulevard, New Orleans, Louisiana 70123–2394 (1–800–200–GULF). An electronic copy of the ROD is available on BOEM's Internet Web site at *http://www.boem.gov/nepaprocess/.*

FOR FURTHER INFORMATION CONTACT: For more information on the ROD, you may contact Mr. Gary D. Goeke, Bureau of Ocean Energy Management, Gulf of Mexico OCS Region, 1201 Elmwood Park Boulevard (GM 623E), New Orleans, Louisiana 70123–2394. You may also contact Mr. Goeke by telephone at 504–736–3233.

Authority: This NOA is published pursuant to the regulations (40 CFR part 1506) implementing the provisions of the National Environmental Policy Act (NEPA) of 1969, as amended (42 U.S.C. 4321 *et seq.*).

Dated: July 14, 2014.

Walter D. Cruickshank,

Acting Director, Bureau of Ocean Energy Management.

[FR Doc. 2014–16958 Filed 7–17–14; 8:45 am]

BILLING CODE 4310–MR–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–515–521 and 731–TA–1251–1257 (Preliminary)]

Certain Steel Nails From India, Korea, Malaysia, Oman, Taiwan, Turkey, and Vietnam

Determinations

On the basis of the record [1] developed in the subject investigations, the United States International Trade Commission (Commission) determined, pursuant to sections 703(a) and 733(a) of the Tariff Act of 1930 (19 U.S.C. 1671b(a) and 1673b(a)) (the Act), that there is a reasonable indication that an industry in the United States is materially injured by reason of imports from Korea, Malaysia, Oman, Taiwan, and Vietnam of certain steel nails, provided for in subheading 7317.00.55, 7317.00.65, and 7317.00.75 of the Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value (''LTFV''), and that are allegedly subsidized by the Governments of Korea, Malaysia, Oman, Taiwan, and Vietnam.[2]

The Commission further determined that imports of these products from India and Turkey are negligible pursuant to section 771(24) of the Act (19 U.S.C. 1677(24)). The Commission consequently terminated its investigations concerning steel nails from India and Turkey.

Commencement of Final Phase Investigations

Pursuant to section 207.18 of the Commission's rules, the Commission also gives notice of the commencement of the final phase of its investigations of steel nails from Korea, Malaysia, Oman, Taiwan, and Vietnam. The Commission will issue a final phase notice of scheduling, which will be published in the **Federal Register** as provided in section 207.21 of the Commission's rules, upon notice from the Department of Commerce (Commerce) of affirmative preliminary determinations in these investigations under sections 703(b) or 733(b) of the Act, or, if the preliminary determinations are negative, upon notice of affirmative final determinations in these investigations under sections 705(a) or 735(a) of the Act. Parties that filed entries of appearance in the preliminary phase of the investigations need not enter a separate appearance for the final phase of the investigations to which they are parties. Industrial users, and, if the merchandise under investigation is sold at the retail level, representative consumer organizations have the right to appear as parties in Commission antidumping and countervailing duty investigations. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to the investigations.

Background

On May 29, 2014, a petition was filed with the Commission and Commerce by Mid Continent Nail Corporation, Poplar Bluff, MO, alleging that an industry in the United States is materially injured or threatened with material injury by reason of LTFV and subsidized imports of certain steel nails from India, Korea, Malaysia, Oman, Taiwan, Turkey, and Vietnam. Accordingly, effective May 29, 2014, the Commission instituted countervailing duty investigation Nos. 701–TA–515–521 and antidumping duty investigation Nos. 731–TA–1251–1257 (Preliminary).

Notice of the institution of the Commission's investigations and of a public conference to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of June 4, 2014 (79 FR 32311). The conference was held in Washington, DC, on June 19, 2014, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determinations in these investigations to the Secretary of Commerce on July 14, 2014. The views of the Commission are contained in USITC Publication 4480 (July 2014), entitled *Certain Steel Nails from India, Korea, Malaysia, Oman, Taiwan, Turkey, and Vietnam (Investigation Nos. 701–TA–515–521 and 731–TA–1251–1257).*

By order of the Commission.

Issued: July 14, 2014.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2014–16880 Filed 7–17–14; 8:45 am]

BILLING CODE 7020–02–P

[1] The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR § 207.2(f)).

[2] Commissioner F. Scott Kieff recused himself from these investigations.

INTERNATIONAL TRADE COMMISSION

[Investigations Nos. 701–TA–456 and 731–TA–1151–1152 (Review)]

Citric Acid and Certain Citrate Salts From Canada and China; Notice of Commission Determination To Conduct Full Five-Year Reviews

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice that it will proceed with full reviews pursuant to section 751(c) of the Tariff Act of 1930 (19 U.S.C. 1675(c)) to determine whether revocation of the antidumping and countervailing duty orders on citric acid and certain citrate salts from Canada and China would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time. A schedule for these reviews will be established and announced at a later date. For further information concerning the conduct of these reviews and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207).

DATES: *Effective Date:* July 7, 2014.

FOR FURTHER INFORMATION CONTACT: Christopher J. Cassise (202–708–5408), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*http://www.usitc.gov*). The public record for these reviews may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov*.

SUPPLEMENTARY INFORMATION: On July 7, 2014, the Commission determined that it should proceed to full reviews in the subject five-year reviews pursuant to section 751(c) of the Act. With respect to the antidumping duty order on Canada, the Commission found that both the domestic group response and the respondent group response to its notice of institution (79 FR 18311, April 1, 2014) were adequate and determined to conduct a full review. With respect to the antidumping and countervailing

duty orders on China, the Commission found that the domestic group response was adequate and that the respondent group response was inadequate, but that circumstances warranted full reviews. A record of the Commissioners' votes, the Commission's statement on adequacy, and any individual Commissioner's statement will be available from the Office of the Secretary and at the Commission's Web site.

Authority: These reviews are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.62 of the Commission's rules.

Issued: July 15, 2014.

By order of the Commission.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2014–16930 Filed 7–17–14; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–868]

Certain Wireless Devices With 3G and/or 4G Capabilities and Components Thereof; Commission Decision Not To Review an Initial Determination Regarding Substitution of Respondents

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review the presiding administrative law judge's (''ALJ'') initial determination (''ID'') (Order No. 116), substituting Microsoft Mobility OY (''MMO'') for one of the two Nokia respondents.

FOR FURTHER INFORMATION CONTACT: Sidney A. Rosenzweig, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 708–2532. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–2000. General information concerning the Commission may also be obtained by accessing its Internet server at *http://www.usitc.gov.* The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on February 5, 2013, based on a complaint filed by InterDigital Communications, Inc. of King of Prussia, Pennsylvania, as well as InterDigital Technology Corporation, IPR Licensing, Inc., and InterDigital Holdings, Inc., each of Wilmington, Delaware (collectively, ''InterDigital''). 78 *FR* 8191 (Feb. 5, 2013). The complaint alleged violations of section 337 of the Tariff Act of 1930, as amended 19 U.S.C. 1337, by reason of the infringement of certain claims from seven United States Patents. The notice of institution named ten respondents including Nokia, Inc. of White Plains, New York; and Nokia Corp. of Espoo, Finland (collectively, ''Nokia'').

On September 2, 2013, Microsoft Corp. (''Microsoft''), through an affiliate, entered into a Stock and Asset Purchase Agreement with Nokia Corp. (''the Purchase Agreement''). Pursuant to the Purchase Agreement, Microsoft subsidiary Microsoft Mobility OY (''MMO'') acquired substantially all of Nokia's Devices & Services Business, which includes all of Nokia's mobile device business, including smartphones. Those assets include the entirety of respondent Nokia, Inc. as well as substantial assets from Nokia Corp., which maintains other lines of business, including network equipment and mapping technology. Microsoft also agreed to acquire all liabilities of Nokia Corp. from pending litigations including this investigation. Microsoft has assumed control of defending this investigation.

On May 20, 2014, Nokia and MMO moved to substitute MMO for Nokia, Inc. and Nokia Corp. On May 30, 2013, InterDigital and the Commission investigative attorney (''IA'') filed responses in opposition.

On June 13, 2014, the ALJ issued the subject ID (Order No. 116), which substituted MMO for Nokia, Inc. but not for Nokia Corp.

On June 23, 2014, the respondents (Nokia, Inc.; Nokia Corp.; and MMO) filed a petition for review of Order No. 116, seeking substitution as to Nokia Corp. as well. On June 30, 2014, InterDigital and the IA filed oppositions to the respondents' petition.

The Commission has determined not to review the ID. The Commission notes that pursuant to Commission Rule 210.21(c), 19 CFR 210.21(c), Nokia Corp. may enter into a consent order to terminate its participation in this investigation.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in Part 210 of the Commission's Rules of Practice and Procedure (19 CFR Part 210).

By order of the Commission.

Issued: July 14, 2014.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2014–16881 Filed 7–17–14; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

[OMB Number 1122–NEW]

Agency Information Collection Activities; Proposed eCollection eComments Requested; New Collection

AGENCY: Office on Violence Against Women, Department of Justice.

ACTION: 30-day notice.

SUMMARY: The Department of Justice (DOJ), Office on Violence Against Women, will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection was previously published in the **Federal Register** Volume 79, Number 86, pages 25619–25620, on May 5, 2014, allowing for a 60 day comment period.

DATES: Comments are encouraged and will be accepted for an additional 30 days until August 18, 2014.

FOR FURTHER INFORMATION CONTACT: If you have comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Cathy Poston, Attorney Advisor, Office on Violence Against Women, 145 N Street NE., Washington, DC 20530 (phone:202–514–5430). Written comments and/or suggestions can also be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington DC 20503 or send email to *OIRA_submission@omb.eop.gov.*

SUPPLEMENTARY INFORMATION: This process is conducted in accordance with 5 CFR 1320.10. Written comments and suggestions from the public and affected

agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
—Enhance the quality, utility, and clarity of the information to be collected; and
—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* New Collection.

(2) *The Title of the Form/Collection:* OVW Peer Reviewer Database.

(3) *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* The form number is 1122–XXXX. The applicable component within the Department of Justice is the Office on Violence Against Women.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:*

The affected public includes individuals whom OVW has identified as potential peer reviewers and invited to submit information to the Peer Reviewer Database. Every year, OVW posts solicitations for numerous grant programs authorized by the Violence Against Women Act to enable communities to increase their capacity to respond to crimes of domestic violence, dating violence, sexual assault, and stalking. In order to carefully consider which grant applications to recommend for funding, OVW assembles peer review panels comprised of experts and practitioners to help evaluate and score grant applications based on the requirements outlined in the different solicitations for the OVW grant programs. OVW assembles peer review panels by inviting experts and practitioners to serve as peer reviewers. Participation in the peer review program is completely voluntary; however, in order to be considered a peer reviewer, the prospective reviewer must enroll in the Database by entering their information online (contact information, resume/curriculum vitae (CV), and other self-identified information, such as employee type, education levels, job categories, ethnicity, expertise areas, and availability). A reviewer can only access, view, and modify their own individual record. OVW staff can access the Database to perform searches and review peer reviewer profiles in order to select an individual to review applications for a particular OVW grant program.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 200 individuals participate in the OVW Peer Reviewer Database.

An estimate of the total public burden (in hours) associated with the collection: The estimated public burden associated with this collection is 15 minutes. It is estimated that respondents will take less than 15 minutes to complete periodic and infrequent submissions and updates to the database. The burden hours for collecting respondent data is 50 hours (200 respondents × .25 hours = 50 hours).

If additional information is required contact: Jerri Murray, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., Room 3E.405B, Washington, DC 20530.

Dated: July 15, 2014.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2014–16899 Filed 7–17–14; 8:45 am]

BILLING CODE 4410–FX–P

DEPARTMENT OF JUSTICE

[OMB Number 1110–NEW]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Approval of an Existing Collection in Use Without an OMB Control Number; CJIS Name Check Form (1–791)

AGENCY: Federal Bureau of Investigation, Criminal Justice Information Services Division, Department of Justice.

ACTION: 30-day notice.

SUMMARY: The Department of Justice (DOJ), Federal Bureau of Investigation (FBI), Criminal Justice Information Services (CJIS) Division will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection was previously published in the **Federal Register** Volume 79, Number 82, page 24007, on April 29, 2014, allowing for a 60 day comment period.

DATES: Comments are encouraged and will be accepted for an additional 30 days until August 18, 2014.

FOR FURTHER INFORMATION CONTACT: If you have comments, especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC, 20503. Additionally, comments may be submitted via email to *OIRA_submission@omb.eop.gov*.

SUPPLEMENTARY INFORMATION: This process is conducted in accordance with 5 CFR 1320.10. Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
—Enhance the quality, utility, and clarity of the information to be collected; and
—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Approval of existing collection in use without an OMB control number.

(2) *Title of the Form/Collection:* CJIS Name Check Request.

(3) *Agency form number:* 1–791.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Agencies authorized to submit applicant fingerprints into the Next Generation Identification (NGI) system for noncriminal justice purposes such as employment, benefits, and licensing. This form is completed to obtain a name check for an applicant when the fingerprints have been rejected twice for quality to ensure eligible individuals are not denied employment, benefits, or licensing.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* It is estimated that 11,000 respondents will complete each form within approximately 5 minutes.

(6) *An estimate of the total public burden (in hours) associated with the collection:* There are an estimated 10,810 total annual burden hours associated with this collection.

If additional information is required contact: Jerri Murray, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., Room 3E.405B, Washington, DC, 20530.

Dated: July 15, 2014.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2014–16903 Filed 7–17–14; 8:45 am]

BILLING CODE 4410–02–P

DEPARTMENT OF JUSTICE

[OMB Number 1140–0058]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Investigator Integrity Questionnaire

AGENCY: Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice.

ACTION: 60-day notice.

SUMMARY: The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), will submit the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies.

DATES: Comments are encouraged and will be accepted for 60 days until September 16, 2014.

FOR FURTHER INFORMATION CONTACT: If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Renee Reid, *Renee.Reid@atf.gov*, Chief, Personnel Security Branch, Room 1.E–300, 99 New York Ave. NE., Washington, DC 20226.

SUPPLEMENTARY INFORMATION: This process is conducted in accordance with 5 CFR 1320.10. Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information Collection 1140–0058

(1) *Type of Information Collection:* Extension of an existing collection.

(2) *The Title of the Form/Collection:* Investigator Integrity Questionnaire.

(3) *The agency form number, if any, and the applicable component of the Department sponsoring the collection:*

Form number: ATF Form 8620.7.

Component: Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: Individual or households.

Other: None.

Abstract: ATF utilizes the services of contract investigators to conduct security/suitability investigations on prospective or current employees, as well as those contractors and consultants doing business with ATF. Persons interviewed by contract investigators will be randomly selected to voluntarily complete a questionnaire regarding the investigator's degree of professionalism.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 2,500 respondents will take 5 minutes to complete the form.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The estimated annual public burden associated with this collection is 208 hours.

If additional information is required contact: Jerri Murray, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., 3E–405B, Washington, DC 20530.

Dated: July 15, 2014.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2014–16905 Filed 7–17–14; 8:45 am]

BILLING CODE 4410–FY–P

DEPARTMENT OF JUSTICE

[OMB Number 1110–0051]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Extension of a Currently Approved Collection; Final Disposition Report (R–84)

AGENCY: Federal Bureau of Investigation, Criminal Justice Information Services Division, Department of Justice.

ACTION: 30-day notice.

SUMMARY: The Department of Justice (DOJ), Federal Bureau of Investigation (FBI), Criminal Justice Information Services (CJIS) Division will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection was previously published in the **Federal Register** Volume 79, Number 82, page 24008, on April 29, 2014, allowing for a 60 day comment period.

DATES: Comments are encouraged and will be accepted for an additional 30 days until August 18, 2014.

FOR FURTHER INFORMATION CONTACT: If you have comments, especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20503. Additionally, comments may be submitted via email to *OIRA_submission@omb.eop.gov.*

SUPPLEMENTARY INFORMATION: This process is conducted in accordance with 5 CFR 1320.10. Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
—Enhance the quality, utility, and clarity of the information to be collected; and
—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension of a currently approved collection.

(2) *Title of the Form/Collection:* Final Disposition Report.

(3) *Agency form number:* R–84.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: City, county, state, federal and tribal law enforcement agencies. This collection is needed to report completion of an arrest event. Acceptable data is stored as part of the Next Generation Identification (NGI) system of the FBI.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* It is estimated that 75,605 respondents will complete each form within approximately 5 minutes.

(6) *An estimate of the total public burden (in hours) associated with the collection:* There are an estimated 61,013 total annual burden hours associated with this collection.

If additional information is required contact: Jerri Murray, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., Room 3E.405B, Washington, DC 20530.

Dated: July 15, 2014.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2014–16900 Filed 7–17–14; 8:45 am]

BILLING CODE 4410–02–P

DEPARTMENT OF JUSTICE

[OMB Number 1110–0052]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Extension of a Currently Approved Collection; Applicant Information Form (1–783)

AGENCY: Federal Bureau of Investigation, Criminal Justice Information Services Division, Department of Justice.

ACTION: 30-day notice.

SUMMARY: The Department of Justice (DOJ), Federal Bureau of Investigation (FBI), Criminal Justice Information Services (CJIS) Division will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection was previously published in the **Federal Register** Volume 79, Number 82, page 14006, on Month xx, 2014, allowing for a 60 day comment period.

DATES: Comments are encouraged and will be accepted for an additional 30 days until August 18, 2014.

FOR FURTHER INFORMATION CONTACT: If you have comments, especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC, 20503. Additionally, comments may be submitted via email to *OIRA_submission@omb.eop.gov.*

SUPPLEMENTARY INFORMATION: This process is conducted in accordance with 5 CFR 1320.10. Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
—Enhance the quality, utility, and clarity of the information to be collected; and
—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension of a currently approved collection.

(2) *Title of the Form/Collection:* Applicant Information Form.

(3) *Agency form number:* 1–783.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Individuals. This collection is necessary for individuals to request a copy of their personal identification record to review it or to obtain a change, correction, or an update to the record.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* It is estimated that 309,345 respondents will complete each form within approximately 5 minutes.

(6) *An estimate of the total public burden (in hours) associated with the collection:* There are an estimated 25,779 total annual burden hours associated with this collection.

If additional information is required contact: Jerri Murray, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution

Square, 145 N Street NE., Room 3E.405B, Washington, DC, 20530.

Dated: July 15, 2014.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2014–16901 Filed 7–17–14; 8:45 am]

BILLING CODE 4410–02–P

DEPARTMENT OF JUSTICE

[OMB Number 1110–NEW]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Approval of an Existing Collection in Use Without an OMB Control Number

AGENCY: Federal Bureau of Investigation, Criminal Justice Information Services Division, Department of Justice. Flash/Cancellation/Transfer Notice (I–12).

ACTION: 30-day notice.

SUMMARY: The Department of Justice (DOJ), Federal Bureau of Investigation (FBI), Criminal Justice Information Services (CJIS) Division will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection was previously published in the **Federal Register** Volume 79, Number 82, page 24006, on April 29, 2014, allowing for a 60 day comment period.

DATES: Comments are encouraged and will be accepted for an additional 30 days until August 18, 2014.

FOR FURTHER INFORMATION CONTACT: If you have comments, especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20503. Additionally, comments may be submitted via email to *OIRA_submission@omb.eop.gov.*

SUPPLEMENTARY INFORMATION: This process is conducted in accordance with 5 CFR 1320.10. Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Enhance the quality, utility, and clarity of the information to be collected; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Approval of existing collection in use without an OMB control number.

(2) *Title of the Form/Collection:* Flash/Cancellation/Transfer Notice.

(3) *Agency form number:* I–12.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: City, county, state, federal and tribal law enforcement agencies. This collection is needed to indicate on an individual's identity history that the individual is being supervised to ensure the supervisory agency is notified of any additional criminal activity. Acceptable data is stored as part of the Next Generation Identification (NGI) system of the FBI.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* It is estimated that 6,104 respondents will complete each form within approximately 8 minutes.

(6) *An estimate of the total public burden (in hours) associated with the collection:* There are an estimated 14,133 total annual burden hours associated with this collection.

If additional information is required contact: Jerri Murray, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., Room 3E.405B, Washington, DC 20530.

Dated: July 15, 2014.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2014–16902 Filed 7–17–14; 8:45 am]

BILLING CODE 4410–02–P

DEPARTMENT OF JUSTICE

[OMB Number 1110–NEW]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Approval of an Existing Collection in Use Without an OMB Control Number; Request To Change III/NGI Base Identifier(s) (1–542)

AGENCY: Federal Bureau of Investigation, Criminal Justice Information Services Division, Department of Justice.

ACTION: 30-day notice.

SUMMARY: The Department of Justice (DOJ), Federal Bureau of Investigation (FBI), Criminal Justice Information Services (CJIS) Division will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection was previously published in the **Federal Register** Volume 70, Number 82, page 24007, on April 29, 2014, allowing for a 60 day comment period.

DATES: Comments are encouraged and will be accepted for an additional 30 days until August 18, 2014.

FOR FURTHER INFORMATION CONTACT: If you have comments, especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC, 20503. Additionally, comments may be submitted via email to *OIRA_submission@omb.eop.gov*.

SUPPLEMENTARY INFORMATION: This process is conducted in accordance with 5 CFR 1320.10. Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Enhance the quality, utility, and clarity of the information to be collected; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Approval of existing collection in use without an OMB control number.

(2) *The Title of the Form/Collection:* Request to Change III/NGI Base Identifier(s).

(3) *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* 1–542.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: City, county, state, federal and tribal law enforcement agencies. This collection is needed to report completion of an identity history summary. Acceptable data is stored as part of the Next Generation Identification (NGI) system of the FBI.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* It is estimated that approximately 75,605 agencies will complete each form within fifteen minutes.

(6) *An estimate of the total public burden (in hours) associated with the collection:* There are an estimated 1,875 total annual burden hours associated with this collection.

If additional information is required contact: Jerri Murray, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., Room 3E.405B, Washington, DC 20530.

Dated: July 15, 2014.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2014–16904 Filed 7–17–14; 8:45 am]

BILLING CODE 4410–02–P

DEPARTMENT OF JUSTICE

Office of Justice Programs

Office for Victims of Crime

[OJP (OVC) Docket No. 1659]

Draft Amendment to the Anti-Terrorism and Emergency Assistance Program Guidelines

AGENCY: Office for Victims of Crime, Office of Justice Programs, DOJ.

ACTION: Notice and request for comments.

SUMMARY: The U.S. Department of Justice, Office of Justice Programs, Office for Victims of Crime (OVC) proposes to make a minor clarifying amendment to its Anti-Terrorism Emergency Assistance Program (AEAP) Guidelines. Anyone interested in commenting on the proposed change may do so as set forth below.

Written Comments: Interested parties may submit comments to Eugenia Pedley, Program Manager, Office for Victims of Crime, by email to *Eugenia.Pedley@usdoj.gov,* or by mail to 810 7th St. NW., Washington, DC 20531.

DATES: Comments will be accepted through 11:59 p.m. Eastern Time on August 18, 2014.

FOR FURTHER INFORMATION CONTACT: Bob Cantrall, Deputy Director, Office for Victims of Crime, at 202–307–5983.

SUPPLEMENTARY INFORMATION: The U.S. Department of Justice, Office of Justice Programs, Office for Victims of Crime (OVC) proposes to amend its Anti-Terrorism Emergency Assistance Program (AEAP) Guidelines (available at 67 FR 4822, and at *http://www.gpo.gov/fdsys/pkg/FR-2002-01-31/pdf/02-2299.pdf*). The amendment will clarify that state administering agencies for state crime victim compensation programs may apply for and administer (if awarded discretionary funding by OVC, and if allowable under state law and regulation) supplemental crime victim compensation grants that cover reimbursement of expenses not traditionally covered (in amount and/or type) by the applicant state's crime victim compensation program.

OVC typically awards supplemental compensation under AEAP to a state crime victim compensation program to cover extra expenses incurred because of the unanticipated increase in the *number* of victims claiming compensation after a mass violence incident. Due to the nature of mass violence incidents, however, victims (in addition to being more numerous) may also have compensation needs that are more extensive or different than what the state program covers in the ordinary course. For example, in the aftermath of a bombing where many victims lose limbs, there may be an increased need for rehabilitative services that extend beyond what a state compensation program typically provides. In such cases, the existing AEAP Guidelines clearly permit OVC to award supplemental funding to other organizations to provide compensation beyond the amounts/limits that a state would provide. The existing Guidelines, however, contain a potential ambiguity with regard to whether OVC could award such funding to a state compensation program, which typically would be the organization that could most efficiently administer such funding (assuming that the state program agreed to administer it). The proposed amendment will clarify that OVC may award such supplemental funding to a state compensation program, or other public agency, in addition to other organizations. The proposed change is not intended to, and will not, affect any state authority governing state compensation programs; it merely clarifies that OVC may award supplemental AEAP funding for purposes of victim compensation to state administering agencies that choose to apply for and accept such funding, and have the state authority to administer such funding. The proposed amendment would clarify a potential ambiguity in the amended sentences, and thereby reduce delay in awarding critical funding to a jurisdiction affected by mass violence or terrorism.

OVC proposes to amend the text of section V.D. of the AEAP Guidelines in the sentence beginning ''OVC may provide'', and the following sentence, to add the following (in italics):

OVC may provide funding to *the state program, public agencies, or* other organizations to cover expenses not traditionally covered *(whether in amount or type)* by state crime victim compensation programs. OVC will coordinate such awards with state crime victim compensation programs, *in the event that such an award is made to another organization.*

Anyone interested in commenting on the proposed change may do so as set forth above.

Joye E. Frost,

Director, Office for Victims of Crime.

[FR Doc. 2014–16892 Filed 7–17–14; 8:45 am]

BILLING CODE 4410–18–P

MISSISSIPPI RIVER COMMISSION

Sunshine Act Meetings

AGENCY HOLDING THE MEETINGS: Mississippi River Commission.

TIME AND DATE: 9:00 a.m., August 15, 2014.

PLACE: On board MISSISSIPPI V at Port of Rosedale, Rosedale, Mississippi.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: (1) Summary report by President of the Commission on national and regional issues affecting the U.S. Army Corps of Engineers and Commission programs and projects on the Mississippi River and its tributaries; (2) District Commander's overview of current project issues within the Memphis District; and (3) Presentations by local organizations and members of the public giving views or comments on any issue affecting the programs or projects of the Commission and the Corps of Engineers.

TIME AND DATE: 9:00 a.m., August 18, 2014.

PLACE: On board MISSISSIPPI V at City Front of Caruthersville, Caruthersville, Missouri.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: (1) Summary report by President of the Commission on national and regional issues affecting the U.S. Army Corps of Engineers and Commission programs and projects on the Mississippi River and its tributaries; (2) District Commander's overview of current project issues within the Memphis District; and (3) Presentations by local organizations and members of the public giving views or comments on any issue affecting the programs or projects of the Commission and the Corps of Engineers.

TIME AND DATE: 9:00 a.m., August 19, 2014.

PLACE: On board MISSISSIPPI V at Mud Island Landing, Memphis, Tennessee.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: (1) Summary report by President of the Commission on national and regional issues affecting the U.S. Army Corps of Engineers and Commission programs and projects on the Mississippi River and its tributaries; (2) District Commander's overview of current project issues within the Vicksburg District; and (3) Presentations by local organizations and members of the public giving views or comments on any issue affecting the programs or projects of the Commission and the Corps of Engineers.

TIME AND DATE: 9:00 a.m., August 22, 2014.

PLACE: On board MISSISSIPPI V at Enterprise Marine Dock, Houma, Louisiana.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: (1) Summary report by President of the Commission on national and regional issues affecting the U.S. Army Corps of Engineers and Commission programs and projects on the Mississippi River and its tributaries; (2) District Commander's overview of current project issues within the New Orleans District, and (3) Presentations by local organizations and members of the public giving views or comments on any issue affecting the programs or projects of the Commission and the Corps of Engineers.

CONTACT PERSON FOR MORE INFORMATION: Mr. Timothy S. Gambrell, telephone 601–634–5766.

Timothy S. Gambrell,

Director, Mississippi River Commission.

[FR Doc. 2014–17134 Filed 7–16–14; 4:15 pm]

BILLING CODE 3720–58–P

NATIONAL SCIENCE FOUNDATION

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: National Science Foundation.

ACTION: Notice and request for comments.

SUMMARY: Under the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3501, *et seq.*), and as part of its continuing effort to reduce paperwork and respondent burden, the National Science Foundation (NSF) is inviting the general public or other Federal agencies to comment on this proposed continuing information collection. The NSF will publish periodic summaries of the proposed projects.

Comments: Comments are invited on (a) whether the proposed collection of information is necessary for the proper performance of the functions of the NSF, including whether the information will have practical utility; (b) the accuracy of the NSF's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected, including through the use of automated collection techniques or other forms of information technology; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated collection techniques or other forms of information technology.

DATES: Written comments on this notice must be received by September 16, 2014 to be assured of consideration. Comments received after that date will be considered to the extent practicable. Send comments to the address below.

FOR FURTHER INFORMATION CONTACT: Ms. Suzanne H. Plimpton, Reports Clearance Officer, National Science Foundation, 4201 Wilson Boulevard, Suite 1265, Arlington, Virginia 22230; telephone (703) 292–7556; or send email to *splimpto@nsf.gov.*

Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339, which is accessible 24 hours a day, 7 days a week, 365 days a year (including federal holidays).

SUPPLEMENTARY INFORMATION:

Title of Collection: 2015 National Survey of College Graduates.

OMB Approval Number: 3145–0141.

Expiration Date of Approval: November 30, 2015.

Type of Request: Intent to seek approval to renew an information collection for three years.

1. *Abstract.* The National Survey of College Graduates (NSCG) has been conducted biennially since the 1970s. The 2015 NSCG sample will be selected from the 2013 American Community Survey (ACS) and the 2013 NSCG. By selecting sample from these two sources, the 2015 NSCG will provide coverage of the college graduate population residing in the United States. The purpose of this longitudinal survey is to collect data that will be used to provide national estimates on the science and engineering workforce and changes in their employment, education, and demographic characteristics.

The National Science Foundation Act of 1950, as subsequently amended, includes a statutory charge to ''. . . provide a central clearinghouse for the collection, interpretation, and analysis of data on scientific and engineering resources, and to provide a source of information for policy formulation by other agencies of the Federal Government.'' The NSCG is designed to comply with these mandates by providing information on the supply and utilization of the nation's scientists and engineers. The NSF uses the information from the NSCG to prepare congressionally mandated reports such as *Women, Minorities and Persons With Disabilities in Science and Engineering*

and *Science and Engineering Indicators.* A public release file of collected data, designed to protect respondent confidentiality, will be made available to researchers on the Internet.

The U.S. Census Bureau, as in the past, will conduct the NSCG for NSF. The survey data collection will begin in February 2015 using Web and mail questionnaires. Nonrespondents to the Web or mail questionnaire will be followed up by computer-assisted telephone interviewing. The survey will be collected in conformance with the Confidential Information Protection and Statistical Efficiency Act of 2002, and the individual's response to the survey is voluntary. NSF will ensure that all information collected will be kept strictly confidential and will be used only for statistical purposes.

2. *Expected Respondents.* A statistical sample of approximately 135,000 individuals will be contacted in 2015. NSF expects the response rate to be 70 to 80 percent.

3. *Estimate of Burden.* The amount of time to complete the questionnaire may vary depending on an individual's circumstances; however, on average it will take approximately 30 minutes to complete the survey. NSF estimates that the total annual burden will be no more than 54,000 hours (=135,000 respondents × 80% response × 30 minutes) during the 2015 survey cycle.

Dated: July 14, 2014.

Suzanne H. Plimpton,

Reports Clearance Officer, National Science Foundation.

[FR Doc. 2014–16848 Filed 7–17–14; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[IA–14–025; NRC–2012–0216]

In the Matter of James Chaisson

AGENCY: Nuclear Regulatory Commission.

ACTION: Order; Issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing a Prohibition Order to Mr. James Chaisson as a result of his failure to complete the agreed upon actions issued in the Confirmatory Order dated September 10, 2012. The Order will prohibit the individual from engaging in NRC-licensed activities for a minimum period of three years from its effective date, and continuing thereafter until he can provide NRC with reasonable assurance that he can safely use radioactive materials in accordance with NRC requirements. The Order also requires Mr. Chaisson complete training requirements, verbally attest to the corrective actions he has taken, and for a two-year period after the NRC notifies Mr. Chaisson of its reasonable assurance determination, he must notify NRC Region IV about his employment with NRC licensee or work in NRC jurisdiction in writing.

DATES: *Effective Date:* See attachment.

ADDRESSES: Please refer to Docket ID NRC–2012–0216 when contacting the NRC about the availability of information regarding this document. You may access publicly-available information related to this action by the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2012–0216. Address questions about NRC dockets to Carol Gallagher; telephone: 301–287–3422; email: *Carol.Gallagher@nrc.gov.*
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may access 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.* The ADAMS accession number for each document referenced in this document (if that document is available in ADAMS) is provided the first time that a document is referenced.
- *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.

FOR FURTHER INFORMATION CONTACT: Susanne Woods, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2740, email: *s.woods@nrc.gov.*

SUPPLEMENTARY INFORMATION: The text of the Order is attached.

Dated at Rockville, Maryland, this 11th day of July 2014.

For the Nuclear Regulatory Commission.

Patricia K. Holahan,

Acting Director, Office of Enforcement.

Attachment—Order Prohibiting Involvement in NRC Licensed Activities

I.

Mr. James Chaisson was employed from April 10, 2009, through April 30, 2010, as an area supervisor and lead radiographer for the Wyoming operations of Texas Gamma Ray, LLC (TGR or Licensee), whose corporate offices are located in Pasadena, Texas. TGR is the former holder of License No. 42–29303–01, issued on January 6, 2009, by the U.S. Nuclear Regulatory Commission (NRC or the Commission), pursuant to 10 CFR Part 34. The license authorized industrial radiographic operations in accordance with conditions specified therein. The license was terminated at the licensee's request on July 25, 2011.

On May 15, 2012, the NRC issued an Order, ''Order Prohibiting Involvement in NRC-Licensed Activities'' (IA–12–009), to Mr. Chaisson, which required, in part, that Mr. Chaisson be prohibited from engaging in NRC-licensed activities for a 3-year period. The NRC issued the Order to Mr. Chaisson after concluding that he engaged in deliberate misconduct in violation of 10 CFR 30.10(a)(1). Specifically, the NRC concluded that Mr. Chaisson chose to store a radiographic exposure device at a facility he knew did not comply with applicable NRC security requirements and was not an authorized storage location under TGR's license. These violations occurred while Mr. Chaisson was employed by TGR as the area supervisor and lead radiographer for its Wyoming operations. Mr. Chaisson's deliberate misconduct caused TGR to be in violation of License No. 42–29303–01, License Condition 19, which required increased control security requirements pertaining to the use, storage, and protection of licensed material, and License Condition 11, which required TGR to limit the storage of radioactive material authorized by its license to temporary job sites in NRC jurisdiction.

In response to the Order, Mr. Chaisson requested Alternative Dispute Resolution (ADR) and signed the Agreement to Mediate on June 13, 2012. An ADR mediation session was conducted on July 26, 2012, in Salt Lake City, Utah. During that ADR session, Mr. Chaisson signed the Agreement in Principal that was reached with the NRC, in which he agreed to terms and conditions to be memorialized in a Confirmatory Order.

A Confirmatory Order based on the Agreement in Principal was issued to Mr. Chaisson on September 10, 2012. The Confirmatory Order prohibited Mr. Chaisson from engaging in NRC-licensed activities for an 18-month period from the date of the Confirmatory Order. The Confirmatory Order required that the 18-month period be followed by a 4-year restriction from acting in any supervisory capacity while working in

NRC jurisdiction, and a 4-year period in which Mr. Chaisson was to notify the NRC of his employment with NRC licensees and his employment with Agreement State licensees performing work in NRC jurisdiction. The Confirmatory Order also required that for 5½ years from the date of the Confirmatory Order, Mr. Chaisson make the Confirmatory Order available to his employers who are NRC licensees, including Agreement State licensees who perform work in NRC's jurisdiction under reciprocity. In addition, the Confirmatory Order required Mr. Chaisson to complete a 40-hour formal training course designed for qualifying radiation safety officers and a 40-hour formal training course that meets or exceeds the requirement in 10 CFR 34.43, ''Training,'' within 18 months of the date of the Confirmatory Order. Finally, Mr. Chaisson was to submit an article to Region IV, Director, Division of Nuclear Materials Safety, within 18 months of the date of the Confirmatory Order, articulating the importance of compliance with NRC regulations and providing full and accurate information.

II.

On March 28, 2014, Mr. Chaisson contacted the NRC to determine what type of training would be acceptable to meet the requirements of the Confirmatory Order. Mr. Chaisson informed the NRC that he had provided a copy of the Confirmatory Order to his employer, but did not provide the employer's name. During a March 31, 2014, telephone call between Mr. Chaisson and the Region IV staff, Mr. Chaisson revealed that he was working for Paramount NDT, a radiography company licensed by the State of North Dakota. Mr. Chaisson indicated that he was hired to set and develop film, as well as to read and interpret film. Mr. Chaisson acknowledged that in addition to not completing the training courses as required by the Confirmatory Order, he had not written the required article. The NRC informed Mr. Chaisson that, as several conditions of the Confirmatory Order were to be completed no later than March 10, 2014, he was in violation of the Confirmatory Order.

By letter dated March 31, 2014, Mr. Chaisson requested that the NRC grant him a 6-month extension to fulfill the requirements of the Confirmatory Order. Mr. Chaisson stated in the letter that he was unable to complete the requirements of the Confirmatory Order due to his unemployment from May 1 through December 31, 2013.

On April 7, 2014, the NRC contacted the Agreement State Director for the State of North Dakota Department of Health and confirmed that Paramount NDT is a North Dakota licensee authorized to conduct radiographic operations in the State of North Dakota. During a follow up conversation on April 9, 2014, the Agreement State Director informed the NRC that Paramount NDT did not receive a copy of the Confirmatory Order from Mr. Chaisson prior to his starting work with the company, as Mr. Chaisson had expressed he had done so to the NRC. Since Paramount NDT was not performing licensed activities in NRC jurisdiction, then Mr. Chaisson was not required to provide a copy of the Confirmatory Order to his employer.

On April 7, 2014, the NRC contacted the training consultant that Mr. Chaisson mentioned he was planning to use. The training consultant stated that, approximately 2 weeks previously, Mr. Chaisson requested information on, and expressed interest in, attending training courses to meet the requirements of the Confirmatory Order. However, Mr. Chaisson did not follow up to register for the training courses.

In Mr. Chaisson's extension request letter dated March 31, 2014, he stated that he had been without a job from May 1, 2013 until December 3, 2013. However, the NRC noted the following: (1) During the 18-month requirement to complete the training, Mr. Chaisson was unemployed for only 8 months of that time, (2) there was no monetary cost for Mr. Chaisson to write an article and mail the article to the NRC within the 18-month period, and (3) Mr. Chaisson waited until after these respective requirements of the Confirmatory Order had expired to contact the NRC and attempt to begin the training courses and write the article. The NRC has concluded that Mr. Chaisson has not upheld his agreement, which was made legally-binding in the September 10, 2012, Confirmatory Order. As a result, the NRC has serious concerns regarding Mr. Chaisson's willingness to follow NRC requirements.

The NRC determined that contrary to the requirements of the Confirmatory Order, Mr. Chaisson failed to complete a 40-hour formal training course designed for qualifying radiation safety officers and a 40-hour formal training course that meets or exceeds the requirement in 10 CFR 34.43, ''Training,'' within 18 months of the date of the Confirmatory Order. In addition, Mr. Chaisson failed to submit an article to Region IV, Director, Division of Nuclear Materials Safety, within 18-months of the date of the Confirmatory Order, articulating the importance of compliance with NRC regulations and providing full and accurate information. As a result, the NRC finds that Mr. Chaisson's actions constitute a violation of NRC requirements.

III.

The NRC must be able to rely on licensees, their contractors, and their employees to act with integrity and to comply with NRC requirements. Several conditions of the Confirmatory Order, which were agreed to by Mr. Chaisson through ADR, were required to be completed by March 10, 2014. By not complying with these conditions of the Confirmatory Order, Mr. Chaisson has demonstrated that he has little regard for the NRC and its regulations.

Based on the deliberate misconduct on which the May 15, 2012, Order was based, and Mr. Chaisson's violation of the September 10, 2012, Confirmatory Order, I lack the requisite reasonable assurance that Mr. Chaisson can be relied upon, at this time, to comply with the Commission's requirements and that the health and safety of the public will be protected if Mr. Chaisson were permitted at this time to be involved in NRC-licensed activities. Therefore, based on these circumstances, the public health, safety and interest require that NRC issue Mr. Chaisson this Order, which supersedes the previously issued Confirmatory Order, dated September 10, 2012. This Order requires that Mr. Chaisson be prohibited from any involvement in NRC-licensed activities for a minimum period of 3 years from the effective date of this Order, and continuing thereafter until he can provide NRC with reasonable assurance that he can safely use radioactive materials in accordance with NRC requirements.

IV.

Accordingly, pursuant to Sections 81, 161b, 161i, 161o, 182, and 186 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR 2.202, and 10 CFR Parts 20, 30 and 34, *it is hereby ordered,* effective thirty (30) days from the date of issuance of this order that:

1. Mr. James Chaisson is prohibited from engaging in NRC-licensed activities for a minimum of 3 years following the effective date of this Order, and continuing thereafter until he provides the NRC with reasonable assurance that he can safely use radioactive materials in accordance with NRC requirements (as described in Section IV.3 below). NRC-licensed activities are those activities that are conducted pursuant to a specific or general license issued by the NRC, including, but not limited to, those

activities of Agreement State licensees conducted in NRC's jurisdiction pursuant to the authority granted by 10 CFR 150.20. This means that until he provides the NRC with reasonable assurance, Mr. Chaisson is prohibited from performing, supervising, assisting or otherwise engaging in (1) industrial radiographic operations for an NRC licensee including but not limited to, radiography conducted under the authority of a license issued pursuant to 10 CFR Part 34; (2) industrial radiographic operations in NRC jurisdiction for an Agreement State licensee that are conducted under a general license pursuant to 10 CFR 150.20; and (3) any other licensed activity in NRC jurisdiction. This Order will supersede the Confirmatory Order previously issued to Mr. Chaisson dated September 10, 2012 (ADAMS Accession No. ML12256B002).

2. If Mr. Chaisson is currently involved in any NRC-licensed activities, then he must cease those activities no later than the effective date of this Order, and inform the NRC of the name, address, and telephone number of the employer, and provide a copy of this Order to the employer.

3. Mr. Chaisson may, 3 years after the effective date of this Order, file a written request with the Director of the NRC Office of Enforcement that this Order be rescinded based upon his establishing and representing to the NRC reasonable assurance that he can safely use radioactive material in accordance with NRC requirements. As a means to demonstrate reasonable assurance, Mr. Chaisson should satisfactorily complete the following conditions to attest to his understanding and commitment of compliance with NRC requirements and regulations. Mr. Chaisson may provide alternatives to the NRC for evaluation and approval, in order to establish and represent to the NRC reasonable assurance that he can safely use radioactive material in accordance with NRC requirements.

a. In addition to the training and qualification requirements set forth in 10 CFR Part 20, Part 30 and Part 34 for the use of byproduct material and radiation safety requirements for using byproduct materials, Mr. Chaisson shall provide documentation showing that he has successfully completed a 40-hour formal training course designed for qualifying radiation safety officers. The formal training course should be presented by an academic institution, commercial radiation safety consulting company, or a professional organization of radiation protection experts. The course must also include training on the requirements pertaining to the NRC Order Imposing Increased Controls (ADAMS Accession No. ML053130364) or the regulations under 10 CFR Part 37, ''Physical Protection of Category 1 and Category 2 Quantities of Radioactive Material'', or else Mr. Chaisson must provide documentation showing that he has successfully completed a separate course that includes these Increased Controls or Part 37 requirements. In addition, Mr. Chaisson shall provide documentation showing that he has successfully completed a 40-hour formal training course for Non-Destructive Testing that meets or exceeds the requirements in 10 CFR 34.43, ''Training.'' All training documentation presented to the NRC shall include the training dates, course syllabi, and instructor qualifications. All training documentation must verify that the training took place after the date of issuance of this Order.

b. Mr. Chaisson shall demonstrate his understanding of the importance of the NRC regulations related to the protection of public health and safety or the common defense and security during a transcribed meeting with NRC representatives, where he can verbally attest to his knowledge of the requirements and regulations under 10 CFR Part 20, Part 30, Part 34, and either, the Increased Controls Order or the requirements under 10 CFR Part 37. In addition at that meeting, he shall verbally attest to the corrective actions he has taken to address his deliberate misconduct which occurred while employed from April 10, 2009, through April 30, 2010, as a former area supervisor and former lead radiographer for the Wyoming operations of Texas Gamma Ray, LLC. This will include his understanding of: (1) The purpose of the safety and security requirements for industrial radiography, (2) his role and responsibilities regarding performing activities in accordance with the requirements and regulations, (3) the importance of providing full and accurate information to the NRC, and (4) the corrective actions he has taken to address his deliberate misconduct as described above.

c. If Mr. Chaisson seeks rescission of this Order pursuant to Section IV.3, then the information required by Section IV.3.(a) shall be provided to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, with a copy to the Regional Administrator, Region IV, 1600 E. Lamar Blvd., Arlington, TX 76011–4511. Mr. Chaisson must also request from the Director, Office of Enforcement and the Regional Administrator, NRC Region IV, to meet with the NRC, in accordance with Section IV.3.(b) of this Order.

4. If, after considering the conditions in Section IV.3 of this Order, the NRC determines that Mr. Chaisson has sufficiently demonstrated his understanding and commitment to compliance with NRC requirements and regulations such that reasonable assurance exists:

a. For a 2-year period after NRC notifies Mr. Chaisson in writing of its reasonable assurance determination, Mr. Chaisson must notify NRC Region IV of any employment with an NRC licensee, within 3 days of each acceptance of employment with each NRC licensee. Mr. Chaisson will provide this notification in writing to the attention of the Director, Division of Nuclear Materials Safety; U.S. Nuclear Regulatory Commission, Region IV, 1600 E. Lamar Blvd., Arlington, Texas 76011–4511, or by fax number to 817–200–1188.

b. For a 2-year period after NRC notifies Mr. Chaisson in writing of its reasonable assurance determination, in the situation where Mr. Chaisson works for an Agreement State licensee that provides notification to perform work in NRC jurisdiction, Mr. Chaisson shall notify NRC Region IV at least 3 days prior to working in NRC jurisdiction. The notification will be for each occurrence of working in NRC's jurisdiction, and will include the dates and specific location where he will be conducting NRC licensed activities. Mr. Chaisson will provide this notification in writing to the attention of the Director, Division of Nuclear Materials Safety; U.S. Nuclear Regulatory Commission, Region IV, 1600 E. Lamar Blvd., Arlington, Texas 76011–4511, or by fax number to 817–200–1188. Mr. Chaisson's notification must be independent of any notification required by the licensee pursuant to 10 CFR 150.20.

c. For a 2-year period after NRC notifies Mr. Chaisson in writing of its reasonable assurance determination, Mr. Chaisson is prohibited from working for any NRC licensee as an Area Supervisor, Radiation Safety Officer, or in any other supervisory position (excluding radiographer) while in NRC jurisdiction. This includes the situation where Mr. Chaisson works for an Agreement State licensee performing work in NRC jurisdiction under reciprocity.

d. In order to ensure NRC licensees are aware of the limitations on Mr. Chaisson's NRC licensed activities, from the effective date of this Prohibition Order until 2 years after the NRC notifies Mr. Chaisson in writing of its reasonable assurance determination, Mr.

Chaisson must provide, at least 3 days prior to starting work, a copy of this Order to employers who are NRC licensees. This includes Agreement State licensees who may potentially perform work in NRC's jurisdiction pursuant to 10 CFR 150.20.

The provisions of Section IV are effective 30 days from the date of issuance of this Order. The Director, Office of Enforcement, or designee, may, in writing, relax or rescind any of the above conditions upon demonstration by Mr. Chaisson of good cause.

V.

In accordance with 10 CFR 2.202, Mr. James Chaisson must submit a written answer to this Order under oath or affirmation within 30 days of its issuance. Mr. Chaisson's failure to respond to this Order could result in additional enforcement action in accordance with the Commission's Enforcement Policy. Any person adversely affected by this Order may submit a written answer to this Order within 30 days of its issuance. In addition, Mr. Chaisson may demand, and any other person adversely affected by this Order may request, a hearing on this Order within 30 days of its issuance. Where good cause is shown, consideration will be given to extending the time to answer and demand or request a hearing. A request for extension of time must be made in writing to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and include a statement of good cause for the extension.

All documents filed in NRC adjudicatory proceedings, including a demand or request for hearing, a petition for leave to intervene, any motion or other document filed in the proceeding prior to the submission of a demand or request for hearing or petition to intervene, and documents filed by interested governmental entities participating under 10 CFR 2.315(c), must be filed in accordance with the NRC E-Filing rule (72 FR 49139, August 28, 2007, as amended by 77 FR 46562, August 3, 2012), codified in pertinent part at 10 CFR Part 2, Subpart C. The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases to mail copies on electronic storage media. Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by email at *hearing.docket@nrc.gov,* or by telephone at (301) 415–1677, to request (1) a digital ID certificate, which allows the participant (or its counsel or representative) to digitally sign documents and access the E-Submittal server for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a demand or request, or a petition for hearing (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* System requirements for accessing the E-Submittal server are detailed in NRC's ''Guidance for Electronic Submission,'' which is available on the agency's public Web site at *http://www.nrc.gov/site-help/e-submittals.html,* under ''Getting Started,'' then select ''Reference Materials for Electronic Submissions.'' Participants may attempt to use other software not listed on the Web site, but should note that the NRC's E-Filing system does not support unlisted software, and the NRC Meta System Help Desk will not be able to offer assistance in using unlisted software.

If a participant is electronically submitting a document to the NRC in accordance with the E-Filing rule, the participant must file the document using the NRC's online, Web-based submission form. In order to serve documents through the Electronic Information Exchange (EIE), users will be required to install a Web browser plug-in obtained from the NRC Web site. Further information on the Web-based submission form, including the installation of the Web browser plug-in, is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.*

After the Office of the Secretary has created a docket and a participant has obtained a digital ID certificate, then the participant may submit a demand for hearing or request for hearing or petition for leave to intervene through the EIE. Submissions should be in Portable Document Format (PDF) in accordance with NRC guidance available on the NRC public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* A filing is considered complete at the time the documents are submitted through the NRC E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. Eastern Time (ET) on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an email notice confirming receipt of the document. The E-Filing system also distributes an email notice that provides access to the document to the NRC Office of the General Counsel and other persons who have advised the Office of the Secretary that they wish to participate in the proceeding. The filer need not serve the documents on participants separately. Therefore, any others who wish to participate in the proceeding (or their counsel or representative) must apply for and receive a digital ID certificate before a hearing demand or request/petition to intervene is filed so that they can obtain access to the document via the E-Filing system.

A person filing electronically using the NRC's adjudicatory E-Filing system may seek assistance by contacting the NRC Meta System Help Desk through the ''Contact Us'' link located on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html,* by email at *MSHD.Resource@nrc.gov,* or by a toll-free call at (866) 672–7640. The NRC Meta System Help Desk is available between 8 a.m. and 8 p.m., ET, Monday through Friday, excluding government holidays.

Participants who believe they have a good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, Maryland, 20852, Attention: Rulemaking and Adjudications Staff. Participants filing a document in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service. A presiding

officer, having granted an exemption request from using E-Filing, may require a participant or party to use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket, which is available to the public at *http://ehd1.nrc.gov/ehd/,* unless excluded pursuant to an order of the Commission or the presiding officer. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or home phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. However, a request to intervene will require including information on local residence in order to demonstrate a proximity assertion of interest in the proceeding. With respect to copyrighted works, participants are requested not to include copyrighted materials in their submission, except for limited excerpts that serve the purpose of the adjudicatory filings and constitute a Fair Use application.

If a person other than Mr. Chaisson requests a hearing, that person shall set forth with particularity the manner in which his or her interest is adversely affected by this Order and shall address the criteria set forth in 10 CFR 2.309(d) and (f).

If a hearing is demanded by Mr. Chaisson or requested by a person whose interest is adversely affected, the Commission will issue an Order designating the time and place of any hearings. If a hearing is held, the issue to be considered at such hearing shall be whether this Order should be sustained. In the absence of any demand or request for hearing, or written approval of an extension of time in which to demand or request a hearing, the provisions specified in Section IV above shall be effective and final 30 days after the date of issuance of this Order, without further order or proceedings. If an extension of time for demanding or requesting a hearing has been approved, the provisions specified in Section IV shall be final when the extension expires if a hearing demand or request has not been received.

Dated at Rockville, Maryland, this 11th day of July 2014.

For the Nuclear Regulatory Commission.

Patricia K. Holahan,

Acting Director, Office of Enforcement.

[FR Doc. 2014–16964 Filed 7–17–14; 8:45 am]

BILLING CODE 7590–01–P

OFFICE OF PERSONNEL MANAGEMENT

Excepted Service

AGENCY: U.S. Office of Personnel Management (OPM).

ACTION: Notice.

SUMMARY: This notice identifies Schedule A, B, and C appointing authorities applicable to a single agency that were established or revoked from May 1, 2014, to May 31, 2014.

FOR FURTHER INFORMATION CONTACT: Senior Executive Resources Services, Senior Executive Services and Performance Management, Employee Services, 202–606–2246.

SUPPLEMENTARY INFORMATION: In accordance with 5 CFR 213.103, Schedule A, B, and C appointing authorities available for use by all agencies are codified in the Code of Federal Regulations (CFR). Schedule A, B, and C appointing authorities applicable to a single agency are not codified in the CFR, but the Office of Personnel Management (OPM) publishes a notice of agency-specific authorities established or revoked each month in the **Federal Register** at *www.gpo.gov/fdsys/.* OPM also publishes an annual notice of the consolidated listing of all Schedule A, B, and C appointing authorities, current as of June 30, in the **Federal Register**.

Schedule A

No Schedule A authorities to report during May 2014.

Schedule B

No Schedule B authorities to report during May 2014.

Schedule C

The following Schedule C appointing authorities were approved during May 2014.

Agency name	Organization name	Position title	Authorization No.	Effective date
Department of Agriculture	Office of the Assistant Secretary for Congressional Relations.	Confidential Assistant	DA140066	5/13/2014
	Rural Housing Service	Chief of Staff	DA140067	5/29/2014
		State Director—Wyoming	DA140075	5/30/2014
	Farm Service Agency	State Executive Director—Georgia	DA140069	5/29/2014
Department of Commerce	Office of the Assistant Secretary for Economic Development.	Director, Office of Innovation and Entrepreneurship.	DC140086	5/2/2014
	Office of White House Liaison	Special Assistant	DC140087	5/2/2014
Commodity Futures Trading Commission.	Office of the Chairperson	Director of Legislative Affairs	CT140004	5/5/2014
Department of Defense	Office of Assistant Secretary of Defense (Legislative Affairs).	Special Assistant	DD140065	5/19/2014
	Washington Headquarters Services	Defense Fellow	DD140068	5/21/2014
Department of the Navy	Office of the Secretary	Senior Advisor for Energy	DN140013	5/5/2014
Department of Education	Office of Special Education and Rehabilitative Services.	Special Assistant	DB140061	5/5/2014
	Office of Planning, Evaluation and Policy Development.	Chief of Staff	DB140067	5/9/2014
	Office of Communications and Outreach.	Special Assistant	DB140065	5/12/2014
	Office of the Under Secretary	Confidential Assistant	DB140073	5/22/2014
		Chief of Staff	DB140071	5/23/2014
	Office of the Secretary	Special Assistant	DB140070	5/19/2014
		Confidential Assistant	DB140072	5/22/2014
	Office of Legislation and Congressional Affairs.	Chief of Staff	DB140074	5/28/2014
Department of Energy	Office of Management	Special Assistant	DE140054	5/12/2014
	Office of the Secretary	Deputy White House Liaison	DE140061	5/12/2014

Agency name	Organization name	Position title	Authorization No.	Effective date
	Office of Energy Policy and Systems Analysis.	Advisor for Climate Change	DE140062	5/16/2014
Environmental Protection Agency	Office of the Associate Administrator for External Affairs and Environmental Education.	Chief Speech Writer	EP140027	5/8/2014
		Speech Writer	EP140031	5/21/2014
	Office of the Administrator	White House Liaison	EP140028	5/21/2014
Export-Import Bank	Office of Communications	Senior Vice President for Communications.	EB140007	5/12/2014
General Services Administration	Office of the Administrator	Senior Advisor	GS140020	5/5/2014
	Office of Communications and Marketing.	Press Secretary	GS140023	5/16/2014
Department of Health and Human Services.	Office of the Assistant Secretary for Public Affairs.	Digital Communications Coordinator.	DH140058	5/1/2014
		Special Assistant for Specialty Media.	DH140060	5/2/2014
	Office of Health Reform	Senior Policy Analyst	DH140065	5/16/2014
Department of Homeland Security	Office of the Executive Secretariat	Secretary Briefing Book Coordinator.	DM140133	5/7/2014
		Special Assistant	DM140140	5/21/2014
	Office of the Chief of Staff	Confidential Assistant	DM140129	5/12/2014
	Office of the Assistant Secretary for Public Affairs.	Press Assistant	DM140137	5/19/2014
		Director of Speechwriting	DM140139	5/21/2014
		Deputy Director of Speechwriting	DM140142	5/21/2014
	Federal Emergency Management Agency.	Director of Intergovernmental Affairs.	DM140132	5/20/2014
		Counselor	DM140147	5/28/2014
	U.S. Citizenship and Immigration Services.	Special Assistant	DM140148	5/28/2014
Department of Housing and Urban Development.	Office of the Administration	Scheduling Assistant	DU140026	5/22/2014
	Office of Policy Development and Research.	Deputy Assistant Secretary for International and Philanthropic Innovation.	DU140023	5/22/2014
Department of the Interior	Assistant Secretary—Land and Minerals Management.	Advisor	DI140034	5/12/2014
Department of Justice	Office of the Associate Attorney General.	Counsel and Deputy Chief of Staff	DJ140046	5/7/2014
Department of Labor	Office of Congressional and Intergovernmental Affairs.	Regional Representative	DL140043	5/5/2014
		Senior Legislative Assistant	DL140049	5/13/2014
	Office of the Secretary	Senior Advisor	DL140044	5/8/2014
		Special Assistant	DL140048	5/13/2014
	Office of the Deputy Secretary	Counselor	DL140052	5/29/2014
National Aeronautics and Space Administration.	Office of Communications	Public Affairs Specialist	NN140019	5/12/2014
Office of Management and Budget	Office of the Director	Confidential Assistant	BO140016	5/28/2014
Office of the United States Trade Representative.	Intergovernmental Affairs and Public Liaison.	Director for Intergovernmental Affairs and Public Engagement.	TN140003	5/8/2014
Small Business Administration	Office of Congressional and Legislative Affairs.	Legislative Policy Advisor	SB140019	5/1/2014
Department of State	Office of the Under Secretary for Civilian Security, Democracy, and Human Rights.	Staff Assistant	DS140083	5/9/2014
	Bureau of Democracy, Human Rights and Labor.	Deputy Assistant Secretary	DS140082	5/15/2014
	Office of the Under Secretary for Public Diplomacy and Public Affairs.	Staff Assistant	DS140085	5/15/2014
Department of the Treasury	Under Secretary for International Affairs.	Senior Advisor	DY140072	5/6/2014
	Assistant Secretary (Public Affairs)	Media Affairs Specialist/Spokesperson.	DY140076	5/9/2014
		Special Assistant	DY140077	5/14/2014
		Confidential Assistant	DY140081	5/29/2014
	Assistant Secretary for International Finance.	Assistant for International Finance	DY140078	5/14/2014
	Secretary of the Treasury	Special Assistant	DY140079	5/19/2014
United States International Trade Commission.	Office of Commissioner Schmidtlein.	Confidential Assistant	TC140010	5/8/2014
		Staff Assistant (Legal) (2)	TC140008	5/13/2014
			TC140009	5/15/2014
		Senior Economist	TC140007	5/15/2014
Department of Veterans Affairs	Office of the Secretary and Deputy	Special Assistant	DV140033	5/2/2014

The following Schedule C appointing authorities were revoked during May 2014.

Agency	Organization	Position title	Authorization No.	Vacate date
Department of Agriculture	Office of the Secretary	Policy Assistant	DA130209	5/17/2014
Department Of Commerce	Office of the General Counsel	Deputy General Counsel for Strategic Initiatives.	DC130001	5/16/2014
	Office of the Chief of Staff	Scheduling Assistant	DC130075	5/27/2014
	Office of White House Liaison	Special Assistant	DC120039	5/30/2014
		Deputy Director, Office of White House Liaison.	DC130024	5/30/2014
	Office of Public Affairs	Director of Speechwriting	DC120055	5/30/2014
Commodity Futures Trading Commission.	Office of the Chairperson	Director of Legislative Affairs	CT090005	5/9/2014
Council on Environmental Quality	Council on Environmental Quality	Special Assistant	EQ120001	5/24/2014
Department of Education	Office of the Deputy Secretary	Special Assistant	DB130024	5/2/2014
	Office of Special Education and Rehabilitative Services.	Special Assistant	DB090076	5/3/2014
	Office of the Under Secretary	Confidential Assistant	DB130013	5/4/2014
	Office of Elementary and Secondary Education.	Special Assistant	DB120093	5/16/2014
	Office of Elementary and Secondary Education.	Confidential Assistant	DB110059	5/17/2014
Department of Energy	Office of the Secretary	Senior Advisor	DE130089	5/3/2014
	Assistant Secretary for Congressional and Intergovernmental Affairs.	Intergovernmental Affairs Advisor	DE110131	5/24/2014
Department of Health and Human Services.	Office of the Assistant Secretary for Public Affairs.	Special Assistant	DH120059	5/3/2014
	Office of the Secretary	Confidential Assistant	DH130020	5/17/2014
Department of Homeland Security	Office of the Assistant Secretary for Public Affairs.	Special Projects Coordinator	DM120153	5/2/2014
		Director of Speechwriting	DM090413	5/31/2014
	U.S. Customs and Border Protection.	Assistant Commissioner for Public Affairs.	DM110222	5/3/2014
		Policy Advisor	DM130080	5/24/2014
	Office of the Chief of Staff	Deputy Chief of Staff	DM130052	5/19/2014
		Deputy Director of Scheduling and Protocol Coordination.	DM090359	5/30/2014
	U.S. Immigration and Customs Enforcement.	Director of Communications	DM100009	5/31/2014
Department of Justice	Office of the Associate Attorney General.	Senior Counsel	DJ100143	5/3/2014
	Civil Rights Division	Senior Counselor	DJ140024	5/3/2014
	Office of the Associate Attorney General.	Attorney Advisor	DJ120075	5/17/2014
Department of Labor	Office of the Deputy Secretary	Policy Advisor	DL130018	5/17/2014
Department of State	Office of the Chief of Protocol	Protocol Assistant	DS100053	5/3/2014
	Office of the Under Secretary for Public Diplomacy and Public Affairs.	Speechwriter	DS110013	5/3/2014
		Staff Assistant	DS120090	5/3/2014
	Bureau for Education and Cultural Affairs.	Staff Assistant	DS110098	5/3/2014
Department of the Navy	Office Assistant Secretary of Navy (Energy, Installations and Environment).	Special Assistant	DN120018	5/4/2014
Department of Transportation	Assistant Secretary for Governmental Affairs.	Director of Governmental Affairs	DT140012	5/3/2014
	Immediate Office of the Administrator.	Associate Administrator for Governmental, International, and Public Affairs.	DT120017	5/10/2014
Environmental Protection Agency	Office of the Associate Administrator for External Affairs and Environmental Education.	Speech Writer	EP130039	5/10/2014
General Services Administration	Office of Communications and Marketing.	Press Secretary	GS130008	5/10/2014
		Deputy Press Secretary	GS120026	5/17/2014
Office of the Secretary of Defense	Washington Headquarters Services	Defense Fellow	DD120094	5/3/2014

Authority: 5 U.S.C. 3301 and 3302; E.O. 10577, 3 CFR, 1954–1958 Comp., p. 218.

U.S. Office of Personnel Management.

Katherine Archuleta,

Director.

[FR Doc. 2014–16968 Filed 7–17–14; 8:45 am]

BILLING CODE 6325–39–P

OFFICE OF PERSONNEL MANAGEMENT

System of Records Notice; CyberCorps®: Scholarship For Service (SFS)

AGENCY: U.S. Office of Personnel Management (OPM).

ACTION: Notice of amendment to system of records.

SUMMARY: OPM has amended an existing system of records subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended. This amendment adds several categories of records to be collected. For participating students, additional categories of records include emergency contact information, initial funding semester/quarter, date available for post-graduation commitment, high school background, post high school education background, current certifications, cybersecurity employment Information and History, gender, ethnicity, race, and US armed forces status.

For officials from participating academic institutions, additional categories of records include SFS award information and institution demographics.

There are no changes to the categories of records collected for agency officials.

This action is necessary to meet the requirements of the Privacy Act to publish in the **Federal Register** notice of the existence and character of system of records maintained by the agency (5 U.S.C. 552a(e)(4)). The system has been operational since March 24, 2003 without incident.

DATES: This action will be effective without further notice on August 27, 2014 unless comments are received that would result in a contrary determination.

ADDRESSES: Send written comments to the Office of Personnel Management, ATTN: Travis McKone, CyberCorps®: Scholarship for Service Program, 200 Granby Street, Suite 500, Norfolk, VA, 23510–1886.

FOR FURTHER INFORMATION CONTACT: Kathryn Roberson, 405–259–8277.

SUPPLEMENTARY INFORMATION: The CyberCorps®: Scholarship For Service Web site (SFS) allows OPM the ability to fulfill its responsibility for the SFS program which was established by the National Science Foundation (NSF) in accordance with the Federal Cyber Service Training and Education Initiative as described in the President's *National Plan for Information Systems Protection* to facilitate the timely registration, selection and placement of program-enrolled students in Federal agencies.

This program seeks to increase the number of qualified students entering the fields of information assurance and computer security in an effort to respond to the threat to the Federal Government's information technology infrastructure. The program provides selected 4-year colleges and universities scholarship grants to attract students to the information assurance field.

Participating students who receive scholarships from this program are required to serve a 10-week internship during their studies and complete a post-graduation employment commitment equivalent to the length of the scholarship or one year, whichever is longer.

OPM operates this System of Records for NSF under a reimbursable (Economy Act) agreement with NSF. (NSF enters into agreements (including Memoranda of Understanding) with other U.S. government agencies, as authorized by the NSF Act, 42 U.S.C. 1870(c) and the Economy Act: 31 U.S.C. 1535, under which NSF assumes some responsibility for activities supported by these agencies. These activities can include jointly funded projects and programs, support of research operations and logistics, and access to NSF supported research facilities.)

Designated OPM personnel use SFS to update student information. The system also provides registered agency officials read-only access to student resumes to consider them for placement with their agency. Furthermore, it allows registered academic institution officials limited read-only access to information related to student participants in their program so they can determine if program requirements are being met.

Race and national origin (RNO) data will not be released to hiring officials and will only be released publicly in non-identifiable or aggregate form.

U.S. Office of Personnel Management.

Katherine Archuleta,

Director.

OPM INTERNAL–18

SYSTEM NAME:

CyberCorps®: Scholarship For Service (SFS)

SYSTEM LOCATION:

The IT infrastructure of SFS is housed at OPM's HR Tools & Technology at 4685 Log Cabin Drive, Macon, GA 31204.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

This system contains records related to individuals selected for participation in the SFS program.

The system contains information related to:

1. Student participants & their designated emergency contact individuals.

2. Officials associated with participating academic institutions; and

3. Officials associated with participating Federal, state, local, or tribal agencies.

CATEGORIES OF RECORDS IN THE SYSTEM:

The records in the database may contain the following information related to participants:

1. STUDENT PARTICIPANTS: Full name(s), social security number (SSN), signature, date of birth, mother's maiden name, full address(s), phone number(s), email address(s), complete emergency contact information, university/college attending, degree funded, field of study, expected completion date, date available for internship, date available for post graduation commitment, high school background, post high school education background, current certifications, cybersecurity employment information and history, resume information, demographic information (gender, ethnicity, race), US armed forces status, internship and post-graduation placement information to include agency name, sub agency name, job title, salary range and pay plan/series/grade.

2. ACADEMIC INSTITUTION OFFICIAL (previously identified as Principal Investigator): The records in the database may contain the following information related to participating officials: Full name(s), signature, university/college: Department/field, address, fax number, phone number(s), email address(es), Web site, SFS award information, institution demographics.

3. AGENCY OFFICIAL: The records in the database may contain the following information related to registered agency officials: Agency name, sub agency name, full name(s), agency address(s), work location, work phone number(s), work fax number(s), work email address(s), and agency Web site.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The Federal Cyber Service Training and Education Initiative as described in

the President's *National Plan for Information Systems Protection,* gives OPM the authority for maintenance of the system. The collection and use of SSNs by the system for the specified purposes is provided by Executive Order 9397 as amended by Executive Order 13478.

PURPOSE:

The information is used by OPM's Human Resource Solutions to register scholarship recipients' education and experience background and to provide this information to potential employers. Students are selected by participating universities/colleges to receive the scholarship. Once selected and approved by OPM, the student is provided instructions on how to register their resume on-line. Approved agency officials and approved university officials are then able to retrieve resumes of the scholarship recipients through a password protected Web site.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records may be used:

1. To disclose information to another Federal agency or a party in litigation before a court or in an administrative proceeding being conducted by a Federal agency, when the Government is a party to the judicial or administrative proceeding, and such information is deemed by OPM to be arguably relevant and necessary to the litigation.

2. To disclose information to the National Archives and Records Administration for use in records management inspections.

3. In the production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related workforce studies. While published studies do not contain individual identifiers, in some instances the selection of elements of data included in the study may be structured in such a way as to make the data individually identifiable by inference.

4. To disclose information to the Department of Justice (DOJ), or in a proceeding before a court, adjudicative body or other administrative body before which OPM is authorized to appear, when: OPM, or any component thereof; or any employee of OPM in his or her official capacity; or any employee of OPM in his or her individual capacity where DOJ or OPM has agreed to represent the employee; or the United States, when OPM determines that litigation is likely to affect OPM or any of its components; is a party to litigation or has an interest in such litigation, and the use of such records by DOJ or OPM is deemed by OPM to be arguably relevant and necessary to the litigation, provided, however, that the disclosure is compatible with the purpose for which records were collected.

5. To disclose information to officials of the Merit Systems Protection Board or the Office of the Special Counsel, when requested in connection with appeals, special studies of the civil service and other merit systems, review of OPM rules and regulations, investigations of alleged or possible prohibited personnel practices, and such other functions, e.g., as promulgated in 5 U.S.C. 1205 and 1206, or as may be authorized by law.

6. To disclose information to the Equal Employment Opportunity Commission when requested in connection with investigations into alleged or possible discrimination practices in the Federal sector, compliance by Federal agencies with the Uniform Guidelines on Employee Selection Procedures, or other functions vested in the Commission and to otherwise ensure compliance with the provisions of 5 U.S.C. 7201.

7. To disclose information to the Federal Labor Relations Authority or its General Counsel when requested in connection with investigations of allegations of unfair labor practices or matters before the Federal Service Impasses Panel.

8. To disclose relevant and necessary information to designated officers and employees of agencies, offices and other establishments in all branches of the Federal Government for:

(a) conducting suitability or security investigations,

(b) classifying jobs,

(c) hiring or retaining employees,

(d) evaluating qualifications, suitability and loyalty to the United States Government,

(e) granting access to classified information or restricted areas,

(f) letting a contract, issuing a license, grant, or other benefit, or

(g) providing a service performed under a contract or other agreement.

9. To disclose information to the appropriate Federal, State, local, tribal, foreign or other public authority responsible for investigating, prosecuting, enforcing or implementing a statute, rule, regulation or order when OPM–FIS becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation.

10. To disclose information to a congressional office in response to an inquiry made on behalf of an individual. Information will only be released to a congressional office if OPM receives a notarized authorization or signed statement under 28 U.S.C. 1746 from the subject of the investigation.

11. To disclose information to approved university officials to view resumes of their participating students to ensure the accuracy of the student's resume. RNO information will not be released to university officials.

12. To disclose information to approved agency officials to obtain names and resumes of participating students available for employment. RNO information will not be released to hiring officials.

POLICIES AND PRACTICES OF STORING, RETRIEVING, SAFEGUARDING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

SFS maintains these records in an electronic database.

RETRIEVABILITY:

Records in SFS may be retrieved by name and email address.

SAFEGUARDS:

OPM has adopted appropriate administrative, technical, and physical controls in accordance with its Automated Information Systems Security Program to protect information in the SFS database. OPM restricts access to all of these records to only those OPM employees who are SFS Program Staff and authorized ADMIN Module Users.

RETENTION AND DISPOSAL:

Records associated with individuals maintained in the SFS database records are retained for up to ten years after the last activity associated with an individual record; and then archived and provided on request to the National Science Foundation under the agreement between OPM and the NSF for the operation of the SFS Program.

The SFS Program has furnished the proposed schedule to the OPM Records Management Office to enable them to proceed with the process of establishing a Records Retention Schedule with NARA.

SYSTEM MANAGER AND ADDRESS:

Associate Director, Human Resources Solutions, Office of Personnel Management, Room 4351, 1900 E Street NW., Washington, DC 20415–4000.

NOTIFICATION AND RECORD ACCESS PROCEDURE:

Individuals wishing to determine whether this system of records contains information about them may do so by writing to FOIA, OPM, ATTN: Trina Porter, FOIA Officer, 1900 E Street NW.,

Room 5415, Washington, DC 20415–7900.

Individuals must furnish the following information for their records to be located:

1. Full name.

2. Date and place of birth.

3. Social security number.

4. Signature.

5. Available information regarding the type of information requested.

6. The reason why the individual believes this system contains information about him/her.

7. The address to which the information should be sent.

Individuals requesting access must also comply with OPM's Privacy Act regulations regarding verification of identity and access to records (5 CFR part 297).

CONTESTING RECORD PROCEDURE:

Individuals wishing to request amendment of records about them should write to Kathryn Roberson, Manager, SFS, 200 Granby Street, Suite 500, Norfolk, VA, 23510–1886 and furnish the following information for their records to be located:

1. Full name.

2. Date and place of birth.

3. Social Security Number.

4. Signature.

5. Precise identification of the information to be amended.

1.

Individuals requesting amendment must also follow OPM's Privacy Act regulations regarding verification of identity and amendment to records (5 CFR part 297).

RECORD SOURCE CATEGORIES:

Information in this system of records is obtained from:

1. The individual to whom the information applies.

2. Authorized officials from participating agencies or academic institutions

SYSTEM EXEMPTIONS:

None.

[FR Doc. 2014–16952 Filed 7–17–14; 8:45 am]

BILLING CODE 6325–38–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72605; File No. SR–Phlx–2014–44]

Self-Regulatory Organizations; NASDAQ OMX PHLX LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Delay the Implementation of a Recent Proposal Relating to Joint Back Office Participants

July 14, 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 July 1, 2014, NASDAQ OMX PHLX LLC (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I and II, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to [sic] proposal [sic] to delay the implementation of a recent proposal to assess joint back office (''JBO'')[3] participants pricing the same as Broker-Dealers[4] and require JBO participants to utilize a new origin code to identify JBO orders.

The Exchange proposes that the proposal become operative on September 1, 2014.

The text of the proposed rule change is available on the Exchange's Web site at *http://nasdaqomxphlx.cchwallstreet.com/*, at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to delay the implementation of a recent proposal[5] to introduce a new origin code in the Exchange's Pricing Schedule which will be used to indicate orders for a JBO account to be cleared into the Firm[6] range at The Options Clearing Corporation (''OCC'') for purposes of pricing only. In addition, the proposal assessed fees and paid rebates to JBO Orders the same as Broker-Dealers, and applied a certain fee cap. The Exchange initially indicated that the proposal would be implemented on July 1, 2014. At this time, in light of feedback from a market participant, the Exchange seeks to be able to implement these changes on September 1, 2014. Some participants may be ready to use the new indicator July 1 and may do so (although it will not be used by the Exchange until September 1), but participants will not be *required* to use the new indicator until September 1, which is also when the new fees will apply.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act[7] in general, and furthers the objectives of Section 6(b)(5) of the Act[8] in particular, in that it is designed to 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, because delaying the implementation of the JBO origin code requirement and attendant fees should permit participants to use the additional time

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] A JBO participant is a member, member organization or non-member organization that maintains a JBO arrangement with a clearing broker-dealer (''JBO Broker'') subject to the requirements of Regulation T Section 220.7 of the Federal Reserve System. *See also* Exchange Rule 703.

[4] The term ''Broker-Dealer'' applies to any transaction which is not subject to any of the other transaction fees applicable within a particular category.

[5] *See* Securities Exchange Act Release No. 72094 (May 5, 2014), 79 FR 26787 (May 9, 2014) (SR–Phlx–2014–28).

[6] The term ''Firm'' applies to any transaction that is identified by a member or member organization for clearing in the Firm range at OCC.

[7] 15 U.S.C. 78f(b).

[8] 15 U.S.C. 78f(b)(5).

to prepare for compliance with this requirement.

The Exchange believes that market participants will benefit from the additional time to implement the proper technical changes to comply with the requirements associated with marking JBO Orders with a new origin code, which should, in turn, enable JBO participants to continue to participate in the Phlx options market.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The Exchange is allowing participants additional time to comply with a new origin code and attendant fees, which will apply to all JBOs (member and non-member) in a similar manner on September 1, 2014.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the 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 if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [9] and Rule 19b–4(f)(6)(iii) thereunder.[10]

The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest because it will allow additional time for market participants to implement technology changes necessary to comply with the new origin code and attendant fees. For this reason, the Commission waives the operative delay and designates the proposed rule change to be operative upon filing.[11]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–Phlx–2014–44 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–Phlx–2014–44. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal offices of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–Phlx–2014–44, and should be submitted on or before August 8, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–16888 Filed 7–17–14; 8:45 am]

BILLING CODE 8011–01–P

[9] 15 U.S.C. 78s(b)(3)(A).

[10] 17 CFR 240.19b–4(f)(6)(iii). As required under Rule 19b–4(f)(6)(iii), the Exchange provided the Commission with written notice of its intent to file the proposed rule change, along with a brief description and the text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission.

[11] For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[12] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72603; File No. SR–Phlx–2014–24]

Self-Regulatory Organizations; NASDAQ OMX PHLX LLC; Order Approving a Proposed Rule Change and Amendment No. 1 Thereto To Modify the Order Execution Algorithm of NASDAQ OMX PSX

July 14, 2014.

I. Introduction

On May 13, 2014, NASDAQ OMX PHLX LLC (''Exchange'' or ''Phlx'') 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 proposal to modify the order execution algorithm of Phlx's NASDAQ OMX PSX facility (''PSX''). The Exchange filed Amendment No. 1 to the proposed rule change on May 16, 2014.[3] The proposed rule, as amended, was published for comment in the **Federal Register** on May 30, 2014.[4] The Commission received no comments on the proposal. This order approves the proposed rule change.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] In Amendment No. 1, the Exchange corrected figures in both the filing and the proposed rule text for price and share amounts used in examples of the proposed execution algorithms.

[4] *See* Securities Exchange Act Release No. 72250 (May 23, 2014), 79 FR 31147 (May 30, 2014) (''Notice'').

II. Description of the Proposed Rule Change

PSX currently uses a price/time model for the execution of incoming orders against orders resting on the PSX book.[5] Phlx now proposes to adopt a system under which a security may trade using one of three execution algorithms: (1) The current price/time model (''Price/Time Algorithm''), (2) a pro rata algorithm based on the price and size of posted orders, with allocations made on a pro rata basis among orders with similar price and display characteristics (''Pro Rata Algorithm''), or (3) a variation of the Pro Rata Algorithm that awards a minimum 40% allocation of an incoming executable order to the displayed order that establishes the best price (''Price-Setting Variation'').[6]

A. Price/Time Algorithm

Phlx is not proposing to alter the operation of the price/time algorithm for those securities to which it currently applies, although it is modifying the applicable rule text in certain respects to improve its clarity. Under the Price/Time Algorithm, PSX executes trading interest in the following manner:

- Price—Better priced trading interest is executed ahead of inferior-priced trading interest.
- Display—Displayed Quotes/Orders[7] at a particular price are executed in time priority among such interest.
- Non-Displayed Interest—Non-Displayed Orders[8] and the reserve portion of Quotes and Reserve Orders[9] (collectively, ''Non-Displayed Interest'') at a particular price are executed in time priority among such interest.

B. Pro Rata Algorithm

Under the pro rata algorithm, PSX will execute trading interest in the following order:[10]

- Price—Better priced trading interest is executed ahead of inferior-priced trading interest.
- Display—Displayed Orders at a particular price with a size of at least one round lot will be executed ahead of Displayed Orders with a size of less than one round lot, Non-Displayed Interest with a size of at least one round lot, Minimum Quantity Orders,[11] and Non-Displayed Interest with a size of less than one round lot.
- Allocation to Displayed Orders with a Size of One Round Lot or More—As among equally priced Displayed Orders with a size of at least one round lot, PSX will allocate portions of incoming executable orders to displayed trading interest pro rata based on the size of the Displayed Orders, rounding down to the nearest round lot.
- Next, portions of an order that would be executed in a size other than a round lot if they were allocated on a pro rata basis will be allocated for execution against available displayed trading interest, one round lot at a time, in the order of the displayed size (measured at the time when the pro rata allocation began) of the trading interest at that price (largest to smallest), or, as among orders with an equal size, based on time priority. Incoming orders with a size of less than one round lot will be allocated against available displayed trading interest in the order of the size of trading interest at that price (largest to smallest), or, as among orders with an equal size, based on time priority.
- Displayed Odd-Lot Orders—As among equally priced Displayed Orders with a size of less than one round lot, PSX will allocate incoming orders against available trading interest in the order of the size of the trading interest at that price (largest to smallest), or, as among orders with an equal size, based on time priority.
- Non-Displayed Interest with a Size of One Round Lot or More—As among equally priced Non-Displayed Interest with a size of at least one round lot (excluding Minimum Quantity Orders), PSX will allocate portions of incoming executable orders to Non-Displayed Interest pro rata based on the size of Non-Displayed Interest, rounding down to the nearest round lot. Next, portions of an order that would be executed in a size other than a round lot if they were allocated on a pro rata basis will be allocated for execution against available Non-Displayed Interest, one round lot at a time, in the order of the size (measured at the time when the pro rata allocation began) of the trading interest at that price (largest to smallest), or, as among orders with an equal size, based on time priority. Incoming orders with a size of less than one round lot will be allocated against available Non-Displayed Interest in the order of the size of trading interest at that price (largest to smallest), or, as among orders with an equal size, based on time priority.
- Minimum Quantity Orders—As among equally priced Minimum Quantity Orders, PSX will allocate incoming executable orders to Minimum Quantity Orders in the ascending order of the size of the minimum quantity conditions assigned to the orders. Thus, an order with a minimum quantity condition of 300 shares will be filled before an order with a minimum quantity condition of 400 shares. If there are two or more Minimum Quantity Orders with an equal minimum quantity condition, PSX will determine the order of execution based on time priority.
- Non-Displayed Odd-Lot Orders—As among equally priced Non-Displayed Interest with a size of less than one round lot, PSX will allocate incoming orders based on the size of the Non-Displayed Interest, in the order of the size of the trading interest at that price (largest to smallest), or, as among orders with an equal size, based on time priority.

C. Price-Setting Variation

For any security that trades under the Pro Rata Algorithm, Phlx may adopt a variation of the algorithm that guarantees a specified percentage allocation for an order that sets the best price on PSX under certain conditions. According to Phlx, the goal of the variation would be to increase the extent to which market participants commit capital to display significant size at a price that narrows the spread, thereby enhancing price discovery and transparency. The ''Guaranteed Percentage'' for all securities subject to this variation will be 40%.[12]

When this variation of the Pro Rata Algorithm is employed, a Displayed Order with a size of at least one round lot that establishes the best price in PSX when it is entered will be a ''Price-Setting Order'' if such order is executed; provided, however, that a better priced order will become the Price-Setting Order if it is executed. The allocation to the Price-Setting Order will be the

[5] *See* Securities Exchange Act Release No. 69452 (April 25, 2013), 78 FR 25512 (May 1, 2013) (SR–Phlx–2013–24). Phlx launched PSX in 2010 with an order execution algorithm that allocated executions of incoming orders to orders on the PSX book based on the price and size of posted orders. *See* Securities Exchange Act Release No. 62877 (September 9, 2010), 75 FR 56633 (September 16, 2010) (SR–Phlx–2010–79).

[6] *Id.* at 31148.

[7] Phlx Rule 3301(e)(2) defines a Displayed Order as one that is designated for display on an anonymous basis in PSX's order display service.

[8] Phlx Rule 3301(e)(3) defines a Non-Displayed Order as a limit order that is not displayed in the PSX system, but remains available for potential execution against all incoming orders.

[9] Phlx Rule 3301(f)(2) defines a Reserve Order as a limit order that has both a round-lot displayed size as well as an additional non-displayed share amount.

[10] For examples of the Pro Rata Algorithm, please *see* Phlx Rule 3307(b)(2)(A).

[11] Phlx Rule 3301(f)(5) defines a Minimum Quantity Order as an order that will not execute unless a specified minimum quantity of shares can be obtained.

[12] If Phlx determines to change the Guaranteed Percentage, it will file a proposed rule change to do so.

greater of the Guaranteed Percentage or the allocation that the order would otherwise receive under the pro rata algorithm.[13]

If the Price-Setting Order receives an allocation greater than the Guaranteed Percentage, the remainder of the order will be allocated to other displayed trading interest in the manner provided for Displayed Orders when the variation for Price-Setting Orders is not in effect (as provided in Rule 3307(b)(2)(A)). If the Price-Setting Order receives the Guaranteed Percentage, PSX will then allocate round lot portions of the incoming order that are not allocated to the Price-Setting Order to other displayed trading interest pro rata based on the size of such Displayed Orders (excluding the Price-Setting Order), rounding down to the nearest round lot. Next, portions of an order that would be executed in a size other than a round lot if they were allocated on a pro rata basis will be allocated for execution against available displayed trading interest (excluding the Price-Setting Order), one round lot at a time, in the order of the displayed size (measured at the time when the pro rata allocation began) of the trading interest at that price (largest to smallest), or, as among orders with an equal size, based on time priority. In the case of incoming orders with a size of less than one round lot, the Price-Setting Order will receive the Guaranteed Percentage of the order, and the remainder of the order will be allocated to available displayed trading interest in the order of the size of displayed trading interest at that price (largest to smallest), or, as among orders with an equal size, based on time priority.

D. Selection of Applicable Algorithm and Notice to Member Organizations

The algorithm applicable to a particular security will be selected by the President of the Exchange or another officer of the Exchange designated by the President, and will be listed on a publicly available Web site. The Exchange will notify member organizations of changes in the algorithm applicable to a particular security through a notice that is widely disseminated at least one month in advance of the change. In selecting the applicable algorithm, the Exchange will conduct ongoing assessments of the depth of liquidity made available by member organizations in particular stocks, with the goal of maximizing the displayed size, minimizing the quoted spread, and increasing the extent of PSX's time at the national best bid and best offer. Factors to be considered for each security would include the size of member organizations' quotes, the amount of time that PSX is at the national best bid and best offer, PSX's market share, and observed changes in volume, average execution size, and average order size. The Exchange represents that it would examine these factors and consider adjusting the algorithm applicable to a security if it concluded that improvements in the security's performance on PSX might result.

The Exchange states that it expects that immediately following the implementation of this proposed rule change, most if not all securities will trade using the Price-Setting Variation, with the goal of increasing the size of displayed liquidity in PSX, but that adjustments would then be made based on the observed performance of the securities.

III. Discussion and Commission Findings

After careful review, the Commission finds that the Exchange's proposal, as modified by Amendment No. 1, is consistent with the requirements of Section 6 of the Act [14] and the rules and regulations thereunder applicable to a national securities exchange.[15] In particular, the Commission finds that the proposed rule change is consistent with the requirements of Section 6(b)(5) of the Act,[16] which requires, among other things, that the Exchange's rules be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. The Commission notes that the proposal will provide additional execution algorithms on PSX, which should provide PSX Participants with additional choices with regard to their execution needs and strategies.

The Commission notes that the Price-Time Algorithm is the prevailing execution algorithm for the exchange trading of cash equity securities. The Commission has previously determined price-time execution algorithms to be consistent with the Act.[17]

The Commission further believes that PSX's Pro Rata Algorithm may encourage participants to display greater size on PSX.[18] This in turn could facilitate a more efficient execution of larger orders and foster best execution and price discovery. Accordingly, the Commission believes that the Pro Rata Algorithm proposed by PHLX is consistent with the Act.

With respect to the Price-Setting Variation, the Exchange proposes that the allocation to the Price-Setting Order will be the greater of 40% (the Guaranteed Percentage) or the percentage that the order would otherwise be allocated under the Pro Rata algorithm.[19] The Commission notes that, with respect to the options exchanges, the Commission has approved a 40% trade participation right as consistent with the Act.[20] The Price-Setting Order is designed to reward aggressive quoting by PSX Participants by granting such PSX Participants a Guaranteed Percentage. The Commission believes that the proposed priority provision for the Price-Setting Order constitutes an appropriate approach, consistent with the Act, for incentivizing and rewarding market participants who quote aggressively to set the Exchange BBO.

Finally, the Commission notes that the rule sets forth the criteria for selection of an execution algorithm for a particular security and provides timely public notice to PSX Participants of any changes to the execution algorithm. The Commission notes that the algorithm applicable to a particular security will be selected by the

[13] For examples of the Price-Setting Variation to the Pro Rata Algorithm, please *see* Phlx Rule 3307(b)(2)(B).

[14] 15 U.S.C. 78(f).

[15] In approving this proposed rule change, the Commission notes that it has considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

[16] 15 U.S.C. 78f(b)(5).

[17] *See, e.g.,* Securities Exchange Act Release No. 54155 (July 14, 2006), 71 FR 41291 (July 20, 2006) (SR–NASDAQ–2006–001); Securities Exchange Act Release No. 59154 (December 23, 2008), 73 FR 80468 (December 31, 2008) (SR–BSE–2008–48).

[18] The Commission notes that when it originally approved Phlx's proposal to establish PSX, the execution algorithm for PSX allocated executions of incoming orders to orders on the PSX book based on the price and size of posted orders, rather than price and time, with allocations made on a pro rata basis among orders with similar price and display characteristics. *See* Securities Exchange Act Release No. 62877, *supra* note 5.

[19] The proposed rule is also similar to NYSE Rule 72(a), which provides priority to a bid or offer that is established as the only displayable bid or offer made at a particular price (and such bid or offer is the only displayable interest when such price is or becomes the Exchange BBO (the ''setting interest'')).

[20] *See, e.g.,* Securities Exchange Act Release No. 47628 (April 3, 2003), 68 FR 17697 (April 10, 2003) (approving proposal by the Chicago Board Options Exchange, Inc. to establish rules for CBOEdirect trading system); Securities Exchange Act Release No. 50819 (December 8, 2004), 69 FR 75093 (December 15, 2004) (approving proposal by the International Securities Exchange, LLC to establish the Price Improvement Mechanism).

Exchange and listed on a publicly available Web site, at least one month in advance of the change.

IV. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[21] that the proposed rule change (SR–Phlx–2014–24) be, and it hereby is, approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[22]

Kevin M. O'Neill,

Deputy Secretary .

[FR Doc. 2014–16887 Filed 7–17–14; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[File No. 500–1]

Alaska Gold Corp., Blaze Energy Corp., Call Now, Inc., Hunt Global Resources, Inc., Imperial Petroleum Recovery Corporation, Metropolitan Mines Corporation, Limited, and SulphCo, Inc.; Order of Suspension of Trading

July 16, 2014.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Alaska Gold Corp. because it has not filed any periodic reports since the period ended February 29, 2012.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Blaze Energy Corp. because it has not filed any periodic reports since the period ended September 30, 2013.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Call Now, Inc. because it has not filed any periodic reports since the period ended June 30, 2011.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Hunt Global Resources, Inc. because it has not filed any periodic reports since the period ended March 31, 2012.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Imperial Petroleum Recovery Corporation because it has not filed any periodic reports since the period ended October 31, 2011.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Metropolitan Mines Corporation, Limited because it has not filed any periodic reports since the period ended May 31, 1997.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of SulphCo, Inc. because it has not filed any periodic reports since the period ended June 30, 2011.

The Commission is of the opinion that the public interest and the protection of investors require a suspension of trading in the securities of the above-listed companies. Therefore, it is ordered, pursuant to Section 12(k) of the Securities Exchange Act of 1934, that trading in the securities of the above-listed companies is suspended for the period from 9:30 a.m. EDT on July 16, 2014, through 11:59 p.m. EDT on July 29, 2014.

By the Commission.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2014–17035 Filed 7–16–14; 11:15 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

In the Matter of: Natural Blue Resources, Inc., File No. 500–1; Order of Suspension of Trading

July 16, 2014.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Natural Blue Resources, Inc. because it has not filed any periodic reports since the period ended September 30, 2010.

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 company.

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 company is suspended for the period from 9:30 a.m. EDT, on July 16, 2014, through 11:59 p.m. EDT, on July 29, 2014.

By the Commission.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2014–17036 Filed 7–16–14; 4:15 pm]

BILLING CODE 8011–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #14045 and #14046]

Iowa Disaster # IA–00058

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a notice of an Administrative declaration of a disaster for the State of IOWA dated 07/10/2014.

Incident: Severe Storms, Flooding, Straight-Line Winds and Tornadoes.

Incident Period: 06/14/2014 through 06/23/2014.

Effective Date: 07/10/2014.

Physical Loan Application Deadline Date: 09/08/2014.

Economic Injury (EIDL) Loan Application Deadline Date: 04/08/2015.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration Processing, and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the Administrator's disaster declaration, applications for disaster loans may be filed at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Lyon; Sioux.

Contiguous Counties:

Iowa: Cherokee; Obrien; Osceola; Plymouth.

Minnesota: Nobles; Rock.

South Dakota: Lincoln; Minnehaha; Union.

The Interest Rates are:

	Percent
For Physical Damage:	
Homeowners With Credit Available Elsewhere	4.375
Homeowners Without Credit Available Elsewhere Businesses With Credit Available Elsewhere	2.188
Businesses Without Credit Available Elsewhere	6.000
Non-Profit Organizations With Credit Available Elsewhere	4.000
Non-Profit Organizations Without Credit Available Elsewhere	2.625
For Economic Injury:	
Businesses & Small Agricultural Cooperatives Without Credit Available Elsewhere	4.000

[21] 15 U.S.C. 78s(b)(2).

[22] 17 CFR 200.30–3(a)(12).

	Percent
Non-Profit Organizations Without Credit Available Elsewhere	2.625

The number assigned to this disaster for physical damage is 14045 B and for economic injury is 14046 0.

The States which received an EIDL Declaration # are Iowa, Minnesota, South Dakota.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

Dated: July 10, 2014.

Maria Contreras-Sweet,

Administrator.

[FR Doc. 2014–16877 Filed 7–17–14; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #14047 and #14048]

New York Disaster #NY–00148

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for Public Assistance Only for the State of New York (FEMA–4180–DR), dated 07/08/2014.

Incident: Severe Storms and Flooding.

Incident Period: 05/13/2014 through 05/22/2014.

Effective Date: 07/08/2014.

Physical Loan Application Deadline Date: 09/08/2014.

Economic Injury (EIDL) Loan Application Deadline Date: 04/06/2015.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: Alan Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the President's major disaster declaration on 07/08/2014, Private Non-Profit organizations that provide essential services of governmental nature may file disaster loan applications at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Allegany; Cattaraugus; Chautauqua; Delaware; Herkimer; Lewis; Livingston; Ontario; Otsego; Steuben; Yates.

The Interest Rates are:

	Percent
For Physical Damage:	
Non-Profit Organizations With Credit Available Elsewhere	2.625
Non-Profit Organizations Without Credit Available Elsewhere	2.625
For Economic Injury:	
Non-Profit Organizations Without Credit Available Elsewhere	2.625

The number assigned to this disaster for physical damage is 14047B and for economic injury is 14048B.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

James E. Rivera,

Associate Administrator for Disaster Assistance

Joseph P. Loddo,

Acting Associate Administrator, for Disaster Assistance.

[FR Doc. 2014–16851 Filed 7–17–14; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #13971 and #13972]

Florida Disaster Number FL–00100

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 3.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for the State of Florida (FEMA–4177–DR), dated 05/06/2014.

Incident: Severe Storms, Tornadoes, Straight-line Winds, and Flooding.

Incident Period: 04/28/2014 through 05/06/2014.

Effective Date: 07/02/2014.

Physical Loan Application Deadline Date: 07/21/2014.

EIDL Loan Application Deadline Date: 02/06/2015.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for the State of Florida, dated 05/06/2014 is hereby amended to extend the deadline for filing applications for physical damages as a result of this disaster to 07/21/2014.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

Joseph P. Loddo,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. 2014–16852 Filed 7–17–14; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

Regulatory Fairness Hearing; Region VIII—Colorado Springs, Colorado

AGENCY: U.S. Small Business Administration (SBA).

ACTION: Notice of Open Hearing of Region VIII Small Business Owners in Colorado Springs, CO.

SUMMARY: The SBA, Office of the National Ombudsman is issuing this notice to announce the location, date and time of the Colorado Springs, Colorado (CO) Regulatory Fairness Hearing. This hearing is open to the public.

DATES: The hearing will be held on Thursday, August 14, 2014, from 11:30 a.m. to 2:00 p.m. (MST).

ADDRESSES: The meeting will be at the Pikes Peak Workforce Center, El Paso County Citizens Service Center Building, 1675 Garden of the Gods Road, Colorado Springs, CO 80907.

SUPPLEMENTARY INFORMATION: Pursuant to the Small Business Regulatory Enforcement Fairness Act (Pub. L.104–121), Sec. 222, SBA announces the meeting for Small Business Owners, Business Organizations, Trade Associations, Chambers of Commerce and related organizations serving small business concerns to report experiences regarding unfair or excessive Federal regulatory enforcement issues affecting their members.

FOR FURTHER INFORMATION CONTACT: The hearing is open to the public; however, advance notice of attendance is requested. Anyone wishing to attend and/or make a presentation at the Colorado Springs, CO hearing must contact Niles Friedman by August 8, 2014, in writing, by fax or email in order to be placed on the agenda. For further information, please contact Niles Friedman, Senior Advisor to the National Ombudsman, Office of the National Ombudsman, 409 3rd Street SW., Suite 7125, Washington, DC 20416, by email at *niles.friedman@sba.gov,* by

phone at (202) 205–2417 or by fax (202) 481–5719. Additionally, if you need accommodations because of a disability, or require additional information, please contact José Méndez by phone at (202) 205–6178 or email at *jose.mendez@sba.gov.*

For more information on the Office of the National Ombudsman, see our Web site at *www.sba.gov/ombudsman.*

Sincerely,

Dated: July 14, 2014.

Diana Doukas,

SBA Committee Management Officer.

[FR Doc. 2014–16879 Filed 7–17–14; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF STATE

[Public Notice 8798]

Culturally Significant Objects Imported for Exhibition Determinations: The Plains Indians: Artists of Earth and Sky'' Exhibition

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236–3 of August 28, 2000 (and, as appropriate, Delegation of Authority No. 257 of April 15, 2003), I hereby determine that the objects to be included in the exhibition ''The Plains Indians: Artists of Earth and Sky,'' imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to loan agreements with the foreign owners or custodians. I also determine that the exhibition or display of the exhibit objects at The Nelson-Atkins Museum of Art, Kansas City, MO, from on or about September 19, 2014, until on or about January 11, 2015; The Metropolitan Museum of Art, New York, NY, from on or about March 2, 2015, until on or about May 10, 2015, and at possible additional exhibitions or venues yet to be determined, is in the national interest. I have ordered that Public Notice of these Determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of the exhibit objects, contact Julie Simpson, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6467). The mailing address is U.S. Department of State, SA–5, L/PD, Fifth Floor (Suite 5H03), Washington, DC 20522–0505.

Dated: July 14, 2014.

Kelly Keiderling,

Principal Deputy Assistant Secretary, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2014–16957 Filed 7–17–14; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. FD 35789]

Pacific Harbor Line, Inc.—Lease and Operation Exemption—Union Pacific Railroad Company

AGENCY: Surface Transportation Board.

ACTION: Correction to Notice of Exemption.

On May 23, 2014, notice of the above exemption was served and published in the **Federal Register** (79 FR 29,839). The exemption became effective on June 29, 2014. In a letter received on May 27, 2014, Pacific Harbor Line, Inc. (PHL) advised the Board that the last sentence in the third paragraph that reads: ''PHL states that, under the terms of the lease, UP will retain the exclusive common carrier obligation to provide service over the line,'' was incorrectly stated.

PHL requests that a notice be published in the **Federal Register** clarifying that the lease between PHL and UP grants operating rights to PHL limited to: (1) The pick-up and set-out and handling of rail cars being moved in switch service by PHL on behalf of UP; and (2) switching and storage of rail cars (including without limitation spotting and picking up loaded and empty rail cars at customers that can be served from the line). According to PHL, all such services performed by PHL over the line shall be exclusively for UP and the customers served on the line and that UP will retain the exclusive common carrier obligation to handle other types of traffic on the line. PHL also states that the lease does not contain an interchange commitment with respect to the operations that PHL has the common carrier obligation to perform. All other information in the notice is correct.

Board decisions and notices are available on our Web site at ''*WWW.STB.DOT.GOV*.''

Decided: July 14, 2014.

By the Board,

Rachel D. Campbell,

Director, Office of Proceedings.

Raina S. White,

Clearance Clerk.

[FR Doc. 2014–16961 Filed 7–17–14; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. FD 35845]

Union Pacific Railroad Company—Temporary Trackage Rights Exemption—BNSF Railway Company

BNSF Railway Company (BNSF), pursuant to a written trackage rights agreement dated June 25, 2014, has agreed to grant overhead temporary trackage rights to Union Pacific Railroad Company (UP), over approximately 691.5 miles of rail line extending between milepost 0.0 (near Houston, Tex.) and milepost 335.7 (near Amarillo, Tex.) on BNSF's Mykawa, Galveston, Lampasas, Slaton, Plainview, and Hereford subdivisions.[1] The trackage rights are granted for the sole purpose of allowing UP to bridge its train service while UP's main lines are impacted due to the Tower 55 construction project in Ft. Worth, Tex.

The transaction may be consummated on or after August 1, 2014, and the temporary trackage rights are scheduled to expire on September 30, 2014.

As a condition to this exemption, any employees affected by the acquisition of the temporary trackage rights will be protected by the conditions imposed in *Norfolk and Western Railway—Trackage Rights—Burlington Northern, Inc.,* 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Railway—Lease and Operate—California Western Railroad,* 360 I.C.C. 653 (1980), and any employees affected by the discontinuance of those trackage rights will be protected by the conditions set out in *Oregon Short Line Railroad—Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho,* 360 I.C.C. 91 (1979).

This notice is filed under 49 CFR 1180.2(d)(8). If it 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

[1] UP states that the temporary trackage rights cross several BNSF subdivisions and the beginning and ending mileposts therefore do not equal 691.5 miles. UP submitted a map displaying the route between the beginning and ending mileposts.

a petition to revoke will not automatically stay the effectiveness of the exemption. Petitions for stay must be filed no later than July 25, 2014 (at least 7 days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to Docket No. FD 35845, 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 Jeremy M. Berman, 1400 Douglas St., Union Pacific Railroad Company, STOP 1580, Omaha, NE 68179.

Board decisions and notices are available on our Web site at ''*WWW.STB.DOT.GOV*.''

Decided: July 14, 2014.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

Raina S. White,

Clearance Clerk.

[FR Doc. 2014–16878 Filed 7–17–14; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Unblocking of One Entity Pursuant to Executive Order 13224

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The Treasury Department's Office of Foreign Assets Control (''OFAC'') is removing the name of one entity, whose property and interests in property have been blocked pending investigation pursuant to Executive Order 13224 of September 23, 2001, Blocking Property and Prohibiting Transactions With Persons Who Commit, Threaten To Commit, or Support Terrorism, from the list of Specially Designated Nationals and Blocked Persons (''SDN List'').

DATES: The removal of this entity from the SDN List is effective as of July 11, 2014.

FOR FURTHER INFORMATION CONTACT: Assistant Director, Compliance Outreach & Implementation, Office of Foreign Assets Control, Department of the Treasury, Washington, DC 20220, tel.: 202/622–2490.

SUPPLEMENTARY INFORMATION:

Electronic and Facsimile Availability

The SDN List and additional information concerning OFAC are available from OFAC's Web site (*www.treasury.gov/ofac*). Certain general information pertaining to OFAC's sanctions programs also is available via facsimile through a 24-hour fax-on-demand service, tel.: 202/622–0077.

Background

On September 23, 2001, the President issued Executive Order 13224 (the ''Order'') pursuant to the International Emergency Economic Powers Act, 50 U.S.C. 1701–1706 (''IEEPA''), and the United Nations Participation Act of 1945 (''UNPA''), 22 U.S.C. 287c, imposing economic sanctions on persons who commit, threaten to commit, or support acts of terrorism. The President identified in the Annex to the Order various individuals and entities as subject to the economic sanctions. The Order authorizes the Secretary of the Treasury, in consultation with the Secretary of State, the Attorney General, and (pursuant to Executive Order 13284) the Secretary of the Department of Homeland Security, to designate additional persons or entities determined to meet certain criteria set forth in Executive Order 13224. The Order further authorizes the Secretary of the Treasury, in consultation with the Secretary of State, the Attorney General, and the Secretary of the Department of Homeland Security to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to the President by IEEPA and UNPA as may be necessary to carry out the purposes of the Order.

The Department of the Treasury's Office of Foreign Assets Control has determined that this entity should be removed from the SDN List.

The following name is removed from the SDN List:

Entity

1. KINDHEARTS FOR CHARITABLE HUMANITARIAN DEVELOPMENT, INC., P.O. Box 23310, Toledo, OH 43623; 3450 West Central Avenue, #366, Toledo, OH 43606; P.O. Box 1248, Gaza, Palestinian; Ramallah, West Bank, Palestinian; Jenin, West Bank, Palestinian; Mar Elyas Street, Hiba Center, 1st Floor, Beirut, Lebanon; Pakistan [BPI–PA].

The removal of this entity from the SDN List is effective as of July 11, 2014. All property and interests in property of the entity that are in or hereafter come within the United States or the possession or control of United States persons are now unblocked.

Dated: July 11, 2014.

Barbara C. Hammerle,

Acting Director, Office of Foreign Assets Control.

[FR Doc. 2014–16913 Filed 7–17–14; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Regulation Project

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)). The IRS is soliciting comments concerning information collection requirements related to Sale of Residence From Qualified Personal Residence Trust.

DATES: Written comments should be received on or before September 16, 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 this regulation should be directed to Sara Covington, Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224, or through the internet at *Sara.L.Covington@irs.gov*.

SUPPLEMENTARY INFORMATION:

Title: Sale of Residence From Qualified Personal Residence Trust.

OMB Number: 1545–1485.

Regulation Project Number: T.D. 8743

Abstract: Internal Revenue Code section 2702(a)(3) provides special favorable valuation rules for valuing the gift of a personal residence trust. Regulation section 25.2702–5(a)(2) provides that if the trust fails to comply with the requirements contained in the regulations, the trust will be treated as complying if a statement is attached to the gift tax return reporting the gift stating that a proceeding has been commenced to reform the instrument to comply with the requirements of the regulations.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households.

Estimated Number of Respondents: 200.

Estimated Time per Respondent: 3 hours, 7 min.

Estimated Total Annual Burden Hours: 625 hours.

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: July 14, 2014.

R. Joseph Durbala,

IRS Reports Clearance Officer.

[FR Doc. 2014–16945 Filed 7–17–14; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Regulation Project

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, the requirements for reducing the rate of future benefit accrual.

DATES: Written comments should be received on or before September 16, 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 additional information or copies of the regulations should be directed to Martha R. Brinson, Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224, or through the Internet at *Martha.R.Brinson@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Notice of Significant Reduction in the Rate of Future Benefit Accrual.

OMB Number: 1545–1780.

Regulation Project Number: TD 9052 (as amended by TD 9472).

Abstract: This document contains final regulations providing guidance relating to the application of the section 204(h) notice requirements to a pension plan amendment that is permitted to reduce benefits accrued before the plan amendment's applicable amendment date. These regulations also reflect certain amendments made to the section 204(h) notice requirements by the Pension Protection Act of 2006. These final regulations generally affect sponsors, administrators, participants, and beneficiaries of pension plans.

Current Actions: There are no changes being made to this existing regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Businesses or other for-profit organizations.

Estimated Number of Respondents: 4,000.

Estimated Time per Respondent: 10 hours.

Estimated Total Annual Burden Hours: 40,000.

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: July 14, 2014.

R. Joseph Durbala,

IRS Reports Clearance Officer.

[FR Doc. 2014–16953 Filed 7–17–14; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Regulation Project

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)). The IRS is soliciting comments concerning information collection requirements related to deductions and reductions in earnings and profits (or accumulated profits) with respect to certain foreign deferred compensation plans maintained by certain foreign corporations or by foreign branches of domestic corporations.

DATES: Written comments should be received on or before September 16, 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 additional information or copies of this regulation should be directed to Sara Covington, at Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224, or through the Internet, at *Sara.L.Covington@irs.gov*.

SUPPLEMENTARY INFORMATION:

Title: Deductions and Reductions In Earnings and Profits (or Accumulated Profits) With Respect to Certain Foreign Deferred Compensation Plans Maintained by Certain Foreign Corporations or by Foreign Branches of Domestic Corporations.

OMB Number: 1545–1393.

Regulation Project Number: EE–14–81.

Abstract: The regulation provides guidance regarding the limitations on deductions and adjustments to earnings and profits (or accumulated profits) for certain foreign deferred compensation plans. The information required by the regulation will be used by the IRS to administer section 404A of the Internal Revenue Code and to accurately determine the correct deductions and reductions in earnings and profits attributable to deferred compensation plans maintained by foreign subsidiaries and foreign branches of domestic corporations.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 1,250.

Estimated Time per Respondent: 508 hours.

Estimated Total Annual Burden Hours: 634,450.

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: July 14, 2014.

R. Joseph Durbala,

IRS Reports Clearance Officer.

[FR Doc. 2014–16946 Filed 7–17–14; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF VETERANS AFFAIRS

Solicitation of Nominations for Appointment to the Advisory Committee on Cemeteries and Memorials

ACTION: Notice.

SUMMARY: The Department of Veterans Affairs (VA), National Cemetery Administration (NCA), is seeking nominations of qualified candidates to be considered for appointment as a member of the Advisory Committee on Cemeteries and Memorials (herein-after in this section referred to as ''the Committee''). In accordance with Public Law 93–43, there shall be appointed by the Secretary an Advisory Committee on Cemeteries and Memorials. The Secretary shall advise and consult with the Committee from time to time with respect to the administration of the cemeteries for which the Secretary is responsible. Nominations of qualified candidates are being sought to fill upcoming vacancies on the Committee.

DATES: Nominations for membership on the Committee must be received no later than 5:00 p.m. EST on August 15, 2014.

ADDRESSES: All nominations should be mailed to National Cemetery Administration, Department of Veterans Affairs, 810 Vermont Ave. NW., (43A2), Washington, DC 20420, or faxed to (202) 632–7910.

FOR FURTHER INFORMATION CONTACT: Mr. Michael Nacincik, National Cemetery Administration, Department of Veterans Affairs, 810 Vermont Ave. NW., (43A2), Washington, DC 20420, telephone (202) 632–8013. A copy of Committee charter and list of the current membership can be obtained by contacting Mr. Nacincik or by accessing the Web site managed by NCA at: *http://www.cem.va.gov/cem/about/advisory_committee.asp*.

SUPPLEMENTARY INFORMATION: Appointed by the Secretary, the Advisory Committee on Cemeteries and Memorials (ACCM) was established under Public Law 93–43, June 18, 1973) Title 38 United States Code, Section 2401. The Committee consists of veterans who represent diversity and are recognized authorities in fields pertinent to the needs of Veterans they embody. Diversity group member means an individual who is Asian American, Black, Hispanic, Native American (including American Indian, Alaska Native, and Native Hawaiian), or Pacific Islander American. The Committee responsibilities include:

(1) Advising the Secretary and Congress on VA's administration on burial benefits and the selection of cemetery sites, the erection of appropriate memorials, and the adequacy of Federal burial benefits;

(2) Providing to Congress an annual report outlining recommendations, concerns, and observations on VA's delivery of services to Veterans;

(3) Meeting with VA officials, Veteran Service Organizations, and other stakeholders to access the Department's efforts in providing burial benefits and outreach to Veterans and their dependents.

Management and support services for the Committee are provided by NCA.

Nominations: NCA is requesting nominations for upcoming vacancies on the Committee. The Committee is currently composed of 11 members, in addition to ex-officio members. This announcement is seeking nominations of Committee members. The members of the Committee are appointed by the Secretary of Veteran Affairs from the general public, including:

(1) Veterans or other individuals who are recognized authorities in fields pertinent to the needs of Veterans;

(2) Veterans who have experience in a military theater of operations;

(3) Recently separated veterans.

The Secretary shall determine the number, terms of service, and pay and allowances of members of the Committee appointed by the Secretary, except that a term of service of any such member may not exceed four years. The Secretary may reappoint any such member for additional terms of service.

Required Professional Qualifications: Nominees should meet all of the

following criteria to be eligible for consideration.

(1) Must be diverse in your professional and personal qualifications;

(2) Must have experience in military service and military deployments;

(3) Is currently working with veterans;

(4) Committee subject matter expertise;

(5) Have experience working in large and complex organizations;

(6) Must identify your Branch of Service and Rank;

(7) Must identify your Race and Ethnicity to ensure balance of membership.

Desirable Qualifications:

Requirements for Nomination Submission: Nominations should be type written (one nomination per nominator). Nomination package should include: (1) A letter of nomination that clearly states the name and affiliation of the nominee, the basis for the nomination (i.e. specific attributes which qualify the nominee for service in this capacity), and a statement from the nominee indicating the willingness to serve as a member of the Committee; (2) the nominee's contact information, including name, mailing address, telephone numbers, and email address; (3) the nominee's curriculum vitae; and (4) a summary of the nominee's experience and qualifications relative to the *required professional qualifications* criteria listed above.

Individuals selected for appointment to the Committee shall be invited to serve a two-year term. Committee members will receive a stipend for attending Committee meetings, including per diem and reimbursement for travel expenses incurred.

The Department makes every effort to ensure that the membership of VA federal advisory committees is fairly balanced in terms of points of view represented and the Committee's function. Every effort is made to ensure that a broad representation of geographic areas, males and females, racial and ethnic minority groups, and the disabled are given consideration for membership on VA federal advisory committees. Appointment to this Committee shall be made without discrimination because of a person's race, color, religion, sex, national origin, age, disability, or genetic information. Nominations must state that the nominee is willing to serve as a member of the Committee and appears to have no conflict of interest that would preclude membership. An ethics review is conducted for each selected nominee.

Dated: July 15, 2014.

Jelessa Burney,

Federal Advisory Committee Management Officer.

[FR Doc. 2014–16929 Filed 7–17–14; 8:45 am]

BILLING CODE P

FEDERAL REGISTER

Vol. 79 Friday,
No. 138 July 18, 2014

Part II

Environmental Protection Agency

40 CFR Part 80
RFS Renewable Identification Number (RIN) Quality Assurance Program; Final Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 80

[EPA–HQ–OAR–2012–0621; FRL–9906–55–OAR]

RIN 2060–AR72

RFS Renewable Identification Number (RIN) Quality Assurance Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: Under the Renewable Fuel Standard (RFS) program, producers and importers of renewable fuel generate Renewable Identification Numbers (RINs) that are used by petroleum refiners and importers to demonstrate compliance with their renewable fuel volume obligations. Several cases of fraudulently generated RINs, however, led to inefficiencies and a significant reduction in the overall liquidity in the RIN market, resulting in greater difficulty for smaller renewable fuel producers to sell their RINs. Today's action finalizes additional regulatory provisions that are intended to assure reasonable oversight of RIN generation and promote greater liquidity in the RIN market, which in turn helps ensure the use of the required renewable fuel volumes. The rule includes a voluntary quality assurance program and related provisions intended to meet these goals. The program also includes elements designed to make it possible to verify the validity of RINs from the beginning of 2013. Additionally, we are finalizing a number of new regulatory provisions to ensure that RINs are retired for all renewable fuel that is exported and to address RINs that become invalid downstream of a renewable fuel producer.

DATES: The provisions of this regulatory action become effective September 16, 2014. The incorporation by reference of certain publications listed in the rule is approved by the Director of the Federal Register as of September 16, 2014.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–HQ–OAR–2012–0621. All documents in the docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy at the Air and Radiation Docket and Information Center, EPA/DC, EPA 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 Air Docket is (202) 566–1742.

FOR FURTHER INFORMATION CONTACT: Deborah Adler-Reed, Office of Transportation and Air Quality, Compliance Division, Environmental Protection Agency, 2000 Traverwood Drive, Ann Arbor, MI 48105; Telephone number: 734–214–4223; Fax number: 734–214–4051; Email address: *adlerreed.deborah@epa.gov,* or the information line for the Office of Transportation and Air Quality Compliance Division; telephone number (734) 214–4343; Email address *complianceinfo@epa.gov.*

SUPPLEMENTARY INFORMATION:

Does this action apply to me?

Entities potentially affected by this final rule are those involved with the production, distribution, and sale of transportation fuels, including gasoline and diesel fuel or renewable fuels such as ethanol and biodiesel. Potentially regulated categories include:

Category	NAICS [1] codes	SIC [2] codes	Examples of potentially regulated entities
Industry	324110	2911	Petroleum Refineries.
Industry	325193	2869	Ethyl alcohol manufacturing.
Industry	325199	2869	Other basic organic chemical manufacturing.
Industry	424690	5169	Chemical and allied products merchant wholesalers.
Industry	424710	5171	Petroleum bulk stations and terminals.
Industry	424720	5172	Petroleum and petroleum products merchant wholesalers.
Industry	454319	5989	Other fuel dealers.

[1] North American Industry Classification System (NAICS).
[2] Standard Industrial Classification (SIC) system code.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be regulated by this action. This table lists the types of entities that the EPA is now aware could be regulated by this action. Other types of entities not listed in the table could also be regulated. To determine whether your activities would be regulated by this action, you should carefully examine the applicability criteria in 40 CFR part 80. If you have any questions regarding the applicability of this action to a particular entity, consult the EPA contact person listed in the preceding section.

Outline of This Preamble

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VII. Statutory Authority

I. Executive Summary

The Renewable Fuel Standard (RFS) program began in 2006 pursuant to the requirements in Clean Air Act (CAA) section 211(o) which were added through the Energy Policy Act of 2005 (EPAct). The statutory requirements for the RFS program were subsequently modified through the Energy Independence and Security Act of 2007 (EISA), resulting in the publication of major revisions to the regulatory requirements on March 26, 2010.[1]

The RFS program requires that specified volumes of renewable fuel be used as transportation fuel, home heating oil, or jet fuel each year. To accomplish this, the EPA publishes applicable percentage standards annually that apply to the sum of all gasoline and diesel produced or imported into the United States. The percentage standards are set so that if every obligated party (refiners and importers of gasoline or diesel transportation fuel) meets the percentages, then the amount of renewable fuel, cellulosic biofuel, biomass-based diesel, and advanced biofuel used are projected to meet the volumes required on a nationwide basis.

Obligated parties demonstrate compliance with the renewable fuel volume standards in one of two ways. Obligated parties can demonstrate compliance either by acquiring the required volumes of renewable fuels together with the associated Renewable Identification Numbers (RINs), which are assigned by the renewable fuel producer or importer to every batch of renewable fuel produced or imported, or by acquiring just the RINs without the associated fuel. Validly generated RINs show that a certain volume of qualifying renewable fuel was produced or imported. The RFS program also includes provisions stipulating the conditions under which RINs are invalid, the liability carried by a party that transfers or uses an invalid RIN, and how invalid RINs must be treated. In general, all regulated parties are liable for transferring or using invalid RINs. As a result, all regulated parties are responsible to take the steps they deem appropriate to verify that the RINs they acquire are valid. This is generally referred to as a ''buyer beware'' approach to RIN validity for the obligated parties.

[1] 75 FR 14670.

A. Purpose of This Final Action

Several cases of fraudulently generated RINs in the last few years[2] led some obligated parties to limit their RIN purchases to renewable fuel produced by those parties that they are confident are generating valid RINs. In order to ensure that RINs are validly generated, individual obligated parties began conducting their own audits of renewable fuel production facilities. The time and effort to conduct such activities, as well as the large overall number of renewable fuel producers and importers, resulted in greater difficulty for some of the smallest renewable fuel producers to sell their RINs. Initially, the overall liquidity of the RIN market was significantly reduced. These circumstances also created inefficiencies in the RIN market, as some RINs have been treated as having more value and less risk than others. The purpose of today's final action is to address these issues by finalizing changes to the regulations that assure reasonable oversight of the validity of RIN generation, promote greater liquidity in the RIN market, and assure the use of the required renewable fuel volumes.

In today's final action we are finalizing a voluntary quality assurance program intended to provide regulated parties a structured way to ensure that RINs entering commerce are valid. The program provides an affirmative defense against liability for civil violations under certain conditions for the transfer or use of invalidly generated RINs, and specifies both the conditions under which invalid RINs must be replaced with valid RINs, and by whom. Quality assurance programs enable smaller renewable fuel producers to demonstrate that their RINs are valid, reducing the risk that obligated parties believe is associated with such RINs. We are finalizing, consistent with the proposal, provisions applicable to RINs generated in 2013 through December 31, 2014.

In today's final action, in consideration of comments received on the notice of proposed rulemaking (NPRM),[3] we are also addressing export issues and circumstances in which RINs may become invalid subsequent to the renewable fuel producer's introduction of the RINs into commerce. For instance, exporters of renewable fuel

[2] The EPA's Criminal Investigation Division and Office of Civil Enforcement issued three Notices of Violation in 2011–2012 which helped lead to criminal convictions against the fraudulent actors. EPA continues to vigilantly investigate cases of potential generation of fraudulently generated RINs as they arise.

[3] 78 FR 12158, February 21, 2013.

may not have been retiring an appropriate number and type of RINs as required under the current regulations. In some cases parties may have exported diesel fuel containing amounts of biodiesel below levels that are currently required to be reported in other contexts, and are merely labeled as diesel fuel. Such exports would not have been reported as containing renewable fuel, and thus no RINs would have been retired. In other cases, exporters may have reported that renewable fuel had been exported, but might sell any RINs received and then go out of business before RINs are retired. The result of these circumstances could be a disparity between the RINs generated and the renewable fuel volume consumed in the U.S. We are finalizing modifications to the regulations pertaining to exporters of renewable fuel to address these issues. We are also finalizing a number of other modifications intended to address cases in which parties transfer or use RINs that have become invalid after the producer has introduced them into commerce.

B. Summary of Major Provisions

Today's final action includes a voluntary third-party quality assurance program option for RINs that regulated parties may exercise as a supplement to the ''buyer beware'' liability as prescribed under existing regulations. The program provides a means for ensuring that RINs are properly generated through audits of renewable fuel production conducted by independent third-parties using quality assurance plans (QAPs), provides an affirmative defense for the transfer or use of invalid RINs that had been verified under an approved QAP, defines the conditions when RINs must be replaced, and a process for determining who will replace the RINs.

For the interim period only, which runs from February 21, 2013 through December 31, 2014, we are finalizing both of the proposed QAP programs, QAP A and QAP B.

Beginning January 1, 2015, after the interim period is over, the program will consist of a single QAP, with its associated verified RINs referred to as Q–RINs. To this end, we are finalizing the following for the single QAP:

- Minimum requirements for a QAP, including such things as verification of feedstocks, verification that volumes produced are consistent with amount of feedstocks processed, and verification that RINs generated are appropriately categorized and match the volumes produced
- Qualifications for independent third-party auditors
- Requirements for audits of renewable fuel production facilities, including minimum frequency, site visits, review of records, and reporting
- Conditions under which a regulated party could assert an affirmative defense to civil liability for transferring or using an invalid RIN
- Identification of the party or parties who are responsible for replacing invalid RINs with valid RINs and the timing of such replacement
- A two percent limited exemption for calendar years 2014, 2015, and 2016 that exempts a small fraction of a party's Renewable Volume Obligation (RVO) from the requirement of replacement of invalid RINs used for compliance if they were RINs verified through a QAP
- Changes to the EPA Moderated Transaction System (EMTS) that would accommodate the quality assurance program

We are finalizing certain provisions exclusive to QAP A in the interim period, such as the RIN replacement mechanism that provides for invalid A–RINs to be replaced, the RIN replacement cap for auditor replacement of invalid A–RINs, and the elements of an affirmative defense specific to A–RINs. Additionally, we are finalizing provisions exclusive to QAP B in the interim period, such as the elements of an affirmative defense specific to B–RINs, and a two percent limited exemption for B–RINs for calendar years 2013 and 2014.

We are also finalizing modifications to the exporter provisions of the RFS program. These modifications will help ensure that an appropriate number and type of RINs are retired whenever renewable fuel is exported. Finally, we are finalizing a number of changes to other aspects of the RFS regulations governing the transfer and use of RINs that become invalid downstream of the producer.

C. Impacts

We anticipate that the quality assurance program will help to reduce the number of invalidly generated RINs in distribution, and thus help ensure that valid RINs are traded and used for compliance. As a result, it will help to ensure that the renewable fuel volumes mandated by Congress are actually used. In this respect, then, there will be no change to the expected impacts of the RFS program as projected in the March 2010 RFS final rulemaking [4] in terms of volumes of renewable fuel consumed or the associated GHG or energy security benefits. The primary impacts of the quality assurance program will be improved liquidity and efficiency in today's RIN market and improved opportunities for smaller renewable fuel producers to sell their RINs.

Likewise, the changes to the regulations governing export of renewable fuel will ensure that the appropriate number and type of RINs are retired for every gallon of renewable fuel exported, consistent with the intent of the program.

The quality assurance program that we are finalizing in today's action will be voluntary. Even though the program is voluntary, there will likely be costs associated with an individual party's participation in the quality assurance program, and in Section IV we have provided estimates of some elements of the costs of participation. However, the fact that the quality assurance program will be voluntary means that a decision to participate will be made independently by each regulated party. Making the program voluntary allows the regulated parties to choose whether any costs incurred by participating will be less than the current costs in the marketplace resulting from efforts to verify, acquire, trade, and use RINs and the risk of buying fraudulent RINs associated with such activities. Although we cannot say that the voluntary QAP provisions will reduce the cost of the RFS program, we expect that parties will only choose to use these voluntary provisions if they believe doing so will reduce their risk of purchasing fraudulent RINs and possibly save them money when compared to the oversight actions they are currently implementing.

II. Description of the Regulatory Provisions for QAPs and Response to Comments Received

A. QAP Framework

1. Finalization of a Single QAP Option

The NPRM proposed two new compliance options (''Option A'' and ''Option B'') in addition to the existing ''buyer beware'' approach. Each of the two proposed options contained provisions for: A quality assurance plan (''QAP'') that would be created and applied by an independent third-party auditor to verify the validity of RIN generation; an affirmative defense to civil liability for transfer or use of a verified but invalidly generated RINs; identification of the party responsible for replacement of verified but invalidly generated RINs, and limitations on the extent of that responsibility. Under both options, verification under an EPA-

[4] 75 FR 14670, March 26, 2010.

approved QAP would provide the basis for the defense to civil liability for any prohibited acts premised on the RIN's invalidly generated status. In today's rule, we are finalizing a single QAP closely resembling the proposed Option B, with its associated verified RINs referred to as Q–RINs. Option A and Option B are only being finalized with respect to interim period RINs, which are addressed in section II.B of this preamble.

Under the proposal for Option A, the QAP requirements were very stringent, requiring for example continuous monitoring of renewable fuel production facilities and documentation of RIN generation. Also under Option A, the QAP auditor would be responsible for replacing any invalidly generated RINs it had verified, if the RIN generator itself failed to replace. The auditor's liability for replacement would be capped at two percent of the A–RINs it had verified in that compliance year and the previous four compliance years, and the auditor would be required to maintain a RIN replacement mechanism capable of immediately replacing any invalid RINs up to the amount of the auditor's potential liability at any given point in time. Under Option B, the QAP requirements were less stringent, requiring quarterly site monitoring and document review, among other features. Also under Option B, the obligated party bore the responsibility to retire or (if already transfered or retired for compliance) to replace any invalidly generated B–RINs, but only if the number of such invalid RINs exceeded two percent of the obligated party's RVO for the compliance year in which the invalid RINs were generated. A major difference between Option A and Option B, then, was the identification of and parameters for the replacement of RINs that were invalidly generated but nonetheless verified under an EPA-approved QAP. Under Option A, the replacement responsibility rested on the QAP auditor, effectively eliminating any risk of replacing invalid verified RINs for the obligated party, while under option B, the obligated party bore the risk of having to replace invalid verified RINs if the quantity of such RINs was greater than two percent of its RVO. There were also some important differences in the requirements of the audit program.

During the period between publication of the NPRM and this final rulemaking, the EPA worked with a number of potential QAP auditors as they developed proposals for their QAPs and began implementation of their auditing services. To facilitate the verification of RINs generated in 2013 prior to the final rule's effective date, the EPA developed an informal pre-registration process. The EPA reviewed auditors' registration information and proposed QAPs, and provided guidance on whether the plans appeared to satisfy the proposed requirements. The EPA identified those auditors whose submissions were consistent with the requirements in the proposed regulations as part of this informal pre-registration process. RINs audited prior to the effective date of the final rule through a QAP which the EPA had informally pre-registered could be informally verified by the auditor, but they would only be formally verified after the final rule goes into effect, and after the EPA approved the QAP that was used in the audit process. Several auditors made use of this informal process.

Based on these ongoing interactions, the EPA collected significant data on the potential utility and feasibility of both Option A and Option B QAPs. For many auditors, a major barrier to development of an Option A QAP was the expense and risk associated with establishment and maintenance of an acceptable RIN replacement mechanism. The NPRM required, for instance, that the RIN replacement mechanism be outside of the sole operational control of the QAP auditor, requiring a third party's involvement and control. As discussed in the NPRM, many traditional forms of financial assurance would not be suitable for a RIN replacement mechanism and those that would fulfill the program requirements would likely be very expensive for auditors to maintain. These difficulties were clearly borne out in the experience of auditors attempting to set up Option A QAPs in the interim period. One of the informally pre-registered Option A QAP providers suggested that if a producer could not afford to have all its RINs audited as A–RINs, the same A–RIN protocols minus the RIN replacement mechanism should be counted as a B–RIN audit.[5] This comment underscores the significant expense associated with the RIN replacement mechanism and the auditors' perspective that many producers will not be able to utilize the Option A system simply because of this expense. In addition to the expense of the RIN replacement mechanism, one commenter also asserted that the RIN replacement mechanism could artificially skew demand for RINs and drive market prices up, if an auditor were to stockpile RINs (instead of a cash escrow) to fulfill the replacement mechanism requirement. Looking beyond the RIN replacement mechanism, the additional oversight and review required in QAP A also inflates the cost of providing Option A auditing services, when compared to the less onerous Option B QAP requirements. The challenge of installing a continuous monitoring system requires significant capital investment and ongoing time and financial resources.

Of the four auditors informally pre-registering Option A QAPs, only one actually used the Option A QAP to informally verify RINs in the interim period. Further, out of nearly 480 million RINs informally verified or pending informal verification through February 2014, less than 20 percent of them were Option A RINs (by the one informally pre-registered Option A auditor). This demonstrates a lower level of buy-in and lower utility of the Option A QAP when compared to the Option B QAP.

Most obligated party comments on Option A were consistent with auditors' experiences in attempting to set up the Option A QAPs. They asserted that given the increased stringency of the Option A auditing requirements and the replacement mechanism, the cost of these expenses would be passed through and reflected in the price of A–RINs. While A–RINs would indeed be seen as less risky than B–RINs or non-audited RINs, the decreased risk might not be worth the cost. Many commenters stated that the stringency of QAP B would be sufficient to guarantee the validity of audited RINs and the increased stringency of A was ''overly rigorous'' and not worth the additional expense.

Many small biodiesel producers also commented that they feared the Option A QAP would be too expensive for them to utilize. As discussed in the NPRM, the EPA hoped that the Option A QAP would improve liquidity for small producers on the RIN market, because the auditor replacement feature would eliminate any fear of a replacement obligation for RIN purchasers. Given the increased costs required to set up and run an Option A QAP program, however, many small producers do not expect they would be able to afford the cost of these services, even considering the speculative potential of increased value that A–RIN status might give to their RINs.

Given the difficulty experienced by auditors in setting up Option A QAPs, the apparent lack of use of the Option A QAP in the interim period, and the overwhelmingly negative comments regarding Option A by producers and obligated parties alike, we are not

[5] See docket document EPA–HQ–OAR–2012–0621–0040 at page 9.

finalizing Option A as a compliance alternative for use after the interim period.[6] Instead, we are finalizing a single QAP for use after the interim period that closely resembles the proposed Option B. The full description of the terms and conditions of this compliance program is found in sections II.A.2 and II.E of this preamble.

In addition to the issues raised by parties in comment, the EPA also considered the higher implementation costs for the Agency to administer both QAP A and QAP B. While this was not the Agency's primary consideration in reaching this decision we do note that directionally this decision will also reduce the cost to the government to implement and provide ongoing maintenance of and support for QAP A. Lastly, we would note that many of the financial features of QAP A can be offered through private contracts and financial instruments without the need for EPA involvement.

2. Description of the Affirmative Defense, Replacement Obligation, and Limited Exemption for the Single QAP

a. Affirmative Defense

Based on the reasoning and discussion detailed below, for the single QAP for use after the interim period (with its associated verified RINs referred to as Q–RINs), the Agency is finalizing an affirmative defense to civil liability for RIN owners like was proposed for QAP B in the NPRM, except for the notification element which we increased from one to five business days. See § 80.1473(e) of the regulations for more details.

The affirmative defense in this final rule will be modeled from the proposed affirmative defense for QAP B.[7] Note that there will be an affirmative defense for A–RINs and B–RINs informally verified during the interim period. See § 80.1473 (c) and (d) of the regulations for more details.

The affirmative defense will only be available to RIN owners for RINs that were verified by an independent third-party auditor using an EPA-approved QAP.

Additionally, it is our intent that the affirmative defenses will not be available to the generator of an invalid RIN. Since the quality assurance program will be voluntary, parties could still purchase RINs not verified by an EPA-approved QAP and transfer or use these unverified RINs, but they could not assert an affirmative defense if the RINs were found to be invalid, regardless of their level of good faith.

Once a RIN has been verified by the auditor, any person, other than the generator of the RIN, who transfers or uses that verified RIN will be eligible to assert an affirmative defense if the RIN was invalidly generated and the person then transferred it to another party or used it for compliance purposes. The QAPs will be designed to verify valid generation of RINs, and the assertion of an affirmative defense will be limited to the prohibited acts of transferring and using invalidly generated RINs. The affirmative defense addresses violations of 40 CFR 80.1460(b)(2) and the use violation of 40 CFR 80.1460(c)(1). 40 CFR 80.1460(b)(2) prohibits any person from transferring to any other person a RIN that is invalid. 40 CFR 80.1460(c)(1) provides that no person shall use invalid RINs to meet the person's RVO, or fail to acquire sufficient RINs to meet the person's RVO. The affirmative defense will apply to violations arising from a person's use of invalid RINs whether or not his/her use of the invalid RINs caused them to fail to acquire sufficient RINs to meet their RVOs.

We finalized new regulations in Section III.B to ensure that properly generated RINs cannot become invalid downstream of the RIN generator. It should again be noted that an affirmative defense is not available for a RIN that was not verified under an EPA-approved QAP. In other words, the ''buyer beware'' system as it exists under the current regulations will continue to be an option for obligated parties who do not wish to purchase RINs verified through a QAP.

When we proposed an affirmative defense in the NPRM, the Agency stated that the affirmative defense mechanism would allow any party, other than the generator of an invalid RIN, who holds invalidly generated RINs verified through a QAP to avoid civil liability for a prohibited act involving the transfer or use of invalid RINs for purposes of fulfilling an RVO. This approach is similar but not identical to the defense mechanisms used in other fuels regulation programs, such as the Diesel Fuel Sulfur Control regulations, 40 CFR 80.613(a), and the Reformulated Gasoline regulations, 40 CFR 80.79(b)(1). In order to establish this affirmative defense under the QAP, a party will be required to prove six elements by a preponderance of evidence. This means that each element was more likely than not to have been met. A person asserting an affirmative defense also must submit a written report to the EPA, along with any necessary supporting documentation, demonstrating that the elements have been met. The written report will need to be submitted within 30 days of the person discovering the invalidity of the RIN. An affirmative defense is a defense that precludes liability even if all of the elements of a claim are proven, and generally is asserted in an administrative or judicial enforcement proceeding. We have included an explicit reporting requirement to allow the EPA to evaluate affirmative defense claims before deciding whether or not to commence an enforcement action.

In the event that invalidly generated Q–RINs are transferred or used, the elements that must be established for an affirmative defense to the prohibited act of transferring or using the invalid Q–RINs for compliance with an RVO are as follows and are described in § 80.1473:

1. The RINs in question were verified in accordance with an EPA-approved QAP as defined in the EPA regulations in § 80.1469;

2. The RIN owner did not know or have reason to know that the RINs were invalidly generated at the time of transfer or use for compliance, unless the RIN generator replaced the RIN pursuant to § 80.1474;

3. The QAP provider or RIN owner informs the Agency via the EMTS technical support line (support@epamts-support.com) within five business days of discovering that the RINs in question were invalidly generated;

4. The RIN owner did not cause the invalidity;

5. The RIN owner did not have a financial interest in the company that generated the invalid RIN; and

6. If the RIN owner used the invalid RINs for compliance, the RIN owner adjusted its records, reports, and compliance calculations in which the invalid RIN was used as required by regulations (see § 80.1431), unless the RIN generator replaced the RIN pursuant to § 80.1474.

Further rationale for several of the elements required for asserting an affirmative defense are discussed in more depth below. In regard to element 2, owners of verified Q–RINs must not have known nor had reason to know of the invalidity of the RIN at the time they either transferred a RIN or used a RIN for compliance purposes unless the RIN generator had replaced the RIN per the

[6] As discussed in section II.C, Option A will be available for RINs generated during the interim period, as discussed at the proposal. This recognizes that there has been some informal use of this option during the interim period to date, even if limited. Finalizing Option A for just the interim period will avoid penalizing the parties who have informally verified RINs under this option to date, and the parties who have purchased such RINs.

[7] For more information regarding the rationale as to why an affirmative defense is being offered, please see the NPRM (78 FR 12176–12177 (February 21, 2013)).

regulations. See 40 CFR 80.1474. Since the obligated party has the replacement obligation under the QAP, it would not be appropriate for it to knowingly commit a prohibited act but still have an affirmative defense to civil liability. Similarly, we do not believe it would be appropriate to allow a RIN owner to transfer an invalid RIN to a third party if it knew the RIN was invalid. A transfer of the RIN with such knowledge would subvert the purpose of the quality assurance program, which is to help ensure the integrity of the RINs used for compliance purposes and to promote greater liquidity in the market. Knowing transfer of invalid RINs is inconsistent with these purposes. For these reasons, the owner of an invalid but verified Q–RIN cannot assert an affirmative defense if it knows or has reason to know of its invalidity at the time it transfers or uses the RIN for compliance purposes.

In regard to element 3, any party attempting to establish an affirmative defense will be required to inform the Agency within five business days of identifying that RINs were invalidly generated. This requirement should allow a reasonable and adequate amount of time for RIN owners to communicate this information internally first before communicating the discovery to the EPA while minimizing the amount of time available to capitalize on any incentives or financial advantages that might be gained from intentionally hiding invalidity or waiting to report. The Agency's primary goal to maintain and meet the annual RFS volume mandates would be frustrated by delayed reporting of invalidly generated RINs. The reporting requirement will therefore be both an element of good faith and a practical safeguard to meet the annual RFS volume mandates.

In regard to element 5, requiring that the RIN owner did not have any financial interest in the RIN generator's company ensures that the RIN owner did not receive and had no intention of receiving a financial benefit from the generation of invalid RINs. In regard to element 6, we have determined that the affirmative defense for Q–RINs should be contingent upon obligated parties taking the invalid Q–RINs out of the system or demonstrating that the producer implemented a remedial action [8] by retiring an equivalent number of replacement Q–RINs. This will help the Agency efficiently ensure that the environmental goals of the RFS program are achieved.

Finally, two requirements of an affirmative defense are that the RIN was verified under an approved QAP, element 1, and that the party did not cause the invalidity of the RIN in question, element 4.

The Agency did receive comments regarding the affirmative defense provision. All comments were supportive of including an affirmative defense to civil liability for RIN owners.

Some biofuel producers commented that the affirmative defense should be available to RIN generators as well because RINs may be generated improperly through no fault of the producer due to feedstock supplier issues as well as the general complexity of the regulations. The EPA is not extending the affirmative defense to RIN generators. The affirmative defense provides protection from civil liability in the event that RIN owners performed adequate oversight by way of implementing a QAP, yet a RIN was deemed invalid nonetheless. This is appropriate as the person who owns the RIN after it has been generated generally has no control over the actual production of the renewable fuel. Renewable fuel producers, however, have control over the actual production of fuel and are in a much better position to know if the RINs associated with that fuel are valid. With this greater control comes greater responsibility and the associated liability to ensure valid generation of the RINs. Renewable fuel producers still have remedial actions at their disposal to correct certain errors that occur in regard to RIN generation.

Some obligated parties commented that an affirmative defense should be available to unverified RINs as well. This would undermine efforts to minimize the generation of fraudulent RINs, of which the QAP program is an important element. The structured parameters of the QAP provide a framework for a specified degree of oversight of RIN generation by RIN owners when it comes to the RINs they purchase. The Agency defined this framework and determined that if this degree of oversight and the other elements of the affirmative defense are met, then an affirmative defense to RIN owners for RINs that have been verified through an Agency-designed system is appropriate. RINs outside of that system can be subjected to whatever degree of oversight the RIN owner may view as appropriate for their own risk management. It would not be appropriate to provide an affirmative defense to unverified RINs that do not meet the specified degree of oversight provided by the QAP, and have not gone through the process that the EPA has established for efficient administration of the affirmative defense. For example, auditors and their QAP plans must be approved by the EPA, and the EPA can monitor compliance by auditors with their responsibilities, providing confidence that the oversight will be implemented in practice. This does not occur outside of the RIN verification process established in this rule. It should be noted that the EPA considers a number of factors when deciding what action, if any, to take against a person who transfers or uses unverified invalid RINs.

Multiple commenters suggested that the EPA extend the timeframe to notify the Agency of discovery of a RIN that was invalidly generated. In element (3), the timeframe for notification was proposed to be within the next business day. The EPA agrees with extending the timeframe. The EPA acknowledges that it may take some time for a RIN owner to adequately communicate within its organizational structure that it is in possession of an invalid RIN. Therefore, the EPA is extending the notification timeframe to five business days. This should allow enough time for the corporate officers to be informed while providing prompt notification to the Agency to guard against any incentives for delaying reporting for illicit gains. There is an administrative process detailed in Section II.A.3 that deals with many of the concerns of commenters regarding whether a RIN is ''potentially'' invalid. Element (3) of the affirmative defense arises upon discovery that the RIN in possession has definitively been deemed ''invalid'' and it is then that the QAP provider or RIN owner must notify the Agency for the purposes of the affirmative defense. The QAP provider and renewable fuel producer still have the ability to correct any errors and/or perform a remedial action prior to the RIN being deemed ''invalid'' and the RIN owner being made aware of this fact.

b. Replacement Obligation for Invalid Q–RINs

Based on the discussion below and the comments received, the Agency is finalizing a QAP where invalid Q–RINs may not be used to demonstrate compliance with a Renewable Volume Obligation (RVO), just as invalid RINs may not be used under the current ''buyer beware'' program for unverified RINs. It should be noted that the Agency is also finalizing an administrative process for replacement of invalidly

[8] A remedial action is an action taken by a party to remedy certain specific RIN violations of the RFS2 regulations. See the following link to the RFS2 Remedial Action Guidance page of the EPA Web site for further information on remedial actions as well as specific instructions: *http://www.epa.gov/otaq/fuels/renewablefuels/compliancehelp/rfs2remedialactions.htm.*

generated RINs where the RIN generator is initially responsible for replacement of invalidly generated RINs. The administrative process details who has the responsibility to replace invalidly generated RINs and when those responsibilities begin. For RINs that have been retired for compliance, obligated parties must replace invalidly generated RINs when the RIN generator has not fulfilled their replacement obligation under the administrative process in order to remain in compliance. See § 80.1474 of the regulations for further details on the administrative process.

Regulated parties that purchase Q–RINs will not be subject to liability for a civil violation if a Q–RIN transferred or used for compliance purposes was later found to have been invalidly generated, if the elements of an affirmative defense were successfully asserted. See Section II.A.2.a. However, obligated parties will be responsible for replacing any invalidly generated Q–RINs used for compliance purposes. Obligated parties will be free to contract with producers, independent third-party auditors, or other parties, such as brokers, to limit their exposure for replacement of invalidly generated Q–RINs. Obligated parties will not be permitted to transfer or use Q–RINs they know or have reason to know have been invalidly generated. Any such transfer or use will be a prohibited act, pursuant to § 80.1460.

The QAP provides flexibility for obligated parties, producers, and third-party auditors to minimize the cost of verification services for RINs. Obligated parties that want the protection of an affirmative defense but would rather contract on their own terms regarding replacement of invalidly generated RINs should find this approach more flexible and appealing. Additionally, smaller producers could be drawn to this because the cost to participate in the quality assurance program under the QAP would be relatively small.

The Agency received comments from obligated parties and their trade associations that they should never have to replace invalid RINs that were a result of another party's malfeasance. The EPA is rejecting this approach, as retaining the replacement obligation is important to both ensure compliance with the renewable fuel volumes specified by Congress and to ensure that obligated parties take responsibility to make sure compliant fuel is purchased and introduced into commerce by either introducing compliant fuel themselves or by validating RIN integrity before buying RINs. QAP RIN replacement by obligated parties is meant to create the same ''buyer beware'' type of scrutiny of third-party auditor performance by obligated parties. By retaining the replacement obligation under the QAP, obligated parties have the incentive to provide significant robust oversight of the quality of third-party auditors, which in turn increases the likelihood of valid RINs and compliant fuel being introduced into the marketplace.

The Agency also received numerous comments mirroring the EPA's view on replacement obligation discussed above. Commenters noted that for the RFS program to properly function, the obligated parties needed to retain the obligation to replace invalid RINs, which would ensure that their individual RVOs would be met as well as the renewable fuel volumes specified by Congress.

c. Limited Exemption for Q–RINs

Based on the discussion below and the comments received, we are finalizing a two percent limited exemption for the QAP as was proposed for QAP B, except for the fact that it will only apply in calendar years 2014, 2015, and 2016.

The limited exemption exempts a small fraction of a party's RVO from the requirement for RIN replacement if QAP RINs up to the limit later turn out to be invalid. Given the perceived concerns about RINs generated by the smallest producers, a limited exemption, during the beginning of the program while auditors are learning to implement QAPs, could make obligated parties more willing to buy RINs from smaller, less well known biofuel producers. The limited exemption will be available only to obligated parties that are required to replace invalid RINs, not renewable fuel producers that are required to replace invalid RINs.

As described at proposal, we are setting the limit on the limited exemption for invalid Q–RIN replacement at two percent based on the uncertainty inherent in the gasoline/diesel production market as determined by comparing EIA's Short Term Energy Outlook projections versus actual production of the same year.[9] We have concluded this level of exemption is both rational relative to the uncertainty inherent in the standards process and sufficient to incentivize the use of QAPs.

The limited exemption will apply separately to each of the four standards under the RFS program: cellulosic biofuel; biomass-based diesel; advanced biofuel; and total renewable fuel.

The limited exemption will apply separately to each obligated party that is responsible for replacing invalid Q–RINs rather than to the industry as a whole. For instance, an obligated party would apply the two percent limited exemption to each of its four Renewable Volume Obligations (RVOs) to determine the number of Q–RINs of each of the four types that would not need to be replaced should they be found to be invalidly generated.

The limited exemption is a threshold below which invalid RINs will not be required to be replaced; it is not a trigger that determines when all invalid RINs must be replaced. Under this threshold approach, an obligated party will know at the beginning of each year that two percent of the RINs needed to meet each of its RVOs will not need to be replaced if those RINs were Q–RINs and were determined to be invalidly generated. Under this threshold approach, the number of Q–RINs that an obligated party will be required to replace will be those in excess of the applicable limited exemption (LE) as calculated. See § 80.1474(f) for more details on calculation of the limited exemption.

Finally, the limited exemption will be applicable for Q–RINs verified under the QAP during the calendar years of 2014, 2015, and 2016 of the quality assurance program. We think the limited exemption is an important incentive, but at the same time we also recognize it may reduce the total volume of renewable fuel produced under the program. As noted below, we intend to monitor the use of the provision during these years and will propose to extend its use in the future if we decide, based on the experience gained from 2014–2016, that the limited exemption, on balance, is valuable to the overall success of the RFS program.

Generally, obligated parties and small producers supported the limited exemption and its methodology. Other comments the Agency received regarding a limited exemption included: The limited exemption should apply to unverified RINs as well, and the limited exemption should be made permanent as the uncertainty it is based on will not cease after two years. The Agency did receive a comment from a producer trade association that said that the limited exemption exceeded the EPA's authority and would effectively be a waiver.

The Agency believes that it would not be appropriate to apply the limited exemption to RINs that are not verified by an EPA-approved independent auditor. The limited exemption for RIN

[9] For a more detailed description of the calculation of the 2% limited exemption, see the NPRM ((78 FR 12184–12187 (February 21, 2013)).

replacement is a useful component of the voluntary QAP process and other measures aimed at achieving a regulatory structure that facilitates reasonable oversight of RIN generation, adequate assurance that invalid RINs will be replaced, and a market for RINs where the opportunity to produce and sell RINs is spread broadly across producers, including small producers. Outside of the QAP program, the limited exemption does not facilitate any of the functions and benefits achieved by the QAP process. Outside the QAP program, obligated parties retain full discretion to conduct the oversight they deem appropriate, and to establish appropriate contract indemnification or other risk reduction measures. There is no clear reason that a limited exemption is needed under these circumstances to provide relief to obligated parties, and providing the limited exemption outside the QAP program would provide none of the benefits from facilitating the introduction period of the QAP program. Thus the EPA is not expanding the limited exemption outside of the QAP program.

Additionally, in response to making the limited exemption permanent, we expect regulated parties to be working to optimize implementation of the quality assurance program for several years. The limited exemption can help to ensure that the RIN market is more liquid as the program starts up. But as the program matures, we believe that there will be much less need for a limited exemption as obligated parties will gain experience in the first few years of the program with the QAP, and we would expect their confidence in the validity of Q–RINs to grow over this timeframe as well. Accordingly, the Agency sees the work needed by industry to optimize implementation of the QAP continuing for some time past the proposed 2014 sunset, but not permanently. The Agency is committed to monitoring the situation surrounding the limited exemption and its use. We will assess whether the provision is working as intended and whether it has encouraged the use of small producer RINs. We will evaluate based on the circumstances whether it is appropriate to extend the limited exemption past 2016. In response to the comment that the limited exemption exceeded the EPA's authority because it would effectively be a waiver, the Agency views implementing a limited exemption over several years as falling under the Agency's ability to use reasonable discretion to ensure that volume mandates are met. There remains an obligation on the renewable fuel producer to replace the RIN. A limited exemption will properly incentivize obligated parties to use the QAP, which in turn will increase the likelihood of valid RINs and compliant fuel being introduced into the marketplace. This is a reasonable way to ensure compliance with the volume mandates. It is not a waiver of a national volume or a waiver of the standards; instead it is a reasonable, temporary mechanism for determining compliance by an individual party with their individual RVO.

3. Administrative Process for Replacement of Invalidly Generated RINs

Based on the discussion below and the comments received, the Agency is finalizing the administrative process for replacement of invalidly generated RINs as proposed with minor changes and clarification. The Agency is changing the notification window from 24 hours to ''within five business days''. The Agency understands that identification may occur on a weekend, a holiday, or other period of time when the responsible corporate official is unavailable. This revision accounts for those situations where notification within 24 hours would not be practicable. Additionally, the Agency is clarifying that it is only asking for email notification of potentially invalid RINs (''PIRs'') via the EMTS support line (*support@epamts-support.com*), along with a brief initial explanation of why the RIN is believed to be a PIR. The Agency understands that resolution of the problem will take additional time in most instances, thus the requirement that the RIN generator has 30 days upon self-identification or notification by the QAP auditor of a PIR to take a corrective action, which still includes the remedial actions currently available to industry. See § 80.1474 of the regulations for details of the administrative process for replacement of invalid RINs.

The administrative process for replacement of invalid RINs places initial responsibility to replace invalidly generated RINs on the RIN generator responsible for causing the invalidity, regardless of who actually owns the invalid RINs at the time that the invalidity is discovered. In the event that the RIN generator does not replace the invalidly generated RINs according to the administrative process, the obligated party will be required to replace the invalid RINs if the RINs were verified under the QAP or were unverified. Thus, for invalidly generated RINs verified by a QAP and for unverified RINs, the obligated party who owns the RINs will bear the replacement responsibility. The administrative process for replacement of invalid RINs does not, in any way, limit the ability of the United States to exercise any other authority to bring an enforcement action under Section 211 of the Clean Air Act, or the fuels regulations at 40 CFR part 80. Thus, in the event that regulated parties fail to implement the administrative process for replacement of any RINs, the EPA could bring an enforcement action seeking injunctive relief and civil penalties against any or all of the parties that were required to replace the invalid RINs. The EPA understands obligated parties would retain the ability to contest the invalidity of RINs in any enforcement action commenced.

As an example, the process (fully detailed in the regulations in § 80.1474) for replacing invalidly generated RINs, whether Q–RINs or unverified, is outlined below. In general, verified potentially invalid RINs cannot be transferred or used for compliance purposes.

In the event that the EPA or the independent third-party auditor identifies a RIN that may have been invalidly generated, the RIN will be a PIR. The RIN generator will be required to take one of three possible corrective actions within 30 days of being notified of the PIR:

- If the RIN generator no longer has the PIR in its possession, it must retire a valid RIN of the same D-code as the PIR, either by purchasing it or by generating a new valid RIN and separating it from the physical volume it represents;
- If the RIN generator still has the PIR in its possession, it must retire the PIR; or
- If the RIN generator believes the PIR was in fact validly generated, it must submit a written demonstration providing a basis for its claim of validity to the third-party auditor and the EPA. If the third-party auditor determines that the demonstration is sufficient, the RIN will no longer be a PIR, and will not need to be replaced; however, the EPA will reserve the right to make a determination regarding the validity of the RIN. If the EPA determines that the demonstration is sufficient, the RIN will not need to be replaced. However, if the third-party auditor determines the demonstration is not sufficient and if the EPA confirms that determination, or if the EPA determines the demonstration is not sufficient, it will notify the RIN generator of that finding and again require the RIN generator to replace the invalid RIN within 30 days.

In order to allow a producer to replace a PIR with a new valid RIN from

renewable fuel that it has generated, we are finalizing a new provision in § 80.1429 that will permit producers to separate RINs from volume they produced for the specific purpose of retiring RINs to replace a PIR deemed invalid. If the RIN generator retired a valid RIN to replace a PIR deemed invalid, the invalid RIN that it replaced can continue to be transferred or used for compliance by any party. However, if the RIN generator for any reason failed to replace the PIR deemed invalid, the RIN owner will be notified of the failure and will be required to retire the invalid RIN within 60 days. If the PIR deemed invalid had already been used for compliance with its RVO, the obligated party will be required instead to correct its compliance reports by removing the invalid RINs from its reports and replacing the invalid RINs with valid RINs. Unless and until the PIR deemed invalid is replaced, either by the RIN generator or the obligated party, it will remain an invalid RIN and cannot be transferred or used for compliance purposes.

When an auditor or the EPA determines that a PIR is invalid, the RIN generator will be notified directly. At this point, the process of retiring an appropriate valid RIN will begin.

There will be two forms of invalid RIN replacement:

(1) If a party that is required to replace an invalid verified RIN owns the RIN in question, it may be retired through EMTS in the same way that invalid RINs under the current regulations are retired.

(2) If a party that is required to replace an invalid verified RIN does not own the RIN in question, or the RIN has already been used for compliance, the party will be required to acquire a valid RIN and retire it in place of the invalid RIN. In this case, since it will be a valid RIN that is being retired, a new retirement code reason has been created in EMTS for this purpose.

The Agency received multiple comments regarding one particular element of the administrative process for replacement of invalidly generated RINs. In the administrative process, RIN generators and independent third-party auditors are required to notify the EPA of their identification of PIRs within 24 hours. The commenters felt that 24-hour notice of PIRs to the EPA was too short of a window and did not allow sufficient time for proper investigation of the PIR and subsequent resolution of the problem. Commenters suggested being allowed anywhere between three and 30 days to notify the EPA of a PIR. The Agency's goal of this element is simply identification and notification of the PIR to the EPA, not resolution of the problem, if one exists, with the PIR. Therefore, the Agency is changing the notification window from 24 hours to ''within five business days''. The Agency understands that identification may occur on the weekend or holidays or while the responsible corporate official is unavailable. This revision accounts for those situations where notification within 24 hours would not be practicable.

Multiple commenters suggested that the administrative process should revolve around ''confirmed'' problems with RIN validity as opposed to ''potential'' problems with RIN validity. Commenters reasoned that if it applied to ''confirmed'' problems as opposed to ''potential'' problems, auditors and producers would have time to fix any associated problems and that many ''potential'' problems do not result in invalid RINs. The Agency is clarifying that it is only asking for email notification of PIRs via the EMTS support line, along with a brief initial explanation of why the RIN is believed to be a PIR. The goal of this element is simply identification and notification of the PIR to the EPA, not resolution of the problem, if one exists, with the PIR. The Agency understands that resolution of the problem will take additional time in most instances; thus the requirement that the RIN generator has 30 days upon identification or notification of a PIR to take a corrective action, which still includes the remedial actions currently available to industry. Additionally, only once the ''potential'' problem is ''confirmed'' and the RIN is invalid would the owner of that RIN be notified, so there will be no effect on liquidity in the market or any market disruptions for notifying the EPA of potential problems with RIN validity.

Additionally, the Agency originally proposed that an invalid verified RIN must be replaced by a valid verified RIN of the same D code. After receiving and reviewing several comments that any valid RIN, whether verified or unverified, should be able to replace an invalid verified RIN as long as they were of the same D code, the Agency agrees with this assessment. The purpose of replacement of invalid RINs is to ensure that a valid RIN has been retired in its stead to meet an RVO. The key is the validity of the RIN, not whether it was verified or not. Therefore, the Agency is finalizing that replacement of invalid verified RINs may be completed with either valid verified RINs of the same D code or valid unverified RINs of the same D code.

4. Producer Separation of RINs

We did not propose but requested comment on a regulatory change in which renewable fuel producers would be prohibited from separating RINs. Based on the discussion below and comments received, the Agency is keeping the separation provisions of the regulations as currently written, and producers will retain the ability to separate RINs under the limited circumstances specified in § 80.1429(b)(4).

Under the current regulations, RINs generally cannot be separated from the wet gallons they represent until the point of fuel blending or fuel purchase by an obligated party. However, a renewable fuel producer can separate RINs from their associated volumes of renewable fuel under the limited conditions specified in § 80.1429(b)(4), including where the fuel in question has been designated for a conforming use (i.e., for transportation fuel, heating oil or jet fuel) and is in fact used for such a conforming use, without further blending. In this circumstance, any owner of the RIN and associated gallon (including the producer of the fuel) may separate the RIN from the fuel. The intent of this provision was to avoid situations in which RINs were never separated from renewable fuel due to its use in neat form or some atypical blend.

In the fraud cases that occurred in 2011–2012, some registered biodiesel producers exploited this provision and generated, separated, and sold invalid RINs without an associated volume of renewable fuel. Some have argued that removing this option and prohibiting producers from separating RINs from the volumes they produce would reduce the ability of producers to generate fraudulent RINs without the knowledge of other parties in the RIN market.

While this mechanism might reduce the problem of producer fraud (of the type already seen), it would not eliminate the number of other ways invalid RINs could be generated at the point of production. Moreover, it could create new concerns, as legitimate cases of producers separating RINs from volume would be prohibited. This would only be a partial solution to the problem of fraud and invalid RIN production. We solicited comment on the benefits of producers' ability to separate RINs from wet gallons in the limited circumstances that are currently permitted, and whether these benefits outweigh the potential added risk of fraudulent RINs in the market.

The Agency received comments from obligated parties that removing producers' ability to separate RINs

would greatly reduce the ability of producers to generate fraudulent RINs. The Agency also received comments from producers, particularly small producers, as well as their trade associations, that the ability of small producers to separate RINs is vital to their livelihood. These comments stated that many of the gallons sold by small producers, particularly in local and regional markets, are sold to end-users who use the biodiesel directly and are not obligated parties under the RFS and do not want to be in the business of owning or selling RINs. These small producers often sell fuel directly to farmers or municipalities, and separate the RIN from the wet gallon so the buying party does not have to deal with the RIN. The producer comments also noted that allowing producers to separate RINs allows for easier compliance with the RFS volume requirements as the fuel can be used locally rather than shipped to obligated parties. The Agency agrees that allowing producers, particularly small producers, to separate RINs under certain circumstances is critical to their keeping their businesses viable.

The Agency notes that the percentage of RIN separations for neat use is extremely small when compared to the percentage of RIN separations by obligated parties and blenders. For example, through September 2013, for biomass-based diesel (D4 RINs), the percentage of RIN separations attributed to neat use was 1.7%, while the percentage of RIN separations attributed to obligated parties and blenders was 92.2%. Additionally, the implementation of QAPs will provide an added layer of scrutiny on producers to ensure they are producing actual gallons of fuel with the associated RINs. Overall, the EPA believes the benefits of continuing to allow producer separation of RINs under the conditions specified in the regulations outweighs the reduction in risk of invalid RIN generation.

B. Treatment of Interim Period RINs

In the proposed rulemaking, the EPA set forth guidelines for an informal ''pre-registration'' process to facilitate the development and implementation of QAPs in the interim period between publication of the NPRM and the final rule's effective date. The EPA reviewed auditors' registration information and proposed QAPs, and provided guidance on whether the plans appeared to satisfy the proposed requirements. The EPA identified those auditors whose submissions were consistent with the requirements in the proposed regulations as part of this informal pre-registration process. RINs audited prior to the effective date of the final rule through a QAP which the EPA had informally pre-registered could be informally verified by the auditor, but they would only be formally verified after the final rule goes into effect, and after the EPA approved the QAP that was used in the audit process. Several auditors made use of this informal process. The names of those auditors and QAPs whose submissions were consistent with the applicable requirements in the proposed regulations were published on the EPA's Web site (*http://www.epa.gov/otaq/fuels/renewablefuels/qap.htm*).

Furthermore, given the short time period of RIN generation at issue in the period between publication of the NPRM and the final rule's effective date and the desire to have QAP plans start up as quickly as possible, the EPA allowed auditors to verify RINs generated before the date the audit was completed. This ''retrospective'' RIN verification was only available prior to the effective date of the final rule, was only allowed for auditors whose QAPs were already in place and fully operational, and could only be performed once per producer. In other words, the one-time retrospective audit, if used, had to be completed prior to the effective date of the final rule. These limitations were intended to ensure that auditors were not inappropriately misusing this flexibility by doing all retrospective audits until the final rule's effective date. Instead, they were encouraged to get QAP-based audits up and running in their intended prospective form as soon as possible, while allowing reasonable flexibility to account for the start-up lag.

The EPA's review of proposed QAPs and the informal pre-registration process was not a final agency decision or approval of any auditor or QAP. The EPA's initial review of auditors' proposed QAPs provided guidance as to whether the EPA had any concerns about the plans and whether they were consistent with the requirements in the proposed regulations. Publication of the auditors' names and available QAPs was intended to provide useful information for outside parties who were evaluating the risk associated with RINs audited prior to the effective date of the final rule. The EPA's guidance or feedback to the auditors conferred no legal rights or privileges to the auditors, or to the production facilities and RINs they reviewed prior to the final rule's effective date.

Through this pre-registration process, the auditors began to market their QAP services and review RINs for purchasers, with a great deal of confidence that those RINs would receive all the benefits of QAP-verified RINs after the final rule became effective. We noted in the NPRM that if the requirements or structure of the QAP program should be altered in the final rule, we expected that RINs reviewed by auditors prior to the final rule according to the requirements set out in the NPRM would still be eligible for treatment as QAP-verified RINs.

Since publication of the NPRM, the EPA received and reviewed a number of QAP plans from prospective auditors and informally pre-registered six of them. These auditors have been developing a clientele of producers and RIN purchasers and applying their QAP procedures to RINs. The review and development of the proposed QAPs has been an iterative process between the EPA and the potential auditors. This process has been extremely useful both for the auditors in developing a QAP that is consistent with the NPRM's standards and also for the EPA in developing the final rule. Both QAP A and QAP B procedures were developed and applied to RINs during this period, with the vast majority being QAP B RINs.

As further discussed in section II.A.1 of this preamble, we are finalizing only a single QAP for use as of January 1, 2015, with RIN owners retaining replacement obligation for invalid verified RINs. However, any RINs audited and informally verified according to a QAP A or QAP B as proposed in the NPRM prior to the final rule's effective date will still receive the treatment proposed for QAP A or QAP B RINs in the NPRM if the auditor's registration and QAP are approved by the EPA after the final rule is effective. The EPA will review all pre-registered QAPs after the final rule's effective date and any RINs that were informally verified under a pre-registered QAP by a registered auditor will be treated consistently with the proposed provisions for A–RINs and B–RINs in the NPRM. Also, any RINs generated from the effective date of the final rule through December 31, 2014 that are audited and verified according to a registered QAP A or B will also receive the treatment proposed for QAP A or QAP B RINs in the NPRM. In other words, all RINs verified by a QAP that is registered as an A or B QAP after the effective date of the final rule and that are generated prior to January 1, 2015, are considered ''interim RINs'' because the ''interim period'' is defined as the period from publication of the NPRM through December 31, 2014. We determined that in order to facilitate a

smooth transition to EMTS and allow sufficient time for user testing and development, the interim period (in which auditors can continue to verify RINs according to an Option A or Option B QAP) would have to be extended beyond the effective date of the final rule. Auditors applying Option A and Option B QAPs will continue to maintain records of their activities and of RINs verified through their QAPs, just as they did in the period before the final rule's effective date. A–RINs and B–RINs will not be reflected in any way in EMTS reporting. If the EMTS system is capable of fully handling the ''tagging'' of RINs as Q–RINs prior to the end of the interim period, the EPA may offer auditors the opportunity to begin verifying RINs under the final ''Q–RIN'' protocol prior to January 1, 2015.

For A–RINs generated in the interim period, the applicable provisions, discussed further in section II.C of this preamble, include an affirmative defense to civil penalties for owners of invalid QAP-verified RINs who unknowingly transferred or retired the RINs for compliance with their RVOs. They also include the auditor's replacement responsibility for any invalid verified A–RINs that are not replaced by the producer up to a two percent cap, and the RIN owner's corresponding lack of replacement responsibility for those RINs. Auditors who verified these interim period A–RINs are obligated to maintain the replacement mechanism sufficient to meet their potential replacement responsibility, as set forth in the NPRM. Auditors who marketed and applied Option A QAP procedures during the interim period are not required to submit their QAP as an Option A QAP after the final rule, but may submit it as an Option B QAP. This may be preferable if, for instance, the auditor does not wish to maintain the replacement mechanism responsibility for the required 5 year period. The Option A QAP requirements set out in the NPRM were inclusive of all Option B requirements, so any QAP fulfilling the Option A requirements would also fulfill the Option B requirements.

RINs audited and informally verified according to a QAP B during the interim period will receive the treatment proposed for B–RINs in the NPRM, which is the same treatment proscribed generally for verified ''Q–RINs'' in the final rule. Once the EPA registers a QAP B auditor and approves their QAP, then any RINs that were informally verified during the interim period by that auditor using that QAP will be treated as QAP B verified RINs under the final rule, and will receive the benefits for QAP B verified RINs, including an affirmative defense to civil penalties for owners of invalid B–RINs who unknowingly transferred or retired the RINs for compliance with their RVOs. They also include a limited exemption for the RIN owner's obligation to replace up to two percent of the invalid verified RINs, if the producer does not replace them first. These provisions are further described in section II.D of this Preamble.

C. Provisions of RIN Verification Under QAP A During the Interim Period

Given that there will be only a single QAP finalized, the provisions and elements of QAP A that were proposed in the NPRM will be finalized for a QAP A used in the interim period. A number of comments were raised regarding QAP A which has led the Agency to not finalize it outside of the interim period. However, in considering those same comments for the interim period, we have concluded that it is appropriate to finalize QAP A as proposed since any benefits to changing QAP A in response to comments would not be outweighed by the significant complexity it would entail. This is especially true when considering parties have already implemented QAP A as proposed during the interim period. The discussion for why only a single QAP is being finalized is discussed in Section II.A.1.

We are finalizing the provisions of RIN verification under a QAP A used during the interim period as was proposed in the NPRM except for one element of the affirmative defense.[10] For consistency in affirmative defense elements of QAP A and the single QAP after the effective date of this final rule, the Agency is increasing the notification timeframe for QAP A from ''within 24 hours'' to ''within five business days'' as it did for the single QAP. A QAP A used during the interim period will include an affirmative defense (see § 80.1473(c) of the regulations), a RIN replacement mechanism held by the auditor (see § 80.1470(b) of the regulations), a cap on auditor replacement of invalid A–RINs (see § 80.1470(c) of the regulations), and a process for determining who will replace any invalid RINs (see § 80.1474 of the regulations).

With regard to the required RIN replacement mechanism, it must provide coverage for two percent of each D code of A–RINs verified by an auditor in the current year and (up to) the previous four years. For example, the RIN replacement mechanism for A–RINs verified during the interim period in 2013 should be capable of replacing those A–RINs until the end of 2017. Likewise, the RIN replacement mechanism for A–RINs verified during the interim period in 2014 should be capable of replacing those A–RINs until the end of 2018. Note that the interim period for verifying RINs under QAP A ends December 31, 2014. However, the RIN replacement mechanism must be capable of replacement of A–RINs until the aforementioned dates.

We also believe it is appropriate to cap the number of A–RINs that each auditor must replace at two percent of the A–RINs it has verified in the interim period. In other words, the RIN replacement cap should be equal to the minimum replacement coverage required for Option A auditors. Given that QAP A is only available during the interim period and will cease after December 31, 2014, the cap will apply to all A–RINs that have been verified by an auditor during the interim period.

D. Provisions of RIN Verification Under QAP B During the Interim Period

Given that there will be only a single, new QAP finalized after the interim period, the provisions and elements of QAP B that were proposed in the NPRM will be finalized for a QAP B used during the interim period. The majority of commenters did not address individual elements of QAP B, and were in favor of the affirmative defense and limited exemption provisions. For consistency in affirmative defense elements of QAP B and the single QAP after the effective date of this final rule, the Agency is increasing the notification timeframe for QAP B from ''within 24 hours'' to ''within five business days'' as it did for the single QAP. As a result, in the final rule, the Agency is finalizing a single new QAP that incorporates the majority of the characteristics of QAP B (there will be one additional verification component under RIN generation). The finalization of QAP B for the interim period reflects the fact that parties have already implemented QAP B as proposed during the interim period. The discussion for why only a single QAP is being finalized is discussed in Section II.A.1.

Again, we are finalizing the provisions of RIN verification under a QAP B used during the interim period as was proposed in the NPRM.[11] A QAP B used during the interim period will include an affirmative defense (see § 80.1473(d) of the regulations), a two percent limited exemption in calendar

[10] Please see 78 FR 12158 (February 21, 2013) for a detailed description of QAP A as proposed.

[11] Please see 78 FR 12158 (February 21, 2013) for a detailed description of QAP B as proposed.

years 2013 and 2014 (see § 80.1474(e) of the regulations), and a process for determining who will replace any invalid RINs (see § 80.1474 of the regulations).

E. Provisions for RIN Verification Under the QAP

1. Elements of the QAP

We are finalizing the elements for the QAP based on QAP B as proposed with one additional element. See Section II.E.1.c, RIN generation-related components, for this additional element. We are also removing the requirement that the production process is consistent with the D code being used. The existence of the element requiring that the production process is consistent with what is reported in EMTS (see Table II.D.1.b–1, element 2–1) renders it unnecessary. The QAP will be used by EPA-approved independent third-party auditors to audit renewable fuel production. The QAP will have to include a list of elements that the auditor will check to verify that the RINs generated by a renewable fuel producer or importer are appropriate given the feedstock, production process and fuel for which RINs were generated. Therefore, each QAP must identify the specific RIN-generating pathway from Table 1 to § 80.1426 or a petition granted pursuant to § 80.1416 that it is designed to audit.

We requested comment on these proposed elements, including detailed descriptions of any elements not mentioned below. We also requested comment on whether quarterly monitoring is appropriate, or whether different components could or should be subject to different schedules (e.g., monthly, biannually, etc.), and what those schedules should be, and why. Some commenters were against the quarterly requirement for various components of the QAP, stating that there is no reason to review documentation more frequently than annually if it does not change regularly. The EPA disagrees with these comments, as verifying quarterly that procedures and processes have not changed is an essential part of the QAP. Since RINs will be verified only for the period following an audit, allowing more time between reviews may increase the likelihood of fraud and reduce the effectiveness of the QAP. The one exception to this is the annual attest report, which is submitted annually, and therefore can be reviewed annually. Other comments expressed concern over the QAP covering elements of production that were not required under RFS2. We feel that the requirements are balanced and give assurance that the production process from feedstock to RIN generation was performed appropriately, and thus, are finalizing all requirements for the single, new QAP as were proposed for QAP B.

Additional comments and the required elements of the QAP are discussed below.

a. Feedstock-Related Components

There are eight required elements in the QAP designed to ensure that the feedstocks used in the production of renewable fuel qualify to generate RINs. First, for each batch of renewable fuel, the QAP must verify that feedstocks meet the definition of ''renewable biomass,'' and identify which renewable biomass per § 80.1401.

There are specific required elements depending on the type of feedstock. For instance, if the feedstock is separated yard waste, separated food waste, or separated MSW, the QAP must verify that a separation plan has been submitted and accepted or approved, as applicable, as part of the registration requirements under § 80.1450, and meets the requirements of § 80.1426(f)(5), and that all feedstocks being processed meet the requirements of the separation plan. If the renewable fuel producer claims that the feedstocks qualify under the aggregate compliance approach, the QAP will verify that the feedstocks are planted crops or crop residue that meet the requirements of § 80.1454(g).

The QAP must verify that the feedstocks used to produce renewable fuel are valid for the D code being claimed under § 80.1426 (or have an approved petition under § 80.1416) and must be consistent with the information reported in EMTS. The QAP will verify that the feedstock used to produce renewable fuel is not a renewable fuel from which RINs were already generated, unless the fuel is produced pursuant to an EPA-approved petition under § 80.1416 and the petition and approval includes an enforceable mechanism to prevent double counting of RINs.

Finally, the QAP must verify the accuracy of all feedstock-related factors used in calculation of the feedstock energy used under § 80.1426(f)(3)(vi) or (f)(4), as applicable, including the average moisture content of the feedstock, in mass percent, and the energy content of the components of the feedstock that are converted to renewable fuel, in Btu/lb. The feedstock-related elements required for the QAP are shown in the table below. All items will be required to be monitored on a quarterly basis.

TABLE II.E.1.A–1—QAP MONITORING FREQUENCY—FEEDSTOCK-RELATED

	Component
1–1	Feedstocks are renewable biomass.
1–2	Separation plan for food or yard waste submitted and accepted.
1–3	Separation plan for municipal solid waste submitted and approved.
1–4	Feedstocks meet separation plan.
1–5	Cropand/or crop residue feedstocks meet land use restrictions.
1–6	Feedstock valid for D code, consistent with EMTS.
1–7	Feedstock is not renewable fuel where RINs generated.
1–8	Accuracy of feedstock energy calculation.

b. Production Process-Related Components

There are four required elements in the QAP designed to ensure that the renewable fuel production process is appropriate for the RINs being generated. Auditors submitting QAPs for EPA approval will be required to provide a list of specific steps they will take to audit all four elements.

First, the QAP must verify that production process technology and capacity used matches information reported in EMTS and in the facility's RFS2 registration. The QAP also must verify that the production process is capable of producing, and is producing, renewable fuel of the type being claimed, i.e., is consistent with the D code being used as permitted under Table 1 to § 80.1426 or a petition approved through § 80.1416.

For each batch of renewable fuel, the QAP requires mass and energy balances of the production process, and must verify that the results match expectations for the type of facility being audited (e.g., biodiesel from soybean oil may have different expectations than biodiesel from non-food grade corn oil) based on typical values from prior input/output values, or similar facilities if prior values are not available. Energy inputs from on-site energy creation (e.g., propane, natural gas, coal, biodiesel, heating oil, diesel, gasoline, etc.) and/or energy bills, and mass inputs/outputs such as feedstocks, additional chemicals, water, etc., are required as part of the mass and energy balances.

Finally, the QAP must verify the accuracy of all process-related factors used in calculation of the feedstock energy (FE) under § 80.1426(f)(3)(vi) or (f)(4), as applicable. The production process-related elements for the QAP are shown in the table below. All items shall be monitored on a quarterly basis.

TABLE II.E.1.B–1—QAP MONITORING FREQUENCY—PRODUCTION PROCESS-RELATED

	Component
2–1	Production process consistent with EMTS.
2–2	Mass and energy balances appropriate.
2–3	Accuracy of process-related factors used in feedstock energy (FE) calculation.

c. RIN Generation-related Components

There are eight required elements in the QAP designed to ensure that the renewable fuel being produced qualifies to generate RINs, and that the number of RINs generated is accurate. In finalizing the elements for the QAP, we have added one requirement to the regulations that we proposed. The additional requirement is that auditors must verify that RIN generation is consistent with wet gallons produced. See the discussion below for more information.

For each batch of renewable fuel, the QAP must verify that volumes of renewable fuel for which RINs are being generated are designated for use as transportation fuel, heating oil, or jet fuel in the 48 contiguous states and Hawaii. This verification should also take into account the additional Product Transfer Document (PTD) designation requirements for all renewable fuels, and registration, reporting and recordkeeping requirements for fuels not typically used as transportation fuel, heating oil, or jet fuel. See section III.B.1 of this preamble for further discussion of these additional requirements.

The QAP must verify a number of things related to the fuel type. For instance, the QAP will include verification of the existence of certificates of analysis demonstrating that the renewable fuel being produced meets any applicable specifications and/or definitions in § 80.1401, and verify contracts with lab(s) for certificates of analysis, unless a facility has an on-site laboratory. If on-site, the QAP must verify lab procedures and test methods. The QAP must verify that renewable fuel being produced at the facility and that can be produced, matches information in RFS2 registration in terms of chemical composition, and must sample and test the final fuel and compare to any applicable specifications. The QAP must verify that renewable fuel being produced matches the D code being claimed under § 80.1426, or approved petition under § 80.1416.

The QAP must verify a number of things related to the volume of renewable fuel produced, including a check to ensure that volume temperature correction procedures are followed correctly. The QAP must verify that the volume of renewable fuel produced matches expectations for the amount of feedstock being processed. The QAP also must verify the accuracy of all fuel-related factors used in calculation of the feedstock energy, as applicable, including equivalence value for the batch of renewable fuel and the renewable fraction of the fuel as measured by a carbon-14 dating test method.

The QAP must verify that the production volume being claimed matches storage and/or distribution capacity and that actual volume production capacity matches the value specified in the facility's RFS registration. Finally, the QAP must verify that appropriate RIN generation calculations are being followed under § 80.1426(f)(3), (4), or (5) as applicable, and that RIN generation was consistent with wet gallons produced. We are also specifying in the regulations that the auditor must verify that RIN generation was consistent with wet gallons produced. While this was discussed in the proposal (see 78 FR 12182), it was not explicit in the regulations. We are making it explicit in the final regulations. The RIN generation-related elements for QAPs are shown in the table below. All items will be required to be monitored on a quarterly basis.

TABLE II.E.1.C–1—QAP MONITORING FREQUENCY—RIN GENERATION-RELATED

	Component
3–1	Renewable fuel designated for qualifying uses.
3–2	Certificates of analysis.
3–3	Renewable fuel matches D code or petition.
3–4	Renewable content R is accurate.
3–5	Equivalence value EV is accurate, appropriate.
3–6	Volume production capacity is consistent with registration.
3–7	RIN generation calculations.
3–8	RIN generation consistent with wet gallons.

d. RIN Separation-Related Components

There are three required elements in the QAP to verify that RINs were separated properly. First, under the limited circumstances where a renewable fuel producer or importer separates RINs, the QAP will be required to verify that any RIN separation being done by the producer was done according to the requirements of § 80.1429, was reported to EMTS accurately and in a timely manner, and is supported by records. The QAP will be required to ensure that renewable fuel producers who export renewable fuel, or cause the export of renewable fuel, do not generate RINs, or alternatively that any RINs generated were appropriately retired. Finally, the QAP must verify the accuracy of the annual attestation.

The RIN separation-related elements for the QAP are shown in the table below. All items must be monitored on a quarterly basis, except for the annual attestation review, which must be monitored yearly.

TABLE II.E.1.D–1—QAP MONITORING FREQUENCY—RIN SEPARATION-RELATED

	Component
4–1	Verify RIN separation.
4–2	Exported fuel not used to generate RINs.
4–3	Verify accuracy of annual attestation.

2. Approval and Use of QAPs

a. Approval of QAPs

A third-party auditor choosing to verify RINs under the quality assurance program must submit a QAP to the EPA for approval. A separate QAP is required for each different feedstock/production process/fuel type combination (i.e., pathway). A QAP for a given pathway may be used for multiple facilities for which that pathway applies. A QAP must be submitted for approval annually. A QAP will be deemed valid for one year from the date the EPA notifies the submitting party that its QAP has been approved. Only an EPA-approved QAP can be used by a third-party auditor to provide audit services to renewable fuel producers.

b. Frequency of Updates/Revisions to QAPs

We are finalizing a ''general'' and ''pathway-specific'' QAP arrangement, where the general QAP will cover the common elements of the QAP and the pathway-specific QAP will cover elements that require additional verification steps outside of the general QAP. We are also finalizing that QAP plans are pathway-specific, and auditors may verify RINs for any facility that uses a pathway for which they have been approved. This is consistent with what was proposed in the NPRM, and is simply a clarification of the method for implementation.

We requested comment on what changes would require a new QAP to be submitted for approval. Specifically, we requested comment on whether a new QAP should be required to be submitted to the EPA if the audited facility changes operations, feedstock, fuel type, etc. Based on comments received, we would like to clarify the process for updating and/or revising a QAP.

Potential QAP auditors must submit a ''general'' QAP to the agency that outlines the plan for verifying each of the elements of the QAP. In addition to the general QAP, a ''pathway-specific'' QAP must be submitted for each of the pathways they intend to audit. For example, a general QAP might outline the steps the auditor will use to verify that equivalence value is appropriate for all producers, whereas a pathway-specific QAP may outline the steps to verify that a separated food waste plan has been submitted for producers using used cooking oil as a feedstock to produce biodiesel. If an auditor feels that a section of the general or pathway-specific QAP does not apply, they may indicate ''Not Applicable'' in that section of their QAP. An example might be an auditor that does not intend to audit any facilities that require testing of renewable content according to § 80.1426(f)(9), and would therefore indicate in the general QAP that it did not apply.

Once general and pathway-specific plans have been approved for a potential auditor by the agency, the auditor may verify production for any facility using one of their approved pathways. The auditor does not need to submit any additional information to the agency if they add producers who use a pathway for which they are approved. If, however, a producer chooses to use a pathway for which the auditor does not have approval, then any RINs generated by that producer will not be verified until the auditor submits an application for that pathway, and it is subsequently approved. Renewable fuel produced prior to the acceptance of a pathway for a QAP auditor may later be verified, as long as the QAP auditor followed the verification steps outlined in the submitted pathway-specific QAP, and the fuel is still within the eligible RIN generation window.

If an auditor finds that it is necessary to make a change to their QAP, they may submit an updated plan to the EPA for approval. In an effort to avoid penalizing producers for being proactive in their ongoing QAP development, submitting a change to the EPA will not affect the status of any current QAP plans. Rather, the change will be queued, and the current QAP will remain in effect until approval or rejection of the updated submittal. If the agency chooses to reject the update, the existing QAP will remain in place and be unaffected by the attempt to update. If no QAP is in place, then RINs may not be verified until the QAP is approved.

3. Importers and the Use of a QAP

We are finalizing that foreign producers may participate in the QAP under the same production requirements as a domestic producer, although the method of implementation for each of the requirements may vary based on circumstances for each producer, domestic or foreign.

We requested comment on the likelihood of such producers participating in the quality assurance program, any difficulties to participating they might encounter, and any issues that could affect the integrity of the proposed program.

The quality assurance program will also apply to RINs generated for foreign-produced renewable fuel. Foreign producers of renewable fuel must be approved by the EPA and must meet all requirements applicable to non-foreign producers, i.e., the provisions of Subpart M. Such producers can engage a registered third-party auditor to audit their facility in accordance with the proposed quality assurance program. However, RINs generated from imported fuel will only be considered verified under the quality assurance program if both the associated foreign renewable fuel production facility, and the corresponding importer, are audited under the same EPA-approved QAP. If multiple auditors are involved in the verification process, the procedure for verification must be explicitly spelled out in a single associated QAP. In addition, the party submitting the QAP must accept responsibility for the entire QAP process, even if sections are performed by a partner organization. If a pre-determined arrangement is not a part of the QAP, then RINs from foreign producers may not be audited by multiple parties (for example, Auditor A verifies the foreign renewable fuel production and Auditor B verifies the importer RIN generation).

Some commenters indicated that foreign producers should be allowed to use existing documentation to prove the validity of fuel produced. While the EPA does not intend to place any additional burdens on foreign producers above what is required for domestic producers, we do intend to require foreign producers to be bound by the same QAP guidelines and verification requirements as domestic producers, although implementation for these elements (such as the verification of RIN generation) may vary considerably. For example, an auditor verifying production for a foreign RIN generating producer will need to ensure that the recordkeeping and bond requirements under §§ 80.1466 and 80.1467 are being met. It will also include verifying any certificates of fuel transfer, as well as port of entry testing, none of which are required for domestic RIN generation. This is by no means an exhaustive list, but rather an example to show that there may be significant differences in the requirements to verify a RIN, based on the location of the producer and the type of RIN generation. With these additional requirements, we believe foreign-produced RINs verified through a QAP can be treated in the same manner as any RINs verified from domestically produced fuel.

F. Auditor Requirements

In the NPRM, we outlined a number of proposed requirements for the independent third-party auditors that use approved quality assurance plans (QAPs) to audit renewable fuel production to verify that RINs were validly generated by the producer. We recognized that qualified, independent third-party auditors are integral to the successful implementation of the quality assurance program. Therefore, based on feedback from public comments and reasons discussed below, we are finalizing several requirements for third-party auditors in today's rulemaking. First, all third-party auditors are required to annually register with the EPA. We also will require that third-party auditors have professional liability errors and omissions insurance (E&O insurance). After the EPA has approved a QAP and registered the third-party auditor, the auditor can flag RINs in EMTS as verified and notify the EPA of potentially invalid RINs as QAPs are implemented. Finally, in order to ensure that QAPs are appropriately implemented, we are also finalizing recordkeeping, reporting, and attest engagement requirements on third-party auditors consistent with similar requirements on other parties in RFS.

1. Who can be an auditor?

One key element of the QAP process is the minimum qualifications that the auditors conducting facility visits must have. In the NPRM, we proposed three minimum qualifications for an auditor in order to implement a QAP and verify RINs. First, as is required of independent third-parties that conduct engineering reviews for renewable fuel

producers under RFS, we proposed that auditors be independent of the renewable fuel producers that they are auditing. Second, we proposed that auditors have the professional expertise to effectively implement QAPs by having a professional engineer participate in the implementation of an EPA-approved QAP. Third, we proposed that third-party auditors carry E&O insurance. The EPA continues to believe that these key qualifications provide reasonable assurances that auditors can successfully implement QAPs and help avoid the generation of invalid RINs at the fuel producer level.

a. Independence

One of the most important requirements for auditors is that they remain independent of renewable fuel producers. Independence of the auditor from RIN generators is necessary to ensure that RINs are not inappropriately validated due to a conflict of interest between the third-party auditor and the renewable fuel producer. In the NPRM, we proposed that third-party auditors be subject to the same independence definition that exists for independent professional engineers that conduct engineering reviews. In the March 2010 RFS final rule, we defined an independent third-party as a party that was not operated by the renewable fuel producer (or any subsidiary or employee of the producer) and free from any interest in the renewable fuel producer's business (See 75 FR 14670, March 26, 2010).

Recognizing the importance of preventing conflicts of interest to the successful implementation of the QAP program, we sought comment on whether our proposed definition of independence should be expanded to ensure that third-party auditors were free from interests from other parties regulated by the RFS (e.g., RIN owners and obligated parties). We also sought comment on whether we should preclude parties that have performed other services, like engineering reviews, attest engagements or acting as an agent for the RIN generator, from also implementing QAPs for the same RIN generator. For example, we recognized that portions of the QAP may involve investigating previous services provided by a third-party auditor to RIN generators, and third-party auditors may be hesitant to highlight issues that call into question their professional reputations creating a potential conflict of interest. We did not propose further requirements, however, as we did not believe they were necessary, they could interfere with existing efforts to ensure compliance, and there could be problems given the limited number of parties that could be available for approval as an auditor.

Public comments overwhelmingly agreed that ensuring the independence of third-party auditors is paramount to the successful implementation of effective QAPs. Commenters noted that third-party auditors that had conflicts of interests with audited producers and importers or direct or indirect financial interest in RIN markets more generally could undermine the QAP program and potentially the entirety of the RFS program by failing to report potential issues and potentially participating in the perpetuation of fraudulent activities. Commenters noted that the EPA should do whatever it could to ensure that third-party auditors remained independent by providing meaningful oversight and limiting the services that third-party auditors may provide for audited RIN generators.

We received several comments asking that we expand the scope of independence to include independence from various parties and activities outside of audited RIN generators. Almost all comments that addressed the question of third-party auditor independence stated that the third-party auditors should be precluded from owning and trading RINs. Many commenters expressed concerns that RIN ownership may provide a clear financial incentive for third-party auditors to not report potential issues, especially if they owned RINs from facilities they are auditing. Additionally, commenters argued that allowing third-party auditors to own RINs would add one more source of uncertainty in an already turbulent RIN market and that the EPA should preclude third-party auditors from owning and trading RINs. Some commenters argued further that third-party auditors should not only be precluded from owning RINs, but should also be free from interest in parties that own RINs since an auditor could improperly verify RINs to allow the owners of those RINs to enjoy the benefits of the QAP program despite the fact that those RINs may be invalid. On the other hand, one commenter urged the EPA to allow third-party auditors to trade RINs since that would make them statutorily responsible for the validity of the RINs. The commenter argued that the potential civil liabilities from being convicted of RIN fraud would outweigh the EPA's conflict of interest concerns.

We agree with commenters that allowing third-party auditors to own or trade RINs could lead to a potential conflict of interest that may inhibit an auditor's ability to effectively implement a QAP. The benefits to the auditor from allowing third-party auditors to own and trade RINs does not outweigh our conflict of interest concerns since third-party auditors are in the best position to identify potentially invalid RINs and without the proper implementation of a QAP, invalid or fraudulent RINs may never be identified, especially if the third-party auditor has an incentive to ignore potential issues because they have a financial interest in whether RINs are valid. Third-party auditors could also use their access to confidential business information for a number of RIN generators to speculate on unverified RINs from audited RIN generators. Therefore, we are finalizing requirements that preclude third-party auditors from owning and trading of RINs.

Some commenters argued that the EPA should expand the independence criterion for third-party auditors to include conflicts of interest with obligated parties. In the NPRM, the EPA suggested that it did not want to interfere with existing efforts by obligated parties or other intermediaries that may ensure compliance with RFS requirements and that such interference may hamper existing efforts by industry to mitigate invalid RIN generation. One commenter argued against this by pointing out that the EPA initially created the QAP program to be voluntary so that obligated parties could decide between the level of assurance in the quality of RINs outside the QAP program (i.e. under ''buyer beware'') or participate in the QAP program. They conclude that in order to promote consistency in the review for which an affirmative defense is available, third-party auditors must be independent even from obligated parties. We also received comments that suggested that we should allow the quality assurance efforts of an obligated party to be used in lieu of a QAP provided by an independent third-party auditor if the obligated party's quality assurance efforts satisfied all the elements of a QAP.

Although we recognize that obligated parties have historically implemented similar downstream quality assurance programs with great success, we also recognize the potential for conflict of interests to arise if obligated parties implemented a QAP for a producer or importer. If we treated RINs verified outside of a QAP by the obligated parties themselves the same as RINs verified by an approved QAP, there is a clear potential for the obligated party to verify RINs that are invalid to take advantage of the affirmative defense

elements and take advantage of, and possible even exploit, the flexibility of the limited exemption for RIN replacement. This is not an appropriate situation, and the EPA is not providing for it. Under the voluntary program adopted in this rulemaking, obligated parties will have to determine whether their existing quality assurance measures provide them adequate assurance to purchase RINs under the ''buyer beware'' program or in the alternative they can contract the services of independent third-party auditors to provide QAP services and take advantage of today's QAP program. For the same reasons, we are requiring that QAP auditors be independent from obligated parties the same way they are required to be independent from the RIN generator.

We also specifically sought comment on whether third-party auditors could act as agents for RIN generators that they were auditing.[12] We received many comments across the spectrum of support for auditor agency. Many commenters argued that allowing such a relationship between third-party auditors and audited RIN generators could increase the likelihood for the verification of invalid RINs. Some commenters pointed out that an auditor acting as an agent for an audited RIN generator could over generate RINs in collusion with the RIN generator since there may be little policing of QAP providers and the QAP provider could financially gain from the sale of the additional RINs. Other commenters stated that providing these services on behalf of RIN generators financially tied third-party auditors too closely to the continued success and potentially expansion of audited RIN generators, which may inhibit the ability for third-party auditors to impartially implement a QAP.

Other comments supported the notion that third-party auditors should be allowed to serve as agents for audited RIN generators since being an associated agent would allow the third-party auditor to have full access to oversee RIN generation data to compare with ongoing QAP implementation. This access would also allow third-party auditors to help producers with corrective actions as they are identified via QAPs. This would allow producers to reduce compliance costs. Some commenters argued even further suggesting that the EPA require that third-party auditors serve as agents to take advantage of the benefits of being an associated agent for an audited RIN generator.

Some commenters suggested that the EPA stop short of allowing third-party auditors to act as agents in a RIN generating capacity for audited RIN generators, but allow third-party auditors to submit compliance reports on behalf of audited RIN generators so long as the RIN generator signs off on the report. Such an approach would avoid the potential for collusion by allowing third-party auditors to generate RINs while saving time and reducing costs for audited RIN generators.

We believe, and one commenter also noted, that third-party auditors need not be agents of audited RIN generators to obtain access to RIN generation data since we can provide ''read-only'' access to auditors in EMTS which should provide enough information for auditors to effectively implement a QAP. Additionally, in the NPRM, we identified serious concerns about whether third-party auditors would be free from conflicts of interest if they were allowed to generate RINs for audited RIN generators. However, the EPA recognizes that submitting compliance reports, with assurances from the RIN generator of the accuracy and authenticity of required reported information, may provide an opportunity to reduce overall compliance costs for RIN generators without jeopardizing the independence of third-party auditors. Therefore, we are not allowing third-party auditors to generate RINs for audited RIN generators, but we are allowing third-party auditors to submit periodic compliance reports on behalf of audited RIN generators.

Some commenters noted that however the EPA designs the QAP program, auditors have an inherent conflict of interest since RIN generators must pay third-party auditors to enjoy the benefits of the program. This creates an incentive for auditors to ensure that their customers continue to produce RINs by not reporting potential issues arising from audits. The comment suggested that we should expand our definition to include that auditors should avoid even the appearance of a conflict of interest.

One commenter suggested that we adopt the conflict of interest standard outlined under rule 101 of the American Institute of CPAs. The commenter stated that the central articulation of this rule is that an auditor may have no direct or material indirect financial interest in the client. They argued that this clear and well-established requirement should be observed since it would better preserve the integrity of the QAP program compared to the proposed requirement.

We agree that today's QAP program imposes an implicit conflict of interest since third-party auditors' services are paid for by RIN generators, or for that matter any similar situation that applies to any independent party required under the RFS regulations (e.g. engineering reviews and attest engagements). We do not agree that the independence criterion for third-party auditors should be limited to strictly direct and indirect financial conflicts of interest. We believe by interpreting conflict of interest more broadly, we will raise the standard of independence in the QAP program to a higher level than that seen in other portions of the EPA regulations, especially considering the importance of maintaining an effective QAP. Therefore, we are modifying the independence requirements for third-party auditors to preclude the appearance of a conflict of interest. This does not preclude third-party auditors from being paid by RIN generators to provide auditing services. An example of a situation that serves as a potential appearance of a conflict of interest is if a third-party auditor has provided consultative engineering services in the development and construction of a renewable fuel production facility and then later is selected to implement a QAP at the same facility. Several elements of the QAP would require the third-party auditor to verify services previously provided to the producer that owned the facility and would appear to be a conflict of interest since the third-party auditor may not wish to tarnish its reputation by reporting potential issues related to its previous engineering services. Furthermore, as discussed in greater detail below, we are finalizing requirements to try to mitigate the inherent conflict of interest in the QAP program to provide both the EPA and third-party oversight of third-party auditors.

We received many comments that addressed the potential for conflict of interests to arise from a singular party that offered a variety of services including a QAP for a RIN generator. Some commenters pointed out that many parties that may serve as third-party auditors have acted or currently act as consultants for RIN generators and this would equate to a vested interest by the auditor in the continued success of the RIN generators being audited. Other commenters highlighted that some potential third-party auditors have provided numerous services to a single RIN generator including initial engineering reviews, annual attest

[12] For purposes of this preamble, agents are persons that act on behalf of a regulated party, in this case RIN generators, to complete requirements under the RFS program (e.g. generate RINs, submit periodic compliance reports, etc.).

engagements, the submission of periodic compliance reports on behalf of RIN generators, and serving as an agent to generate RINs on behalf of the RIN generator. These comments argue that allowing a single party to provide ''cradle to grave'' services that will now include the verification of RINs via a QAP for a RIN generator provides a substantial financial incentive for third-party auditors to ignore potential issues that may have occurred during prior services and identified through a QAP. A third-party auditor that reported such potential issues may call into question the validity of all prior work for other RIN generators creating a possibility for cascading losses for the auditor and RIN generators. Ultimately, these commenters concluded that such incentives could possibly undermine the QAP program and lead to more RIN fraud.

The commenters generally offered two suggestions for the EPA in the final rule. First, these comments suggested that the EPA limit the services a third-party auditor can from provide a RIN generator if they are implementing a QAP for a RIN generator. Comments varied on which services an auditor should be precluded from providing. For example, some comments suggested that third-party auditors not be allowed to have conducted the initial engineering review. Others suggested that different independent parties should provide each separate requirement in RFS that calls for an independent third-party to conduct an action. Other comments argued even further that auditors only be allowed to implement a QAP and therefore, not allowed to provide any other service involving RFS requirements for a RIN generator. This would include providing consultation services to aid RIN generators with registration paperwork, submitting compliance reports to the EPA or otherwise acting as an agent for RIN generators.

Second, these comments generally advocated that the EPA ensure that a system of checks and balances or a ''check the checker'' program exist to help ensure that auditors are appropriately implementing QAPs and free from conflicts of interest.

On the other hand, other comments argued that RIN generators that participate in the QAP program should receive relief from requirements that they believed would be duplicated by the implementation of a QAP at a facility. For example, many commenters felt that the burdensome periodic facility audits and documentation reviews should displace existing requirements for the triennial engineering reviews and annual attest engagements since much of the information gleaned from these activities will be available through QAP implementation at a facility. These commenters pointed out that providing relief for these requirements would decrease overall compliance costs to facilities participating in the QAP program which may ultimately increase participation by facilities in the QAP program. One commenter suggested that the EPA not go as far as to eliminate triennial engineering review requirements, but rather allow third party auditors to incorporate the engineering review within periodic facility audits to reduce some of the compliance burden on audited RIN generators.

Commenters also alluded to the EPA's stated concern in the NPRM that excluding third-party auditors that had conducted initial engineering reviews for a facility from providing auditing services would limit the number of qualified independent-third parties with appropriate knowledge of the RFS program, which may delay the adoption of QAPs by facilities. Some comments pointed out that this may harm existing third parties and provide an advantage to late entry third parties since many of the most knowledgeable third-party firms have historically provided engineering review and/or annual attest requirements. These comments concluded that establishing new relationships with third-party auditors with limited RFS expertise could increase compliance costs for participating RIN generators and decrease the overall quality of assurance provided by the QAP program.

We are not removing the annual attest engagement and triennial engineering review requirements for audited producers and importers. We believe, as some commenters pointed out, that these requirements differ substantially from QAP audits enough that there is significant value in the information provided in these activities that are not captured as part of a QAP.

We continue to be concerned that allowing one party to perform most if not all regulatory requirements involving a separate party including engineering reviews, attest engagements, and QAP implementation will tie an auditor's financial interests too closely to the RIN generators being audited. We do not want a program that incentivizes third-party auditors to fail to report potentially invalid RINs. Furthermore, even if a third-party did not intend to verify a potentially invalid RIN due to a potential conflict of interest, having more than one independent party provide required services under RFS serves to ''check the checker'' promoting better quality assurance and ensuring that the goals of the RFS continue to be met. However, we also want to promote the participation of RIN generators in this program because we believe that an effectively implemented QAP will also help fulfill RFS goals. Additionally, we do not want to exclude potential third-party auditors that have significant knowledge of the RFS program and renewable fuel production facilities from participating in the QAP program by establishing provisions that exclude such parties from implementing QAPs.

Therefore, in general we are not precluding third-party auditors from providing QAP services to a RIN generator such as initial engineering reviews and annual attest engagements. We are, however, prohibiting third-party auditors from continuing to provide both annual attest engagements and QAP implementation to the same audited RIN generator. This means that annual attest engagements and QAP implementation must be performed by two separate independent parties, i.e. the QAP auditor can perform one but not both of these services. For initial and triennial engineering reviews, a third-party auditor may conduct engineering reviews and QAP auditing services to the same RIN generator, and to reduce costs to the RIN generator, the third-party auditor may perform engineering reviews as part of a site visit required under the QAP.

For the reasons discussed above, we are finalizing independence requirements for third-party auditors based on the proposal with some amendments. We are expanding the independence requirement to include a prohibition on the buying and trading of RINs by third-party auditors. We are also modifying the definition of conflict of interest to include even the appearance of a conflict of interest between a third-party auditor and an audited RIN generator. This modified definition of conflict of interest will preclude third-party auditors from generating RINs for audited RIN generators. However, third-party auditors may still submit periodic compliance reports. Additionally, in order to both ''check the checker'' and preclude a single entity from providing all RFS services to a producer or importer, third-party auditors shall not be the same party that provides annual attest engagement services to producers or importers under § 80.1464. Having previously provided an attest engagement for a producer or importer does not preclude the third-party auditor from implementing a QAP for

that producer or importer. Third-party auditors can continue to provide engineering review services for audited producers and importers and may integrate those services with QAP implementation to the same producer or importer to reduce costs. We feel that this approach strikes the correct balance of maintaining auditors that are truly independent from producers and importers being audited while not excluding knowledgeable and capable potential third-party auditors from providing valuable QAP services.

b. Professionally Qualified to Implement a QAP

Another key element to ensure the effective implementation of QAPs at renewable fuel production facilities is that auditors have the necessary professional expertise and credentials. We require that each renewable fuel production facility undergo an engineering review by a licensed professional engineer as part of registration. In the NPRM, we proposed a similar requirement for auditors since the verification of production capabilities of a quality assurance program should be similar to the type of review conducted in the engineering review process for RFS registration. We proposed that independent third-party auditors would demonstrate that they possess the required professional expertise during registration. We also proposed to not require that companies that register as a third-party auditor be solely constituted of professional engineers to implement an EPA-approved QAP and conduct facility audits; however, a licensed professional engineer must supervise and or work in a team with other employees of the third-party auditing company. We also sought comment on whether we should require additional expertise (e.g. have third-party auditors have a certified public accountant on staff or under contract) and whether to establish a RFS competency requirement similar to requirements outlined in voluntary consensus standards (established by a voluntary consensus standards body) for greenhouse gas verification.

One commenter suggested that the QAP audits be designed by a professional engineer while the audit can be conducted by a team supervised by a professional engineer. While many commenters pointed out that although some portions of the facility site visits require similar expertise to engineering reviews (i.e. would require the services of a certified professional engineer), reviewing bills of lading and other records would require the expertise of a certified public accountant. Other commenters suggested that having a breadth of expertise on audit teams will increase the overall effectiveness of third-party auditors' ability to implement QAPs. Some argued further that the periodic hiring of a third-party auditor to help supervise or conduct site visits would be prohibitively costly to audited producers and importers. On the other hand, one commenter expressed concern about allowing the third-party auditor to only be required to have a professional engineer design the audits, but not supervise or attend the audit. This commenter highlighted that such a responsibility may be delegated to personnel not qualified to successfully implement a QAP and ultimately undermine the integrity of a QAP.

We agree that there are certain elements of the QAPs that would better be served by third-party auditors with appropriate professional backgrounds in recordkeeping auditing such as a certified public accountant. Some of the elements required as a part of a QAP resemble, but do not mimic entirely, elements that are currently part of annual attest engagements, for which we require an independent certified public accountant. However, some elements more closely resemble the elements required under engineering reviews and thus necessitating a professional engineer. Since an effective QAP involves the technical experiences of both professional engineers and certified public accountants, we are finalizing requirements that third-party auditors have both the qualifications of a professional engineer and a certified public accountant.

We also recognize that third-party auditors may incur substantial cost if they have to tender the services of both a professional engineer and a certified public accountant for every periodic site visit or records review.[13] We did not intend that every member of a team be constituted of professional engineers or certified public accountants, but rather that these qualified professionals would oversee the development and conducting of site visits and record reviews. We believe that qualified professionals will naturally take an active interest and participate in auditing activities since it is their professional reputations on the line and they may be liable for potential violations specified in the prohibited activities section at § 80.1460 and for making false statements to the government under 18 U.S.C. 1001. Therefore, although we are not requiring qualified professionals on-site to conduct audits at facilities, they do need to certify audit reports generated from those site visits.

One commenter suggested that each member of audit teams have a four-year college degree. We disagree with this comment since professional licensure and E&O insurance requirements for those supervising should serve as a check to help ensure that auditing teams are composed of competent personnel. The technical nature of auditing in general and auditing renewable fuel production facilities under RFS necessitates an appropriate educational background.

One commenter suggested that audit teams collectively have at least 20 years experience in RFS or related fields to perform audits. Although we feel that it is most beneficial to the program to have experience in RFS or related fields to perform audits, a 20 year experience requirement would be very difficult to monitor and enforce. The existing professional engineer requirements already include language that a professional engineer must have professional experience in the chemical engineering field or related to renewable fuel production. Based on our experience with third-party auditors that have informally pre-registered through the interim period and discussions with other potential third-party auditors, we believe that any third-party auditor would have to have a significant amount of experience in RFS or related fields to simply put together a QAP that satisfies today's requirements. Therefore, we are not adopting a minimum experience threshold for third-party auditor qualification.

A few commenters supported requiring third-party auditors to adhere to a standards established by a voluntary consensus standard body[14] or that the Agency create its own third-party auditor competency standard. Others noted that EPA could develop a periodic examination of RFS standards to gauge the expertise of third-party auditors. However, while supportive, many commenters noted that the development of such a standard, which currently does not exist, could significantly delay the implementation of the QAP program. As we noted in the NPRM, ''several independent third-parties have developed sufficient expertise with RFS to provide useful

[13] For this preamble, qualified professionals refers to certified professional engineers and certified public accountants that work for or that are acting on behalf of a third-party auditor to implement a QAP.

[14] For example, ISO 17024 provides a standard for the professional certification of greenhouse gas emissions.

validation services. . .and we believe that there exist adequate incentives for parties to ensure that third-party auditors understand the RFS program sufficiently.'' [15] We believe that based on our experience informally pre-registering third-party auditors, that most potential auditors have an appropriate amount of experience to successfully implement a QAP. In addition, while we believe that it is generally good to have professional competency standards, it would take a significant amount of time to develop such standards, which would hinder the development of today's QAP program. Therefore, we will continue to monitor the quality and expertise of third-party auditors that register to implement QAPs, and may revisit the idea of establishing a professional competency standard or exam in the future.

For reasons discussed above, we are finalizing professional licensure qualifications to include that third-party auditors have access to both a professional engineer and certified public accountant. We feel that this combination of expertise would allow third-party auditors to most effectively implement QAPs. We are also not finalizing other professional competency standards at this time (i.e. those specified in a standard established by a voluntary consensus standard body). We will continue to monitor the effectiveness of third-party auditors through the annual registration renewable process discussed below, and may revisit the idea of incorporating additional third-party auditor professional qualifications or competency exams if necessary.

c. Errors and Omissions Insurance

Based on the comments received and the discussion below, the Agency is finalizing a requirement of Errors and Omissions (''E&O'') insurance for independent third-party auditors from an insurance provider that possess a financial strength rating in the top four categories from either Standard & Poor's or Moody's (i.e., AAA, AA, A or BBB for Standard & Poor's and Aaa, Aa, A, or Baa for Moody's). Auditors will obtain coverage as they see fit to cover their professional liability exposure. Additionally, auditors will be required to disclose the level of E&O coverage they possess in a clause in every contract they enter into when providing RIN verification services.

We proposed that to ensure the effective implementation of QAPs at renewable fuel production facilities, independent third-party auditors would be required to maintain professional liability insurance (commonly known as E&O insurance) if offering a QAP. The amount of insurance was proposed to be, at a minimum, equal to two percent of the RINs the auditor verifies in a year to cover the replacement of any RINs verified by an auditor that turn out to be invalid as a result of auditor error, omission, or negligence. Additionally, we proposed that independent third-party auditors would be required to use insurance providers that possess a financial strength rating in the top four categories from either Standard & Poor's or Moody's (i.e., AAA, AA, A or BBB for Standard & Poor's and Aaa, Aa, A, or Baa for Moody's). We explained that requiring E&O insurance would help to achieve the level of professionalism necessary for the quality assurance program to work as intended. Possession of E&O insurance would lend business and financial credibility to a potential QAP auditor.

The Agency received multiple comments in support of the requirement that auditors maintain E&O insurance. There were several comments regarding the levels at which it should be maintained and how those levels should be calculated. One comment suggested a minimum of $1,000,000 in E&O insurance, with increases in coverage tied to increases in the number of RINs an auditor verifies. Another commenter suggested that E&O coverage be grouped into ''buckets''. For example, if an auditor verifies less than 10MM RINs, coverage should be $2MM, and if the auditor verifies between 10MM and 50MM RINs, coverage should be $5MM, etc. Commenters suggested that given the volatility in the prices of RINs, the amount of coverage should be tied to number of RINs verified as opposed to an amount equal to a percentage of RINs verified, which would vary based on the current price of RINs. The Agency agrees with this comment that any specified coverage would be better tied to the number of RINs verified as opposed to a set percentage of RINs verified.

In response to comments, the Agency sees the possession of E&O insurance primarily as an additional layer of auditor scrutiny. In order to obtain E&O insurance, auditors will have to undergo a robust underwriting examination that will look at the auditor's business expertise and financial status, among other factors. It may be that not all prospective auditors will be able to obtain a policy from an insurance provider with the required financial strength rating. This will help ensure that the auditors that do provide QAP services are qualified and have a track record of success as a company. Moreover, the Agency views E&O coverage as a market business decision that should be in the hands of the participants in the market. Auditors can assess the level of professional liability insurance they feel comfortable maintaining and their customers can judge that level accordingly in deciding whether to employ their service or choosing another competing auditor. The Agency feels it is best that it does not prescribe a certain level of E&O coverage, but rather simply require that a QAP provider disclose the level of E&O coverage they possess in a clause in every contract they enter into when providing RIN verification services. Customers of QAPs will be fully informed at the time of entering into a service agreement exactly what level of professional liability the QAP provider possesses. The disclosure of the level of coverage would increase transparency of auditors and boost the integrity of the burgeoning RIN verification market. Finally, by only requiring possession of E&O coverage, the Agency will not be tasked with continually calculating and monitoring the level of E&O coverage maintained by auditors offering a QAP, and will thus be better able to focus on effective implementation of other key parts of the quality assurance program.

2. Registration Requirements

In order to implement and enforce the new quality assurance program, we proposed that third-party auditors become regulated parties under the RFS program. To do this, we proposed registration, recordkeeping, and reporting requirements on third-party auditors to ensure that appropriate QAPs are executed according to the requirements specified in the regulations. This would allow the EPA and affected parties to monitor and have confidence that third-party auditors are implementing QAPs appropriately. These requirements are similar to those that we require for other regulated parties under the RFS program. We proposed that during initial registration third-party auditors would provide basic company information, copies of E&O insurance policies, certification of professional qualifications, QAPs for EPA approval, and a signed affidavit that states that the third-party auditor is independent of and free from any conflicts of interest with any renewable fuel producer for which they intend to verify RINs. We also proposed that during registration third-party auditors would also identify which facilities they intended to audit, if known, and that auditors would update their registration

[15] See 78 FR 12188 (February 21, 2013).

information each time they intend to provide QAP services for a new facility.

Recognizing that foreign third-party auditors may have unique challenges compared with domestic third-party auditors, we proposed additional registration requirements for foreign third-party auditors. In the March 2010 RFS rulemaking (75 FR 14670, March 26, 2010), we outlined a number of requirements that applied to foreign RIN owners (see 40 CFR 80.1467). These additional requirements are designed to ensure enforcement of RFS regulations at the foreign RIN owner's place of business and are similar to requirements for foreign parties under other fuels regulations. For example, foreign RIN owners must submit reports in English and provide translated documents in English upon demand from the EPA inspectors or auditors, must submit themselves to administrative and judicial enforcement powers and provisions of the United States without limitation based on sovereign immunity, and post a bond covering a portion of the gallon-RINs that a foreign RIN owner owns.

We also proposed that third-party auditors would have to renew their registration on an annual basis. The effectiveness of this program is contingent on the integrity of the third-party auditors and their ability to competently implement approved QAPs. The registration process is designed to help ensure that QAPs are implemented by competent, qualified and independent third-party auditors. A third-party auditor may only verify RINs under the voluntary quality assurance program if the auditor is registered with the EPA. The renewed registration submissions must include updates to information required for initial registration and an affidavit by the auditor that it is in full compliance with applicable QAP regulations. The affidavit would include a specific certified statement that the third-party auditor: (1) Has only verified RINs that it reviewed under an EPA-approved QAP, (2) has informed the EPA and RIN generators of all potentially invalid RINs that it discovered, and (3) has fulfilled its RIN replacement obligation if applicable. Third-party auditors that fail to accurately and completely renew their registrations will no longer be registered and therefore can no longer implement QAPs and verify RINs.

Finally, we proposed requirements that would preclude the hiring by third-party auditors of persons that had formerly been employed by a third-party auditor whose registration had been revoked. We believed that such a provision was necessary to ensure that third-party auditors employed competent persons of integrity. We also reserved the right to revoke a third-party auditor's registration at any time if we determine that the third-party auditor has failed to meet its regulatory requirements.

We received a number of comments on all aspects of the registration process for third-party auditors. Several commenters were concerned that the annual registration renewal process for third-party auditors would overburden the Agency and that the Agency would have difficulty approving many auditors before the start of new calendar years. This could potentially disrupt the verification of RINs at facilities that had an EPA-approved QAP implemented by a previously registered third-party auditor. These commenters suggested that the EPA should alter the requirements to automatically approve registration renewals for third-party auditors if the auditor had not heard back from the Agency after a period of time, for example 30 or 60 days. This would help ensure the continued implementation of QAPs and the verification of RINs. We agree that this would provide more certainty to audited RIN generators and third-party auditors; therefore, we are modifying the annual registration renewal requirements to automatically approve third-party auditor registration renewals if a previously registered third-party auditor has not received notice of a deficiency from the EPA regarding its registration renewal materials.

Many commenters noted that in most ways foreign third-party auditors should be treated similarly to domestic third-party auditors. Several comments called upon the EPA to recognize foreign credentials (i.e., foreign professional engineer certifications) of potentially third-party auditors. Others supported the EPA's proposal to have similar bonding and English language requirements to those required by foreign RIN owners. We agree that foreign professional credentials can be used to satisfy the professional competency requirements outlined above, and we are finalizing the additional foreign third-party auditor requirements as proposed.

One commenter suggested that the requirement for third-party auditors to submit a signed affidavit declaring their independence from audited RIN generators is superfluous. Another commenter suggested that we expand the affidavit requirement to include any documentation to support statements in the affidavit and make clear that the affidavit must be under oath. Such an approach would allow the EPA to go under the covers of the affidavit statements to ensure that all potential conflicts of interest are disclosed.

The affidavit requirement declaring independence is an important piece of registration and potentially valuable if we have to pursue actions arising from alleged conflicts of interests. We also recognize that there are concerns that some parties that have informally pre-registered during the interim period contract or subcontract out significant amount of auditing services, and that a simple affidavit that only applies to the third-party auditor's company may not cover the parties responsible for actually conducting much of the QAP implementation work. Therefore, we are expanding the independence affidavit requirement to include that third-party auditors assert that contractors and subcontractors employed to facilitate QAP implementation also adhere to the same conflict of interest standards in today's action.

One commenter asked for clarification about the list of facilities that needed to be supplied during registration that an auditor intended to audit. The commenter correctly noted that it would be unreasonable for a third-party auditor to anticipate all facilities they may audit during a year since they may sign up new clients. To clarify, we intend for the auditor to report at the time of registration only facilities that they know they will audit and for which they are seeking to have an EPA-approved QAP. Auditors will make updates to their registration information in accordance with the regulations when they sign up new clients and report that information during annual registration renewals.

Some commenters expressed concerns about the ability of the EPA to deny the registration of third-party that employ persons that were previously employed by an auditor whose registration was revoked. These commenters were worried that the EPA would unduly deny the registration of third-party auditors simply for hiring employees previously employed by an auditor with a revoked QAP even though the person in question may have had nothing to do with the circumstances that resulted in the revocation of the a registration for a previous employer. These commenters suggested further that the EPA only deny registrations for third-party auditors if a third-party auditor hires an employee where the preponderance of data demonstrates that the person was directly responsible for the revocation of the previous third-party auditor's QAP.

We agree that some employees of former third-party auditors whose registrations had been revoked may not

have had any direct involvement in the questionable activities that led to the revocation of the former third-party auditor's registration. The purpose of this provision was to ensure through registration that qualified professionals or other employees that were responsible for the EPA revoking a third-party auditor's QAP or registration did not simply go work for another third-party auditor. However, we believe that we have enough flexibility through our authority to revoke registrations and QAPs for cause, e.g. if a third-party auditor and its employees or contractors fail to appropriately implement a QAP, to help ensure that only reputable and qualified third-party auditors are registered to implement a QAP. Additionally, we believe that the potential liability for violations of RFS requirements of third-party auditors and its contractors and subcontractors will also adequately deter third-party auditors from failing to meet their applicable requirements. Therefore, for reasons discussed above, the EPA is not finalizing regulatory language granting it the discretion to deny the registration of a third-party auditor for the hiring or contracting with prior employees or contractors of auditors whose registrations were revoked.

3. Other Responsibilities of Auditors

a. Notifying the Agency When There Are Problems

As discussed in section II.A.4, we are requiring that third-party auditors notify the EPA and the renewable fuel producer of potentially invalid RINs, including but not necessarily limited to fraud, errors, and/or omissions, by the next business day after a problem has been identified.

b. Identifying Verified RINs in EMTS

In the NPRM, we proposed to require that third-party auditors be responsible for tagging RINs as having been ''verified'' in a way that is clearly visible in EMTS after they have been generated. In the NPRM, we explained that third-party auditors needed to identify RINs as having been verified so that downstream parties could know which RINs have been subjected to review by an auditor and thus can be eligible for an affirmative defense. We also proposed that the verification of a RIN in EMTS would be prospective, meaning that a RIN can only be verified after an auditor has audited a facility in accordance with an approved QAP and that RINs generated during the interim period will not be flagged as verified in EMTS. Finally, we proposed that third-party auditors would have the ability to stop verification of newly generated RINs should a problem arise during the QAP implementation process. Since third-party auditors are in the best position to identify potentially invalid RINs, allowing third-party auditors this flexibility is necessary to ensure that problems with invalid RINs are quickly identified and corrected.

In general, comments received regarding the identification of RINs as verified in EMTS were supportive. Several commenters expressed the desire for the EPA to have EMTS fully functional by the effective date of the rulemaking and ensure that EMTS development provides an opportunity for affected parties to beta test and provide feedback on the development and deployment of EMTS. In recognition of these concerns, verified A–RINs and B–RINs may still be generated outside of EMTS through December 31, 2014. Additionally, once EMTS is able to accommodate Q–RIN transactions, parties will have the ability to generate and input verified Q–RINs within EMTS. Based on current development pace, this should occur prior to the January 1, 2015 single QAP start date.

One commenter suggested that we should not require third-party auditors to verify RINs in EMTS since this would further distinguish between RINs generated from small producers, which they anticipated would be verified through a QAP, and larger producers, which they argued would not be verified through a QAP. The comment argued further that the EMTS currently allows parties wishing to buy and sell RINs to specify which producers they would like to purchase or sell to and that verification in EMTS is unnecessary. We disagree with this comment. Partially based on our experience with the informal verification of RINs through the interim period, keeping track of verified RINs outside of EMTS is quite burdensome on third-party auditors and obligated parties that wish to purchase verified RINs and on the Agency when we need to follow up on potential issues. We believe that ''flagging'' RINs in EMTS is the most cost effective way for obligated parties to quickly know that RINs being purchased have been verified by an EPA-approved QAP and will promote the use of the QAP program.

Therefore, we are finalizing requirements that third-party auditors verify RINs in EMTS as proposed.

c. Recordkeeping, Reporting, and Attest Engagements

i. Recordkeeping Requirements

We proposed that third-party auditors would be required to maintain records of all verification and validation activities related to the implementation of a quality assurance program. We explained that these records would serve to demonstrate that a QAP was appropriately implemented if invalid RINs are reported at a later date.

Although most comments were generally supportive of requiring third-party auditors to maintain records similar to other regulated parties under RFS requirements, one comment sought clarification of the proposed recordkeeping requirements. This comment argued that as proposed, the recordkeeping requirements would be too broad, would include potentially confidential business information and that much of this information would be duplicative of records already maintained by other regulated parties under RFS (e.g. RIN generators).

We believe that renewable fuel producers and importers can address concerns about the inappropriate disclosure of confidential information obtained by a third-party auditor through a QAP through private agreements with the third-party auditor. We also recognize that some information may be duplicative of records already maintained by other regulated parties. However, most recordkeeping requirements will not be kept by other regulated parties under RFS since they are specific to the QAP implementation activities of third-party auditors. Therefore, we are finalizing third-party auditor recordkeeping requirements as proposed.

ii. Reporting Requirements

Under the existing RFS program, obligated parties, exporters of renewable fuel, producers and importers of renewable fuels, and any party who owns RINs must report appropriate information to the EPA on a regular (e.g. quarterly and/or annual) basis. Similarly, the third-party auditors are required to submit quarterly reports, in line with RFS quarterly reporting deadlines, identifying how many RINs the auditor has verified the previous quarter. In addition, independent third-party auditors must include the facilities audited and the dates of those audits. This information allows the EPA to compare a third-party auditor's reported activity to information gleaned from EMTS to ensure that third-party auditors are appropriately implementing QAPs.

Most comments we received supported quarterly reporting requirements for third-party auditors. One comment also expressed concerns that third-party auditor quarterly reporting was overly burdensome and that the information we proposed to require that third-party auditors report is duplicative of information already reported to the EPA via reports from other parties.

We continue to believe that periodic reports provides a useful compliance tool to better ensure that third-party auditors are effectively implementing QAPs since failure to fulfill reporting requirements constitutes a violation to the Clean Air Act and may subject the responsible party to the penalties discussed below. Although third-party auditor reporting requirements may partially overlap with some information already reported by other parties, much of the information reported by third party auditors (e.g., the dates facilities were audited, the number of RINs verified by a third-party auditor, etc.) is specific to auditing activities that currently are not captured in existing reports. Therefore, we are still going to require that third-party auditors submit quarterly reports that will capture their auditing activities. However, due to the addition of an annual attest engagement requirement for third-party auditors (discussed below) and to accommodate the flexibility of allowing third-party auditors to use a representative sample of batches to implement QAPs (also discussed below), we needed to make minor revisions to third-party auditors' quarterly reporting requirements. Thus, we are finalizing quarterly reporting requirements for third-party auditors as proposed with minor modifications.

iii. Attest Engagements

In the NPRM, we sought comment on whether to require third-party auditors to have an annual attest engagement similar to those required of other parties required under § 80.1464.[16] We explained that attest engagements may be an appropriate means of verifying the accuracy of the information reported to us by the third-party auditors similar to those we require of other parties in RFS.

The public comments we received generally supported the imposition of annual attest engagement requirements on third-party auditors. Many comments highlighted the utility to the Agency with additional oversight of third-party auditors through an annual attest requirement. Such measures would help ''check the checker'' and would overall increase the reliability of verified RINs. Other commenters noted that since the EPA is creating a new regulated party in the RFS program, they should have similar requirements including annual attest requirements to that of other parties regulated under RFS. Lastly, one comment suggested that the EPA should outline the attest engagement procedure for third-party auditors in more detail in the final rulemaking.

One commenter suggested that third-party auditor annual attest requirements and more broadly a ''check the checker'' program was not necessary and overly burdensome. The commenter did not provide explanation on why such a requirement was unnecessary or too burdensome.

We agree with comments that third-party auditors should undergo an annual attest engagement by an independent third-party. This will help improve the Agency's oversight of third-party auditors. Having another third-party conduct the annual attest engagement for the third-party auditor will mitigate some of the conflict of interests concerns with third-party auditors providing additional services (e.g. engineering reviews and completing quarterly compliance reports for RIN generators) discussed above, which will help ensure that verified RINs under the QAP program are valid.

Therefore, consistent with the nearly overwhelming response from public comments, in today's final rulemaking we are including a requirement that third-party auditors undergo annual attest engagements similar to that of other parties regulated under RFS. The attest engagements will consist of an outside certified public accountant following procedures outlined in § 80.1464 to determine whether underlying records, reported items, and transactions agree.

d. Prohibited Activities for Third-Party Auditors

Since third-party auditors are integral to the successful implementation of voluntary quality assurance programs, we proposed new prohibition and liability provisions applicable to third-party auditors. The prohibitions and liability provisions on third-party auditors are similar to those for other parties in the RFS and other fuels programs. Specifically, we proposed the following prohibited acts: Failing to properly implement an EPA-approved QAP; failing to timely notify RIN generators and the EPA of potentially invalid RINs; failing to replace invalid RINs, if applicable; and verifying RINs that are invalid.

We also proposed that third-party auditors subject to an affirmative requirement under this rule be liable for a failure to comply with the requirement. For example, third-party auditors would be liable for separate violations for failing to comply with the registration, reporting and recordkeeping requirements. Like other fuels programs, if the third-party auditor causes another person to violate a prohibition or fail to comply with a requirement, the third-party auditor may be found liable for the violation. Finally, we noted that third-party auditors would be subject to the penalty and injunction provisions in section 211(d) of the Clean Air Act and third-party auditors may be subject to civil penalties of $37,500 for every day of each such violation and for the amount of economic benefit or savings resulting from the violation. We sought public comment on the proposed prohibited activities and liability provisions specific for third-party auditors.

We received few public comments on the prohibited activities for third-party auditors and those public comments generally supported the proposed prohibited activities. However, one public comment noted that the proposed regulatory language at § 80.1460(i)(3), which proposed to hold third-party auditors liable for verifying RINs that were later determined to be invalid under § 80.1431, was too broad. The comment argued that such broad-based language unfairly imposed liability on third-party auditors that may have been misled by undetectably false information or documentation provided by a RIN generator. The comment concluded that imposing such a potential liability on third-party auditors may deter qualified auditing and accounting firms from participating in the QAP program.

We agree with concerns that the proposed language at § 80.1460(i)(3) is overly broad and we are therefore modifying the proposed language to more fairly hold third-party auditors liable for verifying invalid RINs. In the NPRM, we proposed that third-party auditors would be prohibited from ''identify[ing] a RIN as verified in accordance with § 80.1471(e) that is invalid under § 80.1431.'' The intent of this language was to help ensure that third-party auditors reported all potentially invalid RINs uncovered by an approved QAP to the EPA. Under Option A, we were concerned that third-party auditors would verify RINs that may have been invalid to avoid the potential of having to replace those RINs

[16] Attest engagements are used in many of the Agency's fuels programs and are similar to financial audits. Attest engagements consist of an independent, professional review of compliance records and reports.

since such a cost would be quite high. In light of our decision to not place a replacement obligation on third-party auditors, we are modifying the language of this prohibited act to prohibit third-party auditors from verifying a RIN without ensuring that every applicable requirement in an approved QAP was met. We believe the newly worded prohibited activities focuses more on the activities of the auditor instead of punishing the auditor for misleading information and documentation supplied by audited RIN generators.

For reasons discussed above, the EPA is finalizing the proposed prohibited activities with modification to the proposed regulatory language at § 80.1460(i)(3). The final prohibitive activities coupled with the provisions that require third-party auditors to register annually and the authority we have to revoke an auditor's QAP for cause will ensure that third-party auditors will appropriately implement EPA-approved QAPs.

G. Audit Requirements

Under the quality assurance program, an auditor will use an approved QAP as the basis for the verification of renewable fuel produced and RINs generated at a facility. In order to verify production, the auditor must review documents, monitor facility activity, and conduct on-site visits. These components, when taken together, are what constitute an audit of the facility. An on-site visit to a facility is not in and of itself an audit. Rather, an audit encompasses all the elements of a QAP, i.e., document review, monitoring of facility activity, the on-site visit (when required), etc. The elements of the QAP are discussed in some detail in section II.E. The following provides some additional detail on the elements of an audit. As with other provisions of the RFS program, the use of a QAP and the associated audit will also be available to foreign producers of renewable fuel.

1. Document Review and Monitoring

The auditor must ensure that the producer has fulfilled all applicable record-keeping requirements of § 80.1454. We expect the auditor to evaluate quarterly reports submitted to the EPA, and that the reports be year-to-date, as applicable, and from the previous year, for comparison. These include Activity Reports, RIN transaction reports, RIN generation reports, and Renewable Fuel producer Co-product reports. The third-party engineering review and annual attestation report must also be reviewed.

Reports submitted to the EPA must be cross-checked with other records. For instance, the auditor must have access to certificates of analysis. The auditor must check recent feedstock receipts (if the producer uses a variety of feedstocks, then the auditor should be provided with receipts for each feedstock). Integrated facilities may not have internal sales receipts for feedstock use, so an alternative paper trail will likely be required. Similar to the feedstock document review and crosscheck, renewable fuel and co-product delivery documentation must be part of any audit.

For all documentation reviews, we expect the auditor to analyze reports to determine whether a producer is reporting volumes consistently, and to require (from the producer) explanation for missing or inaccurate reports. The auditor must investigate discrepancies between volumes reported and processed. Other reports the auditor must consider as part of its review include the EIA M22 Survey, any state reports, federal and state tax returns, and association dues reports. The auditor must also determine if there is any import or foreign biofuel producer documentation.

Of prime concern to the quality assurance program is the verification of RINs, and there are many aspects to this part of the audit. The auditor must evaluate monthly RIN generation reports submitted through EMTS, verify that RINs generated match wet gallons sold, determine if the facility purchases or separates RINs, and review product transfer documents for all RIN activity. We are finalizing that verification elements for the audit may be checked for a representative sample of batches of renewable fuel according to the sampling requirements in § 80.127. However, based on the documentation provided by the producer, the auditor can decide to review all documentation for all batches. We requested comment on the level of detail required for document review. A number of commenters indicated that requiring 100% document review would negatively impact producers and that a high confidence level could be achieved through random sampling. We agree with the spirit of these comments, and are finalizing the program using the criteria for the representative sampling of batches of renewable fuel in accordance with sampling guidelines that have already been established in § 80.127, and are effectively used as part of the annual attest report.

Furthermore, and in order to ensure that renewable fuel producers will maintain their records in a manner that will allow third-party auditors and the EPA to efficiently evaluate whether RINs were properly generated, we are amending § 80.1426 to state that RINs may only be generated for fuel that the producer has demonstrated, pursuant to all applicable recordkeeping requirements of § 80.1454, was produced in accordance with the applicable pathway listed in Table 1 to § 80.1426(f) or a petition approved by the EPA pursuant to § 80.1416. Furthermore, RIN generation is only appropriate for renewable fuels that carry the appropriate designation on their product transfer documents, according to the new provisions of § 80.1453(a)(12). See Section III of this preamble for further discussion of PTD requirements.

2. Buyer/Seller Contacts

We are finalizing a flexibility that allows for the random sampling of feedstock supplier invoices and contracts to provide a representative sample of renewable fuel batches, according to § 80.127. This is an appropriate method for feedstock verification, as it gives high confidence that the producer was in fact purchasing renewable biomass as feedstock. We are also finalizing that random sampling of product transfer documents and other sales-related receipts for a representative sample of batches of renewable fuel, according to § 80.127, is an appropriate method for ensuring that the renewable fuel was sold for transportation purposes.

We proposed that at the end of an audit, the auditor should know all customers of and suppliers to the facility, and all parties that distribute feedstock to and fuel from the facility. We proposed that the auditor contact all of the customers and suppliers in order to verify sales and purchases in accordance with the requirements under the QAP. We envisioned this proposed requirement as a ''spot check;'' the auditor should be able to provide a reason for such calls regarding the entity called, questions asked, etc.

We received numerous comments, particularly from biodiesel producers who collect used cooking oil from thousands of restaurants, that contacting every supplier would be especially burdensome. Some commenters indicated that feedstock suppliers who have multiple auditors contact them for verification may be less willing to sell feedstock to parties participating in the RFS2 program. Since these suppliers are not regulated under RFS2, they are under no obligation to provide this information, which could place an auditor in a difficult situation. We also received comments indicating that aggregate compliance is sufficient, and

records such as EMTS transactions, receipts, and product transfer documents would further prove that appropriate feedstocks were used and sales were completed properly. Moreover, there was not a single comment in favor of this provision. Therefore, the Agency is not finalizing the requirements of direct contact with all feedstock suppliers and direct contact with all purchasers of renewable fuel but rather a representative sample of contacts.

3. On-Site Visits

The goal of the on-site visit is to verify that the plant has the technology to produce, store, and blend biofuels at registered levels, is operating in accordance with the facility's registration, and that the RINs generated since the last visit are valid. The auditor will likely use plant maps and photos as part of this analysis, and should compare and contrast the plant's infrastructure with the third-party engineering review reports on file with the EPA. The auditor should note the size and number of storage and blending tanks, and observe the measurement of volume in the tanks. The auditor should determine whether the process rate is consistent with annual and quarterly production of the facility, and whether the facility has quality process controls in place (e.g., are ASTM International specifications being followed where appropriate).

We believe that mass and energy balances on the facility are critical components of any audit. Because integrated facilities will likely have energy use that is not directly related to biofuel production, the auditor should have alternate means of assessing and correlating energy use to production. We proposed that an auditor conduct at least four (4) on-site visits per year for QAP B, or every three (3) months.[17]

The majority of commenters indicated that quarterly on-site visits would impose an undue burden on both the auditor as well as the producer. They noted that the cost of such visits would be excessively high, and there would be little to no benefit, given the amount of other data collected as part of the audit process. Other commenters recommended a tiered system that consisted of more frequent audits during the first year, followed by some form of phase-out for site visits thereafter. A few commenters indicated that quarterly on-site visits were appropriate. In considering these comments, the agency determined that the cost for the producer of adhering to a rule that required quarterly visits outweighed the benefits provided by the additional on-site visits. Therefore, for the single new QAP, we are finalizing that the auditor must conduct at least two on-site visits per year or at least one on-site visit along with ongoing remote monitoring.

If an auditor elects to conduct remote monitoring as a substitute for one of the two required on-site visits per year, the remote monitoring procedures must be approved by EPA prior to use. The remote monitoring setup may include equipment such as video cameras, tank level sensors and/or infrared cameras that clearly show tank levels where level sensors are not in place. Modifications may not be done to remote monitoring systems after the EPA review, unless the EPA has pre-authorized the changes in writing. In no instance shall a facility go more than 380 days between physical on-site visits overseen by a licensed professional engineer. For new production facilities, the first on-site visit must be part of an audit, and the audit must be completed prior to the verification of RINs.

We expect that each on-site visit could take from one to several days, depending on the size and complexity of the facility, the availability of records, changes since the last audit, etc. Auditors are free to perform more on-site visits than the minimum required if deemed necessary.

4. RIN Verification

RINs will be verified only for a specified period *following* an audit. Although an audit of any entity usually certifies what *was* done, audits are prospective in that the audits are verifying that past practices and procedures have been followed, and are currently in place for future RINs that will be generated. RINs generated after the completion of the audit can then be verified until the next audit is completed, but for no longer than 100 days after completion of the previous audit. (Note that there may not be more than 200 days between on-site visits, unless remote monitoring is used, in which case there may not be more than 380 days between on-site visits). We believe this prospective approach is appropriate for the quality assurance program because the audit would be verifying the starting point from which future RINs would be generated. In that sense, the upcoming period of RIN generation is starting with a verified set of conditions. In addition, it could place a serious impediment in the market for RINs if their verification followed RIN generation by any significant period of time.[18]

To allow for some flexibility around the standard audit schedule (i.e., quarterly, or roughly every 90 days), RINs generated for up to 100 days after the last audit can be verified, unless the real time monitoring data or other information obtained by the QAP auditor prior to the on-site audit indicated that RINs were invalid. If another audit was not conducted within 100 days, RINs could no longer be verified for that facility until a new audit was conducted.

We are finalizing that the on-site visit schedule remain the same, regardless of findings during the audit. Some commenters indicated that lower audit frequency levels should be allowed after a significant period of time with no invalidly generated RINs. We feel that by reducing the overall number of audits required, it sufficiently decreases the burden on auditors and producers, while at the same time, maintains the integrity of the program.

III. Additional Changes Related to the Definition and Treatment of Invalid RINs

A. Export and Exporter Provisions

In the NPRM, we proposed a number of regulatory changes regarding how RINs should be handled when renewable fuel is exported. Our intent was to ensure that exported renewable fuel is not included in meeting the mandated domestic annual renewable fuel volume requirement. We received a number of comments, primarily in support of these changes, and have made some minor changes to the proposed amendments in this final rule.

1. Exporter RVO (ERVO)

A volume of any renewable fuel which is exported, either neat or blended, requires the exporter to calculate an RVO and retire a like number and type of RINs as were generated for the exported renewable fuel. We proposed and are finalizing a minor change to the regulations to address concerns that some regulated parties may be misinterpreting the existing regulations and only establishing an RVO for exported renewable fuel that is in its neat form or blended with gasoline or diesel. The opening clause of 40 CFR 80.1430(a) provides that an RVO must be satisfied by any party that exports ''any amount

[17] Note that there are 4 site visits for a QAP A or QAP B used during the interim period. See § 80.1472(b) of the regulations.

[18] The only exception to the issuance of verified RINs only after the audit has occurred is the limited provision for verification of RINs issued prior to the audit, during the interim period, as discussed in section II.B.

of renewable fuel,'' and 40 CFR 80.1430(f) also states that ''each exporter of renewable fuel'' must satisfy an RVO. The portion of § 80.1430(a) stating that the regulation applies ''whether [the exported renewable fuel] is in its neat form or blended with gasoline or diesel'' was intended to point out through specific examples that the regulation applies to both neat and blended renewable fuels, not to limit the fuel blends to gasoline and diesel. It was not intended to exclude other exported renewable fuel blends, such as biodiesel blended into fuel oils, from the scope of the regulation. We are amending 40 CFR 80.1430(a) to simply state that the requirement to establish an RVO applies whether the exported renewable fuel is in its neat form or blended. Commenters on the proposed rule unanimously supported this change.

We also sought comment on whether the EPA should eliminate exporter RVO obligations in two situations: (1) Where exporters can document that no RINs were generated for the exported fuel, or (2) where exporters can demonstrate that any RINs generated for the fuel were previously retired ''upstream'' of the exporter. Regarding the first situation, most commenters supported the idea that renewable fuel for which RINs were not generated should not create an RVO for the fuel exporter. The EPA believes this change is consistent with the fundamental purpose of the exporter RVO; i.e., RINs are retired so the RINs generated for the fuel do not artificially inflate the RIN market and misrepresent the amount of renewable fuel produced for domestic use. If the renewable fuel is never intended for domestic use and no RINs are generated for it, then there is no reason for RINs to be retired upon export. Renewable fuel produced in the U.S. for export only can be clearly labeled as such on product transfer documents and RINs need not be generated for it. An exporter who exports renewable fuel for which RINs were never generated will not incur an RVO for such export, provided certain conditions are met. This final rule amends 40 CFR 80.1430 to set out this allowance, and to add the conditions that any exporter who does not incur an RVO for exported renewable fuel because no RINs were generated for it only does so for volumes purchased directly from the fuel producer. Further, the exporter must be able to show that no RINs were generated for the exported renewable fuel. This demonstration is made through fulfillment of the conforming recordkeeping requirement at 40 CFR 80.1454(a)(6) that the exporter must maintain an affidavit or affidavits from the renewable fuel producer of the RIN-less exported fuel, attesting that no RINs were generated for the specific volume of exported fuel. These requirements are intended to further the programmatic goal of generating RINs only for fuel that is intended for domestic production and retiring any RINs associated with renewable fuel that is ultimately exported.

Regarding the second situation, while one commenter supported the idea of eliminating the RVO where the exporter can document that RINs were already retired (but not retired for compliance with an RVO) for the exported volume, another commenter asserted that such an allowance would complicate the RIN-tracking system and make it more difficult for the EPA to establish how much renewable fuel is being exported. The EPA believes such a provision would also complicate the retirement and compliance reporting requirements. Also, it is unlikely, given the functioning of the RIN market, that RINs would be retired by someone upstream of the exporter but not for compliance with an RVO. For these reasons, the EPA has decided not to add a provision allowing an exemption from the exporter RVO for renewable fuel for which RINs have already been retired (but not for compliance with an RVO) upstream.

In summary, the exporter RVO is incurred only for fuel for which RINs were generated and must be fulfilled only by the exporter and not by any upstream parties.

2. Require Identification of Renewable Fuel Content

Pursuant to Section 205 of the EISA, fuel blends containing up to five percent biodiesel or up to five percent biomass-based diesel, and that meet ASTM D975 (''Standard Specification for Diesel Fuel Oils''), need not be labeled as containing biofuel. Fuel blends containing more than five but less than twenty percent biodiesel or biomass-based diesel must be labeled ''contains biomass-based diesel or biodiesel in quantities between 5 percent and 20 percent'' and blends containing more than twenty percent must be labeled ''contains more than 20 percent biomass-based diesel or biodiesel.'' [19] Under current FTC regulations, blends containing more than 20 percent biodiesel or biomass-based diesel must also be labeled with the precise blend level.[20] Since all renewable fuel volumes for which RINs were generated, including any quantity blended into conventional fuel, trigger an RVO on export, exporters must be aware if any part of their fuel volume is renewable fuel. Given the lack of disclosure for blends of up to five percent and the non-specific disclosure for 5–20 percent blends, there is growing concern that renewable fuel may be exported without the required exporter RVO being calculated and fulfilled.

In the NPRM, we proposed that a person transferring any biomass-based diesel blend or biodiesel blend to any other person (including blends of less than five percent) shall include in the PTD a disclosure of the specific renewable fuel blend level. The PTD disclosure would include the name of the transferor, the name of the transferee, the date of transfer, the volume in gallons of the product transferred, and either the volume in gallons or the percentage of biomass-based diesel or biodiesel that is contained in the blended product.

We received a number of comments on this issue. Many commenters opposed the mandatory disclosure of renewable content blend level, asserting that it would disrupt the existing fuel transportation and pipeline system in place and prove costly, impractical, and unnecessary. Currently, some blended renewable fuel is shipped through fungible distribution systems, such as a common carrier pipeline. This diesel has some percentage of renewable fuel in it, as allowed by ASTM D975 and the pipeline's specification requirements, but the precise amount of renewable fuel is immaterial to the quality of the fuel. If the proposed PTD provisions were finalized, these commenters generally argued that the carriers could have to ship distinct, segregated batches of fuel based on different renewable fuel content ratings. This could be both expensive (requiring additional holding tanks and other physical improvements to the system, as well as requiring additional testing of the fuel) and time consuming (delaying shipments downstream). Commenters also suggested that the proposed PTD requirements would be contrary to the idea of allowing blended diesel to operate as a drop-in fuel, which encourages the development and purchase of biodiesel. Commenters also stated that it is not easy, at the terminal level, to determine the precise content of a blend and would cause delay and a ripple effect of increased costs to the terminal operators and downstream buyers.

[19] *See* EISA, section 205(b).

[20] *See* 73 FR 40155 (July 11, 2008), ''Federal Trade Commission Automotive Fuel Ratings, Certification and Posting; Final Rule.''

Some commenters supported the idea of requiring a general label of renewable fuel content if less than five percent, but still opposed disclosure of the specific blend level. One commenter supported the disclosure of blend level, but suggested that residential heating oil should be exempt from the requirement because heating oil trucks would be unable to print all the required information on the tickets they generate for fuel sold. Some commenters suggested that below a de minimis level, e.g., one percent or some other level, the renewable fuel content should not need to be disclosed on the PTD or that disclosure should only be required where a party has actual knowledge of the renewable fuel content. Commenters also noted that the proposal lacks specificity as to how the requirements would be enforced, what degree of accuracy is required for testing the blend level, and the specific language to be used on the PTDs.

Other commenters supported the proposal to require disclosure of precise renewable fuel blend level in PTDs. These commenters stated that such disclosure would improve the safety of the marketplace for buyers, both with respect to RIN validity and the physical properties of the fuel. If a renewable fuel blend of five percent or less is not labeled, a blender might add in up to five percent more biodiesel or biomass-based diesel and sell it onward still without a label, though the resulting blend would be greater than five percent. This process could theoretically occur multiple times, resulting in significant concentrations of biodiesel or biomass-based diesel in diesel without notice to purchasers. Such concentrations would also result in the missed retirement of RINs for such renewable content upon export.

Having considered all comments on this issue, we are not finalizing the requirements for disclosure of specific blend levels for any blend volume of any renewable fuel beyond what is already required by EISA and other regulations, noted above. This will relieve the potential burden and disruptions that may have occurred in the fuel distribution system and marketplace.

However, since the underlying purpose of these proposed requirements was to ensure that exporters are aware of their responsibility to fulfill an exporter RVO by making them aware of the renewable fuel content of their exports, we are taking this opportunity to remind exporters of their obligations under 40 CFR § 80.1430(e). If followed appropriately, this paragraph already provides the needed structure and directions for exporters to determine the renewable fuel content of their exported volumes and calculate their RVOs, regardless of whether the blend level is specified in PTDs of the fuel they receive. 40 CFR 80.1430(e) states that the exporter shall determine the volume of renewable fuel blended with other fuel at the time of export by one of three methods. The regulation makes it clear that this is not a discretionary determination by the exporter, and the exporter must use one of these three methods for determining renewable fuel content of any exported fuel blend.

First, the type of renewable fuel and blend level may be specified in documents provided by the seller, according to § 80.1430(e)(1). This will usually be in the form of a product transfer document. For example, as discussed above, renewable diesel and biodiesel blends above 20 percent will most likely contain the specific blend level, per current FTC requirements, and blends between one percent and 20 percent may be labeled with the specific blend level, though this specific disclosure is not required by regulation or law. If the blend type and level is specifically stated by the supplier, the exporter may rely on such a statement to determine the volume of renewable fuel being exported and the exporter RVO.

The second way the renewable fuel content may be determined by the exporter is by testing the fuel for renewable fuel content using method B or C of ASTM 6866 or an alternative test method as approved by the EPA, per § 80.1430(e)(2).

The third way the exporter may determine the renewable fuel content of any exported fuel is by assuming the fuel contains the maximum concentration of renewable fuel allowed by law and/or regulation, per § 80.1430(e)(3). Therefore, for diesel that is not labeled as containing renewable fuel, the exporter must assume the volume contains five percent biodiesel or biomass-based diesel because that is the maximum concentration currently allowed without label by regulation. For diesel labeled as containing between five percent and 20 percent renewable diesel or biodiesel, the exporter must assume the fuel contains 20 percent because 20 percent is the maximum concentration that could be contained in that volume. If the exporter does not wish to assume the maximum percentage allowed by law (be it five percent or 20 percent), then it can use the testing method allowed in § 80.1430(e)(2) to determine the precise fuel content. Importantly, and as noted above, the exporter is responsible for determining the renewable fuel content, even when the content is not necessarily stated on the PTD for diesel.

Regardless of which method is used to determine the renewable fuel content of exported volumes, the exporter must report their exported volume and RVO annually, per the existing regulations at 40 CFR 80.1451(a). Records demonstrating the method used to reach that determination (including any applicable testing results) must be maintained per 40 CFR 80.1454(a).

By clarifying that the exporter RVO is five percent of the exported volume for diesel not carrying a renewable fuel content label and is 20 percent of the exported volume for diesel labeled as containing between five percent and 20 percent renewable diesel or biodiesel, we have greater confidence that the underlying policy goal—to retire an appropriate number and type of RINs for any volume of exported renewable fuel—will be fulfilled. At the same time, if the exporter does not want to assume that maximum level, he or she can test the fuel at the time of export to determine if there is no renewable fuel content or some content less than five percent or less than 20 percent, and accordingly reduce the exporter RVO. Keeping the burden on exporters to determine the volume of renewable fuel they export and clarifying that they must assume the maximum percentage allowed by law where no percentage is specifically labeled on the PTD documents is the most straightforward way to remove RINs associated with exported fuel from the marketplace while alleviating the concerns expressed regarding the proposed specific blend-level PTD disclosure.

3. RIN Retirement Requirements

The current RFS regulations require exporters to demonstrate compliance with their ERVOs on an annual basis, in the same way that obligated parties fulfill their RVOs. We proposed in the NPRM that a shorter deadline for exporters' fulfillment of their RVOs and eliminating the deficit carryover provision [21] for exporters may ease concerns related to uncertainty in the export market. Reducing the amount of time available for exporters to meet their RVOs is intended to discourage ''shell companies'' being formed for the purpose of exporting renewable fuel without retiring appropriate RINs and then folding before the retirement deadline in order to avoid the cost of

[21] Under § 80.1427(b), an obligated party or exporter of renewable fuel may under certain conditions carryover a renewable volume obligation deficit until the end of the following compliance year.

meeting the RVO. They would also reduce incentives for exporters to profit from selling RINs received with renewable fuel to obligated parties at a time of high RIN prices and then purchasing and retiring RINs to meet their RVO when prices drop. We also suggested, as an option, that exporters could be required simply to demonstrate on a quarterly basis that they have acquired RINs sufficient to cover their RVO in that quarter.

We received a number of comments regarding these suggestions, the majority of which were in favor of eliminating the deficit carryover allowance for exporters and reducing the time available for compliance with the RVO after export. Some commenters suggested the RVO should be met ''immediately'' upon export, while others suggested thirty days, quarterly, sixty days or annual retirement to meet the exporter's RVO. Some suggested that RINs still attached to exported fuel should be immediately retired, whereas for fuel purchased without RINs still attached, the exporter should be given more time to fulfill its RVO. Many commenters cited ongoing concerns of exporters gaming the system by retiring RINs late (if at all) and suggested that shortening the time frame for compliance would tighten up this ''loose'' area of the RIN market and improve all other participants' understanding of what RINs are available for purchase at a given point in time. Other commenters suggested leaving the exporter RVO provisions as they are, because the exporter market has ''calmed down'' and exporters need the flexibility to carryover RIN retirement obligations to the next compliance year if needed.

Having considered all the comments on this issue, the EPA believes the advantages of requiring more immediate and ongoing fulfillment of the exporter RVO and elimination of the deficit carryover provision for exporters far outweigh the potential disadvantages and burdens on exporters. While the EPA does not believe that ''immediate'' retirement is required upon export, we believe 30 days is a reasonable deadline by which to require the retirement of RINs of the same number and type as were originally generated for the exported renewable fuel. This final rule therefore includes a provision at 40 CFR 80.1430(f) to set the retirement deadline for fulfilling the exporter's RVO at thirty (30) days from the date of export. It also removes the deficit carryover provision for exporters from the RVO formulae at § 80.1430(b) and from 80.1427. In order to ensure that 2014 ERVOs incurred after December 31, 2013 and prior to the effective date of the final rule are still fulfilled, the final rule also includes a new provision at § 80.1430(g) that all 2014 ERVOs existing and unfulfilled as of the effective date of the final rule must be satisfied by the compliance demonstration deadline for the 2013 compliance period. This will give exporters sufficient time to retire RINs in fulfillment of their existing ERVOs, which may include previously reported carryover ERVOs from the previous year. The requirement for exporters to report all such retirements in quarterly reports and annual reports remains the same as is currently written in 40 CFR 80.1451(c)(2) and 80.1451(a)(1), respectively.

B. ''Downstream'' Invalidation and Product Transfer Documents

In the NPRM, the EPA proposed to clarify and expand existing requirements regarding the designation of qualifying renewable fuel, in response to concerns that properly generated RINs may become invalid if the fuel is not ultimately used in or as transportation fuel, heating oil, or jet fuel. We also proposed additional PTD and tracking requirements for renewable fuels that are not generally expected to be used for a qualifying purpose, i.e., as transportation fuel, heating oil or jet fuel. We received numerous comments regarding these changes, and are finalizing them as proposed with only minor changes.

1. Designation of Intended Renewable Fuel Use

In the NPRM we proposed that all renewable fuel producers and importers must designate all RIN-generating renewable fuel as transportation fuel, heating oil or jet fuel on the PTDs prepared to accompany a fuel shipment. The NPRM stated that designations of intended use must be made in good faith; in other words, parties designating fuel for a qualifying use who in fact know or have reason to know that the fuel would likely not be used in or as transportation or jet fuel or heating oil would be in violation of the regulation, and subject to civil penalties.

Many commenters supported these PTD requirements, while some suggested that fuel traditionally used for conforming purposes (e.g. biodiesel) should not be required to meet the additional PTD designation requirements. Some commenters believed the extra language on PTDs would cause unnecessary expense and burden on producers and others involved in further transfers of the renewable fuel, and that the language was especially unnecessary if the PTD was also required to include a disclosure of any renewable fuel content, as discussed above in section III.A.2.

After considering these comments, the EPA believes the additional PTD designations of intended use will cause minimal burden on regulated parties while providing useful information to blenders and end users downstream of the producer. Given that we are not finalizing the provisions requiring disclosure of specific blend levels for all renewable fuels, this basic PTD language will provide at least a basic disclosure that a blended fuel contains renewable content. There is therefore no redundancy in the disclosure, and it provides useful information to all potential purchasers.

We have made two minor adjustments in the required PTD language in the final rule. First, we removed any implication that there are negative consequences for the fuel's end user if the fuel is used for an improper purpose, i.e., not as transportation fuel, heating oil or jet fuel. The purpose of the PTD is to state the fuel's intended and appropriate end use and creates no burden or obligation on the end user. The second change is the addition of a sentence declaring that any person exporting the renewable fuel is subject to the provisions of § 80.1430. This statement creates no new right or obligation for exporters, but simply gives exporters additional notice that they are subject to the RFS, specifically the provisions requiring retirement of RINs for any RIN-generating fuel they export.

In addition to the PTD requirements, we also proposed that parties generating RINs for any renewable fuel not typically sold for use in or as transportation fuel, jet fuel, or heating oil must collect and submit documents certifying the fuel's appropriate end use. The EPA believes that denatured ethanol, biodiesel, and renewable diesel that meets ASTM 975–13a Grade No. 1–D or No. 2–D specifications are highly likely to be used as transportation fuel, heating oil or jet fuel and are therefore not subject to the additional documentation requirements. For all other renewable fuels, we proposed limiting the opportunity for RIN generation to circumstances where the RIN generator has taken actions to ensure that the fuel is used for transportation fuel, heating oil or jet fuel. Where the producer or importer has fulfilled the applicable registration requirements, at § 80.1450(b)(1)(ix), RINs generated for such fuel will remain valid regardless of the fuel's ultimate use. In the final rule, we are adding

renewable gasoline to the list of fuels that are highly likely to be used for a conforming purpose and renewable gasoline is therefore not subject to the additional requirements for all other RIN-generating renewable fuels.

There are two ways for the RIN generator to demonstrate that the fuel is sold for use as transportation fuel, heating oil or jet fuel. First, if the RIN generator uses the fuel itself as a blendstock or additive for gasoline or diesel fuel, it must maintain contemporaneous records demonstrating that it used the fuel as a blendstock or additive and that the final product is a transportation fuel, heating oil or jet fuel that met all applicable standards. Second, if the RIN generator does not use the fuel itself as a blendstock or additive for gasoline or diesel fuel, it may enter into a sales contract (or show a string of contracts) that requires the ultimate purchaser to use the fuel as a blendstock or additive for gasoline or diesel fuel, and that meets certain requirements designed to assure that the end user does, in fact, use the fuel as a blendstock or additive in a transportation fuel, heating oil or jet fuel that meets all applicable standards.

We sought comment on these requirements generally, and also how these new registration requirements should apply to currently registered entities.

One commenter agreed that the proposed requirements would help ensure that the fuels are used for the appropriate RFS purposes and no other purposes, and suggested that the requirements should apply immediately to currently registered entities who should update their registrations as soon as practicable. Other commenters, however, disagreed with the proposal, stating that the producers' involvement with the fuel should end at the time of sale and that such tracking is beyond the appropriate scope of the QAP system. Another commenter suggested that providing affidavits of appropriate use should be a burden placed on the end user, not the producer or RIN generator. Another commenter stated that these requirements only complicate an already complicated system.

After considering all comments, the EPA is finalizing the proposed registration, reporting and recordkeeping requirements for fuels not typically used as transportation fuel, heating oil or jet fuel as proposed. We believe that the RIN-generators are in the best position to collect and submit information regarding end use, because they are already regulated and registered parties, and they are the ones receiving the financial benefits of RIN generation. Therefore, it is appropriate to require RIN generators to be able to demonstrate, through the affidavits of third-party end users, that the renewable fuel they produce is indeed being used or is intended for use for a qualifying purpose. While we recognize that this will require additional paperwork collection and submission, the benefits of such additional work outweigh the potential burdens on RIN generators.

Given the lag time between publication of this rule and the effective date of the final rule, we have determined that for parties already registered to generate RINs for these fuels, registrations must be updated as of the effective date of this rule. This should provide sufficient time for the initial collection of end user affidavits.

In determining which fuels are typically sold for use in or as transportation fuel, jet fuel, or heating oil, we realized that some fuels currently meeting the definition of ''renewable diesel'' should be subject to the same additional requirements to demonstrate appropriate end use. Some renewable fuel producers are currently generating RINs for fuel that they claim meets the existing definition of renewable diesel, but which is not chemically equivalent to a petroleum diesel fuel and is therefore not a drop-in fuel. This product is primarily composed of triglycerides that have not been chemically converted to a hydrocarbon, through simple filtration of vegetable oils. It cannot be used as a drop-in transportation fuel but can only be used at blend levels with diesel fuel that are approved under 40 CFR part 79. To address this issue, we proposed to amend the definition of ''non-ester renewable diesel'' so that qualifying fuels must be approved under 40 CFR part 79 at specific blend levels with diesel fuel. This would explicitly allow those renewable fuels that are not fungible in their neat form with petroleum-based fuels to qualify as renewable diesel, while specifying that the end product must be fungible with petroleum diesel.

We also suggested that in order to differentiate between the two types of renewable diesel (''drop in'' and other) we could limit the definition of renewable diesel to fuels that meet the ASTM D 975 Grade No. 1–D or No. 2–D specifications, and that are homogenous hydrocarbons. We could then refer to all other fuels that meet the current definition of renewable diesel as viscous non-ester renewable diesel, effectively removing these ''other'' fuels from the definition of renewable diesel.

We received a number of comments in support of altering the definition to distinguish between renewable diesel that is fungible with conventional diesel and that which is not. One commenter additionally suggested that fuel not qualifying under the limited definition of renewable diesel should not qualify for RIN generation at all, or should have to petition for a new pathway in order to generate RINs. Other commenters suggested that triglycerides should never be considered renewable fuel capable of generating RINs.

After considering all comments on this issue, we determined that it is clearer to distinguish between fungible drop-in renewable diesels meeting ASTM D 975–13a Grade No. 1–D or No. 2–D specifications and other renewable fuels that can be blended at levels allowed under 40 CFR part 79 to create a product fungible with transportation fuel (petroleum diesel). However, the final rule creates this distinction within the definition of ''renewable diesel'' instead of creating a new definition of ''viscous non-ester renewable diesel,'' to avoid further complicating the system and creating a new class of renewable fuel. We are therefore amending the definition of renewable diesel to include two classes of renewable diesel, one that meets ASTM D975–13a Grade No. 1–D or No. 2–D specifications and one that does not. Both classes of renewable diesel must not be mono-alkyl esters. The first class of renewable diesel must meet the ASTM D 975–13a Grade No. 1–D or No. 2–D specifications and must be suitable for use in an engine designed to operate on conventional diesel. The second class of renewable diesel must be a fuel or fuel additive registered under 40 CFR part 79 and be intended for use in an engine designed to operate on conventional diesel. As discussed above, any renewable diesel that does not meet the ASTM D975–13a Grade No. 1–D or No. 2–D specifications, i.e. that is in the second class of the new definition of renewable diesel, is subject to the additional registration, recordkeeping and reporting requirements for fuels not typically sold for an RFS qualifying use. We do not find it necessary, as some suggested, to prohibit RIN generation for renewable diesel not meeting an ASTM specification. The increased recordkeeping and tracking requirements for renewable diesel not meeting the ASTM D975–13a Grade No. 1–D or 2–D specifications are designed to ensure the fuel is used for an RFS qualifying use and therefore is properly eligible for RIN generation.

In the NPRM, we also proposed new requirements at § 80.1433 for any party

selling or transferring a volume of renewable fuel for which RINs were generated, if that party knew or had reason to know that the volume would ultimately be used for a non-conforming purpose. We proposed that such a party would be obligated to redesignate the fuel (by removing the PTD designation of intended use) and to retire a like quantity and type of RINs as were originally generated for the volume. We also proposed a new prohibited act provision at § 80.1460(g) that established a failure to retire RINs when the designation of an RFS intended use was removed as a prohibited act. Upon further consideration, we have determined that these new retirement and redesignation requirements and the associated prohibited act provision are not needed to meet the program goal of ensuring that RIN-generating renewable fuel is used for an RFS qualifying fuel use, i.e., as transportation fuel, heating oil or jet fuel in the United States. Having added the requirements for 'intended use' PTD language to accompany all volumes of renewable fuel for which RINs were generated and new requirements for tracking and recordkeeping of actual end use for fuels not traditionally used for a qualifying use, we feel that the program goal of ensuring appropriate end use is already addressed and managed through the regulations. We are therefore not finalizing the proposed § 80.1433 and conforming prohibited act provision for sellers and transferors of RIN-generating renewable fuel.

2. Required Actions Regarding Fuel for Which RINs Have Been Generated That Is Redesignated for a Non-Qualifying Fuel Use

Section 80.1429(f) of the existing regulations provides that any person who uses or designates a renewable fuel for an application other than transportation fuel, heating oil or jet fuel (i.e., a non-qualifying fuel use) must retire any RINs *received* with that renewable fuel. This approach, however, places the burden of using fuel for a qualifying use on the end user (who may under the existing regulations have no idea of the appropriate use requirements) when the fuel already should have been redesignated upstream and the use restriction removed. In other words, once the fuel reaches the end user, it should be clearly designated either for use as a transportation fuel, heating oil or jet fuel and sold as such, or should have been redesignated for a non-qualifying fuel use and the redesignator should have retired an appropriate number of RINs. Redesignation in this context simply means the removal of the PTD statement of intended end use required under section 1453(a)(12). A party removing this designation might also include a statement that the fuel is intended for some other specific use, but such additional or other specifications are not required under the regulations.

As noted above in section III.B.1, a transferor who uses the PTD language designating the fuel for use as transportation fuel, heating oil or jet fuel must not know or have reason to know that the fuel will be used for some other purpose. To do so would be a prohibited act and subject the transferor to civil penalties. Any person redesignating fuel for which RINs have been generated for a non-qualifying use must make the RIN system whole by retiring an equivalent number and type of RINs. The end user, on the other hand, has no obligation under the RFS to use fuel in a particular way or to retire RINs if the fuel is used for a non-qualifying purpose. The original producer or RIN generator for the fuel is similarly protected under this system, because the RINs are not invalidated by an improper end use. If RINs were generated for the fuel and it is sold for use as a transportation fuel, heating oil, or jet fuel (and any other additional requirements are met for special fuel types, see section III.B.1 of this Preamble), then the RINs generated for that fuel are valid and cannot be invalidated by any action of the end user.

To ensure that RINs generated with renewable fuels are retired if the fuel is redesignated for a non-qualifying fuel use, we proposed and are finalizing new requirements for any party that redesignates a renewable RIN-generating fuel for a non-qualifying fuel use. To accomplish this, we are removing and reserving § 80.1429(f) of the regulations and adding a new § 80.1433 to require parties that designate fuel for which RINs were generated for a non-qualifying fuel use, i.e. for something other than transportation fuel, heating oil, or jet fuel, to retire an appropriate number and type of RINs. We are also adding a new § 80.1460(g) which prohibits a person from designating a qualifying renewable fuel for which RINs were generated for a non-qualifying fuel use, unless the requirements of § 80.1433 have been met, i.e. an appropriate number and type of RINs were retired when the fuel was redesignated. These changes will relieve end users of the obligation to retire RINs.

Commenters on this issue supported the proposed changes for redesignators and removal of the retirement requirement for end users. Based on our initial rationale and the lack of any comments to the contrary, we are finalizing these changes as proposed. One commenter considered the proposed 10 day retirement deadline too short and suggested it should be extended to 15 days, starting on the date the fuel is re-designated or sold. The EPA foresees no harm in extending the deadline for § 80.1433 retirements, so is finalizing a 15 day deadline.

3. RIN Generation for Fuel Made With Renewable Fuel Feedstock

The existing regulations do not provide a pathway for the generation of RINs for a fuel produced using another renewable fuel as a feedstock. Parties seeking to do so, however, may submit a petition requesting approval pursuant to § 80.1416. 40 CFR 80.1426(c)(6)(ii) sets forth certain prohibitions that would apply if, in the future, the EPA approved a pathway that allowed a party to generate RINs for a fuel that was produced using another renewable fuel as a feedstock. These prohibitions are designed to prevent parties from generating more than one RIN for the same volume of renewable fuel. In the NPRM, the EPA proposed to modify § 80.1426(c)(6) to prohibit a party from generating RINs for a fuel made from a renewable fuel feedstock, where the feedstock was produced by another party, unless the EPA approves a petition under § 80.1416 and the petition and approval include an enforceable mechanism to prevent double counting of RINs. Having received no adverse comments on this proposal, we are finalizing the new paragraph as proposed.

We also proposed to amend § 80.1426(f)(4) to address the potential for ''double discounting'' for non-renewable feedstocks when renewable fuel is produced by co-processing renewable biomass and non-renewable feedstocks to produce a fuel that is partially renewable. To correct this problem, we proposed to add a new paragraph (f)(4)(iii) so that for purposes of § 80.1426(f)(4) only, the equivalence value does not include a discount for non-renewable feedstocks. Having received no adverse comments on this proposal, we are finalizing the new paragraph as proposed.

4. Use of Renewable Fuel in Ocean-Going Vessels

Another issue the Agency is aware of concerns the use of renewable fuel-containing Motor Vehicle, Nonroad, Locomotive and Marine diesel fuel (MVNRLM) in ocean-going vessels. The definition of ''transportation fuel'' specifically excludes ''fuel for use in

ocean-going vessels''. See 40 CFR 80.1401. In the preamble to the March 26, 2010 RFS rule, the Agency stated that '''fuels for use in ocean-going vessels' means residual or distillate fuels other than MVNRLM intended to be used to power large ocean-going vessels.'' 75 FR 14670, 14721 (March 26, 2010). The rule also defines ''fuel for use in ocean going vessels'' as including ECA marine fuel. See 40 CFR 80.1401. Some parties have questioned whether MVNRLM that is blended into ECA marine fuel is ''fuel for ocean going vessels'' such that RINs generated for the renewable fuel component of MVNRLM become invalid upon that use. It is the Agency's interpretation that the definition of ''fuel for use in an ocean-going vessel'' in § 80.1401 does not include MVNRLM that is blended into ECA marine fuel. This is based on the definitions of fuel for use in an ocean-going vessel and of ECA marine fuel, as explained in the March 2010 rulemaking.[22] Therefore, RINs that have been or are properly generated for any renewable fuel component of MVNRLM that is blended to produce ECA fuel remain valid. The EPA notes that the vast majority of MVNRLM is used for qualifying RFS purposes, and that only a trivial quantity of such fuels is used to produce ECA fuel for ocean-going vessels. Given the complexity and regulatory burden that would be involved in tracking trivial quantities of MVNRLM that may be used in ECA fuel, the RFS regulations appropriately treat all properly generated RINs for renewable fuel blended into MVNRLM as valid, regardless of the possible downstream blending of MVNRLM with ECA fuel. In addition, new regulatory requirements designed to ensure that renewable fuel is put to a qualifying use would be imposed on certain types of renewable fuel, as discussed above. These new requirements would further limit the quantity of renewable fuel that could ultimately be blended with ECA fuel used in ocean going vessels.

We sought comment on whether our interpretation of ''fuel for use in an ocean-going vessel'' created any potential problems. The Agency received several supportive comments and no comments against the proposed interpretation of ''fuel for use in an ocean-going vessel''. Therefore, the Agency is finalizing the proposed interpretation.

[22] This does not change the fact that the blend of fuel that results from blending MVNRLM or NRLM with ECA marine fuel would still be ECA marine fuel and subject to the sulfur limits that apply to such fuel.

5. Treatment of Improperly Separated RINs

Under existing regulations, a RIN that was improperly separated pursuant to § 80.1429 is invalid and obligated parties may not use any invalid RINs for compliance purposes. In the NPRM, the EPA proposed to remove the provision that improperly separated RINs are invalid, and to add a provision identifying the improper separation of RINs as a prohibited act. The net effect of these changes would allow obligated parties to use RINs that were improperly separated for compliance purposes, since the RINs would no longer be considered invalid. However, improper RIN separation would continue to be a prohibited act under the regulations. We received a number of comments in support of this approach and therefore are finalizing it as written.

The EPA sought comment on whether the RFS regulations should instead maintain § 80.1431(a)(1)(viii), but also require a more comprehensive and robust mechanism to allow parties that acquire separated RINs and the EPA to evaluate whether the RINs were properly separated and used in or for a qualifying fuel. We received one comment in support of the proposal but a number of comments in opposition to this alternative idea, asserting that the RIN-related regulations are already complex and this would add additional complexity without a significant benefit in return. The simpler proposed alternative (above) was widely favored. The EPA is therefore not finalizing any additional requirements for tracking of separation events and separated RINs.

Additionally, the EPA requested comment on whether we should require RIN separators to include with their quarterly reports additional records related to qualifying separation events that are already required to be reported in basic form in quarterly reports. Enhanced reporting requirements for RIN separators could facilitate the EPA's ability to investigate and prosecute persons who engage in RIN separation violations. The EPA sought comment on the type and scope of reporting that would most likely assist the EPA in identifying RIN separation violators. We received no comments on this issue and are not prepared at this time to finalize additional reporting requirements regarding RIN separation. We intend to continue to evaluate this question and will take up the issue in a subsequent action if we determine it is warranted. As we are not finalizing a change, RIN separators will continue to be required to provide in quarterly reports a list and certain details of all RIN separation events occurring in that quarter, per 40 CFR 80.1451(c)(1).

C. Treatment of Confidential Business Information

1. Proposed Disclosure of Certain Registration and Reported Information

Due to the high level of interest in RFS compliance information since implementation of the RFS program, the EPA proposed to make certain RFS registration and reporting information public. The release of this information was intended to improve the integrity of information submitted for RFS compliance and deter fraudulent behavior, and was part of a broader effort to increase transparency and provide information to the public that would promote greater liquidity in the RIN market. We solicited comments on all aspects of the proposed information releases, and in particular whether there are unique circumstances where disclosing this information would cause substantial harm to a company's competitive position.

We received a substantial number of comments on our proposed Confidential Business Information (CBI) determination, many of which raised legitimate concerns regarding the appropriateness and lawfulness of the EPA releasing the proposed information. Given our desire to finalize the proposed QAP program in a timely manner and the significant serious issues raised on the CBI question, we are not finalizing a CBI determination in this action. We intend to continue to evaluate the issues raised in comment and if appropriate will make a CBI determination in a future action.

The EPA proposed to summarize and publish two classes of information: Registration information and information from quarterly reports. First, we proposed to publish registration and QAP information required under 40 CFR 80.1450(b), (c), and (g) from independent third-party auditors and renewable fuel producers and importers registered with the RFS program, by facility and on a monthly basis. For each facility, we would publish the company name, facility name, facility type/fuel product, total permitted capacity, production volume, production process type, feedstocks, D-Code, and any co-products. After publishing these monthly registration reports, we proposed to summarize and update the information in quarterly and annual registration reports of the same type of information.

Second, we proposed to publish monthly, quarterly and/or annual report of information reported to the EPA

under 40 CFR § 80.1452(b) by renewable fuel producers and importers, on a facility-by-facility basis. This information included:

- The name of the renewable fuel producer or importer and associated registration information (i.e., name, address, feedstock, process, fuel type, D-Code).
- The EPA company and facility registration numbers and the associated registration information of the renewable fuel producers, foreign ethanol producers and importers that generated RINs in EMTS during the applicable time period(s).
- The D-code of RINs generated by the facility during the time period (40 CFR 80.1452(b)(6)). For each D-code generated at a facility, the number of RINs generated (40 CFR 80.1452(b)(12)), volume of fuel produced (40 CFR 80.1452(b)(10)), fuel type (40 CFR 80.1452(b)(9)), production process (40 CFR 80.1452(b)(7)), feedstocks (40 CFR 80.1452(b)(13)), and co-products (40 CFR 80.1452(b)(15)).
- The volume of denaturant (for ethanol), applicable equivalence value, and whether all the feedstocks used during the time period were claimed to have met the definition of renewable biomass (40 CFR 80.1452(b)(11) and 80.1452(b)(14)).

The EPA believed that these data were not entitled to confidential treatment because we believed much of this information was already publicly available and widely known, for example renewable fuel producers' company names, facility names, RIN-generating names, locations, production years, fuel product types, RIN D-Codes, production volumes, production process types, feedstocks, equivalence values, and number of RINs generated. We also believed that disclosing this information was not likely to cause substantial harm to the competitive position of the business required to report these information elements under Part 80 because these elements of information do not reveal any proprietary information, or any other information that would likely provide insight for competitors to gain an advantage. Furthermore, because these information elements would be aggregated to the facility level and further aggregated for the time period of the EPA-published report, we did not believe the information could be used by a competitor to gain a competitive advantage.

We received a number of comments on this proposal. Many commenters noted that the most sensitive aspects of the information proposed for release are not already publicly available or widely known. The EPA's assumption on this point was mistaken. Further, many commenters discussed at length the ways in which release of the data could cause competitive harm. For example, release of actual production volumes over time could reveal a company's market share and position, percent capacity production rate, marketing strategy and business partnerships with other entities such as feedstock suppliers. Feedstock type and production process type, in concert with other released data, could be reverse-engineered to reveal the producers' process efficiencies, feedstock use rates and other proprietary information. Some commenters asserted that release of the data would have a disproportionately large negative impact on small producers, whose processes and business relationships are typically more sensitive and guarded than large producers'.

Given the recognition that much of this information is not already public or widely available and the many concerns expressed about potential harm to competitive position, the EPA is not finalizing the proposed release of registration and reported information. The decision not to finalize the proposed release of data is not a determination that the information proposed for release necessarily deserves confidential treatment, for example in response to a FOIA request. Such requests will continue to be evaluated on a case-by-case basis. The EPA will continue its current practice to treat as CBI any registration or reported information claimed as confidential, unless a specific determination to the contrary is made in a given case. Today's decision is simply a determination that, at this time, we are not prepared to make a class determination that the information proposed for release in the NPRM is not CBI.

2. Treatment of QAPs and Independent Engineering Reviews

For QAP plans and independent engineering reviews that are claimed as CBI, the EPA proposed to require submission of two versions of those documents: One clearly marked ''CBI version,'' with appropriate areas denoted as CBI, and a second ''public version,'' with CBI information redacted. Based on the Agency's experience with the RFS program, the EPA noted that certain information should not fall under a claim of CBI because it is generally available to the public or widely-known within the industry, and disclosure would not likely cause harm to the competitive position of any submitting renewable producer, importer, or any other party to a RIN transaction. If the EPA receives a Freedom of Information Act (FOIA) request for the CBI version of an engineering review or QAP plan, the EPA would process the FOIA request pursuant to its CBI regulations under 40 CFR part 2, subpart B. Submission of the two versions of QAP plans and engineering reviews (CBI and public versions) would allow the Agency to clearly understand what information is claimed as CBI, and would also allow the Agency to make public versions available to the public without unnecessary delay. We received no adverse comments on this approach and are finalizing as proposed.

D. Proposed Changes to Section 80.1452—EPA Moderated Transaction System (EMTS) Requirements—Alternative Reporting Method for Sell and Buy Transactions for Assigned RINs

In the NPRM, we suggested alternative reporting and PTD requirements found in §§ 80.1452 and 80.1453, respectively, which would allow buyers and sellers of assigned RINs flexibility concerning the invoice date reported to EMTS through the use of a unique identifier identified in advance between buying and selling parties. Some buyers and sellers of assigned RINs have expressed concerns with these requirements, stating they have difficulty determining the date of transfer since title of the renewable fuel is not transferred until the fuel physically reaches the buyer. Some transactions, for example those by rail or barge, may take several weeks, and their current accounting systems do not include a means for capturing the buyer's receipt date. We noted that such an alternative method would require substantial modification to the EMTS to accept such transactions.

We received a number of comments in support of adding flexibility in the reporting and PTD requirements. However, we did receive one comment from an obligated party stating that they and other parties had spent a substantial amount of resources in developing accounting systems to implement the current regulatory provisions and that such a change in flexibility would necessitate a major overhaul of accounting systems that have been functioning adequately for the past several years at significant cost to industry.

We believe that it is important to note that such changes to EMTS incur significant costs to both the Agency and industry. We also understand both the need for flexibility and the potential

costs to industry when we allow new flexibility in our reporting systems. While we agree that there may be some value in adding flexibility to make buying and selling transaction function more smoothly in EMTS, we are not prepared at this time to institute such a change to EMTS. Nor do we wish to disrupt the significant cost borne by industry to comply with existing reporting and PTD requirements. Therefore, we are not finalizing the proposed changes to the reporting and PTD requirements in §§ 80.1452 and 80.1453. However, we may consider further action on this at a later date.

IV. Impacts

The quality assurance program that we are finalizing in today's final rulemaking provides a voluntary mechanism for regulated parties to verify that RINs are validly generated, provides an affirmative defense against violations if a regulated party transfers an invalidly generated RIN or uses it for compliance, and provides clarity regarding the responsibility of regulated parties to replace invalidly generated RINs. The program does not change the volume requirements of the RFS program, but instead helps to ensure that those volume requirements are met. Likewise, the changes to the regulations governing export of renewable fuel, separation of RINs from wet gallons, and qualifying uses of renewable fuel are also intended to ensure that the RFS volume requirements are met with qualifying renewable fuel. As a result, there is no change to the expected impacts of the RFS program in terms of volumes of renewable fuel consumed or the associated GHG or energy security benefits. Instead, the primary impacts of the quality assurance program will be improved liquidity in the RIN market and improved opportunities for smaller renewable fuel producers to sell their RINs.

The quality assurance program finalized today is voluntary. As a result, there are no obligatory costs. There will be costs associated with an individual party's participation in the quality assurance program. However, the fact that the quality assurance program is voluntary means that a decision to participate will be made independently by each regulated party. Furthermore, any costs incurred will only be borne if the industry believes that those costs are less than current costs in the marketplace resulting from efforts to verify, acquire, and trade RINs.

Regulated parties face high costs if they unintentionally purchase invalid RINs (including civil penalties as well as the cost of purchasing additional RINs to meet their RVOs). Although they may make expenditures to implement the QAPs, they are making that investment to reduce the risk of incurring those future costs. As rational actors, the EPA anticipates that regulated parties will not spend more on QAPs than the costs they intend to avoid. Therefore, the EPA estimates that this rule will result in a net reduction in social costs.

As of June 2014, there are 559 biofuel producers operating more than 754 biofuel production facilities. Of these, there are 244 biomass-based diesel producers operating 261 biomass-based diesel production facilities. These numbers are expected to increase as the biofuel market expands. While it is unlikely that all biofuel producers will opt to participate in the quality assurance program, that was the assumption for the upper cost estimate range in order to reflect the maximum potential cost of the program.

The EPA staff consulted with a variety of parties who are expected to be involved in developing RIN validation programs for the biofuels industry. These parties include current and potential RIN auditors, conventional and biofuel industry groups, and obligated parties which have been affected by RIN fraud. These parties all provided informal estimates of the costs associated with this type of quality assurance program which were used to inform our cost calculations.

For those biofuel producers who opt into the quality assurance program, each biofuel production facility must be visited and assessed as part of any audit conducted under the quality assurance program. An auditor will use an approved QAP as the basis for the verification of biofuel produced and RINs generated at a facility. In order to verify production, the auditor must conduct site visits, review documents, and contact entities that do business with the facility. The proposed components of audits are described in Section II.

For producers choosing to take advantage of the QAPs, we require that production facilities be visited on a semi-annual basis. New production facilities shall be visited prior to verification of any RINs and subsequently according to the RFS QAP schedule. We estimate that each visit could take from one to several days, depending on the size and complexity of the facility, the availability of records, changes since the last audit, etc.

Tables IV–1, IV–2, and IV–3 below itemize the activities anticipated for each biofuel production facility audit. The estimates include costs incurred by the biofuel producer (Table IV–1), the auditor (Table IV–2), and the EPA (Table IV–3). While we project costs for the QAP auditors, we expect they will recoup their costs by charging the producers in most cases for their audit and RIN verification services.

TABLE IV–1—COSTS TO THE BIOFUEL PRODUCER FOR IMPLEMENTING A QAP

Category	Manager time	Prof./tech. time	Clerical time	Number per yr.	Capital $	Total hours	Total $
Site Visit	1	16	4	2		42	3,588
Reporting	2	12	4	2		36	3,040
Recordkeeping	0	0	2	2		*4*	*148*
Total						82	6,776

TABLE IV–2—COSTS TO THE QAP AUDITOR FOR IMPLEMENTING A QAP

Category	Manager time	Prof./tech. time	Clerical time	Number per yr.	Capital $	Total hours	Total $
Auditor							
Contract Init	4	4	2	1	530	10	1,428
Site Visit	4	16	0	1	1,060	20	3,036
Follow-up	2	24	10	2	1,060	72	5,778

TABLE IV–2—COSTS TO THE QAP AUDITOR FOR IMPLEMENTING A QAP—Continued

Category	Manager time	Prof./tech. time	Clerical time	Number per yr.	Capital $	Total hours	Total $
Monitoring	2	50	0			52	5,020
Consultants				1	1,000		1,000
Reporting	0	4	12	2		32	1,656
QAP Prep	2	8	4	2		28	2,272
EMTS	0	25	0			25	2,400
Recordkeeping	0	12	25			*37*	*2,077*
Total						276	24,667

TABLE IV–3—COSTS TO THE EPA FOR IMPLEMENTING A QAP

Category	Manager time	Prof./tech. time	Clerical time	Capital $	Total hours	Total $
Implementation		3			3	267
EMTS Data Management		1			*1*	*89*
Total		4			4	356

A. Time and Cost Assumptions

The specific times estimated for each task are shown in Tables IV–1, IV–2, and IV–3. These estimates are based on a number of basic assumptions. An initial site visit of the facility to be audited is assumed to require two days, and include estimated travel and per diem costs. For simplicity, we have estimated an average $600 for airfare, $150 for lodging, and $80 for the per diem expenses. It is assumed that a plant manager would meet briefly with the auditor, and that a plant chemist or other professional would escort the auditor throughout the visit. Some clerical support would be required to locate files for the related document reviews.

It was assumed that an auditor would travel and spend half a day on contract initiation. Any follow up site visits were assumed to be shorter in duration, as the auditor would now be familiar with the facility and its normal operation. A substantial amount of the auditor's time would be spent in follow up documentation of the facility, such as checking feedstock suppliers, process fuel suppliers, doing volume and mass balances, and monitoring the ongoing operation of the facility. It was assumed that an auditor would employ a specialized consultant and/or local agent to perform some portion of the audit support.

In addition to tracking facility operation, an auditor would also be responsible for preparing the QAP, maintaining recordkeeping, monitoring and/or brokering activities on EMTS, and assisting with RFS reporting requirements.

B. Labor Cost Assumptions

The labor costs used in this cost estimation are average mean wages for each labor category, as provided in the Bureau of Labor and Statistics Report dated May 2011. Based on this data, we used the following hourly wages for each employee type:

Managerial $55.04 per hour
Technical/Professional $47.81 per hour
Clerical $18.35 per hour

Doubling to account for company overhead and benefits, and for convenience, rounding to the dollar, gives the following hourly rates:

Managerial $110 per hour
Technical/Professional $96 per hour
Clerical $37 per hour

For the Agency costs, the work was assumed to be performed by a GS–13 technical employee, doubled and rounded up, for an hourly rate of $89.

C. Cost Estimate Results

We considered two scenarios to provide a range of cost estimates with the first estimate assuming that all currently registered biofuel production facilities participate in the program and the second estimate assuming that just the biomass-based diesel production facilities participate. The first estimate represents our maximum total cost estimate based on the number of registered biofuel producers as of June 2014. This assumption of total participation by all biofuel producers equates to 559 RIN generators with 754 biofuel production facilities. This results in a maximum total cost for the program, including recordkeeping and reporting costs, of $22,386,702. If all parties are participating in the program and all RINs are verified, this results in a per-RIN cost of less than $0.01. However, we do expect that the per-RIN cost would vary depending on the number of RINs generated by each fuel producer since the effort involved in validating many aspects of renewable fuel production is the same regardless of the size of the facility.

We do not expect that the costs of participation in the quality assurance program will vary significantly by the D code of RINs. While RINs with different D codes may command different prices in the market, the verification process for each RIN is expected to be similar regardless of D code, with the biggest cost differences in feedstock verification. For this reason we use the same estimated unit costs for the second estimate, where we assume that only the biomass-based diesel production facilities participate in the QAP program. There are currently 244 biomass-based diesel producers operating 261 biomass-based diesel production facilities. The total cost for the program, including recordkeeping and reporting costs, if just these facilities participated is estimated to be $8,091,431.

V. Public Participation

Many interested parties participated in the rulemaking process that culminates with this final rule. This process provided an opportunity for submitting written public comments following the proposal that we published on February 21, 2013 (78 FR 12158). We also held a public hearing on April 18, 2013, at which a number of parties provided both verbal and written testimony. All comments received, both verbal and written, are

available in the EPA docket EPA–HQ–OAR–2012–0621 and were considered in developing the final rule. Public comments and the EPA responses are discussed throughout this preamble.

VI. Statutory and Executive Order Review

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

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is a ''significant regulatory action'' because it raises novel legal and policy issues. Accordingly the EPA submitted this action to the Office of Management and Budget (OMB) for review under Executive Orders 12866 and 13563 and any changes made in response to OMB recommendations have been documented in the docket for this action.

This action is being finalized today as a result of several cases of fraudulently generated RINs. As discussed above, several biodiesel production companies have been identified as having generated RINs that did not represent qualifying renewable fuel. While these invalid RINs represented a very small amount (about five percent) of the nationwide biodiesel volume in the 2009–2011 timeframe, the net result is that this fraud has impacted the liquidity of the biodiesel RIN market as some biodiesel RINs are perceived as having less value than others. In addition, as a result of fraudulent activities, obligated parties have been subject to monetary penalties and the additional cost of purchasing new RINs to cover the invalid RINs, even though they purchased the original RINs in good faith believing that they were valid. The EPA believes it is necessary to put in place an additional regulatory mechanism that provides an alternative, voluntary way to assure that RINs used for compliance are valid to restore confidence in the RIN market and level the playing field for large and small producers.

B. Paperwork Reduction Act

The information collection requirements in this final rule have been 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 Request (ICR) document prepared by the EPA has been assigned EPA ICR number 2473.02, OMB control number 2060–0688. The information collection requirements are not enforceable until OMB approves them.

The RFS program requires that specified volumes of renewable fuel be used as transportation fuel, heating oil, and/or jet fuel each year. Obligated parties demonstrate compliance with the RFS standards through the acquisition of unique Renewable Identification Numbers (RINs) assigned by the producer or importer to every batch of renewable fuel produced or imported. Validly generated RINs show that a certain volume of qualifying renewable fuel was produced or imported. The RFS program also includes provisions stipulating the conditions under which RINs are invalid, the liability carried by a party that transfers or uses an invalid RIN, and how invalid RINs must be treated.

In this action we are promulgating a voluntary quality assurance program intended to provide a more structured way to assure that the RINs entering commerce are valid. The voluntary quality assurance program for RINs provides a means for regulated parties to ensure that RINs are properly generated, through audits of production facilities conducted by independent third parties using quality assurance plans (QAPs).

The annual public reporting and recordkeeping burden for this collection is estimated to be 320 hours per response. A document entitled ''Supporting Statement for Renewable Fuels Standard (RFS2) Voluntary RIN Quality Assurance Program (Final Rule)'' has been placed in the public docket. The supporting statement provides a detailed explanation of the Agency's estimates by collection activity. The EPA did not receive any comment on the proposed burden collection. The estimates contained in the supporting statement are briefly summarized here:

Total No. of Respondents: 559.

Total Burden Hours: 74,386.

Total Cost to Respondents: $ 4,596,774.

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 the EPA's regulations in 40 CFR are listed in 40 CFR part 9.

C. Regulatory Flexibility Act

The Regulatory Flexibility Act generally requires an agency to prepare a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements under the Administrative 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 this rule on small entities, small entity is defined as: (1) A small business as defined by the Small Business Administration's (SBA) regulations at 13 CFR 121.201 (see table below); (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. The following table provides an overview of the primary SBA small business categories potentially affected by this regulation:

Industry	Defined as small entity by SBA if:	NAICS [a] codes
Petroleum refineries	≤1,500 employees	324110

[a] North American Industrial Classification System.

The program finalized in today's action is a voluntary quality assurance program intended to provide a more structured way to assure that RINs entering commerce are valid. As a result of the fraud issue, obligated parties have been reluctant to purchase RINs from smaller refiners because of the uncertainty of their validity. While this voluntary program may be beneficial for both larger and smaller refineries, it will be particularly beneficial for smaller petroleum refineries if they choose to participate. In the current climate, these smaller producers have been forced to offer their RINs at a significant discount relative to RINs from larger producers, assuming they can find obligated parties or distributors willing to purchase them at all. While there is some cost to opt into the program, we believe these costs will be offset by leveling the playing field between larger producers and small producers, allowing small

producers to effectively compete in the market.

After considering the economic impacts of this action on small entities, I certify that this action will not have a significant economic impact on a substantial number of small entities. This action will not impose any requirements on small entities.

D. Unfunded Mandates Reform Act

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 agency has determined that this action does not contain a Federal mandate that may result in expenditures of $100 million or more for the private sector in any one year. Because the program outlined in this rule is optional, entities subject to this rule have the flexibility to participate or not. Thus, this action is not subject to the requirements of sections 202 or 205 of the UMRA. This action is also not subject to the requirements of section 203 of the UMRA because it contains no regulatory requirements that might significantly or uniquely affect small governments.

E. Executive Order 13132 (Federalism)

Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999), requires the EPA to develop an accountable process to ensure ''meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.'' ''Policies that have federalism implications'' is defined in the Executive Order to include regulations that 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.''

This action does not have federalism implications. 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. This rule applies to manufacturers of transportation fuels and not to state or local governments. Thus, Executive Order 13132 does not apply to this action.

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

This action does not have tribal implications, as specified in Executive Order 13175 (65 FR 67249, November 9, 2000). This rule will be implemented at the Federal level and impose compliance costs only on fuel producers who elect to participate in the program. Thus, Executive Order 13175 does not apply to this rule.

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

The EPA interprets Executive Order 13045 as applying only to those regulatory actions that are based on health or safety risks, such that the analysis required under section 5–501 of the Order has the potential to influence the regulation. This rule is not subject to Executive Order 13045 because it does not establish an environmental standard intended to mitigate health or safety risks.

H. Executive Order 13211 (Energy Effects)

This action is not a ''significant energy action'' as defined in Executive Order 13211 (66 FR 28355 (May 22, 2001)), because it is not likely to have a significant adverse effect on the supply, distribution, or use of energy. We have concluded that any energy impacts of this rule will be negligible because the voluntary QAP audit process will ensure that the volume consumption goals of the statute are met while addressing the unique features of the RFS program that have resulted in inefficiencies and poor liquidity in the RIN market.

I. National Technology Transfer Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (''NTTAA''), Public Law 104–113, 12(d) (15 U.S.C. 272 note) directs the agencies 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 the EPA to provide Congress, through OMB, explanations when the EPA decides not use available and applicable voluntary consensus standards.

This rulemaking involves technical standards. The EPA has decided to use ASTM International (''ASTM'') D 975–13a, entitled ''Standard Specification for Diesel Fuel Oils'' approved on December 1, 2013, to change its definition of renewable diesel in the RFS program. The rationale for this action is discussed in section III.B.1. of this preamble. Information about this standard may be obtained through the ASTM Web site (*http://www.astm.org*) or by calling ASTM at (610) 832–9585.

This rulemaking does not change this voluntary consensus standard, and does not involve any other technical standards. Therefore, the EPA is not considering the use of any voluntary consensus standards other than the one described above.

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

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

Today's action finalizes a voluntary set of regulatory provisions that provide regulated parties with a specific mechanism for demonstrating that they have conducted due diligence to verify the validity of RINs. Therefore, the EPA has determined that this action will not have disproportionately high and adverse human health or environmental effects on minority or low-income populations.

K. Congressional Review Act

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

''major rule'' as defined by 5 U.S.C. 804(2).

VII. Statutory Authority

Statutory authority for the rule finalized today can be found in section 211 of the Clean Air Act, 42 U.S.C. 7545. Additional support for the procedural and compliance related aspects of today's rule, including the recordkeeping requirements, come from Sections 114, 208, and 301(a) of the Clean Air Act, 42 U.S.C. 7414, 7542, and 7601(a).

List of Subjects in 40 CFR Part 80

Administrative practice and procedure, Air pollution control, Diesel fuel, Environmental protection, Fuel additives, Gasoline, Imports, Incorporation by reference, Oil imports, Petroleum.

Dated: July 2, 2014.

Gina McCarthy,

Administrator.

For the reasons set forth in the preamble, title 40, chapter I of the Code of Federal Regulations is amended as follows:

PART 80—REGULATION OF FUELS AND FUEL ADDITIVES

■ 1. The authority citation for part 80 continues to read as follows:

Authority: 42 U.S.C. 7414, 7542, 7545, and 7601(a).

Subpart M—[Amended]

■ 2. Section 80.1401 is amended as follows:

■ a. By revising the definition of ''Non-ester renewable diesel''.

■ b. By adding the definitions of ''A–RIN'', ''B–RIN'', ''Independent third-party auditor'', ''Interim period'', ''Non-qualifying fuel use'', ''Q–RIN'', ''Quality assurance audit'', ''Quality assurance plan'', and ''Verified RIN'' in alphabetical order.

The added and revised text read as follows:

§ 80.1401 Definitions.

* * * * *

A–RIN means a RIN verified during the interim period by a registered independent third-party auditor using a QAP that has been approved under § 80.1469(a) following the audit process described in § 80.1472.

* * * * *

B–RIN means a RIN verified during the interim period by a registered independent third-party auditor using a QAP that has been approved under § 80.1469(b) following the audit process described in § 80.1472.

* * * * *

Independent third-party auditor means a party meeting the requirements of § 80.1471(b) that conducts QAP audits and verifies RINs.

Interim period means the period between February 21, 2013 and December 31, 2014.

* * * * *

Non-ester renewable diesel, also known as renewable diesel, means renewable fuel that is not a mono-alkyl ester and that is either:

(1) A fuel or fuel additive that meets the ASTM D 975–13a (incorporated by reference, see § 80.1468) Grade No. 1–D or No. 2–D specifications and can be used in an engine designed to operate on conventional diesel fuel; or

(2) A fuel or fuel additive that is registered under 40 CFR part 79 and can be used in an engine designed to operate using conventional diesel fuel.

* * * * *

Non-qualifying fuel use means a use of renewable fuel in an application other than transportation fuel, heating oil, or jet fuel.

* * * * *

Q–RIN means a RIN verified by a registered independent third-party auditor using a QAP that has been approved under § 80.1469(c) following the audit process described in § 80.1472.

Quality assurance audit means an audit of a renewable fuel production facility conducted by an independent third-party auditor in accordance with a QAP that meets the requirements of § 80.1469 and requirements of § 80.1472.

Quality assurance plan, or QAP, means the list of elements that an independent third-party auditor will check to verify that the RINs generated by a renewable fuel producer or importer are valid. A QAP includes both general and pathway specific elements.

* * * * *

Verified RIN means a RIN generated by a renewable fuel producer that was subject to a QAP audit executed by an independent third-party auditor, and determined by the independent third-party auditor to be valid. Verified RINs includes A–RINs, B–RINs, and Q–RINs.

* * * * *

■ 3. Section 80.1426 is amended as follows:

■ a. By revising paragraph (a)(1).

■ b. By revising paragraphs (c)(1) and (c)(6).

■ c. By revising paragraphs (f)(4)(i)(A)(*1*) and (f)(4)(i)(B).

■ d. By adding paragraph (f)(4)(iii).

■ e. By revising paragraph (f)(12).

■ f. By revising paragraph (f)(14).

The additions and revisions read as follows:

§ 80.1426 How are RINs generated and assigned to batches of renewable fuel by renewable fuel producers or importers?

(a) * * *

(1) To the extent permitted under paragraphs (b) and (c) of this section, producers and importers of renewable fuel must generate RINs to represent that fuel if all of the following occur:

(i) The fuel qualifies for a D code pursuant to § 80.1426(f), or the EPA has approved a petition for use of a D code pursuant to § 80.1416.

(ii) The fuel is demonstrated to be produced from renewable biomass pursuant to the reporting requirements of § 80.1451 and the recordkeeping requirements of § 80.1454.

(A) Feedstocks meeting the requirements of renewable biomass through the aggregate compliance provision at § 80.1454(g) are deemed to be renewable biomass.

(B) [Reserved]

(iii) Was produced in compliance with the registration requirements of § 80.1450, the reporting requirements of § 80.1451, the recordkeeping requirements of § 80.1454, and all other applicable requirements of this subpart M.

(iv) The renewable fuel is designated on a product transfer document (PTD) for use as transportation fuel, heating oil, or jet fuel in accordance with § 80.1453(a)(12).

* * * * *

(c) * * *

(1) Fuel producers and importers may not generate RINs for fuel that does not satisfy the requirements of paragraph (a)(1) of this section.

* * * * *

(6) A party is prohibited from generating RINs for a volume of fuel that it produces if the fuel has been produced by a process that uses a renewable fuel as a feedstock, and the renewable fuel that is used as a feedstock was produced by another party, except that RINs may be generated for such fuel if allowed by the EPA in response to a petition submitted pursuant to § 80.1416 and the petition approval specifies a mechanism to prevent double counting of RINs.

* * * * *

(f) * * *

(4) * * *

(i) * * *

(A) * * *

(*1*) V_{RIN} shall be calculated according to the following formula:

$V_{RIN} = EV * V_s * FE_R/(FE_R + FE_{NR})$

Where:

V_{RIN} = RIN volume, in gallons, for use in determining the number of gallon-RINs that shall be generated for the batch.
EV = Equivalence value for the batch of renewable fuel per § 80.1415, subject to qualification in paragraph (f)(4)(iii) of this section.
V_s = Standardized volume of the batch of renewable fuel at 60 °F, in gallons, calculated in accordance with paragraph (f)(8) of this section.
FE_R = Feedstock energy from renewable biomass used to make the transportation fuel, in Btu.
FE_{NR} = Feedstock energy from non-renewable feedstocks used to make the transportation fuel, heating oil, or jet fuel, in Btu.

* * * * *

(B) *Method B.* V_{RIN} shall be calculated according to the following formula:

$V_{RIN} = EV * V_s * R$

Where:

V_{RIN} = RIN volume, in gallons, for use in determining the number of gallon-RINs that shall be generated for the batch.
EV = Equivalence value for the batch of renewable fuel per § 80.1415, subject to qualification in paragraph (f)(4)(iii) of this section.
V_s = Standardized volume of the batch of renewable fuel at 60 °F, in gallons, calculated in accordance with paragraph (f)(8) of this section.
R = The renewable fraction of the fuel as measured by a carbon-14 dating test method as provided in paragraph (f)(9) of this section.

* * * * *

(iii) In determining the RIN volume V_{RIN} according to paragraph (f)(4)(i)(A) or (f)(4)(i)(B) of this section, the equivalence value used to determine V_{RIN} which is calculated according to § 80.1415 shall use a value of 1.0 to represent R, the renewable content of the renewable fuel.

* * * * *

(12)(i) For purposes of this section, any renewable fuel other than ethanol, biodiesel, or renewable diesel that meets the ASTM D 975–13a Grade No. 1–D or No. 2–D specifications (incorporated by reference, see § 80.1468) is considered renewable fuel and the producer or importer may generate RINs for such fuel only if all of the following apply:

(A) The fuel is produced from renewable biomass and qualifies for a D code in Table 1 to this section or has been otherwise approved by the Administrator;

(B) The fuel producer or importer maintains records demonstrating that the fuel was produced for use as a transportation fuel, heating oil or jet fuel by:

(*1*) Blending the renewable fuel into gasoline or diesel fuel to produce a transportation fuel, heating oil or jet fuel that meets all applicable standards;

(*2*) Entering into a written contract for the sale of a the renewable fuel, which specifies the purchasing party shall blend the fuel into gasoline or diesel fuel to produce a transportation fuel, heating oil or jet fuel that meets all applicable standards; or

(*3*) Entering into a written contract for the sale of the renewable fuel, which specifies that the fuel shall be used in its neat form as a transportation fuel, heating oil or jet fuel that meets all applicable standards.

(C) The fuel was sold for use in or as a transportation fuel, heating oil, or jet fuel, and for no other purpose.

(ii) [Reserved]

(iii) [Reserved]

* * * * *

(14) For purposes of Table 1 to this section, process heat produced from combustion of gas at a renewable fuel facility is considered derived from biomass if the gas is biogas.

(i) For biogas directly transported to the facility without being placed in a commercial distribution system, all of the following conditions must be met:

(A) The producer has entered into a written contract for the procurement of a specific volume of biogas with a specific heat content.

(B) The volume of biogas was sold to the renewable fuel production facility, and to no other facility.

(C) The volume and heat content of biogas injected into the pipeline and the volume of gas used as process heat are measured by continuous metering.

(ii) For biogas that has been gathered, processed and injected into a common carrier pipeline, all of the following conditions must be met:

(A) The producer has entered into a written contract for the procurement of a specific volume of biogas with a specific heat content.

(B) The volume of biogas was sold to the renewable fuel production facility, and to no other facility.

(C) The volume of biogas that is withdrawn from the pipeline is withdrawn in a manner and at a time consistent with the transport of fuel between the injection and withdrawal points.

(D) The volume and heat content of biogas injected into the pipeline and the volume of gas used as process heat are measured by continuous metering.

(E) The common carrier pipeline into which the biogas is placed ultimately serves the producer's renewable fuel facility.

(iii) The process heat produced from combustion of gas at a renewable fuel facility described in paragraph (f)(12)(i) of this section shall not be considered derived from biomass if any other party relied upon the contracted volume of biogas for the creation of RINs.

* * * * *

■ 4. Section 80.1427 is amended as follows:

■ a. By revising paragraph (a)(1) and the introductory text of paragraph (b)(1).

■ b. By adding paragraph (c).

§ 80.1427 How are RINs used to demonstrate compliance?

(a) *Obligated party renewable volume obligations.* (1) Except as specified in paragraph (b) of this section or § 80.1456, each party that is an obligated party under § 80.1406 and is obligated to meet the Renewable Volume Obligations under § 80.1407 must demonstrate pursuant to § 80.1451(a)(1) that it has retired for compliance purposes a sufficient number of RINs to satisfy the following equations:

(i) *Cellulosic biofuel.*

$(\Sigma RINNUM)_{CB,i} + (\Sigma RINNUM)_{CB,i-1} = RVO_{CB,i}$

Where:

$(\Sigma RINNUM)_{CB,i}$ = Sum of all owned gallon-RINs that are valid for use in complying with the cellulosic biofuel RVO, were generated in year i, and are being applied towards the $RVO_{CB,i}$, in gallons.
$(\Sigma RINNUM)_{CB,i-1}$ = Sum of all owned gallon-RINs that are valid for use in complying with the cellulosic biofuel RVO, were generated in year i-1, and are being applied towards the $RVO_{CB,i}$, in gallons.
$RVO_{CB,i}$ = The Renewable Volume Obligation for cellulosic biofuel for the obligated party for calendar year i, in gallons, pursuant to § 80.1407.

(ii) *Biomass-based diesel.* Except as provided in paragraph (a)(7) of this section,

$(\Sigma RINNUM)_{BBD,i} + (\Sigma RINNUM)_{BBD,i-1} = RVO_{BBD,i}$

Where:

$(\Sigma RINNUM)_{BBD,i}$ = Sum of all owned gallon-RINs that are valid for use in complying with the biomass-based diesel RVO, were generated in year i, and are being applied towards the $RVO_{BBD,i}$, in gallons.
$(\Sigma RINNUM)_{BBD,i-1}$ = Sum of all owned gallon-RINs that are valid for use in complying with the biomass-based diesel RVO, were generated in year i-1, and are being applied towards the $RVO_{BBD,i}$, in gallons.
$RVO_{BBD,i}$ = The Renewable Volume Obligation for biomass-based diesel for the obligated party for calendar year i after 2010, in gallons, pursuant to § 80.1407.

(iii) *Advanced biofuel.*

$(\Sigma RINNUM)_{AB,i} + (\Sigma RINNUM)_{AB,i-1} = RVO_{AB,i}$

Where:

$(\Sigma RINNUM)_{AB,i}$ = Sum of all owned gallon-RINs that are valid for use in complying

with the advanced biofuel RVO, were generated in year i, and are being applied towards the $RVO_{AB,i}$, in gallons.

$(\Sigma RINNUM)_{AB,i-1}$ = Sum of all owned gallon-RINs that are valid for use in complying with the advanced biofuel RVO, were generated in year i-1, and are being applied towards the $RVO_{AB,i}$, in gallons.

$RVO_{AB,i}$ = The Renewable Volume Obligation for advanced biofuel for the obligated party for calendar year i, in gallons, pursuant to § 80.1407.

(iv) *Renewable fuel.*

$(\Sigma RINNUM)_{RF,i} + (\Sigma RINNUM)_{RF,i-1} = RVO_{RF,i}$

Where:

$(\Sigma RINNUM)_{RF,i}$ = Sum of all owned gallon-RINs that are valid for use in complying with the renewable fuel RVO, were generated in year i, and are being applied towards the $RVO_{RF,i}$, in gallons.

$(\Sigma RINNUM)_{RF,i-1}$ = Sum of all owned gallon-RINs that are valid for use in complying with the renewable fuel RVO, were generated in year i-1, and are being applied towards the $RVO_{RF,i}$, in gallons.

$RVO_{RF,i}$ = The Renewable Volume Obligation for renewable fuel for the obligated party for calendar year i, in gallons, pursuant to § 80.1407.

* * * * *

(b) * * *

(1) An obligated party that fails to meet the requirements of paragraph (a)(1) or (a)(7) of this section for calendar year i is permitted to carry a deficit into year i+1 under the following conditions:

* * * * *

(c) *Exporter Renewable Volume Obligations (ERVOs).* (1) Each exporter of renewable fuel that is obligated to meet Exporter Renewable Volume Obligations under § 80.1430 must demonstrate pursuant to § 80.1451(a)(1) that is has retired for compliance purposes a sufficient number of RINs to meet its ERVOs by the deadline specified in § 80.1430(f).

(2) In fulfillment of its ERVOs, each exporter is subject to the provisions of paragraphs (a)(2), (a)(3), (a)(6), and (a)(8) of this section.

(3) No more than 20 percent of the ERVO calculated according to a formula at § 80.1430(b) may be fulfilled using RINs generated in the year prior to the year in which the RVO was incurred.

■ 5. Section 80.1429 is amended by adding paragraph (b)(10) and removing and reserving paragraph (f) to read as follows:

§ 80.1429 Requirements for separating RINs from volumes of renewable fuel.

* * * * *

(b) * * *

(10) Any party that produces a volume of renewable fuel may separate any RINs that have been generated to represent that volume of renewable fuel or that blend if that party retires the separated RINs to replace invalid RINs according to § 80.1474.

* * * * *

(f) [Reserved]

* * * * *

■ 6. Section 80.1430 is amended as follows:

■ a. By revising paragraph (a).

■ b. By revising paragraph (b).

■ c. By revising paragraph (e) introductory text.

■ d. By revising paragraph (f).

■ e. By adding paragraph (g).

§ 80.1430 Requirements for exporters of renewable fuel.

(a) Any exporter of renewable fuel, whether in its neat form or blended shall acquire sufficient RINs to comply with all applicable Renewable Volume Obligations under paragraphs (b) through (e) of this section representing the exported renewable fuel. No provision of this section applies to renewable fuel purchased directly from the renewable fuel producer and for which the exporter can demonstrate that no RINs were generated through the recordkeeping requirements of § 80.1454(a)(6).

(b) *Exporter Renewable Volume Obligations (ERVOs).* An exporter of renewable fuel shall determine its Exporter Renewable Volume Obligations from the volumes of the renewable fuel exported.

(1) *Cellulosic biofuel.*

$ERVO_{CB,k} = VOL_k * EV_k$

Where:

$ERVO_{CB,k}$ = The Exporter Renewable Volume Obligation for cellulosic biofuel for discrete volume k in gallons.

k = A discrete volume of renewable fuel that the exporter knows or has reason to know is cellulosic biofuel that is exported in a single shipment.

VOL_k = The standardized volume of discrete volume k, in gallons, calculated in accordance with § 80.1426(f)(8).

EV_k = The equivalence value associated with discrete volume k.

(2) *Biomass-based diesel.*

$ERVO_{BBD,k} = VOL_k * EV_k$

Where:

$ERVO_{BBDI,k}$ = The Exporter Renewable Volume Obligation for biomass-based diesel for discrete volume k, in gallons.

k = A discrete volume of renewable fuel that is biodiesel or renewable diesel and is exported in a single shipment.

VOL_k = The standardized volume of discrete volume k calculated in accordance with § 80.1426(f)(8).

EV_k = The equivalence value associated with discrete volume k.

(3) *Advanced biofuel.*

$ERVO_{AB,k} = VOL_k * EV_k$

Where:

$ERVO_{AB,k}$ = The Exporter Renewable Volume Obligation for advanced biofuel for discrete volume k, in gallons.

k = A discrete volume of renewable fuel that is advanced biofuel (including biomass-based diesel, renewable diesel, cellulosic biofuel and other advanced biofuel) and is exported in a single shipment.

VOL_k = The standardized volume of discrete volume k, in gallons, calculated in accordance with § 80.1426(f)(8).

EV_k = The equivalence value associated with discrete volume k.

(4) *Renewable fuel.*

$ERVO_{RF,i} = VOL_k * EV_k$

Where:

$ERVO_{RF,i}$ = The Renewable Volume Obligation for renewable fuel for discrete volume k, in gallons.

k = A discrete volume of exported renewable fuel that is exported in a single shipment.

VOL_k = The standardized volume of discrete volume k, in gallons, calculated in accordance with § 80.1426(f)(8).

EV_k = The equivalence value associated with discrete volume k.

* * * * *

(e) For renewable fuels that are in the form of a blend at the time of export, the exporter shall determine the volume of exported renewable fuel based on one of the following:

* * * * *

(f) Each exporter of renewable fuel must fulfill its ERVO for each discrete volume of exported renewable fuel within thirty days of export, and must demonstrate compliance with its ERVOs pursuant to § 80.1427(c).

(g) Each exporter of renewable fuel must fulfill any 2014 ERVOs existing as of September 16, 2014 for which RINs have not yet been retired by the compliance demonstration deadline for the 2013 compliance period, and must demonstrate compliance with such ERVOs pursuant to § 80.1427(c).

■ 7. Section 80.1431 is amended by removing and reserving paragraph (a)(1)(viii) and revising paragraph (b) introductory text to read as follows:

§ 80.1431 Treatment of invalid RINs.

(a) * * *

(1) * * *

(viii) [Reserved]

* * * * *

(b) Except as provided in § 80.1473, the following provisions apply in the case of RINs that are invalid:

* * * * *

■ 8. Section 80.1450 is amended as follows:

■ a. By adding paragraph (b)(1)(xii).

■ b. By revising paragraph (g).

The revisions and additions read as follows:

§ 80.1450 What are the registration requirements under the RFS program?

* * * * *

(b) * * *

(1) * * *

(xii) For a producer or importer of any renewable fuel other than ethanol, biodiesel, renewable gasoline, renewable diesel that meets the ASTM 975–13a Grade No. 1–D or No. 2–D specifications (incorporated by reference, see § 80.1468), biogas or renewable electricity all the following:

(A) A description of the renewable fuel and how it will be blended to into gasoline or diesel fuel to produce a transportation fuel, heating oil or jet fuel that meets all applicable standards.

(B) A statement regarding whether the renewable fuel producer or importer will blend the renewable fuel into gasoline or diesel fuel or enter into a written contract for the sale and use of a specific quantity of the renewable fuel with a party who blends the fuel into gasoline or diesel fuel to produce a transportation fuel, heating oil or jet fuel that meets all applicable standards.

(C) If the renewable fuel producer or importer enters into a written contract for the sale and use of a specific quantity of the renewable fuel with a party who blends the fuel into gasoline or diesel fuel to produce a transportation fuel, heating oil or jet fuel, provide all the following:

(*1*) The name, location and contact information for the party that will blend the renewable fuel.

(*2*) A copy of the contract that requires the party to blend the renewable fuel into gasoline or diesel fuel to produce a transportation fuel, heating oil or jet fuel that meets all applicable standards.

* * * * *

(g) Any independent third-party auditor described in § 80.1471 must register with the EPA as an independent third-party auditor and receive an EPA issued company identification number prior to conducting quality assurance audits pursuant to § 80.1472. Registration information must be submitted at least 30 days prior to conducting audits of renewable fuel production facilities. The independent third-party auditor must provide to the EPA all the following:

(1) The information specified under § 80.76, if such information has not already been provided under the provisions of this part.

(2) Documentation of professional qualifications as follows:

(i) For a professional engineer as described in § 80.1450(b)(2)(i)(A) and (b)(2)(i)(B).

(ii) For a domestic independent third-party auditor or a foreign independent third-party auditor, a certified public accountant who is licensed by an appropriate state agency in the United States.

(iii) For a foreign independent third-party auditor, an accountant who is a foreign equivalent to a certified public accountant licensed in the United States.

(3) Documentation of professional liability insurance as described in § 80.1471(c).

(4) Any quality assurance plans as described in § 80.1469.

(5) Name, address, and company and facility identification numbers of all renewable fuel production facilities that the independent third-party auditor intends to audit under § 80.1472.

(6) An affidavit, or electronic consent, from each renewable fuel producer or foreign renewable fuel producer stating its intent to have the independent third-party auditor conduct a quality assurance audit of any of the renewable fuel producer's or foreign renewable fuel producer's facilities.

(7) An affidavit stating that an independent third-party auditor and its contractors and subcontractors are independent, as described in § 80.1471(b), of any renewable fuel producer or foreign renewable fuel producer.

(8) The name and contact information for each person employed (or under contract or subcontract) by the independent third-party auditor to conduct audits or verify RINs, as well as the name and contact information for any professional engineer and certified public accountant performing the review.

(9) *Registration updates*—(i) Any independent third-party auditor who makes changes to its quality assurance plan(s) that will allow it to audit new renewable fuel production facilities, as defined in § 80.1401 that is not reflected in the producer's registration information on file with the EPA must update its registration information and submit a copy of an updated QAP on file with the EPA at least 60 days prior to producing the new type of renewable fuel.

(ii) Any independent third-party auditor who makes any other changes to a QAP that will affect the third-party auditor's registration information but will not affect the renewable fuel category for which the producer is registered per paragraph (b) of this section must update its registration information 7 days prior to the change.

(iii) Independent third-party auditors must update their QAPs at least 60 days prior to verifying RINs generated by a renewable fuel facility uses a new pathway.

(iv) Independent third-party auditors must update their QAPs at least 60 days prior to verifying RINs generated by any renewable fuel facility not identified in their existing registration.

(10) *Registration renewal.* Registrations for independent third-party auditors expire December 31 of each calendar year. Previously approved registrations will renew automatically if all the following conditions are met:

(i) The independent third-party auditor resubmits all information, updated as necessary, described in § 80.1450(g)(1) through (g)(7) no later than October 31 before the next calendar year.

(ii) The independent third-party auditor submits an affidavit affirming that he or she has only verified RINs using a QAP approved under § 80.1469, notified all appropriate parties of all potentially invalid RINs as described in § 80.1471(d), and fulfilled all of his or her RIN replacement obligations under § 80.1474.

(iii) The auditor has not received a notice of deficiency from the EPA regarding its registration renewal materials.

(11) *Revocation of registration.* (i) The Administrator may issue a notice of intent to revoke the registration of a third-party auditor if the Administrator determines that the auditor has failed to fulfill any requirement of this subpart. The notice of intent shall include an explanation of the reasons for the proposed revocation.

(ii) Within 60 days of receipt of the notice of intent to revoke, the independent third-party auditor may submit written comments concerning the notice, including but not limited to a demonstration of compliance with the requirements which provide the basis for the proposed revocation. Communications should be sent to the EMTS support line (*support@epamts-support.com*). The Administrator shall review and consider any such submission before taking final action concerning the proposed revocation.

(iii) If the auditor fails to respond in writing within 60 days to the notice of intent to revoke, the revocation shall become final by operation of law and the Administrator shall notify the independent third-party auditor of such revocation.

■ 9. Section 80.1451 is amended as follows:

■ a. By adding and reserving paragraph (a)(1)(xv).
■ b. By adding paragraphs (a)(1)(xvi) through (xviii).
■ c. By revising paragraph (b)(1)(ii)(T).
■ d. By revising paragraphs (c)(2)(x) through (xvi).
■ e. By adding paragraphs (c)(2)(xvii) and (c)(2)(xviii).
■ f. By revising paragraph (g).
■ g. By revising paragraphs (h)(1) through (5).
■ h. By adding paragraph (i).

The revisions and additions read as follows:

§ 80.1451 What are the reporting requirements under the RFS program?

(a) * * *

(1) * * *

(xv) [Reserved]

(xvi) The total current-year RINs by category of renewable fuel, as those fuels are defined in § 80.1401 (i.e., cellulosic biofuel, biomass-based diesel, advanced biofuel, renewable fuel, and cellulosic diesel), retired for compliance that are invalid as defined in § 80.1431(a).

(xvii) The total prior-year RINs by renewable fuel category, as those fuels are defined in § 80.1401, retired for compliance that are invalid as defined in § 80.1431(a).

(xviii) A list of all RINs that were retired for compliance in the reporting period and are invalid as defined in § 80.1431(a).

* * * * *

(b) * * *

(1) * * *

(ii) * * *

(T) Producers or importers of any renewable fuel other than ethanol, biodiesel, renewable gasoline, renewable diesel that meets ASTM D 975–13a Grade No. 1–D or No. 2–D specifications (incorporated by reference, see § 80.1468), biogas or renewable electricity, shall report, on a quarterly basis, all the following for each volume of fuel:

(*1*) Total volume of renewable fuel produced or imported, total volume of renewable fuel blended into gasoline and diesel fuel by the producer or importer, and the percentage of renewable fuel in each batch of finished fuel.

(*2*) If the renewable fuel producer or importer enters into a written contract for the sale of a specific quantity of the renewable fuel to a party who blends the fuel into gasoline or diesel fuel to produce a transportation fuel, heating oil or jet fuel, or who uses the neat fuel for a qualifying fuel use, the name, location and contact information for each purchasing party, and one or more affidavits from that party including all the following information:

(*i*) Quantity of renewable fuel received from the producer or importer.

(*ii*) Date the renewable fuel was received from producer.

(*iii*) A description of the fuel that the renewable fuel was blended into and the blend ratios for each batch, if applicable.

(*iv*) A description of the finished fuel, and a statement that the fuel meets all applicable standards and was sold for use as a transportation fuel, heating oil or jet fuel.

(*v*) Quantity of assigned RINs received with the renewable fuel, if applicable.

(*vi*) Quantity of assigned RINs that the end user separated from the renewable fuel, if applicable.

(c) * * *

(2) * * *

(x) The total current-year RINs retired that are invalid as defined in § 80.1431(a).

(xi) The total prior-year RINs retired.

(xii) The total prior-year RINs retired that are invalid as defined in § 80.1431(a).

(xiii) The number of current-year RINs owned at the end of the quarter.

(xiv) The number of prior-year RINs owned at the end of the quarter.

(xv) The number of RINs generated.

(xvi) The volume of renewable fuel (in gallons) owned at the end of the quarter.

(xvii) The total 2009 and 2010 retired RINs reinstated.

(xviii) Any additional information that the Administrator may require.

* * * * *

(g) All independent third-party auditors. Any party that is an independent third-party auditor that verifies RINs must submit to the EPA reports according to the schedule, and containing all the information, that is set forth in this paragraph (g).

(1)(i) For RINs verified beginning on September 16, 2014, RIN verification reports for each facility audited by the independent third-party auditor shall be submitted according to the schedule specified in paragraph (f)(2) of this section.

(ii) The RIN verification reports shall include all the following information for each batch of renewable fuel produced or imported verified per § 80.1469(c), where ''batch'' means a discrete quantity of renewable fuel produced or imported and assigned a unique batch-RIN per § 80.1426(d):

(A) The RIN generator's name.

(B) The RIN generator's EPA company registration number.

(C) The renewable fuel producer EPA facility registration number.

(D) The importer EPA facility registration number and foreign renewable producer company registration number, if applicable.

(E) The applicable reporting period.

(F) The quantity of RINs generated for each verified batch according to § 80.1426.

(G) The production date of each verified batch.

(H) The D-code of each verified batch.

(I) The volume of denaturant and applicable equivalence value of each verified batch.

(J) The volume of each verified batch produced.

(K) The volume and type of each feedstock used to produce the verified batch.

(L) Whether the feedstocks used to produce each verified batch met the definition of renewable biomass.

(M) Whether appropriate RIN generation calculations were followed per § 80.1426(f)(3), (4), or (5) for each verified batch, as applicable.

(N) The quantity and type of co-products produced.

(O) Invoice document identification numbers associated with each verified batch, if applicable.

(P) Laboratory sample identification numbers for each verified batch associated with the generation of any certificates of analysis used to verify fuel type and quality, if applicable.

(Q) Any additional information the Administrator may require.

(2) Aggregate RIN verification reports shall be submitted to the EPA according to the schedule specified in paragraph (f)(2) of this section. Each report shall summarize RIN verification activities for the reporting period. The quarterly aggregate RIN verification reports shall include all of the following information:

(i) The submitting party's name.

(ii) The submitting party's EPA company registration number.

(iii) The number of current-year RINs verified at the start of the quarter.

(iv) The number of prior-year RINs verified at the start of the quarter.

(v) The total current-year RINs verified.

(vi) The number of current-year RINs verified at the end of the quarter.

(vii) A list of all facilities including the EPA's company and facility registration numbers audited under an approved quality assurance plan under § 80.1469 along with the date the independent third-party auditor conducted the on-site visit and audit.

(viii) Mass and energy balances calculated for each facility audited under an approved quality assurance plan under § 80.1469.

(ix) A list of all RINs that were identified as Potentially Invalid RINs

(PIRs) pursuant to § 80.1474, along with a narrative description of why the RINs were not verified or were identified as PIRs.

(x) Any additional information that the Administrator may require.

(3) All reports required under this paragraph (g) must be signed and certified as meeting all the applicable requirements of this subpart by the independent third-party auditor or a responsible corporate officer of the independent third-party auditor.

(h) * * *

(1) Any detected growth of *Arundo donax* or *Pennisetum purpureum* outside the intended planting areas, both surrounding the field of production and feedstock storage sites, along the transportation route, and around the biofuel production facility, within 5 business days after detection and in accordance with the Risk Mitigation Plan, if applicable.

(2) As available, any updated information related to the Risk Mitigation Plan, as applicable. An updated Risk Mitigation Plan must be approved by the Administrator in consultation with USDA and as appropriate other federal agencies prior to its implementation.

(3) On an annual basis, a description of and maps or electronic data showing the average and total size and prior use of lands planted with *Arundo donax* or *Pennisetum purpureum,* the average and total size and prior use of lands set aside to control the invasive spread of these crops, and a description and explanation of any change in land use from the previous year.

(4) On an annual basis, the report from an independent third party auditor evaluating monitoring and reporting activities conducted in accordance with the Risk Mitigation Plan, as applicable subject to approval of a different frequency by the EPA.

(5) Information submitted pursuant to paragraphs (h)(3) and (h)(4) of this section must be submitted as part of the producer or importer's fourth quarterly report, which covers the reporting period October-December, according to the schedule in paragraph (f)(2) of this section.

(i) All reports required under this section shall be submitted on forms and following procedures prescribed by the Administrator.

■ 10. Section 80.1453 is amended as follows:

■ a. By revising paragraph (a) introductory text.

■ b. By adding paragraph (a)(12).

The revisions and additions read as follows:

§ 80.1453 What are the product transfer document (PTD) requirements for the RFS program?

(a) On each occasion when any party transfers ownership of neat and/or blended renewable fuels or separated RINs subject to this subpart, the transferor must provide to the transferee documents that include all of the following information, as applicable:

* * * * *

(12) Except as provided in § 80.1433, for the transfer of renewable fuel for which RINs were generated, an accurate and clear statement on the product transfer document of the fuel type from Table 1 to § 80.1426, and designation of the fuel use(s) intended by the transferor, as follows:

(i) Ethanol. ''This volume of neat or blended ethanol is designated and intended for use as transportation fuel or jet fuel in the 48 U.S. contiguous states and Hawaii. Any person exporting this fuel is subject to the requirements of 40 CFR 80.1430.''.

(ii) Biodiesel. ''This volume of neat or blended biodiesel is designated and intended for use as transportation fuel, heating oil or jet fuel in the 48 U.S. contiguous states and Hawaii. Any person exporting this fuel is subject to the requirements of 40 CFR 80.1430.''.

(iii) Renewable heating oil. ''This volume of heating oil is designated and intended for use as heating oil in the 48 U.S. contiguous states and Hawaii. Any person exporting this fuel is subject to the requirements of 40 CFR 80.1430.''.

(iv) Renewable diesel. ''This volume of neat or blended renewable diesel is designated and intended for use as transportation fuel, heating oil or jet fuel in the 48 U.S. contiguous states and Hawaii. Any person exporting this fuel is subject to the requirements of 40 CFR 80.1430.''.

(v) Naphtha. ''This volume of neat or blended naphtha is designated and intended for use as transportation fuel or jet fuel in the 48 U.S. contiguous states and Hawaii. This naphtha may only be used as a gasoline blendstock or jet fuel. Any person exporting this fuel is subject to the requirements of 40 CFR 80.1430.''.

(vi) Butanol. ''This volume of neat or blended butanol is designated and intended for use as transportation fuel or jet fuel in the 48 U.S. contiguous states and Hawaii. This butanol may only be used as a gasoline blendstock or jet fuel. Any person exporting this fuel is subject to the requirements of 40 CFR 80.1430.''.

(vii) Renewable fuels other than ethanol, biodiesel, heating oil, renewable diesel, naptha or butanol. ''This volume of neat or blended renewable fuel is designated and intended to be used as transportation fuel, heating oil, or jet fuel in the 48 U.S. contiguous states and Hawaii. Any person exporting this fuel is subject to the requirements of 40 CFR 80.1430.''.

* * * * *

■ 11. Section 80.1454 is amended as follows:

■ a. By adding paragraphs (a)(6)(i) and (ii).

■ b. By adding paragraph (b)(9).

■ c. By revising paragraphs (l) through (p).

■ d. By adding paragraphs (q) and (r).

The revisions and additions read as follows:

§ 80.1454 What are the recordkeeping requirements under the RFS program?

(a) * * *

(6) * * *

(i) For exporters of renewable fuel for which no RINs were generated, an affidavit signed by the producer of the exported renewable fuel affirming that no RINs were generated for that volume of renewable fuel.

(ii) [Reserved]

(b) * * *

(9) Records, including contracts, related to the implementation of a QAP under § 80.1469.

* * * * *

(l) Requirements for producers or importers of any renewable fuel other than ethanol, biodiesel, renewable gasoline, renewable diesel that meets ASTM D 975–13a Grade No. 1–D or No. 2–D specifications (incorporated by reference, see § 80.1468), biogas or renewable electricity. A renewable fuel producer that generates RINs for any renewable fuel other than ethanol, biodiesel, renewable gasoline, renewable diesel that meets ASTM D 975–13a Grade No. 1–D or No. 2–D specifications (incorporated by reference, see § 80.1468), biogas or renewable electricity shall keep all of the following additional records:

(1) Documents demonstrating the total volume of renewable fuel produced, total volume of renewable fuel blended into gasoline and diesel fuel, and the percentage of renewable fuel in each batch of finished fuel.

(2) Contracts and documents memorializing the sale of renewable fuel to parties who blend the fuel into gasoline or diesel fuel to produce a transportation fuel, heating oil or jet fuel, or who use the renewable fuel in its neat form for a qualifying fuel use.

(3) Such other records as may be requested by the Administrator.

(m) Requirements for independent third-party auditors. Any independent

third-party auditor (as described at § 80.1471) must keep all of the following records for a period of at least five years:

(1) Copies of all reports submitted to the EPA under § 80.1451(g), as applicable.

(2) Records related to the implementation of a QAP under § 80.1469 for each facility including records from facility audits and ongoing and quarterly monitoring activities.

(3) Records related to the verification of RINs under § 80.1471(e).

(4) Copies of communications sent to and received from renewable fuel producers or foreign renewable fuel producers, feedstock suppliers, purchasers of RINs, and obligated parties.

(5) Copies of all notes relating to the implementation of a QAP under § 80.1469.

(6) List of RINs reported to the EPA and renewable fuel producers or foreign renewable fuel producers as potentially invalidly generated under § 80.1474 compliance.

(7) Records related to the professional liability insurance requirement under § 80.1471(c).

(8) Copies of all records related to any financial assurance instrument as required under § 80.1470 under a quality assurance plan implemented under § 80.1469(a) during the interim period.

(9) Copies of all records and notifications related to the identification of a potentially invalid RIN under § 80.1474(b).

(10) Such other records as may be requested by the Administrator.

(n) The records required under paragraphs (a) through (d) and (f) through (l) of this section and under § 80.1453 shall be kept for five years from the date they were created, except that records related to transactions involving RINs shall be kept for five years from the date of the RIN transaction.

(o) The records required under paragraph (e) of this section shall be kept through calendar year 2022.

(p) On request by the EPA, the records required under this section and under § 80.1453 must be made available to the Administrator or the Administrator's authorized representative. For records that are electronically generated or maintained, the equipment or software necessary to read the records shall be made available; or, if requested by the EPA, electronic records shall be converted to paper documents.

(q) The records required in paragraphs (b)(3) and (c)(1) of this section must be transferred with any renewable fuel sent to the importer of that renewable fuel by any foreign producer not generating RINs for its renewable fuel.

(r) Copies of all reports required under § 80.1464.

■ 12. Section 80.1460 is amended by adding paragraphs (h) and (i) to read as follows:

§ 80.1460 What acts are prohibited under the RFS program?

* * * * *

(h) *RIN separation violations.* No person shall do any of the following:

(1) Identify separated RINs in EMTS with the wrong separation reason code.

(2) Identify separated RINs in EMTS without having a qualifying separation event pursuant to § 80.1429.

(3) Separate more than 2.5 RINs per gallon of renewable fuel that has a valid qualifying separation event pursuant to § 80.1429.

(4) Separate RINs outside of the requirements in § 80.1452(c).

(5) Improperly separate RINs in any other way not listed in paragraphs (h)(1)–(4) of this section.

(i) *Independent third-party auditor violations.* No person shall do any of the following:

(1) Fail to fully implement a QAP approved under § 80.1469.

(2) Fail to fully, accurately, and timely notify all appropriate parties of potentially invalid RINs under § 80.1474(b).

(3) Verify a RIN under § 80.1471(e) without verifying every applicable requirement in § 80.1469 and verifying each element in an approved QAP.

■ 13. Section 80.1461 is amended by revising paragraphs (a)(1) and (a)(2) to read as follows:

§ 80.1461 Who is liable for violations under the RFS program?

(a) * * *

(1) Any person who violates a prohibition under § 80.1460(a) through (d) or § 80.1460(g) through (h) is liable for the violation of that prohibition.

(2) Any person who causes another person to violate a prohibition under § 80.1460(a) through (d) or § 80.1460(g) through (h) is liable for a violation of § 80.1460(e).

* * * * *

■ 14. Section 80.1464 is amended by adding and reserving paragraph (h), and adding paragraph (i), to read as follows:

§ 80.1464 What are the attest engagement requirements under the RFS program?

* * * * *

(h) [Reserved]

(i) *Independent third-party auditors.* The following attest procedures shall be completed for any independent third-party auditor that implements a quality assurance plan in a calendar year:

(1) *Comparing RIN verification reports with approved QAPs.*

(i) Obtain and read copies of reports required under § 80.1451(g)(1).

(ii) Obtain and read copies of any quality assurance plans approved under § 80.1469.

(iii) Confirm that the independent third-party auditor only verified RINs covered by approved QAPs under § 80.1469. Identify as a finding any discrepancies.

(2) *Checking third-party auditor's RIN verification.*

(i) Obtain and read copies of reports required under § 80.1451(g)(2).

(ii) Obtain all notifications of potentially invalid RINs submitted to the EPA under § 80.1474(b)(3).

(iii)(A) Obtain the database, spreadsheet, or other documentation used to generate the information in the RIN verification reports;

(B) Obtain all underlying documents that the QAP provider relied upon to verify the RINs;

(C) Review the documents that the QAP auditor relied on to prepare the reports obtained in paragraph (d)(2)(i) of this section, verify that the underlying documents appropriately reflect the information reported to the EPA, and identify as a finding any discrepancies between the underlying documents and the information in the RIN verification reports;

(D) Compute the total number of current-year RINs and current-year potentially invalid RINs verified at the start and end of each quarter, as represented in these documents; and state whether this information agrees with the party's reports to the EPA; and

(E) Verify that all parties were appropriately notified under § 80.1474(b)(3) and report any missing notifications as a finding.

■ 15. Section 80.1468 is amended by adding paragraph (b)(8) as follows.

§ 80.1468 Incorporation by reference.

* * * * *

(b) * * *

(8) ASTM D 975–13a, Standard Specification for Diesel Fuel Oils, Approved December 1, 2013; IBR approved for §§ 80.1401, 80.1426(f), 80.1450(b), 80.1451(b), and 80.1454(l).

■ 16. A new § 80.1469 is added to subpart M to read as follows:

§ 80.1469 Requirements for Quality Assurance Plans.

This section specifies the requirements for Quality Assurance Plans (QAPs).

(a) Option A QAP Requirements, for Option A QAPs that were performed during the interim period.

(1) *Feedstock-related components.* (i) Components requiring ongoing monitoring:

(A) Feedstocks are renewable biomass as defined in § 80.1401.

(B) Feedstocks are being separated according to a separation plan, if applicable under § 80.1426(f)(5)(ii).

(C) Crop and crop residue feedstocks meet land use restrictions, or alternatively the aggregate compliance provisions of § 80.1454(g).

(D) If applicable, verify that feedstocks with additional recordkeeping requirements meet requirements of § 80.1454(d).

(E) Feedstocks are valid for the D code being used, and are consistent with information recorded in EMTS.

(F) Feedstock is consistent with production process and D code being used as permitted under Table 1 to § 80.1426 or a petition approved through § 80.1416.

(G) Feedstock is not renewable fuel for which RINs were previously generated.

(ii) Components requiring quarterly monitoring:

(A) Separated food waste or separated yard waste plan is accepted and up to date, if applicable under § 80.1426(f)(5)(ii).

(B) Separated municipal solid waste plan is approved and up to date, if applicable under § 80.1426(f)(5)(ii).

(C) Contracts or agreements for feedstock acquisition are sufficient for facility production.

(D) Feedstock processing and storage equipment are sufficient and are consistent with the most recent engineering review under § 80.1450(b)(2).

(E) If applicable, accuracy of feedstock energy FE calculation factors related to feedstocks, including average moisture content m and feedstock energy content E.

(2) *Production process-related components.* (i) Components requiring ongoing monitoring:

(A) Production process is consistent with that reported in EMTS.

(B) Production process is consistent with D code being used as permitted under Table 1 to § 80.1426 or a petition approved through § 80.1416.

(C) Certificates of analysis verifying fuel type and quality, as applicable.

(ii) Components requiring quarterly monitoring:

(A) Mass and energy balances are appropriate for type and size of facility.

(B) Workforce size is appropriate for type and size of facility, and sufficient workers are on site for facility operations.

(C) If applicable, process-related factors used in feedstock energy FE calculation are accurate, in particular the converted fraction CF.

(D) Verify existence of quality process controls designed to ensure that fuel continues to meet applicable property and quality specifications.

(E) Volume production is consistent with that reported to the EPA and EIA, as well as other federal or state reporting.

(F) Volume production is consistent with storage and distribution capacity.

(G) Volume production capacity is consistent with RFS registration.

(3) *RIN generation-related components.* (i) Components requiring ongoing monitoring:

(A) Standardization of volumes pursuant to § 80.1426(f)(8) are accurate.

(B) Renewable fuel type matches the D code being used.

(C) RIN generation is consistent with wet gallons produced or imported.

(D) Fuel shipments are consistent with production volumes.

(E) If applicable, renewable content R is accurate pursuant to § 80.1426(f)(9).

(F) Equivalence value EV is accurate and appropriate.

(G) Renewable fuel was intended and sold for qualifying uses as transportation fuel, heating oil, or jet fuel.

(H) Verify that appropriate RIN generation calculations are being followed under § 80.1426(f)(3), (f)(4), or (f)(5), as applicable.

(ii) Components requiring quarterly monitoring:

(A) Registration, reporting and recordkeeping components.

(B) [Reserved]

(4) *RIN separation-related components.* (i) Components requiring ongoing monitoring:

(A) If applicable, verify that RIN separation is appropriate under § 80.1429(b)(4).

(B) If applicable, verify that RINs were retired for any fuel that the producer produced and exported.

(ii) Components requiring quarterly monitoring:

(A) Verify that annual attestation report is accurate.

(B) [Reserved]

(b) Option B QAP Requirements, for Option B QAPs that were performed during the interim period. All components specified in this paragraph (b) require quarterly monitoring, except for paragraph (b)(4)(iii) of this section, which must be done annually.

(1) *Feedstock-related components.* (i) Feedstocks are renewable biomass as defined in § 80.1401.

(ii) If applicable, separated food waste or separated yard waste plan under § 80.1426(f)(5)(ii) is accepted and up to date.

(iii) If applicable, separated municipal solid waste plan under § 80.1426(f)(5)(ii) is approved and current.

(iv) Feedstocks are being separated according to a separation plan, if applicable under § 80.1426(f)(5)(ii).

(v) Crop and crop residue feedstocks meet land use restrictions, or alternatively the aggregate compliance provisions of § 80.1454(g).

(vi) Feedstock is consistent with production process and D code being used as permitted under Table 1 to § 80.1426 or a petition approved through § 80.1416, and is consistent with information recorded in EMTS.

(vii) Feedstock is not renewable fuel for which RINs were previously generated.

(viii) If applicable, accuracy of feedstock energy FE calculation factors related to feedstocks, including average moisture content m and feedstock energy content E.

(2) *Production process-related components.* (i) Production process is consistent with that reported in EMTS.

(ii) Production process is consistent with D code being used as permitted under Table 1 to § 80.1426 or a petition approved through § 80.1416.

(iii) Mass and energy balances are appropriate for type and size of facility.

(iv) If applicable, process-related factors used in feedstock energy FE calculation are accurate, in particular the converted fraction CF.

(3) *RIN generation-related components.* (i) Renewable fuel was intended and sold for qualifying uses as transportation fuel, heating oil, or jet fuel.

(ii) Certificates of analysis verifying fuel type and quality, as applicable.

(iii) Renewable fuel type matches the D code being used.

(iv) If applicable, renewable content R is accurate pursuant to § 80.1426(f)(9).

(v) Equivalence value EV is accurate and appropriate.

(vi) Volume production capacity is consistent with RFS registration.

(vii) Verify that appropriate RIN generation calculations are being followed under § 80.1426(f)(3), (f)(4), or (f)(5), as applicable.

(4) *RIN separation-related components.* (i) If applicable, verify that RIN separation is appropriate under § 80.1429(b)(4).

(ii) Verify that fuel that is exported was not used to generate RINs, or alternatively that were generated but retired.

(iii) Verify that annual attestation report is accurate.

(c) *QAP Requirements.* All components specified in this paragraph (c) require quarterly monitoring, except

for paragraph (c)(4)(iii) of this section which must be done annually.

(1) *Feedstock-related components.* (i) Feedstocks are renewable biomass as defined in § 80.1401.

(ii) If applicable, separated food waste or separated yard waste plan under § 80.1426(f)(5)(ii) is accepted and up to date.

(iii) If applicable, separated municipal solid waste plan under § 80.1426(f)(5) is approved and current.

(iv) Feedstocks are being separated according to a separation plan, if applicable under § 80.1426(f)(5).

(v) Crop and crop residue feedstocks meet land use restrictions, or alternatively the aggregate compliance provisions of § 80.1454(g).

(vi) Feedstock is consistent with production process and D code being used as permitted under Table 1 to § 80.1426 or a petition approved through § 80.1416, and is consistent with information recorded in EMTS.

(vii) Feedstock is not renewable fuel for which RINs were previously generated.

(viii) If applicable, accuracy of feedstock energy FE calculation factors related to feedstocks, including average moisture content m and feedstock energy content E.

(2) *Production process-related components.* (i) Production process is consistent with that reported in EMTS.

(ii) Mass and energy balances are appropriate for type and size of facility.

(iii) If applicable, process-related factors used in feedstock energy FE calculation are accurate, in particular the converted fraction CF, pursuant to § 80.1426(f)(3).

(3) *RIN generation-related components.* (i) Renewable fuel was designated for qualifying uses as transportation fuel, heating oil, or jet fuel in the 48 contiguous states or Hawaii pursuant to § 80.1453.

(ii) Certificates of analysis verifying fuel type and quality, as applicable.

(iii) Renewable fuel type matches the D code being used.

(iv) If applicable, renewable content R is accurate pursuant to § 80.1426(f)(9).

(v) Equivalence value EV is accurate and appropriate.

(vi) Volume production capacity is consistent with RFS registration.

(vii) Verify that appropriate RIN generation calculations are being followed under § 80.1426(f)(3), (f)(4), or (f)(5), as applicable.

(viii) RIN generation is consistent with wet gallons produced or imported.

(4) *RIN separation-related components.* (i) If applicable, verify that RIN separation is appropriate under § 80.1429(b)(4).

(ii) Verify that fuel that is exported was not used to generate RINs, or alternatively that were generated but retired pursuant to § 80.1430.

(iii) Verify that annual attestation report is accurate.

(5) *Representative sampling.* Independent third-party auditors may use a representative sample of batches of renewable fuel in accordance with the procedures described in § 80.127 for all components of this paragraph (c) except for paragraphs (c)(1)(ii), (c)(1)(iii), (c)(2)(ii), (c)(3)(vi), (c)(4)(ii), and (c)(4)(iii) of this section.

(d) In addition to a general QAP encompassing elements common to all pathways, for each QAP there shall be at least one pathway-specific plan for a RIN-generating pathway as provided in Table 1 to § 80.1426 or as approved by the Administrator pursuant to § 80.1416, and shall contain elements specific to particular feedstocks, production processes, and fuel types as applicable.

(e) *Submission and approval of a QAP.* (1) Each independent third-party auditor shall annually submit a general and at least one pathway-specific QAP to the EPA which demonstrates adherence to the requirements of paragraphs (a) and (d), (b) and (d), or (c) and (d) of this section, as applicable, and request approval on forms and using procedures specified by the Administrator.

(2) No third-party independent auditor may present a QAP as approved by the EPA without having received written approval from the EPA.

(3) A QAP is approved on the date that the EPA notifies the third-party independent auditor of such approval.

(4) The EPA may revoke its approval of a QAP for cause, including, but not limited to, an EPA determination that the approved QAP has proven to be inadequate in practice.

(5) The EPA may void *ab initio* its approval of a QAP upon the EPA's determination that the approval was based on false information, misleading information, or incomplete information, or if there was a failure to fulfill, or cause to be fulfilled, any of the requirements of the QAP.

(f) *Conditions for revisions of a QAP.* (1) A new QAP shall be submitted to the EPA according to paragraph (e) of this section whenever any of the following changes occur at a production facility audited by a third-party independent auditor and the auditor does not possess an appropriate pathway-specific QAP that encompasses the changes:

(i) Change in feedstock.

(ii) Change in type of fuel produced.

(iii) Change in facility operations or equipment that may impact the capability of the QAP to verify that RINs are validly generated.

(2) A QAP ceases to be valid as the basis for verifying RINs under a new pathway until a new pathway-specific QAP, submitted to the EPA under this paragraph (f), is approved pursuant to paragraph (e) of this section.

■ 17. A new § 80.1470 is added to subpart M to read as follows:

§ 80.1470 RIN replacement mechanisms for Option A independent third party auditors.

(a) *Applicability.* This section applies to independent third-party auditors using a QAP approved under Option A pursuant to § 80.1469(a) and (d) during the interim period.

(b) *Requirements.* An independent third party auditor must establish or participate in the establishment of a RIN replacement mechanism. The RIN replacement mechanism must fulfill, at a minimum, all the following conditions:

(1) The RIN replacement mechanism must be capable of fulfilling the independent third party auditor's RIN replacement responsibility, as described in § 80.1474(b)(5)(i).

(2) The independent third party auditor is responsible for calculating and maintaining the minimum coverage afforded by the RIN replacement mechanism at all times.

(3) RINs held by the RIN replacement mechanism (if any) must be identified in a unique EMTS account designated for the exclusive use of the replacement mechanism.

(4) Distribution and removal of RINs from the replacement mechanism may not be under the sole operational control of the third-party auditor.

(5) An originally signed duplicate of the agreement or contract establishing the RIN replacement mechanism must be submitted to the EPA by the independent third party auditor in accordance with § 80.1450(g)(7).

(6) Any substantive change to the agreement establishing the RIN replacement mechanism must be submitted to the EPA within 30 days of the change.

(c) *Cap on RIN replacement for independent third party auditors of A–RINs.* (1) If required to replace invalid A–RINs pursuant to paragraph (b) of this section, the independent third party auditor shall be required to replace no more than the percentage specified in paragraph (c)(2) of this section of each D code of A–RINs verified by the auditor in the current calendar year and four previous calendar years.

(2) The cap on RIN replacement for auditors of A–RINs shall be two percent

for A–RINs generated in the interim period.

(3) The auditor's potential replacement responsibility for a given RIN will expire at the end of the fourth calendar year after the calendar year in which the RIN was verified.

(d) *Applicability of the RIN replacement cap.* The cap on RIN replacement does not apply when invalid verified RINs are a result of auditor error, omission, negligence, fraud, collusion with the renewable fuel producer, or a failure to implement the QAP properly or fully.

■ 18. A new § 80.1471 is added to subpart M to read as follows:

§ 80.1471 Requirements for QAP auditors.

(a) QAP audits conducted pursuant to § 80.1472 must be conducted by an independent third-party auditor.

(b) To be considered an independent third-party auditor under paragraph (a) of this section:

(1) The independent third-party auditor and its contractors and subcontractors shall not be owned or operated by the renewable fuel producer or foreign ethanol producer, or any subsidiary or employee of the renewable fuel producer or foreign ethanol producer.

(2) The independent third-party auditor and its contractors and subcontractors shall not be owned or operated by an obligated party or any subsidiary or employee of an obligated party as defined in § 80.1406.

(3) The independent third-party auditor shall not own, buy, sell, or otherwise trade RINs unless required to maintain a financial assurance mechanism for a QAP implemented under QAP Option A pursuant to § 80.1469(a) during the interim period or to replace an invalid RIN pursuant to § 80.1474.

(4) The independent third-party auditor and its contractors and subcontractors shall be free from any interest or the appearance of any interest in the renewable fuel producer or foreign renewable fuel producer's business.

(5) The renewable fuel producer or foreign renewable fuel producer shall be free from any interest or the appearance of any interest in the third-party auditor's business and the businesses of third-party auditor's contractors and subcontractors.

(6) The independent third-party auditor and its contractors and subcontractors shall not have performed an attest engagement under § 80.1464 for the renewable fuel producer or foreign renewable fuel producer in the same calendar year as a QAP audit conducted pursuant to § 80.1472.

(7) The independent third-party auditor and its contractors and subcontractors must not be debarred, suspended, or proposed for debarment pursuant to the Government-wide Debarment and Suspension regulations, 40 CFR part 32, or the Debarment, Suspension and Ineligibility provisions of the Federal Acquisition Regulations, 48 CFR part 9, subpart 9.4.

(c) Independent third-party auditors shall maintain professional liability insurance, as defined in 31 CFR 50.5(q). Independent third-party auditors shall use insurance providers that possess a financial strength rating in the top four categories from either Standard & Poor's or Moody's, i.e., AAA, AA, A or BBB for Standard & Poor's and Aaa, Aa, A, or Baa for Moody's. Independent third-party auditors shall disclose the level of professional liability insurance they possess when entering into contracts to provide RIN verification services.

(d)(1) In the event that an independent third-party auditor identifies a RIN that may have been invalidly generated, the independent third-party auditor shall, within the next business day, send notification of the potentially invalidly generated RIN to the EPA and the renewable fuel producer that generated the RIN.

(2) The independent third-party auditor shall provide the notification required under paragraph (d)(1) of this section in writing (which includes email or facsimile) and, if requested by the party being notified of a potentially invalidly generated RIN, by telephone.

(e) The independent third-party auditor shall identify RINs generated from a renewable fuel producer or foreign renewable fuel producer as having been verified under a QAP.

(1) For RINs verified under QAP Option A pursuant to § 80.1469(a) during the interim period, RINs shall be designated as A–RINs.

(2) For RINs verified under QAP Option B pursuant to § 80.1469(b), during the interim period, RINs shall be designated as B–RINs.

(3) For RINs verified under a QAP pursuant to § 80.1469(c), RINs shall be designated as Q–RINs and shall be identified as having been verified under a QAP in EMTS.

(4) The independent third-party auditor shall not identify RINs generated from a renewable fuel producer or foreign renewable fuel producer as having been verified under a QAP if a revised QAP must be submitted to and approved by the EPA under § 80.1469(f).

(f)(1) Except as specified in paragraph (f)(2) of this section, auditors may only verify RINs that have been generated after the audit required under § 80.1472 has been completed.

(i) For A–RINs, ongoing monitoring must have been initiated.

(ii) Verification of RINs may continue for no more than 200 days following an on-site visit or 380 days after an on-site visit if a previously the EPA-approved remote monitoring system is in place at the renewable fuel production facility.

(2) Auditors may verify RINs that were generated before the audit required under § 80.1472 has been completed, under the following conditions:

(i) The RINs in question were generated during the interim period.

(ii) The audit is completed during the interim period.

(iii) The audit is performed in accordance with the elements specified in a QAP that has been approved by the EPA per § 80.1469(e).

(iv) The audit requirements of § 80.1472 are met for every batch of renewable fuel for which RINs were generated and are being verified.

(v) The auditor may not perform more than one audit under this subparagraph for any single RIN generator.

(g) The independent third-party auditor shall permit any representative of the EPA to monitor at any time the implementation of QAPs and renewable fuel production facility audits.

(h) Any person who fails to meet a requirement under of this section shall be subject to a separate violation pursuant to § 80.1460(f).

■ 19. A new § 80.1472 is added to subpart M to read as follows:

§ 80.1472 Requirements for quality assurance audits.

(a) *General requirements.* (1) An audit shall be performed by an auditor who meets the requirements of § 80.1471.

(2) An audit shall be based on either an Option A QAP per § 80.1469(a) during the interim period, an Option B QAP per § 80.1469(b) during the interim period, or a QAP per § 80.1469(c).

(3) Each audit shall verify every element contained in an applicable and approved QAP.

(4) Each audit shall include a review of documents generated by the renewable fuel producer.

(b) *On-site visits*—(1) *Option A QAP during the interim period.* (i) The auditor shall conduct an on-site visit at the renewable fuel production facility at least 4 times per calendar year.

(ii) The on-site visits specified in paragraph (b)(1)(i) of this section shall occur at least 60 days apart. The 60-day period shall start the day after the previous on-site ends.

(iii) The on-site visit shall include verification of all QAP elements that require inspection or evaluation of the physical attributes of the renewable fuel production facility, except for any physical attribute that is verified through remote monitoring equipment per the applicable QAP.

(2) *Option B QAP during the interim period.* (i) The auditor shall conduct an on-site visit at the renewable fuel production facility at least 4 times per calendar year.

(ii) The on-site visits specified in paragraph (b)(2)(i) of this section shall occur at least 60 days apart. The 60-day period shall start the day after the previous on-site ends.

(iii) The on-site visit shall include verification of all QAP elements that require inspection or evaluation of the physical attributes of the renewable fuel production facility.

(3) *QAP.* (i) The auditor shall conduct an on-site visit at the renewable fuel production facility:

(A) At least two times per calendar year; or

(B) In the event an auditor uses a remote monitoring system approved by the EPA, at least one time per calendar year.

(ii) An on-site visit specified in paragraph (b)(3)(i) of this section shall occur no more than:

(A) 200 days after the previous on-site visit. The 200-day period shall start the day after the previous on-site visit ends; or

(B) 380 days after the previous on-site visit if a previously approved by the EPA remote monitoring system is in place at the renewable fuel production facility. The 380-day period shall start the day after the previous on-site visit ends.

(iii) An on-site visit shall include verification of all QAP elements that require inspection or evaluation of the physical attributes of the renewable fuel production facility.

(iv) The on-site visit shall be overseen by a professional engineer, as specified in § 80.1450(b)(2)(i)(A) and (b)(2)(i)(B).

■ 20. A new § 80.1473 is added to subpart M to read as follows:

§ 80.1473 Affirmative defenses.

(a) *Criteria.* Any person who engages in actions that would be a violation of the provisions of either § 80.1460(b)(2) or (c)(1), other than the generator of an invalid RIN, will not be deemed in violation if the person demonstrates that the criteria under paragraphs (c), (d), or (e) of this section are met.

(b) *Applicability of affirmative defenses.* The following provisions apply to affirmative defenses asserted under paragraph (a) of this section:

(1) Affirmative defenses only apply to RINs that were invalidly generated and verified through a quality assurance audit using an EPA-approved QAP.

(2) Affirmative defenses only apply in situations where an invalidly generated verified RIN is either transferred to another person (violation of § 80.1460(b)(2)) or used for compliance for an obligated party's RVO (use violation of § 80.1460(c)(1)).

(3) Affirmative defenses do not apply to the generator of an invalid RIN.

(c) *Asserting an affirmative defense for invalid A–RINs verified during the interim period.* To establish an affirmative defense to a violation of § 80.1460(b)(2) or (c)(1) involving invalid A–RINs, the person must meet the notification requirements of paragraph (f) of this section and prove by a preponderance of evidence all of the following:

(1) The RIN in question was verified through a quality assurance audit pursuant to § 80.1472 using an approved Option A QAP as defined in § 80.1469(a).

(2) The person did not know or have reason to know that the RINs were invalidly generated prior to being verified by the independent third-party auditor.

(3) If the person self-identified the RIN as having been invalidly generated, the person notified the EPA within five business days of discovering the invalidity.

(4) The person did not cause the invalidity.

(5) The person did not have a financial interest in the company that generated the invalid RIN.

(d) *Asserting an affirmative defense for invalid B–RINs verified during the interim period.* To establish an affirmative defense to a violation of § 80.1460(b)(2) or (c)(1) involving invalid B–RINs, the person must meet the notification requirements of paragraph (f) of this section and prove by a preponderance of evidence all of the following:

(1) The RIN in question was verified through a quality assurance audit pursuant to § 80.1472 using an approved Option B QAP as defined in § 80.1469(b).

(2) The person did not know or have reason to know that the RINs were invalidly generated at the time of transfer or use for compliance, unless the RIN generator replaced the RIN pursuant to § 80.1474.

(3) If the person self-identified the RIN as having been invalidly generated, the person notified the EPA within five business days of discovering the invalidity.

(4) The person did not cause the invalidity.

(5) The person did not have a financial interest in the company that generated the invalid RIN.

(6) If the person used the invalid B–RIN for compliance, the person adjusted its records, reports, and compliance calculations in which the invalid B–RIN was used as required by § 80.1431, unless the RIN generator replaced the RIN pursuant to § 80.1474.

(e) *Asserting an affirmative defense for invalid Q–RINs.* To establish an affirmative defense to a violation of § 80.1460(b)(2) or (c)(1) involving invalid Q–RINs, the person must meet the notification requirements of paragraph (f) of this section and prove by a preponderance of evidence all of the following:

(1) The RIN in question was verified through a quality assurance audit pursuant to § 80.1472 using an approved QAP as defined in § 80.1469(c).

(2) The person did not know or have reason to know that the RINs were invalidly generated at the time of transfer or use for compliance, unless the RIN generator replaced the RIN pursuant to § 80.1474.

(3) If the person self-identified the RIN as having been invalidly generated, the person notified the EPA within five business days of discovering the invalidity.

(4) The person did not cause the invalidity.

(5) The person did not have a financial interest in the company that generated the invalid RIN.

(6) If the person used the invalid Q–RIN for compliance, the person adjusted its records, reports, and compliance calculations in which the invalid Q–RIN was used as required by § 80.1431, unless the RIN generator replaced the RIN pursuant to § 80.1474.

(f) *Notification requirements.* A person asserting an affirmative defense to a violation of § 80.1460(b)(2) or (c)(1), arising from the transfer or use of an invalid A–RIN, B–RIN, or Q–RIN must submit a written report to the EPA via the EMTS support line (*support@epamts-support.com*), including all pertinent supporting documentation, demonstrating that the requirements of paragraphs (c), (d), or (e) of this section were met. The written report must be submitted within 30 days of the person discovering the invalidity.

■ 21. A new § 80.1474 is added to subpart M to read as follows:

§ 80.1474 Replacement requirements for invalidly generated RINs.

(a) *Responsibility for replacement of invalid verified RINs.* (1) The generator of the A–RIN and the independent third-party auditor that verified the A–RIN are required to replace invalidly generated A–RINs with valid RINs pursuant to the procedures specified in paragraph (b) of this section.

(2) The generator of the B–RIN and the obligated party that owns the B–RIN are required to replace invalidly generated B–RINs with valid RINs pursuant to the procedures specified in paragraph (b) of this section.

(3) The generator of the Q–RIN and the obligated party that owns the Q–RIN are required to replace invalidly generated Q–RINs with valid RINs pursuant to the procedures specified in paragraph (b) of this section.

(4) The generator of an unverified RIN and the obligated party that owns an unverified RIN are required to replace invalidly generated and unverified RINs pursuant to the procedures specified in paragraph (b) of this section.

(b) *Identification and treatment of potentially invalid RINs (PIRs).* (1) Any RIN can be identified as a PIR by the RIN generator, an independent third-party auditor that verified the RIN, or the EPA.

(2) For PIRs identified by the RIN generator, the generator is required to notify the EPA via the EMTS support line (*support@epamts-support.com*) within five business days of the identification, including an initial explanation of why the RIN is believed to be invalid, and is required to take any of the following corrective actions within 30 days:

(i) Retire the PIR.

(ii) Retire a valid RIN meeting the requirements of paragraph (d) of this section.

(3) For PIRs identified by the independent third-party auditor that verified the RIN, the independent third-party auditor is required to notify the EPA via the EMTS support line (*support@epamts-support.com*) and the RIN generator in writing within five business days of the identification, including an initial explanation of why the RIN is believed to be invalid.

(4) Within 30 days of being notified by the EPA or the independent third-party auditor that verified the RIN that a RIN is a PIR, the RIN generator is required to take one of the following actions:

(i) In the event that the EPA identifies a RIN as a PIR, do one of the following:

(A) Retire the PIR.

(B) Retire a valid RIN following the requirements of paragraph (d) of this section.

(C) Submit a demonstration in writing to the EPA via the EMTS support line (*support@epamts-support.com*) that the PIR is valid.

(*1*) If the EPA determines that the demonstration is satisfactory, the RIN will no longer be considered a PIR.

(*2*) If the EPA determines that the demonstration is not satisfactory, the PIR will be deemed invalid and the PIR generator must retire the PIR or a valid RIN following the requirements of paragraph (d) of this section within 30 days of notification by the EPA.

(ii) In the event that the independent third-party auditor identifies a RIN as a PIR, do one of the following:

(A) Retire the PIR.

(B) Retire a valid RIN following the requirements of paragraph (d) of this section.

(C) Submit a demonstration in writing to the independent third-party auditor and the EPA via the EMTS support line (*support@epamts-support.com*) that the PIR is valid.

(*1*) If the independent third-party auditor determines that the demonstration is satisfactory, the PIR will be deemed to be a valid RIN; however, the EPA reserves the right to make a determination regarding the validity of the RIN.

(*2*) If the independent third-party auditor determines that the demonstration is not satisfactory, the EPA will then make a determination whether the demonstration is not satisfactory, and if so, the PIR will be deemed invalid and the PIR generator must retire the PIR or a valid RIN following the requirements of paragraph (d) of this section within 30 days of notification by the EPA.

(5) Within 60 days of receiving a notification from the EPA that a PIR generator has failed to perform a corrective action required pursuant to this section:

(i) For A–RINs, the independent third-party auditor that verified the PIR is required to retire valid RINs meeting the requirements of paragraph (d) of this section.

(ii) For Q–RINs, B–RINs, and unverified RINs, the party that owns the invalid RIN is required to do one of the following:

(A) Retire the invalid RIN.

(B) If the invalid RIN has already been used for compliance with an obligated party's RVO, correct the RVO to subtract the invalid RIN.

(c) *Failure to take corrective action.* Any person who fails to meet a requirement under paragraph (b)(4) or (b)(5) of this section shall be liable for full performance of such requirement, and each day of non-compliance shall be deemed a separate violation pursuant to § 80.1460(f). The administrative process for replacement of invalid RINs does not, in any way, limit the ability of the United States to exercise any other authority to bring an enforcement action under section 211 of the Clean Air Act, the fuels regulations at 40 CFR part 80, or any other applicable law.

(d) The following specifications apply when retiring valid RINs to replace PIRs or invalid RINs:

(1) When a RIN is retired to replace a PIR or invalid RIN, the D code of the retired RIN must be eligible to be used towards meeting all the renewable volume obligations as the PIR or invalid RIN it is replacing, as specified in § 80.1427(a)(2).

(2) The number of RINs retired must be equal to the number of PIRs or invalid RINs being replaced, subject to paragraph (e) or (f) of this section if applicable, and § 80.1470(c).

(e) *Limited exemption for invalid B–RINs verified during the interim period.* (1) In the event that an obligated party is required to retire or replace an invalid RIN that is a B–RIN pursuant to paragraph (b) of this section, the obligated party will be afforded a ''limited exemption'' (LE) equal to two percent of its annual Renewable Volume Obligation (RVO) for calendar years 2013 and 2014 during the interim period.

(2) Limited exemptions are calculated as follows:

$$LE_{CB,i} = 0.02 \times RVO_{CB,i}$$
$$LE_{BBD,i} = 0.02 \times RVO_{BBD,i}$$
$$LE_{AB,i} = 0.02 \times RVO_{AB,i}$$
$$LE_{RF,i} = 0.02 \times RVO_{RF,i}$$

Where:

$LE_{CB,i}$ = Limited exemption for cellulosic biofuel for year i.

$LE_{BBD,i}$ = Limited exemption for biomass-based diesel for year i.

$LE_{AB,i}$ = Limited exemption for advanced biofuel for year i.

$LE_{RF,i}$ = Limited exemption for renewable for year i.

$RVO_{CB,i}$ = The Renewable Volume Obligation for cellulosic biofuel for the obligated party for calendar year i, in gallons, pursuant to § 80.1407.

$RVO_{BBD,i}$ = The Renewable Volume Obligation for biomass-based diesel for the obligated party for calendar year i after 2010, in gallons, pursuant to § 80.1407.

$RVO_{AB,i}$ = The Renewable Volume Obligation for advanced biofuel for the obligated party for calendar year i, in gallons, pursuant to § 80.1407.

$RVO_{RF,i}$ = The Renewable Volume Obligation for renewable fuel for the obligated party for calendar year i, in gallons, pursuant to § 80.1407.

(3) If the number of invalidly generated B–RINs required to be retired or replaced in a calendar year is less than or equal to LE as calculated in paragraph (d)(2) of this section, the entire RIN retirement obligation is excused.

(4) If the number of invalidly generated B–RINs required to be retired or replaced in a calendar year is greater than LE as calculated in paragraph (d)(2) of this section, the retirement of a number of B–RINs equal to two percent of the obligated party's RVO is excused.

(5) The limited exemption for B–RINs applies only in calendar years 2013 and 2014 during the interim period.

(f) *Limited exemption for invalid Q–RINs.* (1) In the event that an obligated party is required to retire or replace an invalid RIN that is a Q–RIN pursuant to paragraph (b) of this section, the obligated party will be afforded a ''limited exemption'' (LE) equal to two percent of its annual Renewable Volume Obligation (RVO) for calendar years 2014, 2015, and 2016.

(2) Limited exemptions are calculated as follows:

$LE_{CB,i} = 0.02 \times RVO_{CB,i}$

$LE_{BBD,i} = 0.02 \times RVO_{BBD,i}$

$LE_{AB,i} = 0.02 \times RVO_{AB,i}$

$LE_{RF,i} = 0.02 \times RVO_{RF,i}$

Where:

$LE_{CB,i}$ = Limited exemption for cellulosic biofuel for year i.

$LE_{BBD,i}$ = Limited exemption for biomass-based diesel for year i.

$LE_{AB,i}$ = Limited exemption for advanced biofuel for year i.

$LE_{RF,i}$ = Limited exemption for renewable for year i.

$RVO_{CB,i}$ = The Renewable Volume Obligation for cellulosic biofuel for the obligated party for calendar year i, in gallons, pursuant to § 80.1407.

$RVO_{BBD,i}$ = The Renewable Volume Obligation for biomass-based diesel for the obligated party for calendar year i after 2010, in gallons, pursuant to § 80.1407.

$RVO_{AB,i}$ = The Renewable Volume Obligation for advanced biofuel for the obligated party for calendar year i, in gallons, pursuant to § 80.1407.

$RVO_{RF,i}$ = The Renewable Volume Obligation for renewable fuel for the obligated party for calendar year i, in gallons, pursuant to § 80.1407.

(3) If the number of invalidly generated Q–RINs required to be retired or replaced in a calendar year is less than or equal to LE as calculated in paragraph (d)(2) of this section, the entire RIN retirement obligation is excused.

(4) If the number of invalidly generated Q–RINs required to be retired or replaced in a calendar year is greater than LE as calculated in paragraph (d)(2) of this section, the retirement of a number of Q–RINs equal to two percent of the obligated party's RVO is excused.

(5) The limited exemption for Q–RINs applies only in calendar years 2014, 2015, and 2016.

(g) All parties who retire RINs under this section shall use the forms and follow the procedures prescribed by the Administrator.

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Part III

Environmental Protection Agency

40 CFR Part 80
Regulation of Fuels and Fuel Additives: RFS Pathways II, and Technical Amendments to the RFS Standards and E15 Misfueling Mitigation Requirements; Final Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 80

[EPA–HQ–OAR–2012–0401; FRL–9910–40–OAR]

RIN 2060–AR21

Regulation of Fuels and Fuel Additives: RFS Pathways II, and Technical Amendments to the RFS Standards and E15 Misfueling Mitigation Requirements

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: In this final rulemaking, the Environmental Protection Agency (EPA) is amending three separate sets of regulations relating to fuels. In amendments to the renewable fuels standard (RFS) program regulations, EPA is clarifying the number of cellulosic biofuel renewable identification numbers that may be generated for fuel made with feedstocks of varying cellulosic content, is specifying new and amended pathways for the production of renewable fuels made from biogas, and is clarifying or amending a number of RFS program regulations that define terms or address registration, recordkeeping, and reporting requirements. EPA is also making various changes to the misfueling mitigation regulations for gasoline that contains greater than 10 volume percent ethanol and no more than 15 volume percent ethanol (E15) and to the survey requirements associated with the ultra-low sulfur diesel program.

DATES: This rule is effective August 18, 2014.

FOR FURTHER INFORMATION CONTACT: Jon Monger, Office of Transportation and Air Quality, Mail Code: 1101A, U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue NW., 20460; telephone number: (202) 564–0628; fax number: (202) 564–1686; email address: *monger.jon@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. Executive Summary

In this rule, EPA is amending three sets of regulations. First, as described in section IV of this preamble, EPA is amending certain parts of the RFS program regulations at 40 CFR part 80, subpart M. Some of the changes in this rule are of a substantive nature; others are more in the nature of technical corrections, including corrections of obvious omissions and errors in citation. In this final rule, EPA establishes requirements for determining the number of cellulosic biofuel Renewable Identification Numbers (RINs) that will be generated for fuel made from a range of cellulosic feedstocks. We also modify regulatory provisions related to renewable fuel made from biogas, including a new compressed natural gas (CNG)/liquefied natural gas (LNG) cellulosic biofuel pathway, and add a new cellulosic biofuel pathway for renewable electricity (used in electric vehicles) produced from biogas. These pathways have the potential to provide notable volumes of cellulosic biofuel for use in complying with the RFS program, since significant volumes of advanced biofuels are already being generated for fuel made from biogas, and in many cases this same fuel will qualify for cellulosic RINs when this rule becomes effective. The approval of these new cellulosic pathways could have an impact on EPA's projection of 2014 cellulosic biofuel volumes in the final 2014 RFS standards rulemaking. EPA noted the possibility of such an impact in its proposed rule.[1] Many of the changes in today's rule will facilitate the introduction of new renewable fuels under the RFS program. By qualifying these new fuel pathways, this rule provides opportunities to increase the volume of advanced, low-GHG renewable fuels—such as cellulosic biofuels—under the RFS program. EPA's analyses show significant lifecycle GHG emission reductions from these fuel types, as compared to the baseline gasoline or diesel fuel that they replace. In this rulemaking, EPA also clarifies or amends a number of RFS program regulations that define terms or address registration, recordkeeping, or reporting requirements. These include amendments related to: (1) Use of crop residue and corn kernel fiber as renewable fuel feedstock; (2) definition of ''small refinery''; (3) provisions for small blenders of renewable fuels; (4) when EPA may deactivate a company registration; (5) the use for registration purposes of ''nameplate capacity'' for certain production facilities that do not claim exemption from the 20% greenhouse gas (GHG) reduction threshold; and (6) clarifying what penalties apply under the RFS program.

EPA is also making various changes to the E15 misfueling mitigation regulations (E15 MMR) at 40 CFR part 80, subpart N. Among the E15 changes are technical corrections and amendments to sections dealing with labeling, E15 surveys, product transfer documents, and prohibited acts. We also amend the definitions of E10 and E15 in subpart N to address a concern about the rounding of ethanol content test results, in response to a question raised by some industry stakeholders.

In response to questions received from regulated parties, we amend the ultra-low sulfur diesel (ULSD) survey provisions in a manner that reduces the number of samples required. This will reduce costs and burdens associated with compliance for regulated parties, with no expected degradation in the highly successful environmental performance of the program. We received helpful comments from the public on these three issues, and provide response to them in this preamble.

We are not finalizing at this time all of the proposed changes in the Notice of Proposed Rulemaking.[2] Due to comments received and time constraints, we are not taking final action at this time on the proposed advanced butanol pathway, the proposed pathways for the production of renewable diesel, naphtha and renewable gasoline from biogas, or the proposed additional compliance requirements for non-RIN-generating foreign renewable fuel producers. We are also not taking final action at this time on the definition of ''producer'' for renewable CNG/LNG and renewable electricity from biogas sources, the definition of responsible corporate officer, or the proposed amendments to compliance related provisions for the alternative reporting method in § 80.1452. The Agency is deferring the final decision on these matters until a later time.

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[1] 78 FR 71732, November 29, 2013.

[2] 78 FR 36042, June 14, 2013.

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2. Provisions for Small Blenders of Renewable Fuels
3. Changes to § 80.1450—Registration Requirements
4. Changes to § 80.1452—EPA Moderated Transaction System (EMTS) Requirements—Alternative Reporting Method for Sell and Buy Transactions for Assigned RINs
5. Changes to Facility's Baseline Volume to Allow ''Nameplate Capacity'' for Facilities not Claiming Exemption From the 20% GHG Reduction Threshold
6. Changes to § 80.1463—What Penalties Apply Under the RFS Program?
F. Minor Corrections to RFS Provisions
V. Amendments to the E15 Misfueling Mitigation Rule
A. Changes to § 80.1501—Label
B. Changes to § 80.1502—E15 Survey
C. Changes to § 80.1503—Product Transfer Documents
D. Changes to § 80.1504—Prohibited Acts
E. Changes to § 80.1500—Definitions
VI. Amendments to the Ultra Low Sulfur Diesel (ULSD) Survey
VII. Statutory and Executive Order Reviews
A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review
B. Paperwork Reduction Act
C. Regulatory Flexibility Act
D. Unfunded Mandates Reform Act
E. Executive Order 13132 (Federalism)
F. Executive Order 13175 (Consultation and Coordination With Indian Tribal Governments)
G. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks
H. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use
I. National Technology Transfer and Advancement Act
J. Executive Order 12898: Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations.
K. Congressional Review Act
L. Clean Air Act Section 307(d)
VIII. Statutory Provisions and Legal Authority

II. Why is EPA taking this action?

EPA is taking this action to amend various provisions in its regulations pertaining to the Renewable Fuels Standard (RFS) program (40 CFR part 80, subpart M) and misfueling mitigation for 15 volume percent (%) ethanol blends (E15) (40 CFR part 80, subpart N) to assist regulated parties in complying with RFS and E15 requirements. EPA is also amending the ultra low sulfur diesel (ULSD) survey provisions (40 CFR part 80, subpart I) to decrease regulatory burdens and costs.

III. Does this action apply to me?

Entities potentially affected by this action include those involved with the production, distribution and sale of transportation fuels, including gasoline and diesel fuel, or renewable fuels such as ethanol and biodiesel. Regulated categories and entities affected by this action include:

Category	NAICS Codes [a]	SIC Codes [b]	Examples of potentially regulated parties
Industry	324110	2911	Petroleum refiners, importers.
Industry	325193	2869	Ethyl alcohol manufacturers.
Industry	325199	2869	Other basic organic chemical manufacturers.
Industry	424690	5169	Chemical and allied products merchant wholesalers.
Industry	424710	5171	Petroleum bulk stations and terminals.
Industry	424720	5172	Petroleum and petroleum products merchant wholesalers.
Industry	454310	5989	Fuel dealers.
Industry	486210	4922	Pipeline Transportation of Natural Gas.
Industry	221117	4911	Biomass Electric Power Generation.
Industry	562212	4953	Solid Waste Landfill.
Industry	562219	4953	Other Nonhazardous Waste Treatment and Disposal.
Industry	221320	4952	Sewage Treatment Facilities.

[a] North American Industry Classification System (NAICS).
[b] Standard Industrial Classification (SIC) system code.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be regulated by this action. This table lists the types of entities that EPA is now aware could be potentially regulated by this action. Other types of entities not listed in the table could also be regulated. To determine whether your entity is regulated by this action, you should carefully examine the applicability criteria of part 80, subparts I, M and N of Title 40 of the Code of Federal Regulations. If you have any question regarding applicability of this action to a particular entity, consult the person in the preceding **FOR FURTHER INFORMATION CONTACT** section above.

IV. Renewable Fuel Standard (RFS) Program Amendments

In this rule, we are clarifying requirements related to existing cellulosic biofuel pathways under the RFS program, and adopting new cellulosic biofuel pathways. This rule also modifies a number of RFS program regulations.

A. Renewable Identification Number (RIN) Generation for Fuels Made From Feedstocks Containing Cellulosic Biomass

1. Background

The Clean Air Act (CAA) defines ''cellulosic biofuel'' as ''renewable fuel derived from any cellulose, hemicellulose, or lignin that is derived from renewable biomass and has lifecycle greenhouse gas emissions, as determined by the Administrator, that are at least 60 percent less than the baseline lifecycle greenhouse gas emissions.'' However, plants do not contain only cellulose, hemicellulose, and lignin; depending on the plant species and other variables (such as variety within a generic feedstock type and storage time) they can also contain varying amounts of other compounds. Using cellulosic biofuel production technologies, some of these other compounds may be converted, along with the cellulosic compounds of plant feedstocks, into renewable fuel. When this occurs, biofuel producers must ascertain what type of RIN or RINs to assign to the resulting renewable fuel. Prior to the proposal, EPA had not provided detailed information on how other compounds should be treated, which led to uncertainty amongst renewable fuel producers about whether their entire volume of fuel produced from a cellulosic feedstock would be eligible to generate cellulosic RINs.

In the proposed rule, EPA noted that existing RFS regulations specify that the fuel made from certain types of feedstocks that are predominantly of cellulosic content [3] (e.g., fuel made from the biogenic portion of separated municipal solid waste) are considered entirely made from cellulosic material.[4] EPA noted that these regulations have been based on the view that the statutory requirement that cellulosic biofuel be ''derived from cellulose, hemicellulose or lignin'' does not mandate that in all cases the renewable fuel must be produced only from the cellulosic material in the renewable biomass. Rather, EPA considers the statutory definition of cellulosic biofuel to be ambiguous on this point, providing EPA the discretion to reasonably determine under what circumstances a fuel appropriately should be considered cellulosic biofuel when the fuel is produced from a feedstock that contains a mixture of cellulosic and non-cellulosic materials.[5] Consistent with this view and the previously established statutory interpretation permitting assignment of a single RIN value to fuel produced predominantly from one source, EPA proposed that fuels made from feedstocks that are ''predominantly'' cellulosic should be considered cellulosic biofuel and that all of the volume of fuels from such feedstocks could generate cellulosic biofuel RINs. Accordingly, EPA proposed that the entire volume of fuel made pursuant to the cellulosic biofuel pathways in Table 1 to § 80.1426 be for cellulosic biofuel RINs (D code of 3 or 7), based on EPA's proposed determination that the feedstocks associated with those pathways are composed predominantly of cellulosic materials.[6]

EPA solicited comment in the Notice of Proposed Rulemaking (NPRM) on several alternative approaches, including a ''cellulosic content threshold approach.'' Under the cellulosic content threshold approach, EPA would set a minimum threshold of cellulosic content, and only fuels made from feedstocks meeting this minimum threshold would be eligible to generate cellulosic RINs for their entire fuel volume. EPA suggested possible thresholds in the range of 70% to 99.9%.

After evaluating the comments received, EPA has decided to finalize a cellulosic content approach, with a minimum cellulosic content threshold of 75%. In section IV.A.2, below, we discuss the merits of the approach generally, and how we intend to implement it for feedstocks used in cellulosic biofuel pathways listed in Table 1 to § 80.1426. This includes special provisions for energy cane and annual cover crops. In sections IV.A.3 and IV.A.4 we discuss how RINs should be allocated for fuel made from feedstocks containing less than 75% cellulosic content, and the registration, recordkeeping and reporting requirements associated with the rule. In section IV.A.5 we discuss application of the cellulosic content threshold approach to feedstocks evaluated in the future, and in section IV.A.6 we discuss in more detail the comments received and our responses to them.

2. The Cellulosic Content Threshold Approach and Its Application to Cellulosic Feedstocks Currently Listed in Table 1 to 40 CFR 80.1426

EPA has decided to finalize the cellulosic content threshold approach and to set the minimum threshold as an average adjusted cellulosic content of 75%, measured on a dry mass basis. Since inorganic materials are not likely to end up in the final fuel product and would not contribute to the fuel heating content in the event that they remained in the final fuel, the ''adjusted cellulosic content'' is the percent of organic (non-ash) material that is cellulose, hemicellulose, or lignin.[7] Consistent with previous precedents permitting assignment of a single RIN value to fuel produced predominantly from one source, fuels made from feedstocks that EPA determines meet this minimum threshold will, therefore, be eligible for cellulosic biofuel RINs for the entire fuel volume produced. As a result of this rule, all of the cellulosic biofuel made from the following feedstocks is eligible to generate cellulosic RINs for

[3] For purposes of this preamble, ''cellulosic content'' means cellulose, hemicellulose, and lignin.

[4] 75 FR 14670, 14706. In the March 2010 RFS rulemaking, EPA determined, in certain circumstances, it is appropriate for producers to base RIN assignment on the predominant component.

[5] 78 FR 36042, 36047.

[6] EPA included in the docket for the Notice of Proposed Rulemaking a Memorandum to the Docket, entitled ''Cellulosic Content of Various Feedstocks—2014 Update,'' available in docket EPA–HQ–OAR–2012–0401. This memorandum discusses the cellulosic content of various feedstocks, including most of the cellulosic feedstocks listed in cellulosic biofuel pathways in Table 1 to 40 CFR 80.1426. The memorandum notes that the average adjusted cellulosic content of these feedstocks is at least 75%. Because of the high degree of natural variability in biomass, average adjusted cellulosic contents are likely more meaningful than any single value reported, because no single value can reflect the compositional range and variability present.

[7] Further details about this determination can be found in the Memorandum to the Docket, ''Cellulosic Content of Various Feedstocks—2014 Update,'' available in docket EPA–HQ–OAR–2012–0401.

the entire volume of fuel produced: Crop residue, slash, pre-commercial thinnings and tree residue, switchgrass, miscanthus, Arundo donax, Pennisetum purpureum, and biogas from landfills, municipal wastewater treatment facility digesters, agricultural digesters, and separated MSW digesters (collectively ''predominantly cellulosic feedstocks''). In addition, EPA is not modifying existing rules that allow generation of cellulosic biofuel RINs for the entire volume of fuel made from separated yard waste, see 40 CFR 80.1426(f)(5)(i)(A), and for the biogenic portion of fuel made from separated MSW, see 75 FR 14706 and 40 CFR 80.1426(f)(5)(v), other than to clarify that the testing requirement to determine biogenic content of finished fuel made from separated MSW does not apply to biogas-derived fuels. For such fuels, the anaerobic process limits digestion and associated biogas generation to the biogenic components of separated MSW, so all resulting fuel is appropriately considered biogenic. Fuels made from feedstocks which do not meet the minimum 75% threshold, but which contain some level of cellulosic material, will be eligible to generate both cellulosic and non-cellulosic RINs using the apportionment methods described below.

However, EPA is taking a different approach with respect to the Table 1 cellulosic feedstocks energy cane and cover crops. Because considerable variability in cellulosic content may exist in plants that may be considered sugarcane or energy cane, we have amended the definition of energy cane to specify that it refers only to cultivars that have been demonstrated to contain an average adjusted cellulosic content of at least 75%. Fuel made through cellulosic biofuel pathways from feedstocks meeting the new definition of energy cane are eligible for cellulosic biofuel RINs for the entire fuel volume.

Annual cover crops will also be treated differently than other cellulosic feedstocks in Table 1. We do not have enough data about annual cover crops to be confident that they will always meet the 75% threshold. Therefore, in Table 1 annual cover crops will still be listed as ''cellulosic components of annual cover crops.'' However, we are also adding a new pathway for ''non-cellulosic components of annual cover crops,'' which will be eligible for advanced RINs. In the future, as more information becomes available, we may revisit this determination.

EPA believes that a 75% content threshold is consistent with the statutory definition of cellulosic biofuel, as EPA indicated in the NPRM, and satisfies the objective identified in the proposed rule of allowing fuels made from feedstocks that are ''predominantly'' cellulosic to generate cellulosic biofuel RINs for their entire fuel volume. A threshold of 75% also allows fuel made from all predominantly cellulosic feedstocks to generate RINs for their entire fuel volume, consistent with EPA's principal proposal. As compared to alternative approaches discussed in the NPRM, the approach will also greatly simplify compliance by cellulosic biofuel producers and reduce regulatory burden, since for qualifying cellulosic feedstocks the approach to RIN generation is straightforward and will not require testing or apportionment of RINs. These benefits, in turn, should help to promote cellulosic biofuel production, consistent with Congressional objectives. This final rule will help to ensure that cellulosic RINs are in fact only generated for fuels derived predominantly from cellulosic materials.

Because all of the fuel produced from predominantly cellulosic feedstocks will qualify for cellulosic biofuel RINs, EPA is making related modifications to the text in Table 1 to § 80.1426. Specifically we are deleting the references to ''cellulosic biomass from'' in rows K, L, M, and N to reflect that fuel made pursuant to the listed pathways from the feedstocks listed without this modifier are eligible to generate cellulosic biofuel RINs even though the feedstocks contain some non-cellulosic compounds. However, because certain production processes that can be used to produce cellulosic biofuel may be employed so as to only derive fuel from the non-cellulosic components of feedstock, EPA is also modifying the production process description in these lines in the table to specify that the production process must convert the cellulosic components of feedstock into biofuel. The effect is that cellulosic RINs may only be generated when a production process is employed that in fact produces biofuel that is derived from the cellulosic content of feedstocks.

Many commenters agreed that the cellulosic feedstocks currently listed in Table 1 are predominantly composed of cellulosic components and that allowing all of the fuel derived from these feedstocks to qualify for cellulosic biofuel RINs is consistent with the statutory definition of cellulosic biofuels. Some commenters asserted that allowing all the fuel produced from the cellulosic feedstocks in Table 1 was an overly expansive interpretation of the statutory definition of cellulosic biofuels.[8] EPA considers the statutory definition to be ambiguous on the point of whether cellulosic biofuel RINs may be generated for fuel produced from predominantly cellulosic material, allowing EPA discretion to reasonably interpret this definition. As established in previous rulemakings,[9] EPA believes the statutory definition does not mandate that in all cases cellulosic biofuel must be produced exclusively from cellulosic material in the renewable biomass, and today's rule adopts a common-sense approach to the matter that allows fuel made from predominantly cellulosic feedstocks to qualify as cellulosic biofuel.

In the NPRM, EPA invited comment on an appropriate threshold value for use with a cellulosic threshold approach. EPA received comments on a wide range of suggested threshold values, with many commenters supporting 70% and 80%, some suggesting multiple thresholds, and some commenters requesting much higher (95%) thresholds. Some commenters opposed setting a cellulosic content threshold because there is not a consensus on a value for a threshold, and one commenter asserted that setting a minimum threshold content may stifle development of new feedstocks. In response, EPA has decided that a cellulosic content threshold of 75% is a reasonable value that appropriately implements the statutory requirements.[10] Feedstocks which do not meet or exceed a 75% minimum cellulosic content threshold have a more significant non-cellulosic portion of the feedstock which could contribute to the volume of fuel produced. These feedstocks start to resemble traditional crops that have been developed for purposes other than energy generation, such as crops that are grown for their sugar content (e.g., sugarcane, sweet sorghum). EPA believes that a threshold significantly below 75% might inadvertently encourage use of multipurpose feedstocks for the production of fuels that are qualified for cellulosic RINs, in lieu of the feedstocks

[8] Comments provided by AFPM/API (EPA–HQ–OAR–2012–0401–0128) and Chevron (EPA–HQ–OAR–2012–0401–0171).

[9] EPA has previously considered instances where fuel would generate cellulosic biofuel RINs even if produced from feedstocks containing both cellulosic and non-cellulosic materials. In the March 2010 RFS rulemaking, EPA determined that biofuel from separated yard waste qualified as cellulosic and would generate cellulosic RINs because separated yard waste was ''largely cellulosic.'' 75 FR 14794, March 26, 2010.

[10] All fuel that qualifies for cellulosic biofuel RINs must achieve a minimum 60% lifecycle greenhouse gas emissions reduction as compared to baseline fuels, even if some portion of the fuel is derived from non-cellulosic materials.

with a higher cellulosic content that Congress envisioned would be used to produce this category of biofuel. On the other hand, a threshold higher than 75% would result in regulatory and administrative burdens on the use of predominantly cellulosic feedstocks.[11] EPA believes that the 75% threshold strikes a reasonable balance among these considerations, while remaining consistent with the statutory definition of cellulosic biofuels and past regulatory approaches that EPA has taken for specified feedstocks. While arguments could be made for other numeric values, EPA believes that a rational basis exists for settling on 75%, as explained in this rule, and is within EPA's exercise of discretion to reasonably interpret the CAA. EPA believes that the 75% threshold, which is well over a 50% or ''majority'' value, is consistent with the concept that cellulosic content should be predominant in feedstocks for which all resulting fuel is qualified for cellulosic biofuel RINs. The 75% threshold also eliminates the current regulatory uncertainty for cellulosic biofuel producers, minimizes regulatory burden, and as a consequence should help promote the production of the category of renewable fuels that provides the most lifecycle GHG emissions benefits.

3. Compliance Requirements for Producers of Cellulosic Biofuel Made From Feedstocks That Are Not Predominantly Cellulosic

In the proposal, EPA invited comment on how to determine the appropriate type of RIN or RINs for fuel that is produced from feedstocks that contain cellulosic material, but where the feedstocks are not predominantly cellulosic in content. Based on the comments received, EPA believes that the existing regulations at § 80.1426(f)(3)(vi) provide an appropriate mechanism for allocation of RINs, both for processes that convert two or more feedstocks simultaneously where not all feedstocks are predominantly cellulosic, and for processes using a single feedstock that has an average cellulosic content below 75%. However, EPA is amending the regulations, by adding new registration, recordkeeping, and reporting requirements (''RRR requirements'') to allow EPA to verify that the formula in § 80.1426(f)(3)(vi) is being applied appropriately for cellulosic biofuel RIN generation. EPA believes that, to relieve regulatory burden and streamline program implementation, it makes sense to establish a 75% minimum cellulosic content threshold above which testing and reporting of cellulosic content and RIN apportionment is not necessary. However, when fuel is made from feedstocks below the 75% cellulosic content threshold, EPA believes that testing of the feedstock's cellulosic content is appropriate, and that RINs should be apportioned according to the test results.

EPA recognizes that one result of today's rule is that fuel made from a feedstock meeting the 75% minimum cellulosic content threshold will qualify completely for cellulosic RINs, whereas fuel made from a feedstock containing 74% cellulosic content would, through the apportionment formula, only qualify for at most 74% cellulosic RINs. EPA believes it is appropriate to have simplified procedures for fuel made from feedstocks that are predominantly cellulosic, and has selected a 75% threshold to identify these feedstocks. At some level of content, EPA believes there is less benefit to requiring that manufacturers account for the increasingly small non-cellulosic content of the feedstock. EPA has determined that 75% cellulosic content is a large enough percentage that it is appropriate to allow full qualification. This results in a simplified implementation approach for the large majority of feedstocks typically considered ''cellulosic'' in nature. While this obviously allows significantly greater benefits to producers using feedstocks above 75% cellulosic content, compared with fuel derived from feedstocks containing just below 75% cellulosic content, the difference is the inevitable result of having any sort of threshold level. Wherever EPA set the threshold, fuels made from feedstocks that just fail to satisfy the threshold will be treated differently. For the reasons provided, EPA believes that the approach is reasonable and appropriate.

As one possible approach to addressing the disparity between fuels made from feedstocks that meet the 75% minimum cellulosic content threshold and those that do not, EPA considered the option of allowing up to an additional 25% of fuel made from feedstock not meeting the threshold to qualify for cellulosic biofuel RINs, beyond levels that are determined to reflect the cellulosic converted fraction. While this approach could be seen as providing more equitable treatment of fuels made from feedstocks that satisfy the 75% cellulosic content threshold and those that do not, EPA determined that it would be inappropriate. The principal objective of the cellulosic content approach adopted today is to minimize burdens and streamline program implementation for both EPA and producers of cellulosic biofuel and provide incentives for production of fuels that are 75% or greater cellulosic content. However, for fuels made from feedstocks that do not meet the minimum cellulosic content threshold, testing (either of cellulosic content of feedstock or of the proportion of fuel derived from cellulosic content) will be required. In cases where the expense and burden of testing is undertaken, EPA believes it is most consistent with the objectives of the Act for RIN apportionment to accurately reflect the test results.

4. Testing, Registration, Reporting and Recordkeeping Requirements for Cellulosic Biofuel

The agency requested comment on test methods available to determine what percentage of a finished biofuel volume was derived from cellulosic or non-cellulosic components. At the time of the proposal, we were not aware of any ready test that could be used to identify the amount of a finished fuel that was derived from cellulosic versus non-cellulosic components. However, we received several comments that suggested there are methods available for this purpose.[12] Given this new information, we believe it is reasonable to require the use of these existing methods under certain circumstances when fuel is produced from feedstocks that are not predominantly cellulosic to verify that the values used in the formula at § 80.1426(f)(3)(vi) are as accurate as possible. Therefore, as part of this final rule, we are requiring the use of these available test methods under certain circumstances described below to help ensure that an appropriate number of cellulosic RINs are generated when applying the formula at § 80.1426(f)(3)(vi).

As described in more detail below, different feedstocks and processes require more information to ensure a

[11] Requirements for determining the number of cellulosic biofuel RINs that may be generated for fuel derived from feedstocks that do not satisfy the minimum cellulosic content threshold adopted in today's rule are described in section IV.A.3 of this preamble.

[12] Comments suggested various methods to determine the converted fraction, including approaches for performing a mass-balance accounting of feedstock components converted to fuel products. As described in the memo to the docket, ''Additional Detail on the Calculation of the Cellulosic Converted Fraction, and Attribution of Batch RINs for D-code Dependent Feedstocks,'' available in docket EPA–HQ–OAR–2012–0401, a mass balance approach which meets the requirements discussed below is an appropriate method for calculating the converted fraction. Converted fraction refers to the portion of the feedstock converted into renewable fuel by the producer and is used in calculating cellulosic RIN volumes generated.

high degree of confidence that cellulosic biofuel RINs are appropriately generated. These registration, recordkeeping, and reporting requirements, including changes to the production process requirements of Table 1 to § 80.1426, are described in the following sections. These requirements apply to all relevant registrations and registration updates, including cellulosic biofuel pathways approved pursuant to a § 80.1416 petition process which take place after the effective date of this rule.

a. Additional Registration Requirements for Certain Producers Seeking To Generate Cellulosic Biofuel RINs

At registration or during registration updates under § 80.1450(d)(3), all producers seeking to use a cellulosic biofuel pathway that converts cellulosic biomass to fuel (currently rows K, L, M, and N of Table 1 to § 80.1426, or as otherwise approved by EPA), must demonstrate that their production process has the ability to convert cellulosic components to fuel by including (1) a process diagram with all relevant unit processes labeled and a designation of which unit process is capable of performing cellulosic treatment; (2) a description of the cellulosic biomass treatment process; and (3) a description of the mechanical, chemical, and biochemical mechanisms by which cellulosic materials can be converted to fermentable sugars or biofuel products. In addition, an independent professional engineer must verify that the equipment to perform each of the relevant unit processes required to convert cellulosic biomass to biofuel is in place as part of registration, in order to demonstrate that the conversion process will derive the finished fuel from cellulosic components.

b. Additional Registration Requirements for Renewable Fuel Produced From Energy Cane

Energy cane is derived from sugarcane, which can be and is bred for a variety of uses and a wide range of fiber and sugar contents.[13] Prior to this rule, energy cane was defined in 40 CFR 80.1401 as ''a complex hybrid in the Saccharum genus that has been bred to maximize cellulosic rather than sugar content.'' This definition did not include any specific requirements regarding cellulosic content. However, some cultivars [14] of cane are bred to have a high sugar content and therefore have a lower percent cellulosic content. For example, two cultivars released by USDA, which are commonly referred to as energy cane,[15] have cellulosic contents of approximately 50% on a dry matter basis.[16] Fuel produced from these cultivars would not be derived predominantly from cellulose, hemicellulose, and lignin; instead, the fuel would largely be derived from sugar. Therefore, in this rule EPA is amending the definition of energy cane to specify that it means cultivars that have, on average, at least 75% adjusted cellulosic content on a dry matter basis. Cultivars that do not meet the 75% adjusted cellulosic content threshold will be considered sugarcane. With this clarification, only cultivars that have predominantly cellulosic content are included in the definition of energy cane and are qualified to generate cellulosic RINs for the entire volume of finished fuel produced. When cultivars containing less than 75% adjusted cellulosic content are used to make fuel, we consider those cultivars to be sugarcane and eligible to generate advanced biofuel RINs for the portion of fuel that is derived from sugar. If the bagasse is converted to renewable fuel, cellulosic RINs could be generated for the amount of fuel derived from the bagasse (under the existing crop residue pathway).

Upon registration, fuel producers seeking to produce cellulosic biofuel using energy cane feedstocks will need to submit data showing that the average adjusted cellulosic content of each energy cane cultivar they intend to use is at least 75%, based on the average of at least three representative samples of each cultivar.[17] Cultivars must be grown under normal growing conditions and consistent with accepted farming practices. Samples must come from a feedstock supplier that the fuel producer intends to use when operating their production process and must represent the feedstock supplier's range of growing conditions and locations. Producers that decide after initial registration to use energy cane or a new energy cane cultivar will need to update their registration and provide data to EPA demonstrating the average adjusted cellulosic content for each cultivar they intend to use. Cellulosic content data must come from an analytical method certified by a voluntary consensus standards body (VCSB) or a non-VCSB method that would produce reasonably accurate results.[18] Producers using a non-VCSB approved method will need to show that the method used is an adequate means of providing reasonably accurate results by providing peer reviewed references to the third party engineer performing the engineering review at registration. Because cane can be bred for a variety of uses, and different cultivars of cane can have different amounts of cellulosic material, these registration requirements will help ensure that fuel producers know whether or not the cultivars they intend to use meet the 75% adjusted cellulosic content threshold and are qualified to generate RINs for the entire volume of finished fuel. EPA expects to require similar registration requirements for producers seeking to produce cellulosic biofuel using feedstocks that will be evaluated in the future that could similarly be bred for a wide range of uses and fiber content.

[13] Tew, Thomas L. and Robert M. Cobill. 2008. Genetic improvement of sugarcane (*Saccharum* spp.) as an energy crop. p. 249–272. In: W. Vermerris (ed.) Genetic Improvement of Bioenergy Crops. Springer.

[14] A cultivar is a subset of a species. USDA has provided a list of sugarcane cultivars (including energy cane). This list, ''USDA ARS Sugarcane Release Notices 1999 to 2012,'' is included in the docket.

[15] Ho 00–961 and HoCP 91–552; Tew, Thomas L. and Robert M. Cobill. 2008. Genetic improvement of sugarcane (*Saccharum* spp.) as an energy crop. p. 249–272. In: W. Vermerris (ed.) Genetic Improvement of Bioenergy Crops. Springer.

[16] Tew, T. L. et al., 2007. ''Notice of release of high-fiber sugarcane variety Ho 00–961.'' Sugar Bulletin, 85(10) 23–24. Tew, T. L. et al, 2007. ''Notice of release of high-fiber sugarcane variety HoCP 91–552.'' Sugar Bulletin, 85(10) 25–26. Ho 00–961 has a Brix value of 17–19% cane, and HoCP 91–552 has a Brix value of 15–18% cane, where Brix is a measure of the total soluble solids, including sugar. These Brix values are similar to the Brix value of a traditional sugarcane cultivar presented in these papers. Ho 00–961 has a percent cellulosic content of 47%, and HoCP 91–552 has a percent cellulosic content of 48%. The percent cellulosic content is calculated using the fiber content (as a measure of the cellulosic content) presented in the papers, divided by the total solids content (Brix + fiber). By contrast, energy cane cultivar L 79–1002, which has a higher fiber content, has a Brix value of 8–12% cane, as reported by Bischoff, K.P. et al., 2008. ''Registration of 'L 79–1002' sugarcane.'' Journal of Plant Registrations, 2(3) 211–217, and Hale, A.L. 2010, ''Notice of release of a high fiber sugarcane variety Ho 02–113.'' Sugar Bulletin, 88(10) 28–29.

[17] As described above and in the Memorandum to the Docket, ''Cellulosic Content of Various Feedstocks—2014 Update,'' available in docket EPA–HQ–OAR–2012–0401, adjusted cellulosic content is the percent of organic (non-ash) material that is cellulose, hemicellulose, and lignin. Therefore, a calculation of the adjusted cellulosic content requires a measurement of the cellulosic content, as well as a measurement of the ash content of a feedstock.

[18] For example, AOAC 2002.04 ''Amylase-Treated Neutral Detergent Fiber in Feeds'' or ASTM E1758 ''Determination of Carbohydrates in Biomass by High Performance Liquid Chromatography.'' Voluntary consensus standards bodies are defined as ''domestic or international organizations which plan, develop, establish, or coordinate voluntary standards using agreed-upon procedures.'' See ''Federal Use of Standards,'' Office of Management and Budget, *http://www.whitehouse.gov/omb/fedreg_a119rev.*

c. Additional Registration, Recordkeeping, and Reporting Requirements for Producers of Cellulosic Fuels Derived From the Simultaneous Conversion of Feedstocks That Are Predominantly Cellulosic and Feedstocks That Are Not Predominantly Cellulosic

Under § 80.1426(f)(3)(vi), if a renewable fuel producer produces a single type of renewable fuel (e.g., ethanol) using two or more different feedstocks which are processed simultaneously, and at least one of the feedstocks does not have a minimum 75% average adjusted cellulosic content, the producer would have to determine how much of the finished fuel is derived from the cellulosic versus non-cellulosic components of the feedstocks and assign RINs to the finished fuel based on the relative ''converted fractions.'' [19] Given variations in individual conversion processes, enzymes used, and other differences, the amount of finished fuel that is derived from the cellulosic content can vary. For example, the process and enzymes used may do a better job of converting the sugars and starches in a feedstock than the cellulose or hemicellulose. In such a case the cellulosic content of the feedstock may not be a good indicator of the amount of finished biofuel that is derived from cellulosic materials. Furthermore, depending on the conversion process used, the amount of information needed to determine how much of the finished fuel is derived from the cellulosic content will also vary.

Therefore, EPA believes it is prudent to include specific requirements related to calculating the cellulosic converted fraction and to specify appropriate registration, recordkeeping, and reporting requirements for producers seeking to generate cellulosic RINs using two or more feedstocks [20] which are processed simultaneously. EPA has attempted to minimize additional requirements, so has limited certain provisions to circumstances where a producer seeks to generate cellulosic RINs for fuel produced by *''in situ''* biochemical hydrolysis treatment where cellulosic and non-cellulosic components of feedstocks (at least one of which is not predominantly cellulosic) are simultaneously hydrolyzed to fermentable sugars (e.g., corn starch and a crop residue). These additional registration, recordkeeping, and reporting requirements will also apply to producers that combine cellulosic- and non-cellulosic-derived sugars from separate hydrolysis units prior to fermentation. In the latter case, the cellulosic conversion factor can be obtained by analyzing feedstock conversion in the cellulosic hydrolysis unit.

A fundamental distinction relevant to verifying conversion of cellulosic content is whether or not a process converts the entire organic fraction into fuel. Thermochemical conversion is an example of a process that converts the entire organic fraction. Thermochemical processes mainly consist of (1) pyrolysis: a process in which cellulosic biomass is decomposed with temperature to bio-oils that can be further processed to produce a finished fuel or (2) gasification: a process in which cellulosic biomass is decomposed to synthesis gas (''syngas'') that with further catalytic processing can produce a finished fuel product. Thermochemical processes typically convert all of the organic components of the feedstock into finished fuel, thus the finished fuel produced from the thermochemical process is proportional to the cellulosic content of the organic fraction of the feedstock material.

Alternatively, biochemical conversion is an example of a non-thermochemical type of process that does not convert the entire organic fraction into fuel. Biochemical processes convert different fractions of the cellulosic and non-cellulosic carbohydrates to finished fuel. During this process, enzymatic hydrolysis releases sugars from feedstock carbohydrates and employs microorganisms to convert those sugars into fuels.

Since thermochemical processes typically convert all of the organic components of the feedstock into finished fuel, fewer recordkeeping and reporting requirements are necessary to verify appropriate cellulosic biofuel RIN generation for producers using thermochemical conversion processes. In addition, since the finished fuel produced from the thermochemical process is proportional to the cellulosic content of the organic fraction of the feedstock material, demonstration of the cellulosic content of the feedstock is the only additional registration requirement that is necessary for thermochemical processes. In contrast, biochemical conversion does not convert the entire organic fraction into fuel and the converted fraction is variable and not proportional to the cellulosic content of the organic fraction of the feedstock material. Therefore, we believe it is prudent to require additional registration, reporting, and recordkeeping requirements for *in situ* biochemical conversion processes to ensure that cellulosic RINs are appropriately generated for the finished fuel.

In the proposal, EPA requested comment on conversion technologies, and we also requested comment on whether to allow 100% of the fuel produced via biochemical processes to generate cellulosic RINs. EPA received comments supporting our proposal to allow biochemical processes to generate 100% cellulosic RINs but, as discussed above, biochemical processes will also typically convert portions of the sugar and starch components of the feedstock. If feedstocks containing significant amounts of starches and sugars are used in a biochemical process, the resulting fuel may not be predominantly of cellulosic origin. Therefore, EPA is not finalizing this aspect of its proposal. Instead, EPA has finalized the cellulosic threshold approach which will generally allow cellulosic biofuel RIN generation for all fuel produced by cellulosic conversion processes using feedstocks determined to have an average adjusted cellulosic content of at least 75%.

i. Registration Requirements

As explained in section IV.A.4.a, at registration, producers seeking to use a cellulosic biofuel pathway that converts cellulosic biomass to fuel (currently listed in rows K, L, M, and N of Table 1 to § 80.1426), or as otherwise approved by EPA, must demonstrate the ability to convert cellulosic components of their feedstock to fuel. In addition, producers seeking to generate cellulosic RINs (D code of 3 or 7) using two or more different feedstocks (at least one of which does not have at least 75% average adjusted cellulosic content) which are processed simultaneously using a thermochemical conversion process will be able to allocate cellulosic RINs using the formula in § 80.1426(f)(3)(vi) where the cellulosic fraction is proportional to the cellulosic content of the feedstock. The average adjusted cellulosic content of the feedstock will have to be reported at registration, based on the average of at least three representative samples, and cellulosic content data must come from an analytical method certified by a voluntary consensus standards body (VCSB) or a non-VCSB method that would produce reasonably accurate

[19] See § 80.1426(f)(3)(vi). Converted fraction refers to the portion of the feedstock converted into renewable fuel by the producer and is used in calculating cellulosic RIN volumes generated.

[20] As described in section IV.A.5, if a future feedstock does not meet the 75% threshold, we consider it as comprised of two separate feedstocks: one cellulosic and one non-cellulosic.

results.[21] Producers using a non-VCSB approved method will need to show that the method used is an adequate means of providing reasonably accurate results by providing peer reviewed references to the third party engineer performing the engineering review at registration. Producers that later want to change their feedstock will need to update their registration. Parties that initially registered prior to the effective date of this rule must comply with the new requirements at their next required registration update.

Producers generating RINs with a D code of 3 or a D code of 7 using two or more different feedstocks (at least one of which does not have at least 75% average adjusted cellulosic content) which are processed simultaneously through an *in situ* biochemical hydrolysis treatment will similarly have additional registration requirements to help ensure that cellulosic RINs are being generated accurately. At the time of registration, such a producer must submit (1) the overall fuel yield [22] including supporting data demonstrating this yield and a discussion of the possible variability in overall fuel yield that could be expected between reporting periods; (2) the cellulosic converted fraction that will be used for generating RINs under § 80.1426(f)(3)(vi), including chemical analysis data (described in more detail below) supporting the calculated cellulosic converted fraction and a discussion of the possible variability that could be expected between reporting periods; and (3) a description of how the cellulosic converted fraction is determined and calculations showing how the data were used to determine the cellulosic converted fraction.

Data used to calculate the cellulosic converted fraction by producers using *in situ* biochemical hydrolysis treatment who seek to generate cellulosic RINs must be representative and obtained using an analytical method certified by a voluntary consensus standards body (VCSB) or using a non-VCSB method that would produce reasonably accurate results. If using a non-VCSB approved method to generate the data required to calculate the cellulosic converted fraction for a given fuel, then the producer will need to show that the method used is an adequate means of providing reasonably accurate results by providing peer reviewed references to the third party engineer performing the engineering review at registration. A full description of the formulas in § 80.1426(f)(3) used to calculate RINs for renewable fuel described by two or more pathways, including methods used to calculate the converted fraction, can be found in the associated memo to the docket.[23]

ii. Additional Cellulosic Converted Fraction Reporting and Recordkeeping Requirements

Producers generating cellulosic RINs using two or more different feedstocks (at least one of which does not have at least 75% average adjusted cellulosic content) which are processed simultaneously using an *in situ* biochemical hydrolysis treatment will also have additional recordkeeping and reporting requirements to provide ongoing verification that the cellulosic RINs are being accurately allocated.

The converted fraction provides a comprehensive accounting of the portion of a feedstock that is converted into cellulosic fuel. The formula in § 80.1426(f)(3)(vi) requires producers to calculate a converted fraction for each category of RINs generated. That converted fraction is then used to determine the appropriate number and type of RINs to assign to a batch of renewable fuel.

Comments suggested calculating the amount of the finished fuel derived from the cellulosic and non-cellulosic components could create an administrative burden if required on a batch-by-batch basis. EPA is structuring applicable registration, recordkeeping, and reporting requirements in a manner intended to result in accurate accounting while also avoiding overly burdensome requirements. Therefore the final rule provides that the cellulosic converted fraction will initially be based on the data submitted at registration.

This upfront converted fraction determination will apply to RINs produced until a new converted fraction allocation is available and reported. The interval at which a new converted fraction must be reported is similarly intended to avoid unnecessary burden on producers. EPA is requiring that low volume producers calculate the cellulosic converted fraction annually. However, for higher volume producers, we believe more frequent calculating and reporting is prudent and are requiring that the cellulosic converted fraction be recalculated within 10 business days of every 500,000 gallons of cellulosic RINs generated. This information will be reported in the quarterly report. Low-volume producers may report the current converted fraction value used to generate RINs on their quarterly reports if they have not produced 500,000 cellulosic gallons in the calendar year. Periodic cellulosic converted fraction determinations will be made by collecting new process data and performing the same chemical analysis approved at registration, using representative data. If at any point new data show that the converted fraction is different from that reported in the previous period, the formula used to generate RINs at § 80.1426(f)(3)(vi) must be updated as soon as practical but no later than 5 business days after the producer receives the new data. If new testing data results in a change to the cellulosic converted fraction, only RINs generated after the new testing data were received would be affected. In addition if a renewable fuel producer changes their process (for example, stops using enzymes in their cellulosic hydrolysis or changes the enzymes used), the producer must calculate a new converted fraction and update their registration consistent with § 80.1450(d).

Given the natural variation in cellulosic content and conversion efficiencies, EPA recognizes some variation will exist in the amount of cellulosic fuel that is derived from the cellulosic components of a feedstock. However, certain circumstances raise significant concerns with respect to cellulosic RIN generation. While we believe that variation within 10% of the previously calculated numbers may result under normal operating conditions, larger variations raise concerns that the process or feedstock has significantly changed from what was approved at registration. If the cellulosic converted fraction deviates from the previously calculated cellulosic converted fraction by 10% or more, it is appropriate for the producer to alert EPA to this change and update the formula used to calculate RIN allocations as soon as possible. The producer must (1) notify EPA within 5 business days and (2) adjust the formula used to generate RINs at § 80.1426(f)(3)(vi) for all fuel generated as soon as practical but no later than 5 business days after the producer receives the new data. As explained above, if new testing data results in a change to the cellulosic converted

[21] For example, AOAC 2002.04 ''Amylase-Treated Neutral Detergent Fiber in Feeds'' or ASTM E1758 ''Determination of Carbohydrates in Biomass by High Performance Liquid Chromatography.''

[22] The overall fuel yield is determined to be the total volume of fuel produced (e.g., cellulosic plus non-cellulosic fuel volume) divided by the total feedstock mass (sum of all feedstock masses) on a dry mass basis.

[23] ''Additional Detail on the Calculation of the Cellulosic Converted Fraction, and Attribution of Batch RINs for D-code Dependent Feedstocks,'' which is available in docket EPA–HQ–OAR–2012–0401.

fraction, only RINs generated after the new testing data were received would be affected.

5. Determining the Average Adjusted Cellulosic Content of Feedstocks Going Forward

EPA will apply the minimum average adjusted cellulosic content threshold framework described above for feedstocks evaluated in the future. If these feedstocks meet the 75% average adjusted cellulosic content threshold, we will allow the fuel producer using them in approved cellulosic biofuel pathways to generate cellulosic RINs for all of the finished fuel volume. If the feedstock does not meet the 75% threshold, we would expect to create two separate regulatory pathways—one involving ''cellulosic components of [feedstock X]'' and another involving ''non-cellulosic components of [feedstock X]''). A producer using both of these feedstocks which are processed simultaneously, would allocate cellulosic and non-cellulosic RINs using the formula in § 80.1426(f)(3)(vi). Fuel producers using feedstocks evaluated in the future would also be subject to the appropriate registration, reporting, and recordkeeping requirements described in section IV.A.4.

EPA anticipates that it will determine the cellulosic content of newly evaluated feedstocks that might be used to produce cellulosic biofuel up front when it conducts a lifecycle analysis of a pathway involving the new feedstock. For example, EPA will calculate the average adjusted cellulosic content of feedstocks such as energy sorghum and energy beets at the same time that we evaluate the lifecycle GHG emissions associated with these feedstocks. As with lifecycle analyses, EPA may undertake the evaluation of the cellulosic content of feedstocks either in the context of a rulemaking to amend Table 1 to § 80.1426, or in response to an individual petition submitted pursuant to § 80.1416. In either case, EPA will clarify whether the feedstock meets the 75% cellulosic content threshold allowing cellulosic RINs to be generated for the entire fuel volume produced, or if the producer should use the apportionment method in § 80.1426(f)(3)(vi). Future petitioners pursuant to the process in § 80.1416 should submit peer-reviewed data on the average cellulosic content of their feedstock as well as their own estimate of cellulosic content based on these data.

In the proposal, EPA sought comment on whether individual producers should be responsible for submitting data on the cellulosic content of their feedstock, or whether EPA should determine whether feedstocks meet the threshold based on existing published data. We received comments that EPA should determine whether feedstocks meet the threshold and should use existing published data. In addition, we received a range of opinions on whether the producer should also be required to provide data. Some comments suggested that EPA should use both existing published data and data from the producer, because academic publications may not be up to date with industry. Some comments said fuel producers should be allowed to present data if their feedstocks have higher cellulosic content than published data. One comment said that if no peer-reviewed data exist, the producers should provide data. Some comments suggested that producers should be required to maintain documentation of cellulosic content, as well as evidence that the cellulosic content was the primary source of biofuels production. Others commented that producers should not be required to measure, submit and certify feedstock composition. In the future, producers should submit data regarding cellulosic content in order to ensure a determination is made on the most up to date data. EPA will evaluate this information, together with other available information, on a case by case basis to determine whether feedstocks meet the cellulosic content threshold.

6. Other Comments Received

EPA considered a range of alternative approaches for determining appropriate cellulosic RIN generation with different types of feedstocks. These approaches were discussed in the NPRM and also evaluated in public comments. This section discusses these alternative approaches and comments.

a. Treatment of Cellulosic Feedstocks Currently Listed in Table 1 to 40 CFR 80.1426

In the NPRM, EPA sought comment on multiple approaches for determining the volume of cellulosic RINs from currently approved cellulosic feedstocks listed in Table 1 to § 80.1426. Many commenters preferred allowing feedstock sources listed in Table 1 to § 80.1426 to generate cellulosic RINs without applying a threshold, although some commenters asserted a minimum content threshold could be used in conjunction with the proposed approach. In addition, one commenter suggested adding ''planted trees from a tree plantation'' to Table 1 to § 80.1426.[24] However, this addition would require further analysis of the lifecycle greenhouse gas emissions of this feedstock, and is beyond the scope of this rule. As discussed above, EPA is finalizing the cellulosic content threshold approach that generally qualifies all fuel produced from predominantly cellulosic feedstocks pursuant to existing cellulosic biofuel pathways listed in Table 1 for cellulosic RINs. In addition, the approach will guide EPA evaluation of future feedstocks not currently included in Table 1 to § 80.1426.

Some commenters asserted EPA should adopt a plurality approach to determining whether cellulosic RINs could be generated when using particular feedstocks.[25] Instead of requiring that the cellulosic content make up a predominant percentage of the organic material from which the fuel is derived, under this approach, feedstocks would be deemed cellulosic if a plurality of the contained material is cellulosic. EPA acknowledges that such an approach would likely lead to larger production volumes of cellulosic biofuels. However, as discussed above, the statutory definition of cellulosic biofuel provides that they are ''derived from cellulose, hemicellulose, or lignin.'' EPA believes that to effectuate Congressional intent in promoting fuels derived from these sources, it is appropriate to require that qualifying fuels be predominantly cellulosic in content. Therefore the 75% cellulosic content threshold approach adopted today is preferable in this regard to the commenter's suggestion.

Other commenters contended EPA should establish a minimum cellulosic content for individual feedstocks and assign RINs based only on this content, instead of allowing feedstocks currently listed in Table 1 to § 80.1426 to generate cellulosic RINs for their entire fuel volume.[26] EPA believes this approach would create unnecessary administrative and regulatory burden. Instead of setting a minimum content for each individual feedstock, EPA is finalizing a single cellulosic content threshold. EPA has determined that most of the feedstocks listed in Table 1 to § 80.1426 for cellulosic biofuel pathways satisfy the 75% cellulosic content threshold adopted today. In

[24] Comment provided by Blue Source (EPA–HQ–OAR–2012–0401–0137).

[25] Comments provided by Smithfield Foods (EPA–HQ–OAR–2012–0401–0103) and the National Association of Clean Water Agencies (EPA–HQ–OAR–2012–0401–0178).

[26] Comments provided by AFPM/API (EPA–HQ–OAR–2012–0401–0128) and Chevron (EPA–HQ–OAR–2012–0401–0171).

addition, as described in section IV.A.5, EPA will assess the cellulosic content of future individual feedstocks as part of the lifecycle analysis process and determine whether the feedstock exceeds this threshold. Therefore, individual feedstocks will be analyzed to determine if they meet the minimum cellulosic content threshold, and different regulatory provisions apply depending on the result.

Several commenters stated that the emphasis should be placed on whether a feedstock meets the 60 percent reduction in greenhouse gas emissions relative to the baseline petroleum fuel they replace,[27] particularly where a feedstock is predominantly cellulosic.[28] One commenter also noted the agency should emphasize whether the feedstock has similar overall environmental qualities as a feedstock that is entirely cellulosic, such as the potential to avoid competition with food, the potential to require less fertilizer, pesticides, and irrigation, and the potential for a lower fossil fuel energy input requirement.[29] In response, EPA notes that it is required to implement the statutory requirements, and that the CAA is clear that a cellulosic biofuel must be both derived from cellulosic materials and meet the 60 percent GHG emission reduction threshold. Therefore, EPA is not free to establish regulations focusing exclusively on attainment of the 60% GHG reduction threshold, while ignoring the cellulosic content of the feedstock used to produce the fuel. In addition, EPA notes that in determining whether or not the fuel produced pursuant to a particular pathway satisfies the minimum 60 percent GHG reduction threshold for cellulosic biofuel, EPA does take into consideration a number of factors of concern to the commenter, including use of fertilizer and amount of fuels consumed in the production process. The Agency will continue to evaluate lifecycle emissions for feedstocks and require this reduction in greenhouse gas emissions for cellulosic pathways.

EPA also sought comment on a specified percentage approach, under which fuels produced from feedstocks listed in Table 1 to § 80.1426 would be eligible to generate cellulosic RINs for 85% of their volume, and the remaining 15% would be eligible to generate advanced RINs. This percentage was based on data that suggested that the average adjusted cellulosic content of the predominantly cellulosic feedstocks currently listed in Table 1 for cellulosic biofuel pathways was approximately 85%. Commenters generally opposed the specified percentage approach, asserting that it would create administrative burden to track two classes of RINs, that a partial loss of cellulosic RINs could hurt the financial viability of producers, and that there is the possibility of RIN generation errors.[30]

EPA has concluded that this approach would significantly increase the complexity of the program without providing additional environmental benefits. EPA believes the additional precision the method would provide is not justified in light of the administrative and regulatory burden associated with it, and that overall the cellulosic content threshold approach we are adopting today provides an appropriate balance of the competing considerations of precision and adopting a workable approach. Therefore, for the reasons described above, EPA is finalizing the content threshold approach.

b. Feedstocks With Lower Average Cellulosic Content Than Feedstocks Currently Listed in Table 1 to § 80.1426

In the proposal, EPA also invited comment on how to treat feedstocks that had lower average cellulosic content than the feedstocks currently listed in Table 1 to § 80.1426. Some commenters suggested using an approach with multiple thresholds, where fuel made from feedstocks that meet the highest cellulosic content threshold would receive 100% cellulosic RINs, and fuel made from feedstocks meeting lower thresholds would receive a fixed percentage of cellulosic RINs, with the remaining fuel receiving advanced RINs. Some comments suggested cellulosic RINs should not be generated for fuels with low cellulosic content.[31] Other commenters stated that the existing regulations in § 80.1426(f)(3) were sufficient to handle the allocation of RINs for the cellulosic and non-cellulosic portions of the finished fuel.[32] They noted that these regulations already provide a way to assign RINs for a mixture of fuel types with different D-codes. After evaluating these comments, EPA has concluded that the approach provided by the existing regulations in § 80.1426(f)(3) to allocating cellulosic and non-cellulosic RINs is preferable. This system is already established, and is designed to accurately apportion the finished fuel to account for cellulosic biofuel conversion, potentially allowing for a greater proportion of cellulosic RIN generation than would be allowed in establishing a series of thresholds with fixed percentages of cellulosic RIN generation.

B. Lifecycle Greenhouse Gas Emissions Analysis and Cellulosic Determinations for Pathways Using Biogas as a Feedstock

In the March 2010 RFS final rule, EPA established biogas as an advanced fuel type (D code of 5) when derived from landfills, sewage waste treatment plants, and manure digesters. Based on questions from companies, EPA proposed to: (1) Modify the existing biogas pathway to specify that compressed natural gas (CNG) or liquefied natural gas (LNG) is the fuel and biogas from landfills, waste treatment plants, and waste digesters is the feedstock; (2) allow fuels derived from landfill biogas to qualify for cellulosic RINs rather than just advanced RINs; (3) add a landfill biogas to renewable electricity pathway; and (4) add a Fischer-Tropsch landfill biogas pathway.

Based on comments and new data received, in this rule we are: (1) Finalizing the proposed change to make CNG and LNG the fuel and biogas from specified sources the feedstock; (2) expanding the cellulosic pathways to include biogas from landfills, municipal wastewater treatment facility digesters, agricultural digesters, and separated MSW digesters; (3) finalizing the proposed change to add an advanced pathway for fuels from waste digester biogas; and (4) expanding the renewable

[27] Comments provided by BP (EPA–HQ–OAR–2012–0401–0130), Iowa Corn Growers Association (EPA–HQ–OAR–2012–0401–0131), and NRDC (EPA–HQ–OAR–2012–0401–0136).

[28] Comments provided by BP (EPA–HQ–OAR–2012–0401–0130) and NRDC (EPA–HQ–OAR–2012–0401–0136).

[29] Comment provided by NRDC (EPA–HQ–OAR–2012–0401–0136).

[30] Comments provided by National Sorghum Producers (EPA–HQ–OAR–2012–0401–0065), the Renewable Fuels Association (EPA–HQ–OAR–2012–0401–0123), Weyerhaeuser (EPA–HQ–OAR–2012–0401–0140), NexSteppe (EPA–HQ–OAR–2012–0401–0153), the Independent Fuel Terminal Operators Association (EPA–HQ–OAR–2012–0401–0165) and Global Renewable Strategies and Consulting, LLC (EPA–HQ–OAR–2012–0401–0184). Some commenters expressed support for the specified percentage approach. See comments provided by the AFPM/API (EPA–HQ–OAR–2012–0401–0128), Phillips 66 (EPA–HQ–OAR–2012–0401–0102), Chevron (EPA–HQ–OAR–2012–0401–0171), and Camco (EPA–HQ–OAR–2012–0401–0183).

[31] Comments provided by NRDC (EPA–HQ–OAR–2012–0401–0136).

[32] Comments provided by the National Corn Growers Association (EPA–HQ–OAR–2012–0401–0071), Novozymes North America, Inc. (EPA–HQ–OAR–2012–0401–0088), and the Renewable Fuels Association (EPA–HQ–OAR–2012–0401–0123), the Iowa Corn Growers Association (EPA–HQ–OAR–2012–0401–0131), and Edeniq (EPA–HQ–OAR–2012–0401–0159).

electricity pathway to include biogas from landfills, wastewater treatment facility digesters, agricultural digesters, separated MSW digesters, and waste digesters. Due to time constraints, we are not finalizing a Fischer-Tropsch landfill biogas pathway at this time. However, we expect to address this pathway in a future action.

Our determinations regarding biogas derived renewable CNG, LNG and electricity are discussed more fully in the following sections. This section discusses:

- Changes Applicable to the Revised CNG/LNG Pathway from Biogas
- Determination of the Cellulosic Content of Biogenic Waste Derived Biogas
  - Landfill gas and MSW waste digester biogas as cellulosic
  - Municipal wastewater treatment facility digester biogas as cellulosic
  - Agricultural digester biogas as cellulosic
  - Biogas from Waste Digesters
- Consideration of Lifecycle GHG Emissions Associated With Biogas Pathways
  - Upstream GHG Analysis of Biogas as a Renewable Fuel Feedstock
  - Flaring Baseline Justification
  - Lifecycle GHG Analysis for Electricity From Biogas
- Alternative Biogas Options and Comments

The following section, ''Regulatory Amendments Related to Biogas'' will discuss additional clarifications and changes to the regulations associated with the biogas pathways.

1. Changes Applicable to the Revised CNG/LNG Pathway From Biogas

Prior to this rulemaking, an approved fuel pathway in Table 1 to § 80.1426(f)(1) allowed biogas from landfills, manure digesters or sewage treatment plants to qualify as an advanced biofuel. We received many requests about what fuel qualifies under this pathway, including what renewable fuel types qualify under the term ''biogas,'' and what are the eligible sources of biogas. In response, EPA proposed to make several changes to the regulations related to biogas.

EPA is now characterizing biogas as a transportation fuel feedstock and is amending the existing biogas pathway in Table 1 to § 80.1426 by changing the renewable fuel type in the pathway from ''biogas'' to ''renewable compressed natural gas (renewable CNG) and renewable liquefied natural gas (renewable LNG).'' EPA is also changing the feedstock type of ''landfills, manure digesters or sewage waste treatment plants'' to ''biogas from landfills, municipal wastewater treatment facility digesters, agricultural digesters, and separated MSW digesters'' for a pathway producing cellulosic biofuels. Finally, EPA is adding a new advanced biofuel pathway for fuels produced using ''biogas from waste digesters'' as the feedstock type.

In this final rule, we are changing the term ''sewage waste treatment plants'' to ''municipal wastewater treatment facility digesters'' since ''sewage waste treatment plants'' is not a commonly used term and to clarify that the digester is the source of the biogas. We are also defining an ''agricultural digester'' as an anaerobic digester that processes predominantly cellulosic materials including animal manure, crop residues, and/or separated yard waste.

The existing biogas pathway in Table 1 to § 80.1426 refers to ''biogas'' as the renewable fuel type and ''landfills, manure digesters and sewage waste treatment plants'' as the feedstock. Several companies raised questions about whether the term ''biogas'' in this pathway could refer to the unprocessed or raw gas from the landfills, manure digesters or sewage treatment plants, or processed ''biogas'' that has been upgraded and could be used directly for transportation fuel. Companies also asked about use of biogas as an ingredient in the production of transportation fuel, as an energy source used in the production of transportation fuel, and other fuel types that can be produced from the raw biogas either through a physical or chemical process (such as CNG, LNG, renewable electricity, renewable diesel, dimethyl ether or naphtha). These companies further inquired whether the various forms of biogas discussed above could qualify under this pathway and therefore be eligible for RIN generation under the RFS program.

The term ''biogas'' in this pathway is used broadly in the industry to refer to various raw and processed forms of the biogas from various sources. However, under the existing requirements in § 80.1426(f)(10) and (11), only biogas that is used for transportation fuel can qualify as renewable fuel for RIN generation under the RFS program. EPA recognizes that raw biogas cannot be used directly in the transportation sector and must be physically or chemically treated to generate a finished transportation fuel eligible for RIN generation. Raw biogas can be put through a physical process in which it is compressed or liquefied to produce CNG or LNG. Because these fuels can be used directly for transportation purposes, it seems appropriate to identify these products as ''fuels'' that are produced using biogas.

We are finalizing revisions to the definition of biogas and adding new definitions for renewable CNG, renewable LNG, and agricultural digester to § 80.1401. This rulemaking clarifies that biogas means a mixture of hydrocarbons that is a gas at 60 degrees Fahrenheit and 1 atmosphere of pressure that is produced through the anaerobic digestion of organic matter. We are also finalizing revisions to clarify renewable compressed natural gas (''renewable CNG'') means biogas or biogas-derived pipeline quality gas that is compressed for use as transportation fuel and that renewable liquefied natural gas (''renewable LNG'') means biogas or biogas-derived pipeline quality gas that goes through the process of liquefaction in which it is cooled below its boiling point. Finally, this rulemaking clarifies that agricultural digester means an anaerobic digester that processes predominantly cellulosic materials, including animal manure, crop residues, and/or separated yard waste.

These finalized definitions reflect comments we received that supported our changes to the ''biogas'' pathway as discussed above, namely changing fuel to CNG/LNG and adding a description of the applicable biogas feedstocks. The finalized definitions for CNG/LNG also reflect comments we received suggesting that we clarify whether CNG/LNG that is produced on-site and not sent through a pipeline would fall within the pathway. In order to clarify that CNG/LNG produced on-site and not sent through a pipeline would also qualify, the proposed definitions of renewable CNG and LNG were modified to indicate that either biogas or pipeline-quality gas can be compressed to make renewable CNG and LNG.

2. Determination of the Cellulosic Content of Biogenic Waste-Derived Biogas

In order for fuels produced from biogas as a feedstock to qualify for cellulosic RINs (D code of 3 or D code of 7), the renewable fuel must be derived predominantly from cellulosic materials and must meet a 60% GHG emissions reduction threshold, as described in the following sections.

EPA proposed to allow renewable fuel derived from landfill biogas to qualify as cellulosic biofuel and solicited comment on whether biogas from other sources should also be qualified as cellulosic biofuel. Based on new data and comments received during our public review process, EPA has determined that biogas generated by

landfills, municipal wastewater treatment facility digesters, agricultural digesters, and separated MSW digesters are predominantly cellulosic in origin, and that biogas derived from waste digesters processing non-cellulosic renewable biomass therefore qualifies as an advanced biofuel feedstock. Data supporting these determinations are discussed in more detail in an associated memo to the docket,[33] and the main findings are provided forthwith.

a. Landfill Biogas and MSW Digester Biogas as Cellulosic in Origin

In the June 2013 NPRM, EPA proposed to classify renewable fuels produced from landfill biogas as derived from cellulose, hemicellulose or lignin, and therefore eligible to generate cellulosic RINs (D code of 3 and D code of 7). EPA cited a 1989 study that concluded that not only was the average cellulosic content of the organic fraction of municipal solid waste (OFMSW) [34] approximately 90%, but that roughly 90% of the methane generated in landfills was derived from the cellulose and hemicellulose [35] portions of the OFMSW as the basis for this proposal.

Some commenters argued that MSW landfill gas was not cellulosic because a large portion of the waste disposed is food waste which contains some non-cellulosic components. We do not believe this affects our determination for several reasons. Our cellulosic content determination is based on an average mixture of MSW components that includes food waste. Since the average cellulosic content of the organic fraction of MSW is approximately 90%, EPA believes that organic matter in MSW landfills is predominantly cellulosic in origin. Furthermore, many of the non-cellulosic components of food waste are oxidized in the early stages of waste decomposition during the collection, handling and transportation and released as CO_2 instead of CH_4. Therefore, a greater proportion of the biogas produced from anaerobic digestion (and subsequently used as a transportation fuel) comes from the remaining cellulosic components.

Some commenters stated that only about 27% of MSW landfill gas can be considered to be derived from renewable biomass, and thus, any transportation fuel derived from the biogas cannot even be considered to be eligible for RIN generation. However, EPA determined in the March 2010 RFS rule that biogas from MSW landfills is derived from renewable biomass, namely separated yard and food wastes, and EPA did not propose to change that finding. Thus, this comment is not relevant to the current rulemaking.

EPA invited comment and data on the proposed approach to treat landfill biogas as being derived from cellulose, hemicellulose and lignin. Some commenters argued that landfill biogas should not be considered as cellulosic,[36] others supported considering landfill biogas as cellulosic,[37] and still others requested that EPA expand the proposed determination to include biogas derived from additional sources processing biogenic wastes as cellulosic.[38] Commenters that opposed considering landfill gas as cellulosic pointed to the EPA proposal that relied on a single study to justify this approach. This was not, in fact, the case, and EPA had reviewed, discussed and cited numerous studies to support this determination.[39] Moreover, subsequent to the June 2013 proposal, EPA updated its literature review and found additional peer reviewed studies that support our proposed assessment that biogas from landfills is predominantly derived from cellulosic components. The studies considered a broad spectrum of landfills, including studies comparing differences among landfill design, operating practices, regional influence, and typical waste loadings throughout the United States over more than two decades. Therefore, our determination that the biogas generated in landfills is predominantly derived from cellulose and hemicellulose is well supported.[40]

Since separated MSW digesters would use the same biogenic materials that are present in landfills, and generate biogas by the same anaerobic processes, a logical extension of the reasoning and data described above justifies treating the biogas generated by digesters processing separated MSW as cellulosic as well. Therefore, we have included biogas from separated MSW digesters as a feedstock in cellulosic biofuel pathway Q in Table 1 to § 80.1426.

b. Municipal Wastewater Treatment Facility Digester Biogas as Cellulosic

For purposes of this rule, the term ''municipal wastewater treatment facility digester'' means an anaerobic digester that processes the sludge, undissolved solids, and biosolids derived from municipal wastewater whether or not the facility is owned by a municipality. While there are substantial data characterizing the solids content of municipal wastewater, there are somewhat less data characterizing the composition of materials entering the digesters specifically. The average adjusted cellulosic content of the unprocessed wastewater solids—including primary sludge, activated sludge, and biosolids [41]—is greater than 75%.[42] For the purposes of calculating the average adjusted cellulosic content of materials entering the wastewater treatment facility digesters, we believe it is appropriate to use the subset of peer-

[33] ''Support for Classification of Biofuel Produced from Waste Derived Biogas as Cellulosic Biofuel and Summary of Lifecycle Analysis Assumptions and Calculations for Electricity Biofuel Produced from Waste Derived Biogas,'' which is available in docket EPA–HQ–OAR–2012–0401.

[34] The study specifies the ''volatile solids'' of the MSW to be 90% cellulosic. Volatile solids refer to organic compounds of plant or animal origin that have caloric value and are susceptible to bioconversion during anaerobic digestion.

[35] Barlaz, M.A., R.K. Ham, and D.M. Schaefer. 1989. Mass-balance analysis of anaerobically decomposed refuse. Journal of Environmental Engineering, 15(6) 1088–1102.

[36] See ''Comment submitted by Friends of the Earth, Sierra Club, Center for a Competitive Waste Industry'', docket number EPA–HQ–OAR–2012–0401–0164.

[37] See for example, ''Comment submitted by Kerry Kelly, Director, Federal Public & Regulatory Affairs, Waste Management (WM)'', docket number EPA–HQ–OAR–2012–0401–0112 and ''Comment submitted by Stewart T. Leeth, Assistant Vice President, Environmental and Corporate Affairs and Senior Counsel, Smithfield Foods, Inc.'' docket number EPA–HQ–OAR–2012–0401–0103.

[38] See ''Comment submitted by Stewart T. Leeth, Assistant Vice President, Environmental and Corporate Affairs and Senior Counsel, and Dennis Treacy, Executive Vice President and Chief Sustainability Officer, Smithfield Foods, Inc.'', docket number EPA–HQ–OAR–2012–0401–0111, and ''Comment submitted by Cynthia A. Finley, Director, Regulatory Affairs, National Association of Clean Water Agencies (NACWA)'', docket number EPA–HQ–OAR–2012–0401–0178.

[39] ''Support for Cellulosic Determination for Landfill Biogas and Summary of Lifecycle Analysis Assumptions and Calculations for Biofuels Produced from Landfill Biogas,'' which has been placed in docket EPA–HQ–OAR–2012–0401.

[40] Barlaz, M.A., R.K. Ham, and D.M. Schaefer. 1989. Mass-balance analysis of anaerobically decomposed refuse. Journal of Environmental Engineering, 15(6) 1088–1102. Mehta, R., Barlaz, M.A., Yazdani, R., Augenstein, D. Bryars, M. and Sinderson, L. 2002, ''Refuse Decomposition in the Presence and Absence of Leachate Recirculation,'' J. Environ. Eng., 128, 3, 228–236 Staley, B. F. and M. A. Barlaz, 2009, *Composition of Municipal Solid Waste in the U.S. and Implications for Carbon Sequestration and Methane Yield,''* J. Environ. Eng. 135, 10, 901–909.

Additional citations were offered in comments from *Waste Management.*

[41] Activated sludge and biosolids typically refer to aerobically treated residuals from the processing of municipal wastewater solids.

[42] Wang, Xue. 2008. Feasibility of Glucose Recovery from Municipal Sewage Sludges as Feedstocks Using Acid Hydrolysis. Masters Thesis Queen's University, Ontario, Canada. Champagne, P. & Li, C. 2009 ''Enzymatic hydrolysis of cellulosic municipal wastewater treatment process residuals as feedstocks for the recovery of simple sugars. Bioresource Technology. Vol 100 pp 5700—5706. See memo to the docket: ''Support for Classification of Biofuel Produced from Waste Derived Biogas as Cellulosic Biofuel and Summary of Lifecycle Analysis Assumptions and Calculations for Biofuels Produced from Waste Derived Biogas,'' available in docket EPA–HQ–OAR–2012–0401.

reviewed data that analyzes the activated sludge and biosolids.

The material that enters the digester typically includes the undissolved solids that are recovered from the primary clarification tank and the solids that are allowed to settle out in a secondary clarification tank following aerobic treatment. Therefore, the data for activated sludge and biosolids resembles the material that actually enters the digesters at wastewater treatment facilities. In addition, the data related to activated sludge and biosolids is more consistent and comparable, and therefore provides a more robust estimate of the cellulosic content. The average adjusted cellulosic content was obtained by dividing the reported cellulosic fraction by the convertible organic fraction (minus the percent organic nitrogen, which does not convert to methane). Based on these data, the activated sludge and biosolids are on average composed of 22% cellulose, 36% hemicellulose, and 21% lignin.[43] Therefore, we estimate that the material used to generate the biogas through anaerobic digestion from wastewater treatment facilities is, on average, greater than 75% cellulosic. These data and analyses are described in more detail in a memo to the docket.[44]

c. Agricultural Digester Gas as Cellulosic

In this rule we are defining ''agricultural digesters'' to be ''anaerobic digesters that process predominantly cellulosic materials, including animal manure, crop residues, and/or separated yard waste,'' and have identified biogas from such digesters as a feedstock for the production of cellulosic biofuel. Based on EPA's AgSTAR data, we have estimated that animal manure, crop residues and yard wastes represent over 90% of the materials being processed in agricultural digesters. As discussed in section IV.A, EPA has determined that crop residues and yard wastes are predominantly cellulosic. As to animal manure, we received in response to our proposal data indicating that animal manure is predominantly cellulosic.[45] Based on these data, animal manure is on average composed of 25% cellulose, 21% hemicellulose, and 17% lignin. When divided by the organic fraction (minus the percent organic nitrogen, which does not convert to methane), we estimate that the material used to generate the biogas through anaerobic digestion from agricultural digesters is, on average, greater than 75% cellulosic.[46] Therefore, in this rule we are including biogas from agricultural digesters in the cellulosic biofuel pathway in row Q of Table 1 to § 80.1426. Note that digesters that primarily process food wastes that cannot be demonstrated to be cellulosic in origin would fall in the general waste digester category discussed in the following section, and could be eligible to produce advanced biofuel instead of cellulosic biofuel.

d. Biogas From Waste Digesters

The current regulations identify biogas from manure digesters as an advanced biofuel. As described above, we have determined that animal manure is predominantly cellulosic, and therefore have determined that fuel made from biogas derived from agricultural digesters processing predominantly cellulosic feedstocks (such as animal manure, crop residues, and yard wastes) qualifies for cellulosic biofuel RINs. However, additional types of renewable biomass may be processed in anaerobic waste digesters. For example, non-manure animal wastes and separated food wastes containing predominantly starches and sugars may be processed in waste digesters that produce biogas. Based on our analyses of biogas from other sources of anaerobic decomposition, described in section IV.B.3, below, we are confident that fuel made from biogas from waste digesters will satisfy the 50% greenhouse gas reduction threshold for advanced biofuels. Therefore, we are including in Row T of Table 1 to § 80.1426, an advanced biofuel pathway for fuel made from biogas derived from waste digesters.

3. Consideration of Lifecycle GHG Emissions Associated With Biogas Pathways

Biogas, consisting primarily of methane and carbon dioxide (with trace amounts of other gases), is produced during the microbial mediated decomposition of organic wastes. In anaerobic environments with available organic material such as landfills, organic conversion to biogas proceeds slowly over decades producing large amounts of methane. While methane is a potent greenhouse gas, it is also a combustible gas and valuable feedstock for the production of other fuels. Biogas collection systems are currently used at landfills to recover and destroy methane by flaring or to recover methane for energy generation or fuel production. Further, the natural anaerobic decomposition of organic wastes occurring in landfills can be exploited and optimized in controlled systems (such as waste digesters) to convert organic wastes to biogas for energy generation or fuel production. In this section we will discuss our GHG analysis of fuels made from waste derived biogas.

a. Upstream GHG Analysis of Biogas as a Renewable Fuel or Fuel Feedstock

The March 2010 RFS final rule concluded that municipal solid waste has no agricultural or land use change GHG emissions associated with its production. In the NPRM, we proposed to add a new pathway to Table 1 to § 80.1426 that used biogas from landfills to produce renewable electricity, CNG or LNG as transportation fuels. In the NPRM, we proposed that no new renewable feedstock production modeling was required, and that no GHG emissions would be attributed to feedstock production, which was consistent with the analysis we had done for the landfill biogas pathway included in the March 2010 RFS final rule. In addition, as described in more detail below, EPA believes that the GHG emissions assumptions for biogas generated at MSW landfills applies to biogas from municipal wastewater treatment facility digesters, agricultural digesters, separated MSW digesters, and waste digesters.

We received several comments supporting this approach for landfills, and it is consistent with other Agency analysis conducted for the annual Inventory of US GHG Emissions and Sinks, which assumes that MSW poses no land use or carbon stock changes.[47]

[43] Wang, Xue. 2008. Feasibility of Glucose Recovery from Municipal Sewage Sludges as Feedstocks Using Acid Hydrolysis. Masters Thesis Queen's University, Ontario, Canada. Sun & Cheng. 2002. ''Hydrolysis of lignocellulosic materials for ethanol production: a review. Bioresource Technology. Vol 83 pp 1–11.

[44] Data available for pre-digested biosolids and methods for estimating the aggregate adjusted cellulosic content is presented in the memo to the docket: ''Support for Classification of Biofuel Produced from Waste Derived Biogas as Cellulosic Biofuel and Summary of Lifecycle Analysis Assumptions and Calculations for Biofuels Produced from Waste Derived Biogas,'' available in docket EPA–HQ–OAR–2012–0401.

[45] Chen, S., et. al., 2003, *Value Added Chemicals from Animal Manure.* Pacific Northwest Laboratory, PNNL—14495. December 2003.

[46] See memo to the docket: ''Support for Classification of Biofuel Produced from Waste Derived Biogas as Cellulosic Biofuel and Summary of Lifecycle Analysis Assumptions and Calculations for Biofuels Produced from Waste Derived Biogas,'' available in docket EPA–HQ–OAR–2012–0401.

[47] ''*Solid Waste Management and Greenhouse Gases: A Life-Cycle Assessment of Emissions and Sinks''*. Prepared by ICF for the U.S. Environmental

However, we also received comment opposing this approach on the grounds that it would incentivize landfilling over other more GHG-beneficial waste disposal methods.

Commenters did not provide new data or analysis that supported the assertion that allowing biogas-derived fuels from landfills to generate cellulosic rather than advanced RINs or adding new biogas-to-biofuel pathways would significantly reduce recycling and reuse rates. If waste management methods were impacted by use of biogas for transportation fuel, there could be indirect GHG emissions impacts. However, waste management policies are typically controlled by state and local governments, and there are many unique factors that influence these decisions. We have not seen any evidence or data to suggest that the RFS in general has had or will have a substantial impact on existing waste disposal practices across the U.S., and therefore we believe that there will not be significant GHG impacts associated with the biogas-based pathways adopted in this rule. In fact, MSW landfilling rates over the past 50 years have continuously decreased even as both recycling rates and biogas collection have increased significantly. Over the past 10 years as both the per capita and overall MSW generation rates have decreased slightly, the percentage of total trash diverted for recycling has increased.[48] Moreover, energy from waste technologies, such as fuels derived from landfill biogas, can be viewed as a form of waste reuse itself. Incentivizing the use of biogas for fuel production establishes biogas recovery as an operating parameter to be actively optimized—promoting technology that reduces fugitive emissions from landfills.

Other commenters argued that we should begin our lifecycle GHG analysis at the point of waste generation, in which case our comparison would be to an alternative disposal method like recycling of waste paper, composting, or anaerobic digestion. This approach is not being employed because, as mentioned previously, we do not believe that the biogas pathways adopted today will have a substantial impact on existing waste disposal methods, and therefore no significant GHG impacts from waste disposal changes are anticipated as a result of this rule.

EPA does not believe that allowing landfill biogas to generate cellulosic rather than advanced RINs will incentivize landfilling, and we are therefore not changing our assumptions regarding the upstream analysis of feedstocks as part of this final rule. However, we will reevaluate our lifecycle GHG baseline assumptions in subsequent rulemakings if new evidence and supporting data suggest that changes in the waste management system are occurring as a result of these policies.

b. Flaring Baseline Justification

Landfills currently treat their landfill gas, which is comprised of approximately 50% methane, in one of several ways. Municipal solid waste (MSW) landfills are required by EPA regulations to capture and control their biogas if they are designed to collect at least 2.5 million megagrams (Mg) and 2.5 million cubic meters of waste and emitting at least 50 Mg of non-methane organic compounds per year.[49] These large, regulated landfills represent a small percentage of all landfills by number but are responsible for the majority of biogas emissions from landfills. To comply with regulations, these landfills must at a minimum combust their biogas in a flare, converting the methane to carbon dioxide, a less potent GHG. They may also use it for other purposes, including to generate electricity, in which case the electricity produced may displace electricity from other, higher GHG-emitting sources (such as gas-fired power plants) once it enters the grid.[50] Many smaller, unregulated landfills do not collect their biogas, and this methane is ''vented'' to the atmosphere. Larger regulated landfills do collect the biogas and are assumed to have an average biogas collection efficiency of 75%.[51] In 2012, 14,089 Gg of methane was generated at all landfills (regulated and unregulated), of which 4,608 Gg (33%) was collected and combusted in gas-to-energy projects, 4,040 Gg (29%) was collected and flared, and the rest was either uncollected or collected and vented.[52]

For the landfill gas-to-electricity pathway, we proposed to use landfills that flare their biogas as providing the baseline GHG emissions for use in comparison to scenarios involving production of electricity from the landfill biogas. We chose this baseline because these landfills are the ones most likely to convert to gas-to-energy projects, since they already have gas collection systems in place and are relatively larger landfills producing higher quantities of biogas. Small unregulated landfills might be unable to generate enough biogas to justify the expense of collecting it for conversion to renewable fuels. However, if such small landfills were to capture and use their biogas in transportation fuels, there would be a significantly greater reduction in GHG emissions than would be occasioned by the shift from a flaring landfill to a gas-to-energy project, since a flaring system represents a significant improvement in GHG emissions over a landfill that simply vents its methane. Therefore, if the shift from a flaring landfill to a gas-to-energy project results in a 50% reduction in GHG emissions, the shift of a venting landfill to a gas-to-energy project would result in GHG reductions substantially larger than 50%. Since landfills that currently have gas-to-energy projects in place at one point either replaced flaring with a gas-to-energy project or installed a gas-to-energy project as an alternative to the minimal compliance route of flaring, we proposed to treat the emissions from these landfills compared to the same flaring baseline. We show lifecycle results calculated using alternative baselines and discuss our choice of baseline in more depth in a memo to the docket.[53] We received comments in support of our flaring baseline approach. We did not receive any comments that justified revising this baseline for the pathway in Table 1,

Protection Agency (EPA) Office of Solid Waste, EPA530–R–06–004, September 2006.

[48] ''*Municipal Solid Waste (MSW) in the United States: Fact and Figures''*. EPA's Annual Waste Trends Report. 2012 Facts and Figures Facts Sheet; *http://www.epa.gov/osw/nonhaz/municipal/pubs/2012_msw_fs.pdf.*

[49] Standards of Performance for New Stationary Sources and Guidelines for Control of Existing Sources: Municipal Solid Waste Landfills, 61 FR 9905, **Federal Register** Volume 61, Issue 49 (March 12, 1996).

[50] Some facilities also use the biogas directly in boilers and other applications or purify the biogas to create CNG or LNG or inject it directly into natural gas pipelines.

[51] Environmental Protection Agency. 2012. Inventory of U.S. Greenhouse Gas Emissions and Sinks: 1990–2010, Annex 3: Methodological Descriptions for Additional Source or Sink Categories. *http://epa.gov/climatechange/emissions/usinventoryreport.html.* As of December 2012, landfills produced 1913 MW of electricity based on figures from LMOP. This electricity would be almost entirely sold for use on the grid. From *http://www.epa.gov/lmop/projects-candidates/index.html.* Environmental Protection Agency, Landfill Methane Outreach Program. 2010. LFG Energy Project Development Handbook: Chapter 2. Landfill Gas Modeling. *http://epa.gov/lmop/publications-tools/handbook.html.*

[52] National Greenhouse Gas Emissions Data. 2011. Chapter 8: Waste. *http://epa.gov/climatechange/Downloads/ghgemissions/US-GHG-Inventory-2013-Chapter-8-Waste.pdf.*

[53] ''Support for Classification of Biofuel Produced from Waste Derived Biogas as Cellulosic Biofuel and Summary of Lifecycle Analysis Assumptions and Calculations for Electricity Biofuel Produced from Waste Derived Biogas.'' Available in docket EPA–HQ–OAR–2012–0401.

therefore EPA is finalizing flaring as our baseline as proposed. We received comment on the use of alternative baselines for specific projects that we discuss below.

Other commenters addressed the case of a landfill that is already generating renewable electricity from landfill gas. The commenters stated that with the increasing availability of plug-in hybrid electric vehicles (PHEVs) and electric vehicles (EVs), it is likely that at least some of the electricity that is currently being generated by these landfills is going to charge these vehicles. The commenter argued that if the landfill now signs contracts with these users, there will be no change in GHG emissions, and fuel from this landfill biogas will not achieve a 60% GHG reduction as required for cellulosic biofuels. Although EPA considered the possibility of differentiating between existing and new biogas projects,[54] we believe that such an approach would inappropriately punish ''early actors'' that have previously made the decision to install gas-to-energy equipment, either to replace flaring or as an alternative to installing flares. The fact that these facilities made the upgrade to gas-to-energy production prior to the availability of an RFS incentive to do so should not disqualify them. These facilities are already leading performers, and their fuel should be credited with the GHG reductions occasioned by the move away from the flaring alternative even if that move happened in the past. This approach is consistent with how we have treated the early implementation of advanced technologies for all biofuels producers in the past.

We also believe that it is appropriate to use a flaring baseline when considering emissions related to biogas production from municipal wastewater treatment facility digesters, agricultural digesters, separated MSW digesters, and waste digesters. Similar to landfills, biogas from these sources could be vented, flared or used for beneficial purposes. According to the American Biogas Council Web site, of the 1,500 municipal wastewater treatment facility digesters that produce biogas, about 250 use the biogas; for the other 1,250, the biogas is flared. For agricultural digesters the alternative to beneficial use of the biogas is typically that the methane would have been emitted. We believe a similar situation exists with respect to separated MSW, and therefore we use that same flaring baseline for both of these systems. In fact for most waste digesters, the alternative is that the waste would have gone to a landfill resulting in the same baseline. Furthermore, wastewater treatment facilities that don't use digester biogas for process energy, fuel production, or electrical generation typically flare the unused biogas. Assuming that the biogas is flared generally provides a conservative baseline. If sources that are using flaring will achieve a 60% GHG reduction when converting to electricity production, sources that are venting their methane will certainly do so as well.

c. Lifecycle GHG Analysis for Electricity From Biogas

The previous section discussed the baseline EPA has selected for use in comparison to the biogas pathways under consideration.[55] This section discusses the lifecycle GHG emissions analyses of the pathways adopted today, which are then compared to the baseline to determine if the requisite GHG reductions are achieved.

As part of the proposed rule, EPA prepared a proposed assessment of the lifecycle GHG emissions of renewable electricity produced from landfill biogas. In doing so, we examined two main factors. The first involved determining by how much emissions at a landfill employing flaring would change upon installation of a gas-to-energy project. For this calculation, we used emission factors from the GREET model.[56] The second involved calculation of the decrease in GHG emissions caused by powering the gas blowers already in use with biogas-derived electricity produced on-site rather than grid electricity upon installation of a gas-to-energy project at the landfill. This calculation used data from the EPA Landfill Methane Outreach Project (LMOP).[57] For this analysis, we calculated how much electricity could be generated and how much could be delivered off-site to the consumer including consideration of on-site parasitic losses and on-site use. We used values from LMOP to provide estimates of the relative shares of different types of engines or turbines, the electricity generation efficiency, parasitic losses, energy use in collecting and preparing the biogas, and a value from the U.S. Energy Information Agency to estimate distribution losses. Values used are discussed in more detail in a memo to the docket.[58]

We calculated GHG emissions in two ways, per mmBtu electricity and per mmBtu fuel equivalent which accounted for the drivetrain efficiency of electric vehicles. In both cases we found that renewable electricity produced from landfill gas meets the 60% GHG emission reduction threshold required by the CAA, and thus qualifies as a cellulosic biofuel. Compared with the gasoline that it would replace, these projects would be accompanied by an 87% reduction in GHG emissions when normalized per mmBtu electricity. Accounting for the improved efficiency of EV drivetrains increases the GHG emissions reductions to 96%.

We did not receive any comment on our lifecycle calculations and are therefore finalizing our determination that renewable electricity produced onsite from landfill gas meets the 60% reduction in GHG emissions required by the CAA. This determination also applies to a pathway where the electricity is generated off-site. The main differences are removal of the credit associated with using biogas electricity in on-site blowers, and adding emissions associated with scrubbing the gas to pipeline quality, shipping it via pipeline, and removing it from the pipeline to make electricity. Removing the credit associated with use of biogas-derived electricity for onsite blowers still results in a 75% reduction in GHG emissions when normalized per mmBtu electricity, and the emissions associated with other aspects of a pathway involving off-site electricity generation (e.g., scrubbing the gas to pipeline quality, shipping it via pipeline, removing it to make electricity) are not expected to change the result significantly.

We believe that GHG emissions related to electricity produced with biogas from municipal wastewater treatment facility digesters, agricultural

[54] ''Support for Classification of Biofuel Produced from Waste Derived Biogas as Cellulosic Biofuel and Summary of Lifecycle Analysis Assumptions and Calculations for Electricity Biofuel Produced from Waste Derived Biogas,'' which is available in docket EPA–HQ–OAR–2012–0401.

[55] The discussion here is limited to the new biogas to electricity pathway adopted today. Lifecycle greenhouse gas emission reductions required for the new cellulosic CNG and LNG pathways are 60% as compared to a 2005 fossil fuel baseline (50% reductions were previously required for CNG and LNG for the advanced pathway). The CNG and LNG lifecycle assessment for the 60% reduction requirement is discussed in the memo placed in the docket: ''Support for Classification of Biofuel Produced from Waste Derived Biogas as Cellulosic Biofuel and Summary of Lifecycle Analysis Assumptions and Calculations for Biofuels Produced from Waste Derived Biogas,'' available in docket EPA–HQ–OAR–2012–0401.

[56] Argonne National Laboratory (2011) Greenhouse Gases, Regulated Emissions, and Energy Use in Transportation Model (GREET), Version 1 2011, *http://greet.es.anl.gov/.*

[57] EPA LMOP Data.

[58] ''Support for Classification of Biofuel Produced from Waste Derived Biogas as Cellulosic Biofuel and Summary of Lifecycle Analysis Assumptions and Calculations for Electricity Biofuel Produced from Waste Derived Biogas.'' Available in docket EPA–HQ–OAR–2012–0401.

digesters, separated MSW digesters, and waste digesters would be similar to those for landfill biogas production. The analysis for landfill biogas to electricity considered two main components: An increase in emissions due to converting from flaring to electricity generation and a credit associated with reduced grid electricity purchased to run blowers. The change in emissions due to converting from flaring to electricity generation that we assumed for landfill biogas can be considered the same for other sources of biogas. In all cases the emissions are based on the properties of the biogas itself, and its combustion products, which are independent of the biogas source. For other biogas sources there may be less need for purchased grid electricity to run blowers since other biogas sources are generally less distributed than gas collection at landfills. However, even if the credit associated with the reduction in purchased grid electricity for blowers is not considered for municipal wastewater treatment facility digesters, agricultural digesters, separated MSW digesters and waste digesters, compared with the gasoline baseline GHG emissions of 98 kg CO_2-eq/mmBtu, these projects would still be accompanied by a 75% reduction in GHG emissions when normalized per mmBtu electricity. The calculated reduction would be even greater if we accounted for the improved efficiency of EV drivetrains. Therefore, we have determined that pathways involving electricity production from biogas derived from these other sources also meet the 60% lifecycle GHG reduction threshold and can be qualified as cellulosic biofuel (assuming all other definitional and regulatory requirements are satisfied). It is important to note that RINs may only be generated for electricity from biogas that can be tracked to use in the transportation sector, such as by an electric vehicle.

4. Alternative Biogas Options and Comments

a. Alternative Baseline Approaches

We received comments in support of our flaring baseline approach. However, we also received several comments arguing for alternative approaches. Several commenters wanted EPA to allow parties to use a non-flaring baseline where it can be shown that the landfill providing biogas is not required to have a flare or other methane controls. For the basis of our biogas pathways in Table 1, EPA is not changing the baseline comparison of flaring for the reasons stated above, that on average it is the baseline landfill condition that would be replaced. In addition, EPA had determined that the biogas to energy pathways evaluated are all calculated to achieve at least a 60% reduction in GHG emissions required by the CAA when a change from landfill flaring is assumed. Assuming venting instead of flaring as a baseline landfill condition would improve the calculated benefits of the projects, but would not change the applicable RFS GHG threshold determination. Accordingly, there is no purpose served by these comments for purposes of today's rule.

b. Additional Comments on Lifecycle Analysis for Renewable Electricity

In addition to the comments discussed above, we also received comment suggesting that we include electricity from biomass sources such as woody biomass as a pathway in Table 1 to § 80.1426. However, evaluation of the lifecycle GHG emissions associated with generating electricity from woody biomass or other biomass sources would involve substantially different considerations from our analysis of electricity production from biogas sources, and is beyond the scope of this rule. Therefore EPA is not finalizing an electricity pathway from other types of biomass at this time. We also received comments on adding pathways for biogas to transportation fuels other than CNG/LNG and electricity. These other fuel types included dimethyl ether (DME) and hydrogen (H). However, assessing emissions associated with these production processes is also beyond the scope of this rule.

We received comment seeking clarification of whether electricity from landfill biogas or other approved biogas sources that was used in trains would qualify for RIN generation. EPA has determined that electricity used in trains is not a ''transportation fuel'' as defined in the Clean Air Act. Electricity from RFS-approved biogas sources that is used in trains does not ''replace or reduce the use of fossil fuel present in transportation fuel'', and therefore does not meet the statutory definition of a ''renewable fuel'' eligible for RIN generation in the RFS program.

Commenters also asked whether electricity from landfill biogas or other approved biogas sources that was used to compress natural gas would be eligible for RIN generation, if the natural gas was used for transportation purposes. EPA has determined that electricity used to compress natural gas does not qualify for RIN generation, since the electricity will not reduce the amount of fossil fuel present in the natural gas, which is the transportation fuel in this situation.

C. Regulatory Amendments Related to Biogas

Prior to this rulemaking, an approved fuel pathway in Table 1 to § 80.1426 allowed biogas from landfills, manure digesters or sewage waste treatment plants to qualify as an advanced biofuel. We have received questions related to some of the details of this pathway that are also relevant to the biogas-related pathways approved today. The questions include the following: (1) What company along the production chain of biogas from generation to end user is considered the producer that qualifies to register under this pathway and generate RINs, and (2) what are the contract requirements to track the biogas from generation to end use.

We proposed revising and adding new documentation, registration, reporting and recordkeeping requirements at locations along the production chain from biogas generation to finished transportation fuel use. We also proposed to specify which company along the production chain is considered the ''producer'' and eligible to generate RINs under the RFS program. In the following sections, we will detail the changes being finalized.

1. Changes Applicable to Renewable Electricity From Biogas Sources

In the NPRM, EPA requested comment on a number of potential changes intended to clarify the process for generating RINs for renewable electricity. We received a number of comments on these proposed changes, but have decided that in general the existing regulations are sufficient for present purposes and only minor clarifications are warranted at this time. To the extent that these modifications do not resolve all questions, EPA's intent is to address them through a combination of guidance documents and future rulemaking.

a. Registration and RIN Generation Requirements

Section 80.1426 paragraphs (f)(10) and (11) describe the requirements for generating RINs for renewable electricity and biogas which are either introduced into a dedicated renewable distribution system (§ 80.1426(f)(10)) or introduced into a commercial distribution system (§ 80.1426(f)(11)). EPA requested comment on the provisions and suggestions for alternative requirements. Several commenters provided background information related to actual renewable electricity generation and transportation use to aid in the development of more detailed provisions. This information

included specific detail on how individual companies are currently using biogas to generate electricity for transportation purposes, and what these companies are doing to comply with state regulatory programs. These comments illustrated a number of significant challenges faced by parties wishing to generate biogas electricity RINs under the RFS program.

Most commenters agreed that the electricity distribution system is complex, and that detailed and clear regulatory requirements specific to renewable electricity are needed. EPA agrees that the electricity generation system is complex, and EPA intends to take more time to evaluate the options and their implications. We believe that the regulatory changes made in this final rulemaking to § 80.1426 paragraphs (f)(10) and (f)(11) should help address some of those challenges. EPA and stakeholders will benefit from additional experience in implementing the current provisions before adopting significant modifications.

b. Distribution and Tracking Requirements

Tracking and verifying the production and use of the renewable electricity are of particular concern. Each state regulates electricity individually and so there is a wide variety of systems and requirements that must be accounted for in establishing a robust system for electricity accounting. In addition, several states have renewable portfolio standards and ''renewable electricity [59] credit'' (REC) programs. Further, most states do not allow private electricity generators to sell electricity directly to consumers. Therefore we cannot rely solely on written contracts for tracking of renewable electricity to transportation use. An alternative tracking and verification system must be established. The alternative adopted in this final rule is described in the next section.

It was suggested by commenters that EPA leverage existing state renewable electricity portfolio programs to track and validate RINs generated for RFS-qualified renewable electricity. These programs rely on defined environmental attributes which can be owned and transferred independently of the actual electricity. Ownership of these environmental attributes allows regulated parties to demonstrate compliance with the renewable electricity portfolio programs. Given the variety of renewable electricity programs managed by a multitude of states, this does not seem workable for the RFS program. In addition, EPA does not intend for the RFS to interfere with existing state programs. Therefore we have made the decision to match generation to use, and not require the purchase or definition of related environmental attributes. This does not preclude RIN generators from participating in state renewable electricity programs or from using that information to support their RFS registration and reporting documentation.

2. Regulatory Changes Applicable to All Biogas Related Pathways

As discussed above, we have had many inquiries related to the ''biogas'' pathway, specifically regarding contract requirements for tracking the biogas through the distribution system to end use, and regarding what company along the production chain is considered the ''producer'' and eligible to generate RINs under the RFS program. In this rulemaking, we have revised the documentation requirements slightly, to better track the biogas as it moves into and out of the distribution system and to document the final use as a transportation fuel. Provisions related to registration, reporting and recordkeeping were revised as well. These provisions allow for the use of signed affidavits, when written contracts are not available, to prove the use or sale of renewable electricity and renewable CNG/LNG for transportation purposes. It is assumed that these affidavits would be signed by fleet managers or vehicle operators, verifying the use of the renewable transportation fuel. These affidavits would then be matched, by the registered fuel producer, to the delivery or sale of an equivalent amount of qualifying renewable electricity or renewable CNG/LNG. While it is impossible to track the specific molecules or electrons, it must be theoretically feasible that the fuel produced can reach the vehicle using it. Examples of connected grid systems include, but are not limited to, commercial natural gas distribution systems, dedicated private fuel distribution systems, or transmission grids as defined by the North American Electrical Reliability Corporation (NERC) regions. These amended requirements are applicable to all pathways related to biogas.

We proposed that the ''producer'' of renewable CNG/LNG be the company that compresses or liquefies the gas and distributes the CNG/LNG for transportation fuel, and for renewable electricity, we proposed that the ''producer'' would be the company that distributes the electricity for use as transportation fuel. Numerous commenters indicated that limiting RIN generation to the CNG/LNG or electricity distributor would revoke current RIN generation ability from those who have invested significant resources in developing biogas projects. Some commenters also stated that the company first injecting the pipeline quality biogas into the grid would be intimately familiar with the responsibilities in tracking distribution, and should be eligible to act as the RIN generator. Given the complexities of the situation involving the production, transportation and use of biogas-derived fuels, we are not finalizing the definition of ''producer'' for renewable CNG/LNG and renewable electricity. EPA believes a more appropriate approach at this time is to examine registrations on a case by case basis in the short term, and to learn from this experience prior to issuing any final rule addressing the subject.

The processing and distribution train from raw biogas to final transportation fuel use can be complex, and may include many companies and processing steps from the point when the raw biogas is withdrawn from its source (such as landfills, waste digesters, wastewater treatment plants), to where it is processed, converted into biofuel and distributed to consumers. In some cases the fuel may be cleaned at a biogas scrubbing facility to pipeline quality specifications for distribution, and then withdrawn from the commercial pipeline to be processed further at another production facility into renewable CNG/LNG or renewable electricity. The company registering to generate RINs is responsible for providing all the required information and supporting documentation in their registration, and for satisfying reporting and recordkeeping requirements to track and verify the movement of gas from point of extraction of the raw biogas from its original source, through all the processing steps and distribution steps in between, to the last step where the actual fuel is used for transportation purposes. In the engineering review report required for registration, the producer must include documentation that the professional engineer performed site visits at each biogas production facility covered by the producer's registration that is located prior to the point of injection into a common carrier pipeline, or in the case of on-site distribution, prior to the point of

[59] When referring to various state ''renewable electricity'' programs in this preamble, we are using that term as defined in the state programs, and do not intend to suggest that the electricity in question necessarily satisfies the RFS regulatory definition of ''renewable electricity.''

distribution for transportation usage. The third-party engineer must also review and verify all related supporting documents such as design documents, calculations, regulatory permits, contracts and affidavits between facilities that track the raw biogas from the point of withdrawal from its source, the various injection/withdraw points into the distribution pipeline, the various production facilities, and the final step for use as transportation fuel. For purposes of biogas-related pathways, EPA does not interpret its regulations as specifying where the producer must lie on the value chain. EPA will evaluate the situation on a case by case basis through the registration process; any company that is registered to generate RINs must be in a position to oversee the entire process and provide all necessary documentation. These requirements will help ensure that the company registering to generate RINs will only generate RINs for fuel that is fully compliant with all regulatory requirements.

The registration, reporting and recordkeeping requirements are in §§ 80.1426(f), 80.1450, and 80.1454 in this rulemaking. The structure of § 80.1426(f) paragraphs (10) and (11) was changed to more clearly address RIN generation requirements for electricity and CNG/LNG derived from biogas. Paragraph (10) lists requirements for fuels that are not introduced into a commercial distribution system; subparagraph (i) addresses electricity requirements and subparagraph (ii) addresses CNG/LNG requirements. Subparagraph (iii) is an additional requirement for producers co-firing a combination of fuels to generate electricity. Similarly, paragraph (11) lists requirements for fuels that are introduced into a commercial distribution system, with the same organization as paragraph (10).

Comments to the NPRM raised the concern that contracts are not always feasible between the parties producing and using the fuel. In some cases, smart metering is available to provide very detailed documentation of fuel distribution and use. Therefore EPA has added signed affidavits and an option for other EPA-approved documentation to demonstrate the transfer of qualifying fuel used for transportation. EPA will provide guidance on other documentation that may be considered acceptable. The changes regarding the documentation requirements for distribution and use of the biogas, electricity, and CNG/LNG is located in § 80.1426 and § 80.1454.

D. Clarification of the Definition of ''Crop Residue'' and Clarification of Feedstocks That EPA Considers Crop Residues

1. Clarification of the Definition of ''Crop Residue''

In today's FRM, EPA is amending ''crop residue'' in the RFS regulations to more clearly describe the characteristics of products that should fall within the definition.[60] The final amendments are identical to those proposed. EPA proposed in the NPRM to include this amendment to provide more detailed guidance regarding the types of feedstocks that EPA considers crop residues. In our preexisting regulations, ''crop residue'' ''is the biomass left over from the harvesting or processing of planted crops from existing agricultural land and any biomass removed from existing agricultural land that facilitates crop management (including biomass removed from such lands in relation to invasive species control or fire management), whether or not the biomass includes any portion of a crop or crop plant.'' [61]

In the NPRM, we proposed to amend the definition to specify that biomass is considered crop residue only if the use of that biomass for the production of renewable fuel has no significant impact on demand for the feedstock crop, products produced from that feedstock crop, and all substitutes for the crop and its products including the residue, nor any other impact that would result in a significant increase in direct or indirect GHG emissions. We also noted that crop residue must come from crop production or processing for some other primary purpose (e.g., refined sugar, corn starch ethanol) or be removed to facilitate crop management, such that the crop residue is not the reason the crop was planted. The residue must also come from existing agricultural land, the exact definition of which is laid out in our current regulations that define ''renewable biomass.'' [62] We stated further that the residue should generally not have a significant market in its own right, to the extent that removing it from that market to produce biofuels instead will result in increased GHG emissions.

We sought comment on this revision to the crop residue definition, specifically inviting comments regarding what ought to constitute a ''significant'' increase or decrease in GHG emissions in the context of this definition.

We received significant comment supporting and opposing this change. At least one commenter who supported the change also stated that EPA should amend the definition of crop residues to more explicitly exclude non-cellulosic components of crop residues.[63] We address the question of the cellulosic content of feedstocks in section IV.A. of this rulemaking. Information available to EPA indicates that crop residue as a class more than satisfies the 75% cellulosic content threshold we have adopted today to identify feedstocks which are eligible to generate cellulosic biofuel RINs for the entire produced volume.[64] For this reason, we are not modifying the definition as suggested by the commenter.

Those opposed to the proposed change were uniformly clear that they supported the crop residue pathway in general.[65] Opposition stemmed from concerns that our proposed clarification would be overly limiting and would exclude feedstocks that rightfully ought to be considered crop residues under the RFS. Several commenters stated that very few products have no market value and that most will find some sort of beneficial use. These commenters expressed concern over our statement in the preamble of the NPRM that, in order to meet the definition of crop residue, a crop product must generally not have a significant market in its own right. In their estimation, the fact that most crop products have a non-zero market value might cause them to be disqualified from the crop residue pathway.[66] EPA acknowledges that many crop residues have some non-zero market value. We also acknowledge that most could find some sort of beneficial use, albeit a low value use in many cases. This in turn may have some non-zero impact on the total revenue a farmer receives for a crop. However, we do not believe that a crop product must necessarily be completely useless in order to qualify under the crop residue pathway. Rather, as indicated in our amendment to the definition of crop residue and our statements in the NPRM preamble, the use of the crop product to produce renewable fuel should not significantly

[60] *See* § 80.1401.

[61] Ibid.

[62] Ibid.

[63] Comments submitted by AFPM/API (EPA–HQ–OAR–2012–0401–0128).

[64] See Memorandum to the Docket, ''Cellulosic Content of Various Feedstocks—2014 Update.'' Available in docket EPA–HQ–OAR–2012–0401.

[65] See, for example, comments submitted by the Renewable Fuels Association, (EPA–HQ–OAR–2012–0401–0123), the National Corn Growers Association (EPA–HQ–OAR–2012–0401–0065), and Growth Energy (EPA–HQ–OAR–2012–0401–0173).

[66] Here as well, several commenters expressed similar opinions. See, for example, comments submitted by the Renewable Fuels Association, (EPA–HQ–OAR–2012–0401–0123).

impact demand for the feedstock crop and associated products and should not lead to a significant increase in GHG emissions. It is our judgment that a crop product need not be completely devoid of value to meet these criteria, though there should be a notable difference in the value of the primary product and the value of the residue.

Other commenters stated that the use of a crop residue as biofuel feedstock gives it value and that this use itself may increase the total value of the primary crop.[67] Several commenters expressed concern that this approach may create a chilling effect on investment in crop residue-based fuels.[68] EPA acknowledges the possibility that, if used as biofuel feedstock in large enough quantities, demand for a crop product may begin to affect the value of the primary crop. EPA noted in the NPRM that, if significant facts change over time, it is possible that EPA would modify its assessment regarding whether particular crop products meet the definition of crop residue. However, if EPA were to revise our assumptions or analysis concerning the qualification of certain crop products as crop residue, this change would be done after public notice and an opportunity for comment. Therefore, industry would have adequate opportunity to provide data to EPA prior to any potential changes to our interpretation regarding any of the feedstocks listed in Table IV.D.3–1. It is important to note that even if a particular feedstock evolved to the point where it had a significant market as a commodity and EPA were required to revisit the lifecycle GHG emissions analysis, this feedstock would most likely still meet the definition of renewable biomass. EPA would therefore be able to establish a new pathway for the feedstock upon completion of a lifecycle GHG analysis, even if the feedstock no longer fit under the crop residue pathway. In sum, we do not believe that the possibility of EPA reconsidering past LCA determinations, including those for crop residue pathways, should create any undue uncertainty for the private sector, nor that the possibility of reconsideration will materially affect production of cellulosic renewable fuels under pathways allowing for the use of crop residue as a feedstock.

Most commenters who opposed the change also argued that the key consideration ought to be whether the residue meets the 60 percent GHG reduction threshold for establishing a pathway to generate RINs with a D code of 3 and/or a D code of 7 and that, as long as a crop product meets this threshold, it ought to be considered a crop residue.[69] EPA believes that the term crop residue should be defined in a manner that ensures that materials within the definition satisfy the 60 percent GHG reduction threshold. This is one of the reasons why EPA is finalizing the proposed amended definition. Materials that do not meet the definition of crop residue, and do not qualify as other feedstocks listed in Table 1, may be independently evaluated to determine if they satisfy the 60 percent GHG reduction threshold, or other thresholds applicable to other types of biofuels. Parties questioning whether an agricultural product meets the current definition of crop residue must determine if the product is ''left over.'' Our proposed and final definitional change is intended to clarify what this means.

However, the current regulations do not provide stakeholders with much guidance regarding what EPA considers to be the meaning of ''left over.'' The current definition has created significant confusion and uncertainty among stakeholders. Our goal in clarifying the definition of crop residue is to more transparently define the criteria that must be met for a feedstock to qualify under the existing crop residue pathway. Stakeholders who are considering whether or not to use a given feedstock will be able to consider these criteria, rather than relying on the current regulatory text that does not specify the meaning of ''left over.''

Those opposed to the amendment to the definition of crop residue also generally argued that the word ''significant'' was used vaguely in our proposed clarification, and that this might create undue hurdles for producers seeking to use low-GHG crop products under the crop residue pathway.[70] As stated previously, EPA sought comment on the proposed change and specifically regarding what ought to constitute a ''significant'' change in GHG emissions. Commenters who opposed the proposed clarification declined to offer alternative interpretations of the terms ''left over'' and ''significant.'' However, several of these commenters did state that EPA's proposal did not sufficiently describe what might constitute a ''significant increase,'' a ''significant market,'' or a ''significant impact.'' [71]

It is true that EPA did not provide specific criteria for meeting these significance thresholds. However, in our NPRM discussion concerning corn kernel fiber, we discussed this question contextually. In that discussion, we described why we believe that corn kernel fiber would not cause a significant increase in demand for corn, why we believe that corn kernel fiber does not have a significant market in its own right, and why its removal from distillers' grains to produce biofuel will not have a significant impact on direct or indirect GHG emissions. Stakeholders who wish to better understand how to evaluate whether other feedstocks meet the definition of crop residue should consult that discussion and the comparable discussion in section IV.D.2 of this preamble.

Few commenters offered opinions regarding what might constitute a ''significant market'' for a crop product. However, comments submitted by the Iogen Corporation did provide one potential framework for understanding when a crop product might be considered to have a significant market. In their comments, Iogen stated that ''EPA should not consider potential for significant crop shifting unless the farmer revenue per acre for raw unprocessed crop residue (i.e., before fees for collection, baling, stacking, transport, etc.) is more than 15 percent of the grain crop revenue per acre. We believe the volatility of the grain crop revenues is much larger than 15 percent of the grain price, and that the incremental revenue will not affect crop planting decisions.'' [72]

EPA has not utilized this methodology to identify which crop products we consider crop residues for the purposes of this final rulemaking. We acknowledge that this type of methodology could potentially be useful for evaluating whether future feedstocks meet our definition of crop residue, including non-grain crops. While we have not performed sufficient analysis to determine whether it is appropriate to adopt such an approach today, we may

[67] See comments submitted by the National Corn Growers Association (EPA–HQ–OAR–2012–0401–0065) and the Iowa Corn Growers Association (EPA–HQ–OAR–2012–0401–0124), among others.

[68] See, for example, comments submitted by the American Coalition for Ethanol (EPA–HQ–OAR–2012–0401–0147).

[69] See, for example, comments submitted by Novozymes North America, Inc. (EPA–HQ–OAR–2012–0401–0088) and Growth Energy (EPA–HQ–OAR–2012–0401–0173).

[70] See, for example, comments submitted by the National Biodiesel Board (EPA–HQ–OAR–2012–0401–0166) and Novozymes North America Inc. (EPA–HQ–OAR–2012–0401–0088).

[71] See, for example, comments submitted by the National Biodiesel Board (EPA–HQ–OAR–2012–0401–0166) and Novozymes North America Inc. (EPA–HQ–OAR–2012–0401–0088).

[72] Comments submitted by Iogen Corporation (EPA–HQ–OAR–2012–0401–0135).

reconsider it in the future. Regardless, we do believe that it provides a useful consideration for stakeholders.

In Table IV.D.3–1 of this preamble, EPA identifies several crop products that we consider crop residues. In addition, we have provided greater transparency to stakeholders regarding the criteria for qualifying as a crop residue under the RFS in this preamble and in the clarified definition of crop residue. As a general principle, if a product meets the regulatory definition of crop residue as described above and is similar to a feedstock that we identify as a crop residue in Table IV.D.3–1, then it is likely that EPA would consider it as qualifying as a crop residue. Conversely, if it is not clear that a product meets the regulatory definition of crop residue as described above, or if the feedstock is not similar to any of the feedstocks identified in Table IV.D.3–1, then there is greater uncertainty that it will qualify.[73]

EPA acknowledges that it may not always be straightforward for a stakeholder to determine for themselves whether a crop product is likely to qualify under the crop residue pathway, even with the guidance provided in this preamble and in the revised definition. In light of this, and to promote accurate identification of feedstocks that do and do not qualify as crop residues, EPA is implementing additional registration, recordkeeping, and reporting requirements for producers intending to use crop residue as a feedstock. These additional requirements will help to ensure that producers of renewable fuel do not inadvertently attempt to generate RINs under a crop residue pathway utilizing a feedstock that EPA does not consider to be a crop residue. See section IV.D.4 of this final rulemaking for more details on these requirements.

2. Consideration of Corn Kernel Fiber as a Crop Residue

We also proposed in the NPRM that corn kernel fiber be considered a crop residue. Corn kernel fiber has not been specifically mentioned as a type of crop residue in any previous RFS rulemaking. However, EPA has received several requests to consider corn kernel fiber to be a crop residue. Because it had not been considered a crop residue previously, EPA conducted an evaluation that assessed whether corn kernel fiber should be considered a crop residue. This analysis focuses on whether corn kernel fiber can be considered ''left over from the harvesting or processing of planted crops'', whether it has ''no significant impacts on demand for the feedstock crop, products produced from that crop, or any substitutes for the crop and its products'' nor ''any other impact that would result in a significant increase in direct or indirect GHG emissions.''

We requested comment on our proposed analysis. We received significant comment supporting our analysis and our proposal that corn kernel fiber should be considered a crop residue.[74] We did not receive any comments opposing our analysis or our conclusions. Accordingly, we have decided based on the assumptions, facts and analysis described below that corn kernel fiber should be considered crop residue as proposed. Should relevant facts described in our analysis change, a re-evaluation of the issue may be warranted. Our analysis of corn kernel fiber can serve as one of many possible illustrative examples of how crop products can be evaluated for qualification as crop residues, in addition to our previous considerations of other feedstocks that we consider to be crop residue, such as corn stover.[75]

a. Analysis of Corn Kernel Fiber as a Crop Residue

The amended definition of crop residue requires us to consider any potential ''significant impact on demand for the feedstock crop, products produced from that feedstock crop, and all substitutes for the crop and its products, and any other impact that would result in a significant increase in direct or indirect GHG emissions.'' To determine whether the use of corn kernel fiber to produce renewable fuel would lead to increased direct or indirect GHG emissions stemming from any of these sources, EPA conducted a detailed assessment of the two major potential sources of emissions from this feedstock, namely effects on feed markets and effects on demand for corn. In our analytical judgment, any impacts on corn, corn products, or substitutes for corn or corn products would come from impacts on the feed market for dried distillers grains (DDG) or from some other impact on overall demand for corn. We did not identify any other potential sources of significant increased GHG emissions in our proposed analysis, and no commenter suggested that any such source might exist. Therefore, we are confident that the analysis we have conducted below adequately addresses all aspects of the definition of crop residue, excepting questions regarding the source of the biomass, which will be evaluated in the context of each individual producer registration pursuant to 40 CFR 80.1450.

Producers acquire corn kernel fiber for ethanol feedstock as a part of the whole corn feedstock stream entering into a corn starch ethanol plant. This fiber stream may then be accessed for ethanol production in one of two general ways. One option is for producers to extract it from matter that would otherwise be converted to DDG during the dry mill corn ethanol production process. This step can be performed either before or after that matter has been separated from the corn starch ethanol. In either case, the corn fiber is processed into ethanol via a separate stream from corn starch ethanol production. A second option is for producers to access and convert the fiber in situ along with the corn starch that is converted to ethanol. In order to meet the definition of a crop residue, the source of corn kernel fiber must be incidental to some other primary purpose. An ethanol producer utilizing corn kernel fiber as a feedstock cannot purchase whole corn for the primary purpose of generating corn fiber ethanol and still qualify their feedstock as crop residue.

Consequently, this analysis relied significantly on the assessment of corn starch ethanol-derived DDG that was conducted for the March 2010 RFS final rule, adjusting the analysis to account for the extraction of fiber from this product.[76] The analysis also drew substantially on the available scientific literature on low fiber DDG (LF–DDG), as well as the expertise of the U.S. Department of Agriculture. Potential producers also submitted important data that helped EPA evaluate the lifecycle GHG emissions of corn kernel fiber.

It is important to note that all animal feed products must be approved by the U.S. Food and Drug Administration (FDA) before they can be sold in the United States. EPA's analysis makes observations and draws conclusions about the characteristics and likely uses of LF–DDG based on the available literature regarding LF–DDG that has

[73] It is important to keep in mind that not qualifying under the crop residue pathway does not in any way exclude fuel produced from a given feedstock from qualifying to generate RINs with a D code of 3 or a D code of 7 more generally. It only means that a new pathway would need to be established, were EPA to find that the fuel produced from that feedstock meets the 60 percent threshold.

[74] Several commenters expressed extremely similar opinions on this point. But see, for example, comments submitted by the Renewable Fuels Association, (EPA–HQ–OAR–2012–0401–0123), the National Corn Growers Association (EPA–HQ–OAR–2012–0401–0065), and Growth Energy (EPA–HQ–OAR–2012–0401–0173).

[75] For our analysis of corn stover in the context of the crop residue pathway, see 75 FR 14670, March 26, 2010.

[76] See 75 FR 14670, March 26, 2010.

been fed to livestock in research settings. However, at this time the FDA has not approved LF–DDG for use in commercial animal feed. Nothing in EPA's analysis should be construed as an official federal government position regarding the approval or disapproval of LF–DDG as an animal feed. Only FDA is authorized to make that determination. Our analysis proceeds from the assumption that producers of LF–DDG will be able to gain FDA approval for these feed products and that they will do so before commencing production and sale of this feed product. If however FDA does not approve LF–DDG as an animal feed, there will be implications for the LCA of corn kernel fiber, and EPA will revisit its determination.

EPA found that extracting the fiber from corn matter used to produce standard DDG would not have a significant effect on feed markets. Processors who extract the fiber from corn produce a feed product known as LF–DDG, as opposed to standard DDG, which retains the fiber. The scientific literature on LF–DDG animal nutrition has found that this product has at least equal, and perhaps even slightly superior, nutritional value for swine and poultry compared to standard DDG.[77] This means that, even though the physical volume of the LF–DDG produced by ethanol plants using corn kernel fiber extraction technology will be somewhat smaller than the volume of DDG produced by plants not extracting corn kernel fiber, the nutritional content of LF–DDG for swine and poultry will be equivalent to or greater than DDG.

Conversely, LF–DDG is an inferior feed for cattle compared to standard DDG, since ruminants benefit from ingesting corn fiber in DDG.[78] Therefore, EPA expects swine and poultry producers to absorb the supply of LF–DDG, while the cattle and dairy industry will continue to consume standard DDG. With this dynamic in place, fiber extraction from DDG should not significantly affect feed markets, since there will be no reduction in the overall supply of DDG in terms of nutritional content nor will there be any impact on aggregate demand for other animal feed sources.

If enough corn ethanol producers adopt fiber extraction technology, LF–DDG could saturate swine and poultry demand and spill over into dairy and cattle feed markets. If a situation arises where LF–DDG begin to replace standard DDG in dairy and/or cattle markets, this could lead to an increase in aggregate feed demand, most likely in the form of increased demand for fiber supplements in dairy and cattle feed. This theoretically could cause an increase in GHG emissions. However, we do not expect this to occur. If swine and poultry demand for LF–DDG becomes saturated, demand for standard DDG in the cattle and dairy industries should create sufficient market incentives for the remaining corn starch ethanol producers to decide against adopting corn fiber ethanol production. EPA believes this will prevent a situation where there is insufficient supply of standard DDG in the cattle and dairy industries. However, as noted above, if significant facts change, it may be appropriate for EPA to reexamine corn kernel fiber as a crop residue in the future.

EPA's analysis indicates that producing ethanol from corn kernel fiber is unlikely to increase overall demand for corn, in addition to having no significant impact on feed markets. It is our judgment, based on the analysis above, that the primary purpose of procuring whole corn for processing in a corn starch ethanol plant is to produce corn starch ethanol, since more than 90 percent of the ethanol produced will be from the starch. The plant would most likely procure that same quantity of whole corn regardless of whether they were converting the fiber into ethanol or sending it to some other end use. The diversion of corn kernel fiber from the DDG stream to an ethanol production stream will not materially affect the value of the feed products produced by a corn starch ethanol plant per bushel of corn processed. Because of this, there will be no significant incentive for the plant that is producing ethanol from corn kernel fiber to procure more or less corn than they would if they were selling the fiber as part of their DDG product. We can find no evidence to support a claim that production of ethanol from corn kernel fiber has any significant impact on demand for corn, products produced from corn, or the substitutes for corn and its products. Further, we find that if corn kernel fiber is not used to produce ethanol, it will be left over from the corn starch ethanol production process, because its presence or absence in DDG products does not materially impact the value of those DDGs or the overall market for DDGs and feed products. Finally, we were unable to identify any other potentially significant impacts associated with utilizing corn kernel fiber to produce renewable fuel that might lead to significant GHG emissions, nor were any such impacts identified during public notice and comment. Based on these factors, we find that utilizing corn kernel fiber to produce renewable fuel would have no significant impacts on GHG emissions. These findings support a determination that corn kernel fiber meets the definition of a crop residue. Therefore, corn kernel fiber may be used as a feedstock in those pathways in Table 1 to § 80.1426 that specify crop residue as a feedstock.

b. Treatment of Corn Starch That Adheres to Corn Kernel Fiber After Separation From DDG

EPA sought comment on whether the definition of crop residue should be amended to explicitly exclude the corn starch component, since some corn starch may still adhere to the corn kernel after separation. Additionally, EPA invited comment on how RINs should be allocated for fuel derived from corn fiber, including comment on the sufficiency of current RFS regulations with regards to the assignment of RINs to batches of corn starch ethanol and corn kernel fiber ethanol produced via consolidated bioprocessing and whether producers have the technological capability to adequately demonstrate the volume of fuel produced under each pathway.

Commenters confirmed that some starch may adhere to the unconverted fiber, even after most of the starch has been processed into ethanol.[79] However, many of those same commenters also supported considering this starch as ''de minimis'' under our current regulations.[80] Those current regulations state that ''producers and importers may disregard any incidental, de minimis feedstock contaminants that are impractical to remove and are related to customary feedstock production and transport.'' [81] We received several comments noting that corn kernels undergo a rigorous mechanical process designed to separate the starch from the

[77] *See, e.g.,* Kim, E.J., C.M. Parsons, R. Srinivasan, and V. Singh. 2010. *Nutritional composition, nitrogen-corrected true metabolizable energy, and amino acid digestibilities of new corn distillers dried grains with solubles produced by new fractionation processes. Poultry Science* 89, p. 44, available on the docket for this rulemaking as EPA–HQ–OAR–2012–0401–0002. *See also* additional studies cited within Kim et al 2010.

[78] *See* Shurson, G.C. 2006. *The Value of High-Protein Distillers Coproducts in Swine Feeds. Distillers Grains Quarterly,* First Quarter, p. 22, available on the docket for this rulemaking as EPA–HQ–OAR–2012–0401–0003.

[79] See, for example, comments submitted by Edeniq, Inc. (EPA–HQ–OAR–2012–0401–0159).

[80] Numerous commenters supported this position. See, for example, comments submitted by Edeniq, Inc. (EPA–HQ–OAR–2012–0401–0159), the American Coalition for Ethanol (EPA–HQ–OAR–2012–0401–0147), and Growth Energy (EPA–HQ–OAR–2012–0401–0173).

[81] *See* specifically § 80.1426(f)(1).

rest of the corn kernel before processing that starch into ethanol. Despite this process, some starch adheres to the fibrous portions of the kernel and, in a standard corn starch ethanol plant, ends up in the DDG.[82]

Commenters argued that this adhering starch is indeed impractical to remove and is present only in small quantities.[83] In the preamble of the NPRM for this rulemaking, EPA stated that starch might compose up to 20 percent of the separated mass used to produce corn kernel fiber ethanol via a separate stream, based on data from 1998. Through the public comment process, we received more recent and fine-grained data that better represents current methods of starch-fiber separation. Based on this newer data, we believe the actual amount of starch that adheres to the fiber after separation from the rest of the corn kernel is typically less than 5 percent of the total mass of the separated corn kernel fiber feedstock.[84]

In light of the small quantity of starch involved, typically less than 5 percent of the mass, and the impracticability of separating the starch which adheres to the fiber, we believe that this starch component can appropriately be considered a de minimis contaminant. Like all plant fibers, the fibrous portion of corn kernel fiber is composed of nearly 100 percent cellulose, hemicellulose, and lignin. Taken together with the small quantity of adhering corn starch, corn kernel fiber is clearly above the 75 percent threshold we have established in today's rulemaking for determining when a feedstock is predominantly cellulosic, and this is also consistent with our finding, discussed in section IV.A. of the preamble, that crop residue as a class has at least 75 percent cellulosic content. To be clear, this de minimis determination only applies to starch adhering to corn kernel fiber that is being processed into ethanol separately from corn starch ethanol. Processes that convert corn starch and corn kernel fiber to ethanol in situ (as is described in detail in the next section) may not consider any portion of the corn starch to be de minimis. Furthermore, if any producer processing corn kernel fiber separately from corn starch fails to use best practices[85] to separate adhering corn starch, in an attempt to boost production of cellulosic biofuel from processing corn kernel fiber or for any other reason, the adhering starch will not be considered a de minimis contaminant, and the entire batch of resulting fuel will not be considered derived from crop residue and will not qualify as cellulosic biofuel. Since processing of the corn kernel would be incomplete, the feedstock would not be considered left over from processing and would not meet the definition of crop residue in § 80.1401. While the batch of resulting fuel might be eligible to generate renewable biofuel RINs (D code of 6) for the starch-derived component of the fuel, RINs could only be generated for the fuel derived from non-starch components of such feedstock to the extent that such volumes were grandfathered under § 80.1403(c) or (d).Based on the existing reporting requirements listed in § 80.1451(b)(1)(ii),[86] EPA is already requiring the data necessary to identify whether the cellulosic RINs that a fuel producer is generating is disproportionate to the amount of corn kernel fiber processed at a facility. EPA collects feedstock volumes, fuel volumes, and other data reported to determine that RINs and volumes are generated in accordance with the regulations.

c. Processing Corn Kernel Fiber

Corn kernel fiber may be used for biofuel production in multiple ways. As detailed above in section IV.A.4, renewable fuel can be produced pursuant to biochemical conversion processes that simultaneously hydrolyze and/or ferment cellulosic and non-cellulosic material into fermentable sugars and/or fuel. Corn kernel fiber as a crop residue may be converted into qualifying renewable fuel via biochemical methods in one of two ways.[87] First, it may be converted via a consolidated bioprocessing method that converts cellulosic and non-cellulosic corn material into sugars and/or fuel products simultaneously. Second, corn kernel fiber may be converted to sugar and/or fuel via a separate stream from the corn starch sugar and fuel conversion streams.

The first method may include simultaneous hydrolysis of the starch and cellulosic components of the corn kernel into sugars, followed by simultaneous conversion of those sugars into fuel products. In other cases, the cellulosic and non-cellulosic portions of the corn kernel may be hydrolyzed separately but fermented together in a single vessel. In either case, EPA considers this process technology to be a method of simultaneous conversion. We discuss the requirements for using a simultaneous conversion process in section IV.A.4 of this preamble.

Alternatively, producers may hydrolyze and ferment the cellulosic and non-cellulosic portions of the corn kernel via separate streams. This may be accomplished in at least one of two ways. A producer might separate the starch from the corn kernel fiber before the hydrolysis step, sending each set of material through separate hydrolysis, fermentation, and distillation streams. A producer might also perform a conventional corn starch ethanol fermentation process, yielding corn starch ethanol, and then hydrolyze and ferment the residual solids (which typically become DDG at the end of the process) a second time, using enzymes designed to convert cellulosic material to sugars. If a producer uses a process that hydrolyzes and ferments the corn kernel fiber separately from the corn starch, either in a parallel but separate process or in a sequential process that extracts the fiber from the residual solids after corn starch ethanol fermentation, then the producer is not considered to be performing simultaneous conversion, and all of the resulting corn kernel fiber-derived fuel may appropriately be considered derived from predominantly cellulosic biomass. As discussed above, some starch may adhere to the fiber after the separation step or may remain in the residual solids output of a conventional corn starch ethanol fermentation process. However, we believe this small amount of corn starch contaminant fits under EPA's de minimis feedstock contaminant provision in the existing regulations, and should be disregarded.[88] This is the case even if a producer were to add enzymes which might convert starch adhering to the corn kernel fiber to ethanol.

[82] See comments submitted by Quad County Corn Processors (EPA–HQ–OAR–2012–0401–0063), by Edeniq, Inc. (EPA–HQ–OAR–2012–0401–0159), and the American Coalition for Ethanol (EPA–HQ–OAR–2012–0401–0147).

[83] See, for example, comments submitted by Edeniq, Inc. (EPA–HQ–OAR–2012–0401–0159).

[84] Ibid.

[85] Data submitted by commenters indicate that the rigorous mechanical process employed to separate corn kernel fiber and corn starch will typically allow less than 5% of residual starch to adhere to the fiber after separation. See comments submitted by Quad County Corn Processors (EPA–HQ–OAR–2012–0401–0063), by Edeniq, Inc. (EPA–HQ–OAR–2012–0401–0159), and the American Coalition for Ethanol (EPA–HQ–OAR–2012–0401–0147).

[86] Required information includes: Quantity of RINs generated, volume of fuel produced, feedstock type, and exact feedstock quantity.

[87] Corn kernel fiber may also be converted to fuel via thermochemical methods. See section IV.A.4 for details on the requirements for renewable fuel production via thermochemical pathways.

[88] *See* specifically § 80.1426 (f) (1).

3. Identification of Feedstocks EPA Considers Crop Residues

To provide additional guidance on the definition of crop residue, EPA is identifying several feedstocks that we consider to be crop residues. In the NPRM, we provided a table that included feedstocks which we have previously identified as crop residues in public documents and which we believed fit the definition of crop residue.[89] That table included corn stover, corn kernel fiber (see section IV.D.2 above for further discussion), citrus residue, rice straw, sugarcane bagasse, and wheat straw. All of these feedstocks were identified as crop residues in the preamble of the March 2010 RFS final rulemaking, with the exception of corn kernel fiber. For example, EPA analyzed the agricultural sector GHG emissions of using corn stover for biofuels in the final March 2010 RFS final rulemaking and found that fuel produced from this feedstock met the 60% GHG reduction threshold for cellulosic biofuels.[90] Since the direct and indirect impacts of several other crop products, including citrus residue, rice straw, and wheat straw, were expected to be similar to those of corn stover, EPA also applied the land use change impacts associated with corn stover to those products as well. Based on that analysis, EPA found that fuels produced from these products also met the 60% reduction threshold. EPA further determined that fuels produced from materials left over after the processing of a crop into a useable resource had land use impacts sufficiently similar to agricultural residues to also meet the 60% threshold. EPA specifically cited bagasse left over from sugarcane processing as an example of this type of crop residue.

EPA sought comment on whether these feedstocks should be considered crop residues, whether these feedstocks would have direct and indirect GHG impacts similar to corn stover, and whether additional feedstocks should also be considered crop residues. We received numerous comments that supported considering all of these feedstocks as crop residues.[91] We did not receive any comments that opposed considering any of the feedstocks identified in the NPRM as crop residues, nor did we receive any comments that disputed our reasons for considering them crop residues.

In addition, several commenters identified other crop products which are extremely similar to those that we proposed to consider crop residues. Commenters noted that we have identified sugarcane bagasse as a crop residue in multiple rulemakings, including the March 2010 RFS final rule and the NPRM of this rule, but have not previously considered sweet sorghum bagasse.[92] The processes for separating bagasse from simple sugars is very similar between sugarcane and sweet sorghum and the market and other potential GHG impacts of utilizing that bagasse to produce renewable fuel are also considered to be similar. Therefore we are today identifying both as feedstocks which we consider crop residues.

Commenters noted that we identified corn stover as a crop residue in the NPRM, but have not previously considered grain sorghum stover.[93] Since the composition, methods of production, methods of collection, market potential, and implications for other relevant markets for these two types of stover are nearly identical, these two stovers would reasonably seem to have similar GHG impact profiles.

Commenters also noted that, in the NPRM, we did not list grain fibers other than corn kernel fiber. To the extent that other grain kernel fibers are extracted and used for biofuel feedstock in the same manner as we lay out for corn kernel fiber in section IV.D.2 above (i.e., during the processing of grain feedstock into ethanol), these products would reasonably seem to have similar GHG impact profiles to corn kernel fiber.[94] To the extent that these grain fibers are obtained in the same manner that we have laid out for corn kernel fiber, their alternative fate would also be distillers grains. The impacts of fiber on the digestion of ruminants, swine, and poultry are extremely similar, regardless of what grain that fiber came from, because all grain fiber is virtually 100 percent cellulosic. Therefore, we are confident that diverting that fiber to a fuel production stream would have similarly insignificant market and other GHG impacts to those of corn kernel fiber, and we similarly consider them to be crop residues under those circumstances.

Commenters also pointed out that we identified wheat straw and rice straw as crop residues in the NPRM but did not identify other grain straws (e.g., oat straw, barley straw) as residues, even though these products would reasonably seem to have similar GHG impact profiles to wheat straw and rice straw.[95] EPA has determined that these straws do indeed have similar GHG impacts to those of wheat straw and rice straw. All of them have similarly insignificant markets, insignificant effects on demand for the crop from which they are derived, and insignificant impacts on other crop products and substitutes. Further they are processed into renewable fuel in nearly identical ways. Therefore, we consider all of the grain straws listed in Table IV.D.3–1 below to be crop residues.

Finally, while we proposed to identify ''citrus residue'' as a crop residue in the NPRM, several stakeholders have suggested that this label is rather vague. There are several different types of byproducts or residues from citrus processing (e.g., peels, pulp, seeds), each with a unique chemical composition and degree of alternative usefulness. EPA does not currently have sufficient information to determine that all byproducts of citrus processing meet the requirements of the crop residue pathway. Producers wishing to utilize citrus processing byproducts as a feedstock under the crop residue pathway will need to provide EPA with further information about the materials they are utilizing, per the registration requirements detailed in section IV.D.4.a of this FRM.

In Table IV.D.3–1 we are identifying several crop products that EPA considers to be crop residues.[96] This table is meant to be illustrative, not exhaustive, of the types of crop products that EPA considers to be crop residues. It is included here to provide guidance and greater clarity to stakeholders; it should not be considered a definitive list. It will not appear in our regulations, though EPA may publish a table similar

[89] See Table IV.D.3–1—Feedstocks That May Qualify as Crop Residue, 78 FR, 36056–36057, June 14, 2013.

[90] See EPA–HQ–OAR–2005–0161–3173.2, EPA–HQ–OAR–2005–0161–3173.3, and EPA–HQ–OAR–2005–0161–3173.4, under the Lifecycle Results Docket for the March 2010 RFS Final Rulemaking.

[91] Several commenters expressed extremely similar opinions on this point. But see, for example, comments submitted by the Renewable Fuels Association, (EPA–HQ–OAR–2012–0401–0123), the National Corn Growers Association (EPA–HQ–OAR–2012–0401–0065), and Growth Energy (EPA–HQ–OAR–2012–0401–0173).

[92] See comments submitted by NexSteppe Inc. (EPA–HQ–OAR–2012–0401–0153). See also 75 FR 14692, March 26, 2010 and 78 FR 36042, June 14, 2013.

[93] See comments submitted by the National Sorghum Producers (EPA–HQ–OAR–2012–0401–0065), Iogen Corporation (EPA–HQ–OAR–2012–0401–0135), NexSteppe Inc. (EPA–HQ–OAR–2012–0401–0153).

[94] See comments submitted by Novozymes North America Inc. (EPA–HQ–OAR–2012–0401–0088), ICM (EPA–HQ–OAR–2012–0401–0114), NexSteppe Inc. (EPA–HQ–OAR–2012–0401–0153), Growth Energy (EPA–HQ–OAR–2012–0401–0173),

[95] See comments submitted by Iogen Corporation (EPA–HQ–OAR–2012–0401–0135),

[96] Our analysis of corn kernel fiber as a crop residue is discussed in section IV.D.2 of this preamble.

to Table IV.D.3–1 on our Web site for the convenience and education of stakeholders. We acknowledge that there may be other crop products which were not brought to our attention during this rulemaking process and which are not included in Table IV.D.3–1, but which may meet the definition of crop residue as we are clarifying it in today's final rulemaking. Further details regarding how EPA may evaluate these crop products can be found in section IV.D.1 and section IV.D.2 of this final rulemaking. Additionally, stakeholders may also want to consult section IV.D.4 of this final rulemaking, which describes new RRR requirements for producers who wish to use crop residue as a feedstock for renewable fuel production.

TABLE IV.D.3–1—FEEDSTOCKS THAT EPA CONSIDERS CROP RESIDUES

Sugarcane and Sweet Sorghum Bagasse.
Kernel Fiber from Barley, Corn, Oats, Rice, Rye, Grain Sorghum, and Wheat.
Stover from Corn and Grain Sorghum.
Straw from Barley, Oats, Rice, Rye, Soybeans, and Wheat.

4. Registration, Recordkeeping, and Reporting Requirements Associated With Using Crop Residue as a Feedstock

Under current regulations, producers registering to generate RINs using the crop residue pathway are not required to specify exactly which crop products they intend to use. This could potentially lead to a situation where a producer inadvertently generates invalid RINs by producing a batch of fuel from a crop product that does not meet the crop residue definition. In order to ensure that producers only utilize crop products which EPA considers to be crop residues and thereby generate valid RINs when using a crop residue pathway, we are implementing additional RRR requirements for producers using crop residue as feedstock under any approved pathway.

a. Registration Requirements for Producers Utilizing Crop Residue as a Feedstock

EPA acknowledges that the regulatory definition adopted today may be difficult to interpret in some respects. On the other hand, EPA believes that the proposed revised definition appropriately describes crop products that should qualify as crop residues. In order to reduce uncertainty and confusion in the application of the revised definition, we are implementing a new registration requirement for those seeking to use crop residues as a feedstock. Any entity registering to use crop residue as a feedstock must, as a part of their registration package submitted pursuant to 40 CFR 80.1450, include a list of all crop materials they intend to use that they consider to be crop residue, and a justification for their belief that the listed crop materials meet the regulatory definition of crop residue. These regulatory amendments appear in 40 CFR 80.1450.

If the crop product is one that EPA has previously identified as meeting the regulatory definition of crop residue, then referencing the relevant EPA document will likely be sufficient justification. However, if a crop product is not one that EPA has previously identified as a crop residue, then EPA intends to evaluate whether that feedstock meets the regulatory definition prior to accepting the facility's registration. If the feedstock is very similar to one that EPA has already evaluated, this may be a relatively brief process. See the discussion in section IV.D.3 above for some examples of how this comparison could be performed by EPA. However, if the feedstock markedly differs from those we have evaluated previously, as corn kernel fiber did before this final rulemaking, then a more extensive analysis, even including lifecycle GHG analysis, may be required. Each feedstock presents its own sets of questions. Stakeholders may wish to consult our analysis of corn kernel fiber in section IV.D.2 of this rulemaking for an example of such an analysis.

If EPA decides that further analysis of a particular feedstock is needed, the registrant will have the option of removing the crop product from its registration package, in order to allow the remainder of the package to be processed more quickly and to allow the producer to be registered and begin production using other feedstocks pending EPA's analysis. If EPA later determines that the crop product in question meets the regulatory definition of crop residue, then the registrant could update their registration to include that feedstock. However, in order to avoid delay, stakeholders may wish to consult EPA's Web site and rulemakings regarding the definition of crop residue before submitting their registration. Should a stakeholder discover that a feedstock they are planning to utilize has not been previously identified by EPA as a crop residue, it may be beneficial and expedient for them to consult EPA before submitting their registration. We are not finalizing any requirement that stakeholders take this affirmative step before submitting their registration. However, we believe that taking this step may lead to a more streamlined process for entities who wish to utilize a new crop product as feedstock in pathways providing for use of crop residue.

Entities who are already registered to generate renewable fuel using crop residue as a feedstock will not be required to immediately update their registration to conform to these new requirements. However, when these entities perform periodic updates to their registration pursuant to 40 CFR 80.1450(d)(3), they will be required to include the information described in these new requirements at that time.

b. Recordkeeping and Reporting Requirements for Producers Utilizing Crop Residue as a Feedstock

In addition to the registration requirements outlined above, EPA is also requiring that any entity registered to generate RINs using crop residue as a feedstock keep records of the quantities of each specific crop product they utilize, and that they report the quantities used to generate qualifying renewable fuel over the past three months in each quarterly report to EPA.[97] This requirement is somewhat different from the feedstock reporting requirement associated with reporting RIN generation in EMTS. In EMTS, the RIN generator is only required to report the total quantity of crop residue used to produce the batch of fuel for which RINs are generated. These new recordkeeping and quarterly reporting requirements go a step further by requiring specific accounting of the exact quantities of individual crop products used by the producer over a three-month period. The exact regulatory requirements of this new provision are detailed in the amendments to 40 CFR 80.1451 and 80.1454 below.

E. Amendments to Various RFS Compliance Related Provisions

We are finalizing a number of changes to the RFS regulations related to compliance, except for the definition of ''Responsible Corporate Officer'' (RCO), which was proposed but is not being finalized.

1. Changes to Definitions

''Responsible Corporate Officer'':

EPA is not finalizing the definition of ''responsible corporate officer'' at this time. The existing RFS regulations at §§ 80.1416, 80.1451 and 80.1454, and

[97] At the time of this rulemaking, RIN generators would report this information via quarterly report number RFS0801. See *http://www.epa.gov/otaq/fuels/reporting/rfs.htm* for further details.

EPA guidance and instructions regarding registration and reporting, frequently refer to the responsibilities of the ''owner or a responsible corporate officer.'' However, the term ''responsible corporate officer'' had not been defined in the RFS regulations.

Several commenters requested that EPA review its existing policy on acceptable position titles and what registration updates have to be approved by an RCO. These comments were directed at EPA's administrative procedures and registration system, rather than the regulatory responsibilities of the RCO with regard to compliance with RFS standards. EPA needs to evaluate the registration process, which may include potential modifications to the registration system, for opportunities to minimize burden on RCOs and to better differentiate an RCO's roles with respect to program compliance versus administrative roles in our registration system. Based on these comments and the potential for registration system modifications, EPA is not finalizing the RCO definition at this time. Regulated parties should continue to follow existing regulations and registration procedures.

''Small Refinery'':

Section 211(o)(9)(A) of the Clean Air Act provides an exemption from RFS requirements through 2010 for ''small refineries,'' defined as refineries having an average aggregate daily crude oil throughput ''for a calendar year'' that does not exceed 75,000 barrels. It also provides for possible extensions of this exemption, through individual petitions to EPA under CAA section 211(o)(9)(B). In EPA's March 26, 2010 regulations implementing the EISA amendments to the RFS program we specified in the regulatory definition of ''small refinery'' that the 75,000 bpd threshold determination should be calculated based on information from calendar year 2006. At the beginning of the program, having a single year in which to make this determination simplified the calculations and helped to ensure that all refineries were treated similarly. However, we no longer believe that it is appropriate that refineries satisfying the 75,000 bpd threshold in 2006 should be eligible for extensions to their small refinery RFS exemption if they no longer meet the 75,000 bpd threshold. Allowing such facilities to qualify for an exemption extension, while not allowing similarly sized facilities that have not grown since 2006 to qualify for an exemption, does not appear fair, nor does it further the objectives of the statute to target relief to only truly small facilities. Therefore, we proposed modifying the definition of small refinery so that the crude throughput threshold of 75,000 bpd must apply in 2006 and in all subsequent years. We also proposed specifying in § 80.1441(e)(2)(iii) that in order to qualify for an extension of its small refinery exemption, a refinery must meet the definition of ''small refinery'' in § 80.1401 for all full calendar years between 2006 and the date of submission of the petition for an extension of the exemption.

We proposed that that these changes would not affect any existing exemption extensions under CAA section 211(o)(9)(B); rather, they would apply at such time as any approved exemption extension expires and the refinery at issue seeks a further exemption extension. No further extension would be permitted unless the revised crude oil throughput specifications were satisfied.

We received two comments on our proposed small refinery revisions, both supporting EPA's proposed change. After further consideration of this matter, we believe that the proposal could unfairly disqualify a refinery from eligibility for small refinery relief based only on a single year's production since 2006. We do not believe it would be appropriate to treat two refineries whose recent operating conditions were equivalent differently if one refinery exceeded 75,000 bpd in a single year as much as 8 years ago. Considering this concern and the intent in our proposal to treat similarly sized facilities the same, we are modifying the final rule to require that throughput be no greater than 75,000 barrels in the most recent full calendar year prior to an application for hardship. We will also clarify that a qualifying small refinery can't be projected to exceed the threshold in the year or years for which it is seeking an exemption. Production that exceeds the average aggregate 75,000 barrel per date limitation during an approved exemption period would invalidate the exemption. With these modifications, we believe we will better address our primary concern from proposal of treating refineries with similar performance the same. We believe that these changes reasonably implement the statutory definition of ''small refinery,'' which indicates that the 75,000 barrel aggregate daily crude oil throughput is for ''a calendar year,'' but does not specify which calendar year should be the focus of inquiry. The final rule places the focus on the time period immediately prior to and during the desired exemption period, which we believe is most appropriate given the objectives of the provision.

2. Provisions for Small Blenders of Renewable Fuels

The RFS regulations at § 80.1440 allow renewable fuel blenders who handle and blend less than 125,000 gallons of renewable fuel per year, and who are not obligated parties or exporters, to delegate their RIN-related responsibilities to the party directly upstream from them who supplied the renewable fuel for blending. EPA has received feedback from several parties to the effect that the 125,000 threshold is too low and is a lower threshold than what industry considers ''small.'' EPA requested input on what a more appropriate gallon threshold should be.

EPA received two comments supporting an increase in the threshold and one comment suggesting it remain at the current amount of 125,000 gallons. Of the two commenters suggesting the amount should be increased, one suggested an increased amount of 250,000 gallons, and the other suggested an increased amount of 3 to 4 million gallons. Based on comments received from stakeholders previously and based on comments received on the proposed rule, EPA believes it is reasonable to increase the threshold for small blenders of renewable fuels (those that are not obligated parties or exporters) to help relieve burden from managing RINs. However, EPA is cautious not to increase the threshold beyond what is reasonable and beyond an amount that would be considered ''small.'' EPA generally agrees with one of the commenter's suggested amount of 250,000 gallons. Doubling the threshold from 125,000 gallons to 250,000 gallons will provide additional relief to the smallest renewable fuel blenders. Therefore, EPA is adjusting the gallon threshold for small blenders of renewable fuels (and who are not obligated parties or exporters) that want to delegate their RIN-related responsibilities to the party directly upstream from them who supplied the renewable fuel for blending. The threshold is being changed from 125,000 gallons to 250,000 gallons in today's final rule.

3. Changes to § 80.1450—Registration Requirements

EPA is adding a new paragraph (h) to § 80.1450 that describes the circumstances under which EPA may deactivate a company registration and an administrative process to initiate a deactivation that provides any company the opportunity to respond to and/or timely submit the required information.

EPA originally proposed deactivating a company registration where there had been no activity in EMTS for one calendar year (January 1 through December 31). Commenters noted that there may be valid reasons for a break in use of EMTS within a calendar year. To avoid this scenario, EPA is modifying this provision to specify that if a company has reported no activity in EMTS under § 80.1452 for twenty-four calendar months, then EPA will initiate this administrative process. In addition, for this particular circumstance, if a party responds within 14 days of EPA notification of an intent to deactivate registration with a letter stating that they wish to remain as a current registered party, EPA will not deactivate their registration. If there is no response received, or the response does not indicate a desire to for the entity to remain actively registered, then EPA may deactivate the registration.

EPA may also deactivate a company registration if a party fails to comply with any registration requirement of § 80.1450, if the party fails to submit any required compliance report under § 80.1451, if the party fails to meet the requirements related to EMTS under § 80.1452, or if the party fails to meet the requirements related to attest engagements under § 80.1454. EPA will provide written notice to the owner or responsible corporate officer (RCO) that it intends to deactivate the company's registration and would allow the company fourteen (14) days from the date of the letter's issuance to correct the deficiencies noted or explain why there is no need for corrective action. If there is no satisfactory response received, then EPA may deactivate the registration. Reactivation will be possible following the submission or updating of all required information and reports.

4. Changes to § 80.1452—EPA Moderated Transaction System (EMTS) Requirements—Alternative Reporting Method for Sell and Buy Transactions for Assigned RINs

EPA proposed an alternative method for recording in EMTS the date of title transfer between the buyer and seller. Specifically, the parties involved in a trade of renewable fuel with assigned RINs would agree beforehand on using either the current methodology for determining the date of transfer or the parties would utilize a unique identifier and only the buyer would enter into EMTS the title transfer date.

EPA is not finalizing this proposal at this time due to impacts on other systems functionality and processes. EPA may choose to pursue this proposal in a later rulemaking when we have sufficient resources to modify impacted systems.

5. Changes to Facility's Baseline Volume To Allow ''Nameplate Capacity'' for Facilities Not Claiming Exemption From the 20% GHG Reduction Threshold

As a requirement of registration under the RFS program, each renewable fuel producer and foreign ethanol producer must establish and provide documents to support its facility's baseline volume as defined in § 80.1401. This is either the permitted capacity or, if permitted capacity cannot be determined, the actual peak capacity of a specific renewable fuel production facility on a calendar year basis. After the promulgation of the March 26, 2010 RFS rule, we have received many requests from companies asking EPA to allow them to use their nameplate or ''design'' capacity to establish their facility's baseline volume due to either the facility being exempt from obtaining a permit, and thus not able to determine their permitted capacity, or the facility not starting operations, or not being operational for a full calendar year to produce actual production records to establish actual peak capacities. Because the regulations currently only allow a facility's baseline volume to be established by a limit stated in a permit or actual production records for at least one calendar year, facilities that had neither a permit or sufficient production records had difficultly registering under the RFS program. EPA proposed allowing use of nameplate capacity for registration, where permitted capacity or actual peak capacity could not be determined. There were no adverse comments regarding this proposal. Therefore, in this rulemaking we are finalizing our proposal to allow a facility to use its ''nameplate capacity'' to establish its facility's baseline volume for the purposes of registration. The ''nameplate capacity'' may be used only if the facility (1) does not have a permit or there is no limit stated in the permit to establish their permitted capacity; (2) has not started operations or does not have at least one calendar year of production records; and (3) does not claim exemption from the 20 percent GHG threshold under § 80.1403. Due to the complexity of the exemption provision provided under § 80.1403 and the added flexibility that facilities claiming this exemption are allotted under the program, we are finalizing our decision that the extension of this option not be available to facilities claiming an exemption under § 80.1403. Additionally, by this stage in the RFS program, the facilities that would qualify for registration under § 80.1403 would be very few, if any. We are also finalizing the revision of the definition of baseline volume to include ''nameplate capacity,'' add a new definition for ''nameplate capacity'' to § 80.1401, and include conforming amendments to the registration requirements of § 80.1450. The amendments today will allow the initial registration of certain facilities using nameplate capacity, but EPA interprets the requirements for registration updates under 80.1450(d)(3)(i) and (ii) to require the calculation and submission of actual peak capacity as part of the registration updates required in those sections where the facility has operated for a sufficient time period to allow that calculation.

6. Changes to § 80.1463—What penalties apply under the RFS program?

Preventing the generation and use of invalid RINs and encouraging rapid retirement and replacement of invalid RINs is crucial to the integrity of the RFS program. The RFS regulations include various provisions related to prohibited acts, liability for violations, and penalties for those violations.

Section 80.1460 sets forth the prohibited acts for the renewable fuels program. Section 80.1461(a) states that any person who violates a prohibition in § 80.1460(a) through (d) is liable for the violation of that prohibition, and § 80.1461(b) provides the liability provisions for failure to meet other provisions of the regulations. The penalty provisions of the regulations at § 80.1463(a) state that any person who is liable for a violation under § 80.1461 is subject to a civil penalty as specified in sections 205 and 211(d) of the Clean Air Act (CAA), for every day of each such violation and the amount of economic benefit or savings resulting from each violation. Section 80.1463(c) provides that ''any person . . . is liable for a separate day of violation for each day such a requirement remains unfulfilled.''

As described in the proposal, EPA interprets these statutory and regulatory penalty provisions to give the Agency the authority to seek penalties against parties generating, transferring or causing another person to generate or transfer invalid RINs for the day of the party's action and each day subsequent to the party's action that an invalid RIN is available for sale or use by a party subject to an obligation under the RFS program to acquire and retire RINs. For example, for a RIN generator, this time period typically runs from the date of invalid RIN generation until either effective corrective action is taken by

the RIN generator to remove the invalid RIN from the marketplace or a party uses the RIN to satisfy an RVO or other requirement to retire RINs. This is consistent with the CAA approach of assessing penalties for every day of a violation, consistent with EPA's historic approach under the fuels regulations (*see* § 80.615), and will encourage renewable fuel producers that generate invalid RINs to promptly take corrective action.

EPA received comments from two parties in opposition of the proposed regulation in § 80.1463. Both commenters stated that RIN may be kept in another party's inventory outside of the generator's or transferor's control. Therefore, if that RIN is later identified as invalid the generator and transferor could be held to substantial penalties based on actions by other parties beyond their control. One of the commenters stated they believe that finalizing this regulation will ''cause confusion and may create disincentives for producers to self-report and take corrective actions, rather than promote compliance.'' While EPA acknowledges that the RIN generator or subsequent transferor cannot force another party to retire invalid RINs, the regulations at § 80.1431(b)(1) state that ''Upon determination by any party that RINs owned are invalid, the party must . . . retire the invalid RINs in the applicable RIN transaction reports . . . for the quarter in which the RINs were determined to be invalid.'' Therefore, EPA believes that finalizing EPA's existing interpretation of per day violations for the generation or transfer of invalid RINs will minimize potential penalties and incentivize parties who committed a prohibited act at § 80.1460 (b)(1)–(4) and (b)(6) to identify invalid RINs to those owning parties so they can retire RINs as required in § 80.1431(b)(1) prior to an obligated party or renewable fuel exporter using those RINs for compliance purposes.

One commenter stated that EPA should continue to use its enforcement discretion to assign appropriate penalties instead of finalizing this regulation. In the proposal, EPA explained that this regulation would simply codify our existing practice and interpretation and that we would continue to evaluate the appropriate penalties for each violation on a case by case basis. Although EPA is finalizing this regulation to make it clear to the regulated industry that EPA has the authority to seek the maximum statutory penalty for each day of violation, the Agency will continue to evaluate appropriate penalties on a case by case basis.

As described above, EPA is finalizing the addition of the new paragraph (d) to § 80.1463 which more explicitly incorporates EPA's interpretation of these penalty provisions into the regulations. The language has been modified from the proposal to follow the existing format and language in § 80.1463. The amendments state that any person liable under § 80.1461(a) for a violation of § 80.1460(b)(1)–(4) and (b)(6) for RIN generation or transfer violations is subject to a separate day of violation for each day that the invalid RIN remains available for use for compliance purposes, and EPA has the authority to seek the maximum statutory penalty for each day of violation.

F. Minor Corrections to RFS Provisions

We are finalizing a number of corrections to address minor definitional issues that have been identified in implementing the RFS program.

Renewable Biomass:

We did not receive any significant comment on our proposed clarification to the definition ''renewable biomass'' in § 80.1401 and thus are finalizing proposed changes to make clear that biomass obtained in the vicinity of buildings means biomass obtained within 200 feet of the buildings. The preamble for the March 26, 2010 RFS final rule cites the distance of 200 feet (*see* 75 FR 14696), but EPA did not include a reference to this value in the regulations. We believe doing so provides additional clarity to the regulations.

''Naphtha'':

We did not receive any significant comment on our proposed clarification to the definition ''naphtha'' in § 80.1401 and thus are finalizing the proposed changes to make clear that we consider naphtha a blending component of gasoline.

English Language Translations:

We received no significant comments on our proposed changes related to English language translations. Therefore, we are finalizing the addition of a new paragraph (i) to § 80.1450 stating that any registration materials submitted to EPA must be in English or accompanied by an English language translation. Similarly, we are finalizing the addition of a new paragraph (h) to § 80.1451, which states that any reports submitted to EPA must be in English or accompanied by an English language translation. We are also finalizing the addition of a new paragraph (q) to § 80.1454, which states that any records submitted to EPA must be in English or accompanied by an English language translation. The translation and all other associated documents must be maintained by the submitting company for a period of five (5) years, which is already the established time period for keeping records under the existing RFS program.

Correction of Typographical Errors:

No comments were received on our proposed corrections to typographical errors, thus we are finalizing typographical and grammatical corrections in § 80.1466 as proposed. Specifically, we are amending paragraph (o) to correct a typographical error in the last sentence of the affirmation statement, by changing the citation from § 80.1465 to § 80.1466. We are also amending paragraph (d)(3)(ii) to correct a typographical error. The current regulation cites § 80.65(e)(2)(iii), which does not exist. The correct citation is § 80.65(f)(2)(iii).

V. Amendments to the E15 Misfueling Mitigation Rule

In the NPRM, we proposed several minor corrections and other changes to the E15 misfueling mitigation rule (E15 MMR) found at 40 CFR part 80, subpart N.

A. Changes to § 80.1501—Label

We proposed to correct several minor errors in the description of the E15 label required by the E15 MMR at § 80.1501, including corrections in the dimensions of the label and ensuring that the word ''ATTENTION'' is capitalized. The Agency intended the label required by the regulations to look identical to that pictured in the **Federal Register** notice for the final E15 MMR (*see* 76 FR 44406, 44418, July 25, 2011), but there were some minor typographical errors in the regulations.

We received a number of comments on the E15 label changes, and most were supportive of the corrections to the regulations to make the label consistent with the picture of the E15 label in the E15 MMR. However, some comments expressed concerns about the potential costs to retail stations already lawfully selling E15 with labels produced under the current regulations. We recognize this concern; however, we do not believe that this is an issue since EPA has worked closely with the limited number of retail stations that have lawfully offered E15 to date to ensure that their labels met the intent of the E15 MMR (i.e., were consistent with the label pictured in the E15 MMR).

We also received several comments requesting that EPA make substantive changes to the E15 label (e.g., change the word ''ATTENTION'' to ''WARNING''). The Agency thoroughly explained its rationale for its label

design in the E15 MMR and was not intending to make substantive changes to the E15 label in this rulemaking. We also received comments suggesting additional labeling requirements for blender pumps. We believe that these comments are outside of the scope of this rulemaking.

Therefore, we are finalizing the changes to the E15 labeling regulations at § 80.1501 as proposed.

B. Changes to § 80.1502—E15 Survey

We proposed two changes to the survey requirements found at § 80.1502. First, we proposed to clarify that E15 surveys need to sample for Reid vapor pressure (RVP) only during the high ozone season as defined in § 80.27(a)(2)(ii) or during any time RVP standards apply in any state implementation plan approved or promulgated under the Clean Air Act. EPA did not intend to require RVP sampling and testing during the rest of the year, when RVP standards do not apply.

Second, we proposed to change when the results of surveys that detect potential noncompliance must be reported to the Agency. As originally drafted, the regulations require the independent survey association conducting a survey to notify EPA of potentially noncompliant samples within 24 hours of the laboratory receiving this sample (*see* 76 FR at 44423, July 25, 2011). EPA has since learned that more time may be needed for reporting of noncompliant samples since it may take several days for analysis of the sample to be completed. We are therefore requiring that noncompliant samples be reported to EPA within 24 hours of being analyzed.

Comments received on these two changes to the E15 survey requirements were overwhelmingly supportive. Therefore, EPA is finalizing the changes to the E15 survey requirements in § 80.1502 as proposed.

C. Changes to § 80.1503—Product Transfer Documents

In the NPRM, we proposed certain minor changes to the product transfer document (PTD) requirements found in § 80.1503. Specifically, we proposed to allow the use of product codes for conventional blendstock/gasoline upstream of an ethanol blending facility, since historically, the codes have been allowed to be used for conventional blendstock/gasoline upstream of an ethanol blending facility in other fuels programs. We noted that this was an unintentional omission from the original regulation.

Commenters unanimously supported including language that allowed the use of product codes for conventional blendstock/gasoline upstream of an ethanol blending facility. Some commenters pointed out that maintaining the current language allowing the use of product codes downstream of an ethanol blending facility did not make sense since product codes have not typically been used in that part of the gasoline distribution chain. Therefore, we are finalizing the flexibility for parties upstream of an ethanol blending facility to use product codes and removing the extraneous language for product code use downstream of an ethanol blending facility.

We also received comment on whether this proposed change was in response to a petition for reconsideration from the American Fuel and Petrochemical Manufacturers (AFPM) (formerly the National Petroleum Refiners Association, or NPRA), which raised a number of questions regarding the E15 MMR PTD requirements.[98] Today's regulatory change only addresses one of the questions that AFPM raised regarding the E15 MMR PTD requirements in its petition. Today's action was not meant to address all of the questions raised by AFPM regarding the E15 MMR PTD requirements. It should be noted that most of the questions raised in AFPM's petition did not require changes to the regulations and were simply questions on the implementation and applicability of the E15 MMR requirements. For example, AFPM was unclear on what the wintertime PTD requirements for gasoline/blendstocks upstream of an ethanol blending facility are under the E15 MMR. These types of questions are typically addressed through guidance provided to affected parties (either directly or via guidance letters or the Fuels Program Frequent Questions Web page) and do not necessitate a change to our regulations. However, we may consider further changes to the E15 MMR PTD requirements in a future rulemaking that address some or all of the remaining questions raised in AFPM's petition for reconsideration.

We also sought comment on potential ways of streamlining the PTD language required at § 80.1503. We received one comment that suggested substantial changes to the PTD language requirements. For example, the commenter suggested removing most of the downstream RVP language requirements that were intended to inform retail stations of their summertime RVP requirements. The commenter pointed out that such a streamlining of the PTD requirements in the E15 MMR would significantly reduce compliance costs for industry. We feel that these suggested changes would significantly alter the PTD language in such a way that may no longer carry out our intent, which is to inform parties throughout the gasoline distribution chain all the way down to the retail station of their applicable regulatory requirements. Such changes are outside the scope of today's rulemaking, which includes only a minor technical change to the E15 MMR PTD requirements. Therefore, we are not finalizing such changes at this time. Although we are not engaging in a substantial streamlining of the PTD language required at § 80.1503 in today's action, we may revisit the streamlining of E15 MMR PTD language in a future rulemaking.

D. Changes to § 80.1504—Prohibited Acts

In the NPRM, we proposed a slight rewording of § 80.1504(g) to state that blending E10 that has taken advantage of the statutory 1.0 psi RVP waiver during the summertime RVP control period with a gasoline-ethanol fuel that cannot take advantage of the 1.0 psi RVP waiver (i.e., a fuel that contains more than 10.0 volume percent ethanol (e.g., E15) or less than 9 volume percent ethanol) would be a violation of the E15 MMR. As originally written, the language does not clearly describe the prohibited activity (*see* 76 FR 44435, 44436, July 25, 2011).

We received no direct comments on this specific proposed change. We did, however, receive comments suggesting that we expand the prohibited activities language in § 80.1504 to allow for the better enforcement of ethanol content requirements at blender pumps. The addition of new prohibited activities to § 80.1504 is outside the intended scope of today's action. Therefore we are finalizing the slight rewording of the prohibited activities language of § 80.1504(g) as proposed.

E. Changes to § 80.1500—Definitions

In response to the August 17, 2011 petition for reconsideration submitted by NPRA, now AFPM, which requested the Agency, under CAA section 307(d)(7)(B), reconsider certain portions of the E15 MMR, we granted AFPM's petition for reconsideration on the issue of the definitions of E10 and E15 in the E15 MMR. AFPM expressed concern

[98] See September 15, 2011 letter from AFPM entitled, ''Request for Partial Reconsideration of EPA's ''Misfueling Rule'' 76 FR 44406 (July 25, 2011),'' Docket EPA–HQ–OAR–2012–0401–0041.

that the Agency had defined E10 and E15 in the E15 MMR in a way that would change how ethanol concentrations are determined for regulatory purposes. While EPA did not intend the definitions of E10 and E15 in the E15 MMR to have this effect, we proposed changes to the regulations to avoid this perceived impact. Specifically, we proposed to add a new section, § 80.1509, containing language that clearly states that when ethanol concentrations are measured for compliance testing purposes for 40 CFR part 80, subpart N, the applicable ethanol concentration value will be rounded using the rounding procedures at § 80.9. We also proposed modifications to language throughout 40 CFR part 80, subpart N, to better reflect our intentions in defining E10 and E15 in the E15 MMR, including a small revision to § 80.1508.

Comments received on this issue generally supported EPA's approach to continue to allow the rounding of test results to determine whether fuel samples had adhered to applicable ethanol content samples under § 80.9. One commenter suggested that EPA remove the remaining decimal points to make the point more clearly that rounding applied to the testing of fuels samples for ethanol content. Another commenter argued that making such a change would allow parties to manufacture gasoline-ethanol blended fuels containing more than 10 volume percent ethanol without taking appropriate measures to ensure that vehicles and engines not covered by the E15 partial waiver decisions were not misfueled by gasoline-ethanol blended fuels containing more than 10 volume percent ethanol.

We continue to believe that it is necessary to make our intent clear that parties that blend gasoline-ethanol blended fuels with more than 10 volume percent ethanol and up to 15 volume percent ethanol must adhere to the requirements for such fuels under the E15 MMR. Our approach will continue to enforce ethanol content standards as we have in the past, through the appropriate use of rounding procedures specified in the regulations under § 80.9. We do not believe we need to remove the decimal points from the proposed regulatory text since we were careful to ensure that such language only appeared in places where the blending of gasoline-ethanol blended fuels containing greater than 10 volume percent ethanol would necessitate further action by the party manufacturing such fuel. Therefore, we are finalizing the changes to the definitions of the E15 MMR and the new language under § 80.1509 as proposed. Additionally, in order to remain consistent with requirements for evidence used to determine compliance with requirements in other fuels programs, we are not finalizing the proposed changes to § 80.1508, which covers the evidence responsible parties and the Agency can use to demonstrate compliance with E15 MMR requirements.

VI. Amendments to the Ultra Low Sulfur Diesel (ULSD) Survey

In the NPRM, EPA proposed a reduction in the minimum sample size for the ULSD survey program from 5,250 annual samples to 1,800 samples.[99] We argued that compliance with the ULSD sulfur content standard has been extremely high; less than 1% of the samples have been in violation in recent years, and the use of the statistical formula in the regulations would result in a sampling rate of several hundred samples per quarter for each of the past several years, instead of 5,250 samples required annually. The cost difference between taking several hundred samples a quarter versus taking over 5,000 samples annually is significant. For these reasons we believed that the high compliance rate and the substantial discrepancy between the sampling rate calculated by the formula in the regulations and the minimum sampling size justified our proposal of a minimum annual sampling rate of 1,800 samples.

Public comments received on the proposed reduction in sampling rate were overwhelming supportive. Most comments suggested that EPA reduce the minimum sampling rate for the ULSD program to the proposed rate of 1,800. However, some commenters suggested that we reduce the sample size even further. Consistent with most comments, we are finalizing the proposed rate of 1,800 samples per year. Since the program is based on conducting four quarterly surveys, only about 450 samples are collected to represent all retail stations offering diesel fuel, over 60,000 stations, nationwide each quarter. A further reduction in the sample size may compromise the robustness of the survey program's ability to detect non-compliance, even taking into account today's high compliance rates. Although we acknowledge that a further reduction in the sample size could reduce costs even further, there is a point where the number of samples per year would be so few that the survey would be meaningless relative to robust sampling and testing programs conducted by each refiner individually. We feel that a rate of 1,800 samples strikes the correct balance of ensuring compliance with ULSD standards downstream while controlling costs for branded refiners that choose to utilize the ULSD survey program as an alternative affirmative defense.

Additionally, one commenter, citing high costs, suggested that we remove the alternative affirmative defense altogether. It is important to note that participation in the consortium that conducts the ULSD survey is completely voluntary and the program provides each branded refiner an alternative to conducting individual downstream sampling and testing programs. We believe that as long as there is continued interested by some branded refiners to take advantage of the ULSD survey program alternative affirmative defense, we should maintain the flexibility to allow those parties the ability to conduct such a survey in lieu of individual downstream sampling and testing programs to establish an affirmative defense to potential downstream violations.

Therefore, today we are reducing the minimum annual sampling size for the ULSD survey program from 5,250 samples to 1,800 samples. However, we will continue to closely monitor national ULSD compliance rates and branded refiner interest in maintaining the ULSD survey program to determine whether further reduction in sample sizes is necessary.

VII. Statutory and Executive Order Reviews

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

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is a

[99] The ULSD rule includes a provision that deems branded refiners liable for violations of the ULSD sulfur standard that are found at retail outlets displaying the refiner's brand (40 CFR 80.612). The regulations include defense provisions. One element of a branded refiner's defense to such violations is that it must have a periodic sampling and testing program at the retail level (40 CFR 80.613(b) and (d)). The regulations also set forth an alternative sampling and testing defense element provision for branded refiners. This alternative defense element provision (40 CFR 80.613(e)) allows a branded refiner to meet the company-specific downstream periodic sampling and testing element of its defense by participating in a survey consortium that pays an independent surveyor to sample diesel fuel at retail outlets nationwide. The number of samples that are taken each year is determined by a statistical formula that is based in part on the previous year's compliance rate. In addition, the regulations set a floor of 5,250 samples that must be taken in an annual survey cycle regardless of the sample number that would be calculated using the regulatory formula.

''significant regulatory action'' because it raises novel legal or policy issues. Accordingly, EPA submitted this action to the Office of Management and Budget (OMB) for review under Executive Orders 12866 and 13563 (76 FR 3821, January 21, 2011) and any changes made in response to OMB recommendations have been documented in the docket for this action.

B. Paperwork Reduction Act

The information collection requirements in this rule have been 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 Request (ICR) document prepared by EPA has been assigned EPA ICR number 2469.01. A supporting statement for the ICR has been placed in the docket. The information collection is described in the following paragraphs. The following existing ICRs are being amended: OMB numbers 2060–0639, 2060–0637, 2060–0640, and 2060–0675).

This action contains recordkeeping and reporting that may affect the following parties under the RFS regulation: RIN generators (producers, importers), obligated parties (refiners), exporters, and parties who own or transact RINs. We estimate that 670 parties may be subject to the information collection. We estimate an annual recordkeeping and reporting burden of 3.1 hours per respondent. This action contains recordkeeping and reporting that may affect the following parties under the E15 regulation: Gasoline refiners, gasoline and ethanol importers, gasoline and ethanol blenders (including terminals and carriers). We estimate that 2,000 respondents may be subject to the information collection. We estimate an annual recordkeeping and reporting burden of 1.3 hours per respondent. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review the instructions; develop, acquire, install, and utilize technology and systems for the purpose of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transit or otherwise disclose the information. Burden is as 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 contained in this final rule.

C. Regulatory Flexibility Act

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

For purposes of assessing the impacts of today's rule on small entities, small entity is defined as: (1) A small business as defined by the Small Business Administration's (SBA) 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 this action on small entities, I certify that this action will not have a significant economic impact on a substantial number of small entities. The amendments to the RFS provisions in this final rule allow for additional opportunities for parties to participate in the RFS program by producing qualifying fuel if they choose to, clarify existing provisions, remove the possibility of exemptions for entities that are no longer small entities due to growth in their business, or make relatively minor corrections and modifications to these regulations. The various changes to the E15 misfueling mitigation regulations are relatively minor corrections and should not place any additional burden on small entities. The reduction in the required sample size for the voluntary ULSD survey program should reduce the burden of any small entity that elects to participate in the ULSD survey program.

D. Unfunded Mandates Reform Act

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. We have determined that this action will not result in expenditures of $100 million or more for the above parties and thus, this 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. It only applies to gasoline, diesel fuel, and renewable fuel producers, importers, distributors and marketers and makes relatively minor corrections and modifications to the RFS and diesel regulations.

E. Executive Order 13132 (Federalism)

This action does not have federalism implications. It will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132. This action only applies to gasoline, diesel, and renewable fuel producers, importers, distributors and marketers. Thus, Executive Order 13132 does not apply to this action. In the spirit of Executive Order 13132, and consistent with EPA policy to promote communications between EPA and State and local governments, EPA specifically solicited comment on the proposed action from State and local officials.

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

This action does not have tribal implications, as specified in Executive Order 13175 (65 FR 67249, November 9, 2000). It applies to gasoline, diesel fuel, and renewable fuel producers, importers, distributors and marketers. This action does not impose any enforceable duties on communities of Indian tribal governments. Tribal governments would be affected only to the extent they purchase and use regulated fuels. Although Executive Order 13175 does not apply to this action, EPA specifically solicited comment from tribal officials in developing this action.

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

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

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

This action is not a ''significant energy action'' as defined in Executive Order 13211 (66 FR 28355 (May 22, 2001)), because it is not likely to have a significant adverse effect on the supply, distribution, or use of energy. This action amends existing regulations related to renewable fuel, E15, and ultra-low sulfur diesel. We have concluded that this rule is not likely to have any adverse energy effects. In fact, we expect this rule may result in positive effects, because many of the changes we are finalizing will facilitate the introduction of new renewable fuels under the RFS program and have come at the suggestion of industry stakeholders.

I. National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (''NTTAA''), Public Law 104–113, 12(d) (15 U.S.C. 272 note) directs 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.

The regulations permit the use of an analytical method certified by a voluntary consensus standard body in order for certain producers to comply with applicable registration requirements. Producers of renewable fuel made from energy cane and producers of renewable fuel made using two or more feedstocks converted simultaneously, when at least one of the feedstocks does not have a minimum 75% average adjusted cellulosic content, and at least one of which is a pathway producing RINs with a D code of 3 or a D code of 7 using a process described in § 80.1426(f)(15)(i)(A) or § 80.1426(f)(15)(i)(B), must obtain data used to calculate the cellulosic converted fraction using an analytical method certified by a voluntary consensus standards body or using a method that would produce reasonably accurate results as demonstrated through peer reviewed references provided to the third party engineer performing the engineering review at registration. The Agency therefore believes this rulemaking is consistent with the requirements of the NTTAA.

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

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

EPA has determined that this rule will not have disproportionately high and adverse human health or environmental effects on minority or low-income populations because it does not affect the level of protection provided to human health or the environment. These technical amendments do not relax the control measures on sources regulated by the RFS regulations and therefore will not cause emissions increases from these sources.

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 August 18, 2014.

L. Clean Air Act Section 307(d)

This rule is subject to section 307(d) of the CAA. Section 307(d)(7)(B) provides that ''[o]nly an objection to a rule or procedure which was raised with reasonable specificity during the period for public comment (including any public hearing) may be raised during judicial review.'' This section also provides a mechanism for the EPA to convene a proceeding for reconsideration, ''[i]f the person raising an objection can demonstrate to the EPA that it was impracticable to raise such objection within [the period for public comment] or if the grounds for such objection arose after the period for public comment (but within the time specified for judicial review) and if such objection is of central relevance to the outcome of the rule.'' Any person seeking to make such a demonstration to the EPA should submit a Petition for Reconsideration to the Office of the Administrator, U.S. EPA, Room 3000, William Jefferson Clinton Building, 1200 Pennsylvania Ave., NW., Washington, DC 20460, with a copy to both the person(s) listed in the preceding **FOR FURTHER INFORMATION CONTACT** section, and the Director of the Air and Radiation Law Office, Office of General Counsel (Mail Code 2344A), U.S. EPA, 1200 Pennsylvania Ave. NW., Washington, DC 20460.

VIII. Statutory Provisions and Legal Authority

Statutory authority for this action comes from section 211 of the Clean Air Act, 42 U.S.C. 7545. Additional support for the procedural and compliance related aspects of this rule, including the recordkeeping requirements, comes from sections 114, 208, and 301(a) of the Clean Air Act, 42 U.S.C. 7414, 7542, and 7601(a).

List of Subjects in 40 CFR Part 80

Environmental protection, Administrative practice and procedure, Agriculture, Air pollution control, Confidential business information, Energy, Forest and forest products, Fuel additives, Gasoline, Imports, Motor vehicle pollution, Penalties, Petroleum, Reporting and recordkeeping requirements.

Dated: July 2, 2014.

Gina McCarthy,

Administrator.

For the reasons set forth in the preamble, title 40, chapter I of the Code of Federal Regulations is amended as follows:

PART 80—REGULATION OF FUELS AND FUEL ADDITIVES

■ 1. The authority citation for part 80 continues to read as follows:

Authority: 42 U.S.C. 7414, 7521, 7542, 7545 and 7601(a).

Subpart I—[Amended]

■ 2. Section 80.613 is amended by revising the ''Where'' statement defining the value of ''n'' in paragraph (e)(4)(v)(A) to read as follows:

§ 80.613 What defenses apply to persons deemed liable for a violation of a prohibited act under this subpart?

* * * * *

(e) * * *

(4) * * *

(v) * * *

(A) * * *

Where:

n = minimum number of samples in a year-long survey series. However, in no case shall *n* be larger than 9,600 or smaller than 1,800.

* * * * *

Subpart M—[Amended]

■ 3. Section 80.1401 is amended as follows:

■ a. By adding the definitions of ''Adjusted cellulosic content'', ''Agricultural digester,'' ''Nameplate capacity'', ''Renewable compressed natural gas'', and''Renewable liquefied natural gas'' in alphabetical order.

■ b. By revising the definitions of ''Biogas'', ''Crop residue'', ''Energy cane'', ''Naphtha'', ''Renewable biomass'', and ''Small refinery''.

§ 80.1401 Definitions.

* * * * *

Adjusted cellulosic content means the percent of organic material that is cellulose, hemicellulose, and lignin.

* * * * *

Agricultural digester means an anaerobic digester that processes predominantly cellulosic materials, including animal manure, crop residues, and/or separated yard waste.

* * * * *

Biogas means a mixture of hydrocarbons that is a gas at 60 degrees Fahrenheit and 1 atmosphere of pressure that is produced through the anaerobic digestion of organic matter.

* * * * *

Crop residue means biomass left over from the harvesting or processing of planted crops from existing agricultural land and any biomass removed from existing agricultural land that facilitates crop management (including biomass removed from such lands in relation to invasive species control or fire management), whether or not the biomass includes any portion of a crop or crop plant. Biomass is considered crop residue only if the use of that biomass for the production of renewable fuel has no significant impact on demand for the feedstock crop, products produced from that feedstock crop, and all substitutes for the crop and its products, nor any other impact that would result in a significant increase in direct or indirect GHG emissions.

* * * * *

Energy cane means a complex hybrid in the Saccharum genus that has been bred to maximize cellulosic rather than sugar content. For the purposes of this subpart:

(1) Energy cane excludes the species *Saccharum spontaneum,* but may include hybrids derived from *S. spontaneum* that have been developed and publicly released by USDA; and

(2) Energy cane only includes cultivars that have, on average, at least 75% adjusted cellulosic content on a dry mass basis.

* * * * *

Nameplate capacity means the peak design capacity of a facility for the purposes of registration of a facility under § 80.1450(b)(1)(v)(C).

Naphtha means a blendstock or fuel blending component falling within the boiling range of gasoline which is composed of only hydrocarbons, is commonly or commercially known as naphtha and is used to produce gasoline through blending.

* * * * *

Renewable biomass means each of the following (including any incidental, de minimis contaminants that are impractical to remove and are related to customary feedstock production and transport):

(1) Planted crops and crop residue harvested from existing agricultural land cleared or cultivated prior to December 19, 2007 and that was nonforested and either actively managed or fallow on December 19, 2007.

(2) Planted trees and tree residue from a tree plantation located on non-federal land (including land belonging to an Indian tribe or an Indian individual that is held in trust by the U.S. or subject to a restriction against alienation imposed by the U.S.) that was cleared at any time prior to December 19, 2007 and actively managed on December 19, 2007.

(3) Animal waste material and animal byproducts.

(4) Slash and pre-commercial thinnings from non-federal forestland (including forestland belonging to an Indian tribe or an Indian individual, that are held in trust by the United States or subject to a restriction against alienation imposed by the United States) that is not ecologically sensitive forestland.

(5) Biomass (organic matter that is available on a renewable or recurring basis) obtained from within 200 feet of buildings and other areas regularly occupied by people, or of public infrastructure, in an area at risk of wildfire.

(6) Algae.

(7) Separated yard waste or food waste, including recycled cooking and trap grease, and materials described in § 80.1426(f)(5)(i).

Renewable compressed natural gas (CNG) means biogas or biogas-derived pipeline quality gas that is compressed for use as transportation fuel and meets the definition of renewable fuel.

* * * * *

Renewable liquefied natural gas (LNG) means biogas or biogas-derived pipeline quality gas that goes through the process of liquefaction in which it is cooled below its boiling point, and which meets the definition of renewable fuel.

* * * * *

Small refinery means a refinery for which the average aggregate daily crude oil throughput (as determined by dividing the aggregate throughput for the calendar year by the number of days in the calendar year) does not exceed 75,000 barrels.

* * * * *

■ 4. Section 80.1415 is amended by revising paragraphs (b)(5) and (c)(1) to read as follows:

§ 80.1415 How are equivalence values assigned to renewable fuel?

* * * * *

(b) * * *

(5) 77,000 Btu (lower heating value) of compressed natural gas (CNG) or liquefied natural gas (LNG) shall represent one gallon of renewable fuel with an equivalence value of 1.0.

* * * * *

(c) * * *

(1) The equivalence value for renewable fuels described in paragraph (b)(7) of this section shall be calculated using the following formula:

EV = (R/0.972) * (EC/77,000)

Where:

EV = Equivalence Value for the renewable fuel, rounded to the nearest tenth.

R = Renewable content of the renewable fuel. This is a measure of the portion of a renewable fuel that came from renewable biomass, expressed as a fraction, on an energy basis.

EC = Energy content of the renewable fuel, in Btu per gallon (lower heating value).

* * * * *

■ 5. Section 80.1416 is amended by revising paragraph (d) to read as follows:

§ 80.1416 Petition process for evaluation of new renewable fuels pathways.

* * * * *

(d) A D code must be approved prior to the generation of RINs for the fuel in question. During petition review EPA will evaluate whether a feedstock meets the 75% cellulosic content threshold allowing cellulosic RINs to be generated for the entire fuel volume produced. The Administrator may ask for additional information to complete this evaluation.

* * * * *

■ 6. Section 80.1426 is amended as follows:

■ a. By revising rows K, L, M, N, P, and Q of Table 1 to § 80.1426.

■ b. By adding a new row T to Table 1 to § 80.1426.

■ c. By revising paragraphs (f)(3)(vi), (f)(4)(i)(A)(*2*), (f)(5)(v), (f)(10), and (f)(11).

■ d. By adding new paragraphs (f)(15) and (f)(16).

§ 80.1426 How are RINs generated and assigned to batches of renewable fuel by renewable fuel producers or importers?

* * * * *

(f) * * *

(1) * * *

TABLE 1 TO § 80.1426—APPLICABLE D CODES FOR EACH FUEL PATHWAY FOR USE IN GENERATING RINS

	Fuel type	Feedstock	Production process requirements	D-Code
*	*	*	*	*
K	Ethanol	Crop residue, slash, pre-commercial thinnings and tree residue, switchgrass, miscanthus, energy cane, Arundo donax, Pennisetum purpureum, and separated yard waste; biogenic components of separated MSW; cellulosic components of separated food waste; and cellulosic components of annual cover crops.	Any process that converts cellulosic biomass to fuel.	3
L	Cellulosic diesel, jet fuel and heating oil.	Crop residue, slash, pre-commercial thinnings and tree residue, switchgrass, miscanthus, energy cane, Arundo donax, Pennisetum purpureum, and separated yard waste; biogenic components of separated MSW; cellulosic components of separated food waste; and cellulosic components of annual cover crops.	Any process that converts cellulosic biomass to fuel.	7
M	Renewable gasoline and renewable gasoline blendstock.	Crop residue, slash, pre-commercial thinnings, tree residue, and separated yard waste; biogenic components of separated MSW; cellulosic components of separated food waste; and cellulosic components of annual cover crops.	Catalytic Pyrolysis and Upgrading, Gasification and Upgrading, Thermo-Catalytic Hydrodeoxygenation and Upgrading, Direct Biological Conversion, Biological Conversion and Upgrading utilizing natural gas, biogas, and/or biomass as the only process energy sources providing that process used converts cellulosic biomass to fuel; any process utilizing biogas and/or biomass as the only process energy sources which converts cellulosic biomass to fuel.	3
N	Naphtha	Switchgrass, miscanthus, energy cane, Arundo donax, and Pennisetum purpureum.	Gasification and upgrading processes that converts cellulosic biomass to fuel.	3
*	*	*	*	*
P	Ethanol, renewable diesel, jet fuel, heating oil, and naphtha.	The non-cellulosic portions of separated food waste and non-cellulosic components of annual cover crops.	Any	5
Q	Renewable Compressed Natural Gas, Renewable Liquefied Natural Gas, Renewable Electricity.	Biogas from landfills, municipal wastewater treatment facility digesters, agricultural digesters, and separated MSW digesters; and biogas from the cellulosic components of biomass processed in other waste digesters.	Any	3
*	*	*	*	*
T	Renewable Compressed Natural Gas, Renewable Liquefied Natural Gas, and Renewable Electricity.	Biogas from waste digesters	Any	5

* * * * *

(3) * * *

(vi) If a producer produces a single type of renewable fuel using two or more different feedstocks which are processed simultaneously, and each batch is comprised of a single type of fuel, then the number of gallon-RINs that shall be generated for a batch of renewable fuel and assigned a particular D code shall be determined according to the formulas in Table 4 to this section.

Table 4 to §80.1426
Number of gallon-RINs to assign to batch-RINs with D codes dependent on feedstock

D code to use in batch-RIN	Number of gallon-RINs
D = 3	$V_{RIN,CB} = EV * V_s * \frac{FE_3}{FE_3 + FE_4 + FE_5 + FE_6 + FE_7}$
D = 4	$V_{RIN,BBD} = EV * V_s * \frac{FE_4}{FE_3 + FE_4 + FE_5 + FE_6 + FE_7}$
D = 5	$V_{RIN,AB} = EV * V_s * \frac{FE_5}{FE_3 + FE_4 + FE_5 + FE_6 + FE_7}$
D = 6	$V_{RIN,RF} = EV * V_s * \frac{FE_6}{FE_3 + FE_4 + FE_5 + FE_6 + FE_7}$
D = 7	$V_{RIN,CD} = EV * V_s * \frac{FE_7}{FE_3 + FE_4 + FE_5 + FE_6 + FE_7}$

Where:

$V_{RIN,CB}$ = RIN volume, in gallons, for use in determining the number of gallon-RINs that shall be generated for a batch of cellulosic biofuel with a D code of 3.

$V_{RIN,BBD}$ = RIN volume, in gallons, for use in determining the number of gallon-RINs that shall be generated for a batch of biomass-based diesel with a D code of 4.

$V_{RIN,AB}$ = RIN volume, in gallons, for use in determining the number of gallon-RINs that shall be generated for a batch of advanced biofuel with a D code of 5.

$V_{RIN,RF}$ = RIN volume, in gallons, for use in determining the number of gallon-RINs that shall be generated for a batch of renewable fuel with a D code of 6.

$V_{RIN,CD}$ = RIN volume, in gallons, for use in determining the number of gallon-RINs that shall be generated for a batch of cellulosic diesel with a D code of 7.

EV = Equivalence value for the renewable fuel per § 80.1415.

V_S = Standardized volume of the batch of renewable fuel at 60 °F, in gallons, calculated in accordance with paragraph (f)(8) of this section.

FE_3 = Feedstock energy from all feedstocks whose pathways have been assigned a D code of 3 under Table 1 to this section, or a D code of 3 as approved by the Administrator, in Btu.

FE_4 = Feedstock energy from all feedstocks whose pathways have been assigned a D code of 4 under Table 1 to this section, or a D code of 4 as approved by the Administrator, in Btu.

FE_5 = Feedstock energy from all feedstocks whose pathways have been assigned a D code of 5 under Table 1 to this section, or a D code of 5 as approved by the Administrator, in Btu.

FE_6 = Feedstock energy from all feedstocks whose pathways have been assigned a D code of 6 under Table 1 to this section, or a D code of 6 as approved by the Administrator, in Btu.

FE_7 = Feedstock energy from all feedstocks whose pathways have been assigned a D code of 7 under Table 1 to this section, or a D code of 7 as approved by the Administrator, in Btu.

Feedstock energy values, FE, shall be calculated according to the following formula:

FE = M * (1 − m) * CF * E

Where:

FE = Feedstock energy, in Btu.

M = Mass of feedstock, in pounds, measured on a daily or per-batch basis.

m = Average moisture content of the feedstock, in mass percent.

CF = Converted Fraction in annual average mass percent, except as otherwise provided by § 80.1451(b)(1)(ii)(U), representing that portion of the feedstock that is converted into renewable fuel by the producer.

E = Energy content of the components of the feedstock that are converted to renewable fuel, in annual average Btu/lb, determined according to paragraph (f)(7) of this section.

(4) * * *

(i) * * *

(A) * * *

(*2*) The value of FE for use in paragraph (f)(4)(i)(A)(*1*) of this section shall be calculated from the following formula:

FE = M * (1 − m) * CF * E

Where:

FE = Feedstock energy, in Btu.

M = Mass of feedstock, in pounds, measured on a daily or per-batch basis.

m = Average moisture content of the feedstock, in mass percent.

CF = Converted Fraction in annual average mass percent, except as otherwise provided by § 80.1451(b)(1)(ii)(U), representing that portion of the feedstock that is converted into transportation fuel, heating oil, or jet fuel by the producer.

E = Energy content of the components of the feedstock that are converted to fuel, in annual average Btu/lb, determined according to paragraph (f)(7) of this section.

* * * * *

(5) * * *

(v) The number of cellulosic biofuel gallon-RINs that shall be generated for the cellulosic portion of a batch of renewable fuel derived from separated MSW as defined in paragraph (f)(5)(i)(C) of this section shall be determined according to the following formula:

V_{RIN} = EV * V_S * R

Where:

V_{RIN} = RIN volume, in gallons, for use in determining the number of cellulosic biofuel gallon-RINs that shall be generated for the batch.

EV = Equivalence value for the batch of renewable fuel per § 80.1415.

V_S = Standardized volume of the batch of renewable fuel at 60 °F, in gallons, calculated in accordance with paragraph (f)(8) of this section.

R = The calculated non-fossil fraction of the fuel as measured by a carbon-14 dating test method as provided in paragraph (f)(9) of this section, except that for

biogas-derived fuels made from separated MSW, no testing is required and R = 1.

* * * * *

(10)(i) For purposes of this section, electricity that is only distributed via a closed, private, non-commercial system is considered renewable fuel and RINs may be generated if all of the following apply:

(A) The electricity is produced from renewable biomass and qualifies for a D code in Table 1 to this section or has received approval for use of a D code by the Administrator.

(B) The RIN generator has documentation for the sale, if applicable, and use of a specific quantity of renewable electricity as transportation fuel, or has obtained affidavits from all parties selling or using the electricity as transportation fuel.

(C) The electricity is used as a transportation fuel and for no other purposes.

(ii) For purposes of this section, CNG or LNG produced from biogas that is only distributed via a closed, private, non-commercial system is considered renewable fuel for which RINs may be generated if all of the following apply:

(A) The CNG/LNG is produced from renewable biomass and qualifies for a D code in Table 1 to this section or has received approval for use of a D code by the Administrator.

(B) The RIN generator has entered into a written contract for the sale or use of a specific quantity of CNG/LNG to be used as transportation fuel, or obtained affidavits from all parties selling or using the CNG/LNG as transportation fuel.

(C) The CNG/LNG is used as a transportation fuel and for no other purposes.

(iii) A producer of electricity that is generated by co-firing a combination of renewable biomass and fossil fuel may generate RINs only for the portion attributable to the renewable biomass, using the procedure described in paragraph (f)(4) of this section.

(11)(i) For purposes of this section, electricity that is introduced into a commercial distribution system (transmission grid) is considered renewable fuel for which RINs may be generated if all of the following apply:

(A) The electricity is produced from renewable biomass and qualifies for a D code in Table 1 of this section or has received approval for use of a D code by the Administrator.

(B) The RIN generator has documentation for the sale and use of a specific quantity of renewable electricity as transportation fuel, or has obtained affidavits from all parties selling or using the electricity as transportation fuel.

(C) The quantity of electricity for which RINs were generated was sold for use as transportation fuel and for no other purpose.

(D) The renewable electricity was loaded onto and withdrawn from a physically connected transmission grid.

(E) The amount of electricity sold for use as transportation fuel corresponds to the amount of electricity derived from biogas that was placed into the commercial distribution system.

(F) No other party relied upon the renewable electricity for the creation of RINs.

(ii) For purposes of this section, CNG or LNG produced from biogas that is introduced into a commercial distribution system is considered renewable fuel for which RINs may be generated if all the following apply:

(A) The fuel is produced from renewable biomass and qualifies for a D code in Table 1 to this section or has received approval for use of a D code by the Administrator.

(B) The RIN generator has entered into a written contract for the sale or use of a specific quantity of renewable CNG/LNG, taken from a commercial distribution system (e.g., physically connected pipeline, barge, truck, rail), for use as a transportation fuel, or has obtained affidavits from all parties selling or using the CNG/LNG taken from a commercial distribution system as a transportation fuel.

(C) The quantity of CNG/LNG for which RINs were generated was sold for use as transportation fuel and for no other purposes.

(D) The biogas/CNG/LNG was injected into and withdrawn from the same commercial distribution system.

(E) The biogas/CNG/LNG that is ultimately withdrawn from the commercial distribution system for use as transportation fuel is withdrawn in a manner and at a time consistent with the transport of the biogas/CNG/LNG between the injection and withdrawal points.

(F) The volume and heat content of biogas/CNG/LNG injected into a pipeline and the volume of biogas/CNG/LNG withdrawn to make a transportation fuel are measured by continuous metering.

(G) The amount of fuel sold for use as transportation fuel corresponds to the amount of fuel derived from biogas that was placed into the commercial distribution system.

(H) No other party relied upon the volume of biogas/CNG/LNG for the creation of RINs.

(iii) For renewable electricity that is generated by co-firing a combination of renewable biomass and fossil fuel, the producer may generate RINs only for the portion attributable to the renewable biomass, using the procedure described in paragraph (f)(4) of this section.

* * * * *

(15) *Application of formulas in paragraph (f)(3)(vi) of this section to certain producers generating D3 or D7 RINs.*

(i) If a producer seeking to generate D code 3 or D code 7 RINs produces a single type of renewable fuel using two or more feedstocks converted simultaneously, and at least one of the feedstocks does not have a minimum 75% average adjusted cellulosic content, one of the following additional requirements apply:

(A) If the producer is using a thermochemical process to convert cellulosic biomass into cellulosic biofuel, the producer is subject to additional registration requirements under § 80.1450(b)(1)(xiii)(A).

(B) If the producer is using any process other than a thermochemical process, or is using a combination of processes, the producer is subject to additional registration requirements under § 80.1450(b)(1)(xiii)(B) and reporting requirements under § 80.1451(b)(1)(ii)(U).

(ii) [Reserved]

(16) *Renewable fuel produced from crop residue.* Producers generating RINs for qualifying renewable fuel utilizing crop residue as feedstock under Pathway K or Pathway L must meet all of the following conditions (in addition to any other applicable requirements):

(i) Registration requirements under § 80.1450(b)(1)(xv).

(ii) Reporting requirements under § 80.1451(b)(1)(ii)(V).

(iii) Recordkeeping requirements under § 80.1454(s).

* * * * *

■ 7. Section 80.1440 is amended as follows:

■ a. By revising the section heading.

■ b. By revising paragraph (a).

■ c. By revising paragraph (d).

■ d. By revising paragraph (e).

§ 80.1440 What are the provisions for blenders who handle and blend less than 250,000 gallons of renewable fuel per year?

(a) Renewable fuel blenders who handle and blend less than 250,000 gallons of renewable fuel per year, and who do not have one or more reported or unreported Renewable Volume

Obligations, are permitted to delegate their RIN-related responsibilities to the party directly upstream of them who supplied the renewable fuel for blending.

* * * * *

(d) Renewable fuel blenders who handle and blend less than 250,000 gallons of renewable fuel per year and delegate their RIN-related responsibilities under paragraph (b) of this section must register pursuant to § 80.1450(e), and may not own RINs.

(e) Renewable fuel blenders who handle and blend less than 250,000 gallons of renewable fuel per year and who do not opt to delegate their RIN-related responsibilities, or own RINs, will be subject to all requirements stated in paragraph (b) of this section, and all other applicable requirements of this subpart M.

* * * * *

■ 8. Section 80.1441 is amended by adding paragraph (e)(2)(iii) to read as follows:

§ 80.1441 Small refinery exemption.

* * * * *

(e) * * *

(2) * * *

(iii) In order to qualify for an extension of its small refinery exemption, a refinery must meet the definition of ''small refinery'' in § 80.1401 for the most recent full calendar year prior to seeking an extension and must be projected to meet the definition of ''small refinery'' in § 80.1401 for the year or years for which an exemption is sought. Failure to meet the definition of small refinery for any calendar year for which an exemption was granted would invalidate the exemption for that calendar year.

* * * * *

■ 9. Section 80.1450 is amended as follows:

■ a. By revising paragraph (b)(1)(ii).

■ b. By revising paragraphs (b)(1)(v)(C) and (b)(1)(v)(D), and by adding paragraph (b)(1)(v)(E).

■ c. By adding and reserving paragraph (b)(1)(xii).

■ d. By adding paragraphs (b)(1)(xiii) through (xv).

■ e. By adding paragraph (h).

■ f. By adding paragraph (i).

§ 80.1450 What are the registration requirements under the RFS program?

* * * * *

(b) * * *

(1) * * *

(ii) A description of the facility's renewable fuel or ethanol production processes.

(A) For registrations indicating production of cellulosic biofuel (D codes 3 or 7) from feedstocks other than biogas (including through pathways in rows K, L, M, and N of Table 1 to § 80.1426), the producer must demonstrate the ability to convert cellulosic components of feedstock into fuel by providing all of the following:

(*1*) A process diagram with all relevant unit processes labeled and a designation of which unit process is capable of performing cellulosic treatment, including required inputs and outputs at each step.

(*2*) A description of the cellulosic biomass treatment process, including required inputs and outputs used at each step.

(*3*) A description of the mechanical, chemical and biochemical mechanisms by which cellulosic materials can be converted to biofuel products.

(B) [Reserved]

* * * * *

(v) * * *

(C)(*1*) For all facilities, copies of documents demonstrating each facility's actual peak capacity as defined in § 80.1401 if the maximum rated annual volume output of renewable fuel is not specified in the air permits specified in paragraphs (b)(1)(v)(A) and (b)(1)(v)(B) of this section, as appropriate.

(*2*) For facilities not claiming the exemption described in § 80.1403(c) or (d) which are exempt from air permit requirements and for which insufficient production records exist to establish actual peak capacity, copies of documents demonstrating the facility's nameplate capacity, as defined in § 80.1401.

(D) For all facilities producing renewable electricity or other renewable fuel from biogas, submit all relevant information in § 80.1426(f)(10) or (11), including:

(*1*) Copies of all contracts or affidavits, as applicable, that follow the track of the biogas/CNG/LNG or renewable electricity from its original source, to the producer that processes it into renewable fuel, and finally to the end user that will actually use the renewable electricity or the renewable CNG/LNG for transportation purposes.

(*2*) Specific quantity, heat content, and percent efficiency of transfer, as applicable, and any conversion factors, for the renewable fuel derived from biogas.

(E) Any other records as requested by the Administrator.

* * * * *

(xiii) (A) A producer of renewable fuel seeking to generate D code 3 or D code 7 RINs, or a foreign ethanol producer seeking to have its product sold as cellulosic biofuel after it is denatured, who intends to produce a single type of fuel using two or more feedstocks converted simultaneously, where at least one of the feedstocks does not have a minimum 75% average adjusted cellulosic content, and who uses only a thermochemical process to convert feedstock into renewable fuel, must provide all the following:

(*1*) Data showing the average adjusted cellulosic content of the feedstock(s) to be used to produce fuel, based on the average of at least three representative samples. Cellulosic content data must come from an analytical method certified by a voluntary consensus standards body or using a method that would produce reasonably accurate results as demonstrated through peer reviewed references provided to the third party engineer performing the engineering review at registration. Samples must be of representative feedstock from the primary feedstock supplier that will provide the fuel producer with feedstock subsequent to registration.

(*2*) For producers who want to use a new feedstock(s) after initial registration, updates to their registration under paragraph (d) of this section indicating the average adjusted cellulosic content of the new feedstock.

(*3*) For producers already registered as of August 18, 2014, to produce a single type of fuel that qualifies for D code 3 or D code 7 RINs (or would do so after denaturing) using two or more feedstocks converted simultaneously using only a thermochemical process, the information specified in this paragraph (b)(1)(xiii)(A) shall be provided at the next required registration update under paragraph (d) of this section.

(B) A producer of renewable fuel seeking to generate D code 3 or D code 7 RINs, or a foreign ethanol producer seeking to have its product sold as cellulosic biofuel after it is denatured, who intends to produce a single type of fuel using two or more feedstocks converted simultaneously, where at least one of the feedstocks does not have a minimum 75% adjusted cellulosic content, and who uses a process other than a thermochemical process or a combination of processes to convert feedstock into renewable fuel, must provide all the following:

(*1*) The expected overall fuel yield, calculated as the total volume of fuel produced per batch (e.g., cellulosic biofuel plus all other fuel) divided by the total feedstock mass per batch on a dry weight basis (e.g., cellulosic feedstock plus all other feedstocks).

(*2*) The cellulosic Converted Fraction (CF) that will be used for generating RINs under § 80.1426(f)(3)(vi).

(*3*) Chemical analysis data supporting the calculated cellulosic Converted Fraction and

a discussion of the possible variability that could be expected between reporting periods per § 80.1451(b)(1)(ii)(U)(*1*). Data used to calculate the cellulosic CF must be representative and obtained using an analytical method certified by a voluntary consensus standards body, or using a method that would produce reasonably accurate results as demonstrated through peer reviewed references provided to the third party engineer performing the engineering review at registration.

(*4*) A description and calculations showing how the data were used to determine the cellulosic Converted Fraction.

(*5*) For producers already registered as of August 18, 2014, to produce a single type of fuel that qualifies for D code 3 or D code 7 RINs (or would do so after denaturing) using two or more feedstocks converted simultaneously using a combination of processes or a process other than a thermochemical process, the information specified in this paragraph (b)(1)(xiii)(B) shall be provided at the next required registration update under paragraph (d) of this section.

(xiv) For a producer of cellulosic biofuel made from energy cane, or a foreign renewable fuel producer making ethanol from energy cane and seeking to have it sold after denaturing as cellulosic biofuel, provide all of the following:

(A) Data showing that the average adjusted cellulosic content of each cane cultivar they intend to use is at least 75%, based on the average of at least three representative samples of each cultivar. Cultivars must be grown under normal growing conditions and consistent with acceptable farming practices. Samples must be of feedstock from a feedstock supplier that the fuel producer intends to use to supply feedstock for their production process and must represent the feedstock supplier's range of growing conditions and locations. Cellulosic content data must come from an analytical method certified by a voluntary consensus standards body or using a method that would produce reasonably accurate results as demonstrated through peer reviewed references provided to the third party engineer performing the engineering review at registration.

(B) Producers that want to change or add new cultivar(s) after initial registration must update their registration and provide EPA with data in accordance with paragraph (d) of this section demonstrating that the average adjusted cellulosic content for any new cultivar is at least 75%. Cultivars that do not meet this requirement are considered sugarcane for purposes of Table 1 to § 80.1426.

(xv) For a producer of cellulosic biofuel made from crop residue or a foreign renewable fuel producer making ethanol from crop residue and seeking to have it sold after denaturing as cellulosic biofuel, provide all the following information:

(A) A list of all feedstocks the producer intends to utilize as crop residue.

(B) A written justification which explains why each feedstock a producer lists according to paragraph (b)(1)(xv)(A) of this section meets the definition of ''crop residue'' per § 80.1401.

(C) For producers already registered as of August 18, 2014 to produce a renewable fuel using crop residue, the information specified in this paragraph (b)(1)(xv) shall be provided at the next required registration update under paragraph (d) of this section.

* * * * *

(h) *Deactivation of company registration.* (1) EPA may deactivate a company's registration, using the process in paragraph (h)(2) of this section, if any of the following criteria are met:

(i) The company has reported no activity in EMTS for twenty-four consecutive months.

(ii) The company has failed to comply with the registration requirements of this section.

(iii) The company has failed to submit any required report within thirty days of the required submission date under § 80.1451.

(iv) The attest engagement required under § 80.1454 has not been received within thirty days of the required submission date.

(2) EPA will use the following process whenever it decides to deactivate the registration of a company:

(i) EPA will provide written notification to the responsible corporate officer identifying the reasons or deficiencies of why EPA intends to deactivate the company's registration. The company will have fourteen calendar days from the date of the notification to correct the deficiencies identified or explain why there is no need for corrective action.

(ii) If the basis for EPA's notice of intent to deactivate registration is the absence of EMTS activity, a stated intent to engage in activity reported through EMTS will be sufficient to avoid deactivation of registration.

(iii) If the company does not respond, does not correct identified deficiencies, or does not provide an adequate explanation regarding why such correction is not necessary within the time allotted for response, EPA may deactivate the company's registration without further notice to the party.

(3) Impact of registration deactivation:

(i) A company whose registration is deactivated shall still be liable for violation of any requirements of this subpart.

(ii) A company whose registration is deactivated will not be listed on any public list of actively registered companies that is maintained by EPA.

(iii) A company whose registration is deactivated will not have access to any of the electronic reporting systems associated with the renewable fuel standard program, including the EPA Moderated Transaction System (EMTS).

(iv) A company whose registration is deactivated must submit any corrections of deficiencies to EPA on forms, and following policies, established by EPA.

(v) If a company whose registration has been deactivated wishes to re-register, they may initiate that process by submitting a new registration, consistent with paragraphs (a) through (c) of this section.

(i) *Registration procedures.* (1) Registration shall be on forms, and following policies, established by the Administrator.

(2) English language registrations—Any document submitted to EPA under this section must be submitted in English, or shall include an English translation.

10. Section 80.1451 is amended as follows:

■ a. By redesignating paragraph (b)(1)(ii)(U) as paragraph (b)(1)(ii)(W).

■ b. By adding a new paragraph (b)(1)(ii)(U).

■ c. By adding paragraph (b)(1)(ii)(V).

■ d. By adding and reserving paragraph (i).

■ e. By adding paragraph (j).

§ 80.1451 What are the reporting requirements under the RFS program?

* * * * *

(b) * * *

(1) * * *

(ii) * * *

(U) Producers generating D code 3 or D code 7 RINs for fuel derived from feedstocks other than biogas (including through pathways listed in rows K, L, M, and N of Table 1 to § 80.1426), and that was produced from two or more feedstocks converted simultaneously, at least one of which has less than 75% average adjusted cellulosic content, and using a combination of processes or a process other than a thermochemical process or a combination of processes shall report all of the following:

(*1*) The cellulosic converted fraction as determined by collecting new representative process data and performing the same chemical analysis method accepted at registration. Producers shall calculate this information on an annual basis or within 10 business days of generating every 500,000 gallons of cellulosic biofuel, whichever is more frequent, and report quarterly. Reports shall include all values used to calculate feedstock energy according to § 80.1426(f)(3)(vi). If new data shows that the cellulosic Converted Fraction is different than previously calculated, the formula used to generate RINs under § 80.1426(f)(3) must be updated as soon as practical but no later than 5 business days after the producer

receives the updated data. If new testing data results in a change to the cellulosic Converted Fraction, only RINs generated after the new testing data were received, subject to the 5-day allowance, would be affected.

(*2*) If the cellulosic Converted Fraction deviates from the previously calculated cellulosic Converted Fraction by 10% or more then the producer must notify EPA within 5 business days of receiving the new data and must adjust the formula used to generate RINs under § 80.1426(f)(3) for all fuel generated as soon as practical but no later than 5 business days after the producer receives the new data. If new testing data results in a change to the cellulosic Converted Fraction, only RINs generated after the new testing data were received, subject to the 5-day allowance, would be affected.

(V) Producers of renewable fuel using crop residue as a feedstock shall report all of the following according to the schedule specified in paragraph (f)(2) of this section:

(*1*) The specific feedstock(s) utilized to produce renewable fuel under a pathway allowing the use of crop residue as feedstock.

(*2*) The total quantity of each specific feedstock used to produce renewable fuel.

(*3*) The total amount of qualifying renewable fuel produced under the crop residue pathway(s) in that quarter.

* * * * *

(j) *English language reports.* Any document submitted to EPA under this section must be submitted in English, or shall include an English translation.

■ 11. Section 80.1454 is amended as follows:

■ a. By revising paragraph (b)(4)(i).

■ b. By adding and reserving paragraph (b)(9).

■ c. By adding paragraph (b)(10).

■ d. By revising paragraph (f)(3)(i).

■ e. By revising paragraph (k)(1).

■ f. By adding and reserving paragraphs (q) and (r).

■ g. By adding a new paragraph (s).

■ h. By adding a new paragraph (t).

§ 80.1454 What are the recordkeeping requirements under the RFS program?

* * * * *

(b) * * *

(4) * * *

(i) A list of the RINs owned, purchased, sold, separated, retired, or reinstated.

* * * * *

(10) Records related to any volume of renewable fuel where RINs were not generated by the renewable fuel producer or importer pursuant to § 80.1426(c).

* * * * *

(f) * * *

(3) * * *

(i) A list of the RINs owned, purchased, sold, separated, retired, or reinstated.

* * * * *

(k)(1) Biogas/CNG/LNG and electricity in pathways involving feedstocks other than grain sorghum. A renewable fuel producer that generates RINs for renewable CNG, renewable LNG or renewable electricity pursuant to § 80.1426(f)(10) or (11), or that uses process heat from biogas to produce renewable fuel pursuant to § 80.1426(f)(12) shall keep all of the following additional records:

(i) Documentation recording the sale of renewable CNG, renewable LNG or renewable electricity for use as transportation fuel relied upon in § 80.1426(f)(10), § 80.1426(f)(11), or for use of biogas for process heat to make renewable fuel as relied upon in § 80.1426(f)(12) and the transfer of title of the biogas/CNG/LNG or renewable electricity from the point of biogas production to the facility which sells or uses the fuel for transportation purposes.

(ii) Documents demonstrating the volume and energy content of biogas/CNG/LNG, or kilowatts of renewable electricity, relied upon under § 80.1426(f)(10) that was delivered to the facility which sells or uses the fuel for transportation purposes.

(iii) Documents demonstrating the volume and energy content of biogas/CNG/LNG, or kilowatts of renewable electricity, relied upon under § 80.1426(f)(11), or biogas relied upon under § 80.1426(f)(12) that was placed into the commercial distribution.

(iv) Documents demonstrating the volume and energy content of biogas relied upon under § 80.1426(f)(12) at the point of distribution.

(v) Affidavits, EPA-approved documentation, or data from a real-time electronic monitoring system, confirming that the amount of the biogas/CNG/LNG or renewable electricity relied upon under § 80.1426(f)(10) and (11) was used for transportation purposes only, and for no other purpose. The RIN generator shall obtain affidavits, or monitoring system data under this paragraph (k), at least once per calendar quarter.

(vi) The biogas or renewable electricity producer's Compliance Certification required under Title V of the Clean Air Act.

(vii) Any other records as requested by the Administrator.

* * * * *

(s) Producers of renewable fuel using crop residue shall keep records of all of the following:

(1) The specific crop residue feedstock(s) utilized to produce renewable fuel for each batch of renewable fuel produced.

(2) The total quantity of each specific crop residue feedstock used for each batch.

(3) Total amount of fuel produced under the crop residue pathway for each batch.

(t) *English language records.* Any document requested by the Administrator under this section must be submitted in English, or shall include an English translation.

■ 12. Section 80.1463 is amended by adding paragraph (d) to read as follows:

§ 80.1463 What penalties apply under the RFS program?

* * * * *

(d) Any person liable under § 80.1461(a) for a violation of § 80.1460(b)(1) through (4) or (b)(6) is subject to a separate day of violation for each day that an invalid RIN remains available for an obligated party or renewable fuel exporter to demonstrate compliance with the RFS program.

Subpart N—[Amended]

■ 13. Section 80.1500 is amended by revising the definitions of ''E10'', ''E15'', and ''EX'' to read as follows:

§ 80.1500 Definitions.

* * * * *

E10 means a gasoline-ethanol blend that contains at least 9 and no more than 10 volume percent ethanol.

E15 means a gasoline-ethanol blend that contains greater than 10 volume percent ethanol and not more than 15 volume percent ethanol.

EX means a gasoline–ethanol blend that contains less than 9 volume percent ethanol where X equals the maximum volume percent ethanol in the gasoline-ethanol blend.

* * * * *

■ 14. Section 80.1501 is amended as follows:

■ a. By revising the section heading.

■ b. By revising paragraph (a) introductory text.

■ c. By revising paragraphs (b)(3)(i), (b)(3)(iv), and (b)(4)(ii).

§ 80.1501 What are the labeling requirements that apply to retailers and wholesale purchaser-consumers of gasoline-ethanol blends that contain greater than 10 volume percent ethanol and not more than 15 volume percent ethanol?

(a) Any retailer or wholesale purchaser-consumer who sells, dispenses, or offers for sale or dispensing E15 shall affix the following conspicuous and legible label to the fuel dispenser:

* * * * *

(b) * * *

(3) * * *

(i) The word ''ATTENTION'' shall be capitalized in 20-point, orange, Helvetica Neue LT 77 Bold Condensed font, and shall be placed in the top 1.25 inches of the label as further described in paragraph (b)(4)(iii) of this section.

* * * * *

(iv) The words ''Use only in'' shall be in 20-point, left-justified, black, Helvetica Bold font in the bottom 1.875 inches of the label.

* * * * *

(4) * * *

(ii) The background of the bottom 1.875 inches of the label shall be orange.

* * * * *

■ 15. Section 80.1502 is amended as follows:

■ a. By revising paragraph (b)(1).

■ b. By revising paragraphs (b)(3)(iii)(A) and (b)(3)(iv) introductory text.

■ c. By revising paragraphs (b)(4)(iv)(B) and (b)(4)(v)(A).

■ d. By revising paragraphs (c)(4), (c)(6), and (c)(7).

■ e. By revising paragraphs (d)(3) and (d)(4).

§ 80.1502 What are the survey requirements related to gasoline-ethanol blends?

* * * * *

(b) * * *

(1) To comply with the requirements under this paragraph (b), any gasoline refiner, gasoline importer, ethanol blender, ethanol producer, or ethanol importer who manufactures, introduces into commerce, sells or offers for sale E15, gasoline, blendstock for oxygenate blending, ethanol, or gasoline-ethanol blend intended for use in or as E15 must participate in a consortium which arranges to have an independent survey association conduct a statistically valid program of compliance surveys pursuant to a survey program plan which has been approved by EPA, in accordance with the requirements of paragraphs (b)(2) through (b)(5) of this section.

* * * * *

(3) * * *

(iii) * * *

(A) Samples collected at retail outlets shall be shipped the same day the samples are collected via ground service to the laboratory and analyzed for oxygenate content. Samples collected at a dispenser labeled E15 in any manner, or at a tank serving such a dispenser, shall also be analyzed for RVP during the high ozone season defined in § 80.27(a)(2)(ii) or any SIP approved or promulgated under sections 110 or 172 of the Clean Air Act. Such analysis shall be completed within 10 days after receipt of the sample in the laboratory. Nothing in this section shall be interpreted to require RVP testing of a sample from any dispenser or tank serving it unless the dispenser is labeled E15 in any manner.

* * * * *

(iv) In the case of any test that yields a result that does not match the label affixed to the product (e.g., a sample greater than 15 volume percent ethanol dispensed from a fuel dispenser labeled as ''E15'' or a sample containing greater than 10 volume percent ethanol and not more than 15 volume percent ethanol dispensed from a fuel dispenser not labeled as ''E15''), or the RVP standard of § 80.27(a)(2) or any SIP approved or promulgated under sections 110 or 172 of the Clean Air Act, the independent survey association shall, within 24 hours after the laboratory has completed analysis of the sample, send notification of the test result as follows:

* * * * *

(4) * * *

(iv) * * *

(B) In the case of any retail outlet from which a sample of gasoline was collected during a survey and determined to have an ethanol content that does not match the fuel dispenser label (e.g., a sample greater than 15 volume percent ethanol dispensed from a fuel dispenser labeled as ''E15'' or a sample with greater than 10 volume percent ethanol and not more than 15 volume percent ethanol dispensed from a fuel dispenser not labeled as ''E15'') or determined to have a dispenser containing fuel whose RVP does not comply with § 80.27(a)(2) or any SIP approved or promulgated under sections 110 or 172 of the Clean Air Act, that retail outlet shall be included in the subsequent survey.

* * * * *

(v) * * *

(A) The minimum number of samples to be included in the survey plan for each calendar year shall be calculated as follows:

$$n = \left\{\left[\left(Z_{\alpha} + Z_{\beta}\right)\right]^2 \Big/ \left(4 * \left[arc\sin\left(\sqrt{\phi_1}\right) - arc\sin\left(\sqrt{\phi_0}\right)\right]^2\right)\right\} * St_n * F_a * F_b * Su_n$$

Where:

n = Minimum number of samples in a year-long survey series.

However, in no case shall n be smaller than 7,500.

Z_{α} = Upper percentile point from the normal distribution to achieve a one-tailed 95% confidence level (5% α-level). Thus, Z_{α} equals 1.645.

Z_{β} = Upper percentile point to achieve 95% power. Thus, Z_{β} equals 1.645.

φ_1 = The maximum proportion of non-compliant stations for a region to be deemed compliant. In this test, the parameter needs to be 5% or greater, i.e., 5% or more of the stations, within a stratum such that the region is considered non-compliant. For this survey, φ_1 will be 5%.

φ_o = The underlying proportion of non-compliant stations in a sample. For the first survey plan, φ_o will be 2.3%. For subsequent survey plans, φ_o will be the average of the proportion of stations found to be non-compliant over the previous four surveys.

St_n = Number of sampling strata. For purposes of this survey program, St_n equals 3.

F_a = Adjustment factor for the number of extra samples required to compensate for collected samples that cannot be included in the survey, based on the number of additional samples required during the previous four surveys. However, in no case shall the value of F_a be smaller than 1.1.

F_b = Adjustment factor for the number of samples required to resample each retail outlet with test results exceeding the labeled amount (e.g., a sample greater than 15 volume percent ethanol dispensed from a fuel dispenser labeled as ''E15'', a sample with greater than 10 volume percent ethanol and not more than 15 volume percent ethanol dispensed from a fuel dispenser not labeled as ''E15''), or a sample dispensed from a fuel dispenser labeled as ''E15'' with greater than the applicable seasonal and geographic RVP pursuant to § 80.27, based on the rate of resampling required during the previous four surveys. However, in no case shall the value of F_b be smaller than 1.1.

Su_n = Number of surveys per year. For purposes of this survey program, Su_n equals 4.

* * * * *

(c) * * *

(4) The survey program plan must be sent to the following address: Director, Compliance Division, U.S. Environmental Protection Agency, 1200 Pennsylvania Ave. NW. Mail Code 6506J, Washington, DC 20460.

* * * * *

(6) The approving official for a survey plan under this section is the Director of the Compliance Division, Office of Transportation and Air Quality.

(7) Any notifications or reports required to be submitted to EPA under this section must be directed to the official designated in paragraph (c)(4) of this section.

(d) * * *

(3) For the first year in which a survey program will be conducted, no later than 15 days preceding the start of the survey EPA must receive a copy of the contract with the independent surveyor and proof that the money necessary to carry out the survey plan has either been paid to the independent surveyor or placed into an escrow account; if the money has been placed into an escrow account, a copy of the escrow agreement must to be sent to the official designated in paragraph (c)(4) of this section.

(4) For subsequent years in which a survey program will be conducted, no later than December 15 of the year preceding the year in which the survey will be conducted, EPA must receive a copy of the contract with the independent surveyor and proof that the money necessary to carry out the survey plan has either been paid to the independent surveyor or placed into an escrow account; if placed into an escrow account, a copy of the escrow agreement must be sent to the official designated in paragraph (c)(4) of this section.

* * * * *

■ 16. Section 80.1503 is amended as follows:

■ a. By revising paragraphs (a)(1)(vi)(B) and (a)(1)(vi)(C).

■ b. By revising paragraph (a)(2).

■ c. By adding paragraph (a)(3).

■ d. By revising paragraphs (b)(1)(vi)(B) through (D).

§ 80.1503 What are the product transfer document requirements for gasoline-ethanol blends, gasolines, and conventional blendstocks for oxygenate blending subject to this subpart?

(a) * * *

(1) * * *

(vi) * * *

(B) For gasoline designed for the special provisions for gasoline-ethanol blends in § 80.27(d)(2), information about the ethanol content and RVP in paragraphs (a)(1) through (a)(3) of this section, with insertions as indicated:

(*1*) ''Suitable for the special RVP provisions for ethanol blends that contain between 9 and 10 vol % ethanol.''.

(*2*) ''The RVP of this blendstock/gasoline for oxygenate blending does not exceed [Fill in appropriate value] psi.''.

(*3*) ''The use of this blendstock/gasoline to manufacture a gasoline-ethanol blend containing anything other than between 9 and 10 volume percent ethanol may cause a summertime RVP violation.''.

(C) For gasoline not described in paragraph (a)(1)(vi)(B) of this section, information regarding the suitable ethanol content, stated in the following format: ''Suitable for blending with ethanol at a concentration of no more than 15 vol % ethanol.''.

(2) The requirements in paragraph (a)(1) of this section do not apply to reformulated gasoline blendstock for oxygenate blending, as defined in § 80.2(kk), which is subject to the product transfer document requirements of §§ 80.69 and 80.77.

(3) Except for transfers to truck carriers, retailers, or wholesale purchaser-consumers, product codes may be used to convey the information required under paragraph (a)(1) of this section if such codes are clearly understood by each transferee.

(b) * * *

(1) * * *

(vi) * * *

(B) For gasoline containing less than 9 volume percent ethanol, the following statement: ''EX—Contains up to X% ethanol. The RVP does not exceed [fill in appropriate value] psi.'' The term X refers to the maximum volume percent ethanol present in the gasoline.

(C) For gasoline containing between 9 and 10 volume percent ethanol (E10), the following statement: ''E10: Contains between 9 and 10 vol % ethanol. The RVP does not exceed [fill in appropriate value] psi. The 1 psi RVP waiver applies to this gasoline. Do not mix with gasoline containing anything other than between 9 and 10 vol % ethanol.''.

(D) For gasoline containing greater than 10 volume percent and not more than 15 volume percent ethanol (E15), the following statement: ''E15: Contains up to 15 vol % ethanol. The RVP does not exceed [fill in appropriate value] psi.''.

* * * * *

■ 17. Section 80.1504 is amended by revising paragraphs (a)(1), (a)(3), (b) through (e), and (g) to read as follows:

§ 80.1504 What acts are prohibited under this subpart?

* * * * *

(a)(1) Sell, introduce, cause or permit the sale or introduction of gasoline containing greater than 10 volume percent ethanol (i.e., greater than E10) into any model year 2000 or older light-duty gasoline motor vehicle, any heavy-duty gasoline motor vehicle or engine, any highway or off-highway motorcycle, or any gasoline-powered nonroad engines, vehicles or equipment.

* * * * *

(3) Be prohibited from manufacturing, selling, introducing, or causing or allowing the sale or introduction of gasoline containing greater than 10 volume percent ethanol into any flex-fuel vehicle, notwithstanding paragraphs (a)(1) and (a)(2) of this section.

(b) Sell, offer for sale, dispense, or otherwise make available at a retail or wholesale purchaser-consumer facility E15 that is not correctly labeled in accordance with § 80.1501.

(c) Fail to fully or timely implement, or cause a failure to fully or timely implement, an approved survey required under § 80.1502.

(d) Fail to generate, use, transfer and maintain product transfer documents that accurately reflect the type of product, ethanol content, maximum RVP, and other information required under § 80.1503.

(e)(1) Improperly blend, or cause the improper blending of, ethanol into conventional blendstock for oxygenate blending, gasoline or gasoline already containing ethanol, in a manner inconsistent with the information on the product transfer document under § 80.1503(a)(1)(vi) or (b)(1)(vi).

(2) No person shall produce a fuel designated as E10 by blending ethanol and gasoline in a manner designed to produce a fuel that contains less than 9.0 or more than 10.0 volume percent ethanol.

(3) No person shall produce a fuel designated as E15 by blending ethanol and gasoline in a manner designed to produce a fuel that contains less than 10.0 volume percent ethanol or more than 15.0 volume percent ethanol.

* * * * *

(g) For gasoline during the regulatory control periods, combine any gasoline-ethanol blend that qualifies for the 1 psi allowance under the special regulatory treatment as provided by § 80.27(d) applicable to 9–10 volume percent gasoline-ethanol blends with any gasoline containing less than 9 volume percent ethanol or more than 10 volume percent ethanol up to a maximum of 15 volume percent ethanol.

* * * * *

■ 18. A new § 80.1509 is added to subpart N to read as follows:

§ 80.1509 Rounding a test result for purposes of this subpart N.

The provisions of § 80.9 apply for purposes of determining the ethanol content of a gasoline-ethanol blend under this subpart.

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Part IV

Department of Education

34 CFR Chapter III
Final Priorities; National Institute on Disability and Rehabilitation Research—Rehabilitation Research and Training Centers; Rule; Applications for New Awards; National Institute on Disability and Rehabilitation Research—Rehabilitation Research and Training Centers; Notice

DEPARTMENT OF EDUCATION

34 CFR Chapter III

[ED–2014–OSERS–0012]

Final Priorities; National Institute on Disability and Rehabilitation Research—Rehabilitation Research and Training Centers

AGENCY: Office of Special Education and Rehabilitative Services, Department of Education.

ACTION: Final priority.

[CFDA Numbers: 84.133B–6 and 84.133B–7.]

SUMMARY: The Assistant Secretary for Special Education and Rehabilitative Services announces two priorities for the Rehabilitation Research and Training Centers (RRTC) Program administered by the National Institute on Disability and Rehabilitation Research (NIDRR). Specifically, this notice announces two priorities for two RRTCs on Transition to Employment for Youth and Young Adults with Serious Mental Health Conditions and Community Living and Participation for Youth and Young Adults with Serious Mental Health Conditions. The Assistant Secretary may use these priorities for competitions in fiscal year (FY) 2014 and later years. This RRTC will be jointly funded by NIDRR and the Substance Abuse and Mental Health Services Administration (SAMHSA). We take this action to focus research attention on an area of national need. We intend these priorities to contribute to improved outcomes in the transition to employment and community living and participation for youth and young adults with serious mental health conditions (SMHC) resulting in psychiatric disability.

DATES: These priorities are effective August 18, 2014.

FOR FURTHER INFORMATION CONTACT: Patricia Barrett, U.S. Department of Education, 400 Maryland Avenue SW., Room 5142, Potomac Center Plaza (PCP), Washington, DC 20202–2700. Telephone: (202) 245–6211 or by email: *patricia.barrett@ed.gov.*

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

SUPPLEMENTARY INFORMATION:

Purpose of Program: The purpose of the Disability and Rehabilitation Research Projects and Centers Program is to plan and conduct research, demonstration projects, training, and related activities, including international activities, to develop methods, procedures, and rehabilitation technology that maximize the full inclusion and integration into society, employment, independent living, family support, and economic and social self-sufficiency of individuals with disabilities, especially individuals with the most severe disabilities, and to improve the effectiveness of services authorized under the Rehabilitation Act of 1973, as amended (Rehabilitation Act).

Rehabilitation Research and Training Centers

The purpose of the RRTCs, which are funded through the Disability and Rehabilitation Research Projects and Centers Program, is to achieve the goals of, and improve the effectiveness of, services authorized under the Rehabilitation Act through well-designed research, training, technical assistance, and dissemination activities in important topical areas, as specified by NIDRR. These activities are designed to benefit rehabilitation service providers, individuals with disabilities, family members, policymakers and other research stakeholders. Additional information on the RRTC program can be found at: *http://www2.ed.gov/programs/rrtc/index.html.*

Program Authority: 29 U.S.C. 762(g) and 764(b)(2).

Applicable Program Regulations: 34 CFR part 350.

We published a notice of proposed priorities (NPP) in the **Federal Register** on April 15, 2014 (79 FR 21168). That notice contained background information and our reasons for proposing the particular priorities.

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

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

Generally, we do not address technical and other minor changes.

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

Comment: One commenter recommended that NIDRR not publish a final priority on Transition to Employment for Youth and Young Adults with Serious Mental Health Conditions. To achieve both employment and community living and participation outcomes for this population, the commenter recommended that NIDRR require the RRTC on Community Living and Participation for Youth and Young Adults with Serious Mental Health Conditions to conduct research on ''mindfulness'' interventions for this population.

Discussion: We agree with the commenter that employment outcomes and community living and participation outcomes may be related for this population and that some interventions could have a positive influence on both of these broad outcome areas. However, NIDRR believes that the two outcome domains are distinct in the lives of individuals with disabilities. In addition, the social policies and service delivery systems that promote successful employment outcomes among individuals with disabilities are different from those that promote community living and participation. Thus, NIDRR and SAMHSA developed and intend to jointly fund two separate RRTCs on these outcome domains for youth and young adults with SMHC.

Nothing in either priority precludes applicants from proposing and justifying research on mindfulness interventions for youth and young adults with SMHC. However, we do not believe it is necessary to further specify the research requirements in the way suggested by the commenter and thereby limit the number and breadth of applications submitted under these priorities. The peer review process will determine the merits of each proposal.

Changes: None.

Comment: Several commenters requested that NIDRR clarify that it is important that youth and young adults with SMHC play active roles in the activities of both priorities. Two commenters requested that NIDRR modify the two RRTC priorities to require the active involvement of youth and young adults with SMHC in the research and evaluation activities of the RRTCs in a manner that allows them to describe their experiences and perspectives. One of these commenters suggested that this engagement be as independent as possible, paralleling the youth and young adults' self-determination and their growing independence from their families. The other of these commenters suggested that NIDRR require the development of guidelines to ensure that organizations are effective in integrating youth and young adults in the research and evaluation activities of the RRTCs. Another commenter requested that NIDRR modify the priorities in this notice to require specifically the active involvement of youth and young adults with SMHC in outreach and information dissemination to their peers.

Discussion: We agree that youth and young adults with SMHC should be involved in the RRTC's development and evaluation of interventions, as well as in its dissemination activities. We don't however believe that it is necessary to require that guidelines be developed to govern this process. Paragraph (a)(ii) of both priorities requires applicants to involve youth and young adults with SMHC in identifying, developing, and evaluating interventions, and we have revised both priorities to require applicants to involve youth and young adults with SMHC in the RRTC's dissemination activities. For all of these activities, we agree that it is critical that youth and young adults participate as independently as possible.

Changes: To promote more independent involvement of youth and young adults with SMHC in identifying, developing, and evaluating interventions, we have modified paragraph (a)(ii) of each priority to state that applicants must involve youth and young adults with SMHC and may involve families or family surrogates, as appropriate. We also have modified paragraph (e)(iii) of priority 1 and paragraph (d)(iii) of priority 2 to require applicants to involve youth and young adults with SMHC in the RRTC's dissemination and outreach efforts.

Comment: One commenter noted that there are multiple variables that affect employment outcomes among youth and young adults with SMHC, including workplace environment variables and individual-level variables related to skills, goals, and interests. The commenter suggested that NIDRR modify the Transition to Employment for Youth and Young Adults with Serious Mental Health Conditions priority to require research to develop interventions that promote employment for this population by targeting individual skills, goals, and interests, as well as the workplace environments in which the youth are seeking work.

Discussion: NIDRR agrees that there are multiple variables that impact employment outcomes for youth and young adults with SMHC. We have purposely stated the requirements in paragraph (a) broadly, so that applicants can approach the task of identifying, developing, and evaluating interventions by focusing on the variables that they think are important, including the variables described by the commenter. We do not believe it is necessary to further specify the research requirements in the way suggested by the commenter and thereby limit the number and breadth of applications submitted under this priority. The peer review process will determine the merits of each proposal.

Changes: None.

Comment: One commenter requested that NIDRR modify the Transition to Employment for Youth and Young Adults with Serious Mental Health Conditions priority by providing a definition of ''successful employment outcomes for youth and young adults with SMHC'' that would include self-employment and internship experiences.

Discussion: In this priority, NIDRR's focus is on employment. Self-employment is a recognized employment outcome (see 34 CFR 361.5(b)(16)). An internship experience, in contrast, is typically defined as a method of on-the-job practical training for a fixed or limited period of time. While we do not view training experiences, such as an internship, as an employment outcome, an applicant could propose to conduct research evaluating the effectiveness of internships as an intervention in improving employment outcomes for youth and young adults with SMHC. We expect applicants to identify the criteria they will use in determining whether participants have obtained an ''employment outcome'' and peer reviewers will assess an applicant's criteria as part of the review process. We do not want to limit the breadth of applications that can be submitted by imposing a definition of ''successful employment.''

Changes: None.

Comment: One commenter recommended that NIDRR modify the Transition to Employment for Youth and Young Adults with Serious Mental Health Conditions priority to distinguish between short-term employment goals, such as meeting immediate financial needs, and long-term employment goals, such as advancing along a self-determined career path and experiencing a satisfying and fulfilling career.

Discussion: The focus of the priority is on improving employment outcomes, not on an individual's employment goals. However, nothing in the priority precludes applicants from proposing research that examines short-term or long-term employment goals as a variable that may affect employment outcomes for individuals with SMHC. The peer review process will determine the merits of each proposal.

Changes: None.

Comment: One commenter suggested that the RRTC's research focus on long-term, rather than short-term, employment outcomes.

Discussion: Nothing in the priority precludes applicants from proposing research focused on short-term or long-term employment outcomes. However, we do not believe it is necessary to modify the priority to limit the scope of potential research that can be proposed by requiring research on what the commenter has called ''long-term employment outcomes.'' The peer review process will determine the merits of each proposal.

Changes: None.

Comment: None.

Discussion: After further review, we believe that employers should be added to the list of organizations to which the RRTC on Transition to Employment for Youth and Young Adults with Serious Mental Illness must provide technical assistance. Employers play a key role in helping these individuals achieve favorable employment outcomes, and we expect that the RRTC's research may help employers understand what accommodations may be necessary to support successful employment outcomes for these employees.

Changes: In paragraph (c) of the priority on Transition to Employment for Youth and Young Adults with Serious Mental Health Conditions, NIDRR is adding ''employers'' to the list of organizations for which capacity must be built to improve the employment and employment-related outcomes of youth and young adults with SMHC.

Comment: One commenter requested that NIDRR modify the Community Living and Participation for Youth and Young Adults with Serious Mental Health Conditions priority to require research on interventions that give youth with SMHC opportunities to participate in community settings outside of the mental health service system and to engage with peers who are not in the mental health service system.

Discussion: Nothing in the priority precludes applicants from identifying, developing, and evaluating interventions that provide the kinds of opportunities described by the commenter. However, we do not believe it is necessary to limit the number and breadth of applications that can be submitted under this priority, by requiring applicants to focus on the types of interventions that are described by the commenter. The peer review process will determine the merits of each proposal.

Changes: None.

Final Priorities

Priority 1—Transition to Employment for Youth and Young Adults With Serious Mental Health Conditions

The Assistant Secretary for Special Education and Rehabilitative Services establishes a priority for an RRTC on Transition to Employment for Youth and Young Adults with Serious Mental Health Conditions. This RRTC must conduct research that contributes to improved employment outcomes (e.g., obtaining employment, retention, and earnings) and employment-related outcomes (e.g., postsecondary education, training and career development activities) for youth and young adults with SMHC. Applicants must specify how they will measure employment and employment-related outcomes in their applications.

For purposes of this priority, the term ''youth and young adults with SMHC'' refers to individuals between the ages of 14 and 30, inclusive, who have been diagnosed either with a serious emotional disturbance (for individuals under the age of 18 years) or a serious mental illness (for those 18 years of age or older). Under this priority, the RRTC must contribute to the following outcomes:

(a) More effective and developmentally appropriate interventions that improve employment outcomes and increase capacity to use self-determination skills and strategies for youth and young adults with SMHC. The RRTC must contribute to this outcome by:

(i) Identifying or developing, and then evaluating, innovative interventions that meet the needs of youth and young adults with SMHC;

(ii) Involving youth and young adults with SMHC in the processes of identifying or developing, and then evaluating, interventions. Applicants may also involve family or family surrogates of youth and young adults with SMHC, as appropriate; and

(iii) Including youth and young adults with SMHC who are at particular risk for less favorable employment outcomes (e.g., unemployment and difficulty maintaining employment). Applicants must identify the specific at-risk group or groups of youth and young adults with SMHC they propose to study, provide evidence that the selected population or populations are at risk for poor employment outcomes, and explain how the proposed practices are expected to address the needs of the identified population.

(b) Increased knowledge about workforce participation of youth and young adults with SMHC, as well as the service systems and evidence-based supported practices that enhance positive educational and vocational development. In generating this new knowledge, applicants should identify one or more specific stages of research. If the RRTC is to conduct research that can be categorized under more than one of the research stages, or research that progresses from one stage to another, those stages should be clearly specified. These research stages and their definitions are in the notice of final priorities and definitions published in the **Federal Register** on May 7, 2013 (78 FR 26513).

(c) Increased capacity of employers, organizations, State agencies, and other service providers for youth and young adults with SMHC to improve the educational and employment outcomes for youth and young adults with SMHC. The RRTC will provide training and technical assistance to service providers who work with youth and young adults with SMHC.

(d) New knowledge regarding changes in systems and policies that could improve education, career development, and employment for youth and young adults with SMHC.

(e) Serving as a national resource center to:

(i) Provide information and technical assistance to youth and young adults with SMHC, their representatives, and other key stakeholders;

(ii) Provide training (including graduate, pre-service, and in-service training) and technical assistance to vocational rehabilitation providers and other disability service providers to facilitate more effective delivery of services to youth and young adults with SMHC. This training may be provided through conferences, workshops, public education programs, in-service training programs, and similar activities;

(iii) Disseminate research-based information and materials related to employment of youth and young adults with SMHC. The applicant must describe how it will involve youth and young adults with SMHC in its dissemination and outreach activities; and

(iv) Involve key stakeholder groups in the activities conducted under paragraph (a) in order to maximize the relevance and usability of the new knowledge generated by the RRTC.

Priority 2—Community Living and Participation for Youth and Young Adults With Serious Mental Health Conditions

The Assistant Secretary for Special Education and Rehabilitative Services establishes a priority for an RRTC on Community Living and Participation for Youth and Young Adults with Serious Mental Health Conditions. This RRTC must conduct research that contributes to improved community participation for youth and young adults with SMHC.

For purposes of this priority, the term ''youth and young adults with SMHC'' refers to individuals between the ages of 14 and 30, inclusive, who have been diagnosed either with serious emotional disturbance (for individuals under the age of 18 years) or a serious mental illness (for those 18 years of age or older). Under this priority, the RRTC must contribute to the following outcomes:

(a) More effective and developmentally appropriate interventions that improve community living and participation outcomes and increase capacity to use self-determinations skills and strategies for youth and young adults with SMHC. The RRTC must contribute to this outcome by:

(i) Identifying or developing, and then evaluating, innovative interventions that meet the needs of youth and young adults with SMHC;

(ii) Involving youth and young adults with SMHC in the processes of identifying or developing, and then evaluating, interventions. Applicants may also involve family or family surrogates of youth and young adults with SMHC, as appropriate; and

(iii) Including youth and young adults with SMHC who are at particular risk for less favorable community living and participation outcomes (e.g., those with justice system involvement, those in foster care, and those with multiple diagnoses). Applicants must identify the specific at-risk group or groups of youth and young adults with SMHC they propose to study, provide evidence that the selected population or populations are at risk for less favorable community living and participation outcomes, and explain how the proposed practices are expected to address the needs of the identified population.

(b) Increased capacity of organizations and service providers for youth and young adults with SMHC to promote the social and self-determination skills of youth and young adults with SMHC and help them build connections with positive individuals and organizations in their communities. The RRTC will provide training and technical assistance to service providers who work with youth and young adults with SMHC.

(c) New knowledge about key systems and policy issues that influence decisions about eligibility, effectiveness, structure, implementation, and funding

for programs and initiatives that support community living and participation and self-determination in youth and young adults with SMHC. In generating this new knowledge, applicants should identify one or more specific stages of research. If the RRTC is to conduct research that can be categorized under more than one of the research stages, or research that progresses from one stage to another, those stages should be clearly specified. These research stages and their definitions are in the notice of final priorities and definitions published in the **Federal Register** on May 7, 2013 (78 FR 26513).

(d) Serving as a national resource center related to community living and participation and self-determination of youth and young adults with SMHC by:

(i) Providing information and technical assistance to youth and young adults with SMHC, their representatives, and other key stakeholders;

(ii) Providing training (including graduate, pre-service, and in-service training) and technical assistance to service providers to facilitate more effective delivery of services to youth and young adults with SMHC. This training may be provided through conferences, workshops, public education programs, in-service training programs, and similar activities;

(iii) Disseminating research-based information and materials related to community living and participation and self-determination of youth and young adults with SMHC. The applicant must describe how it will involve youth and young adults with SMHC in its dissemination and outreach activities; and

(iv) Involving key stakeholder groups in the activities conducted under paragraph (a) in order to maximize the relevance and usability of the new knowledge generated by the RRTC.

Types of Priorities

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

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

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

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

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

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

Executive Orders 12866 and 13563

Regulatory Impact Analysis

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

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

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

(3) Materially alter the budgetary impacts of entitlement grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles stated in the Executive order.

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

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

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

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

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

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

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

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

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

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

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

The benefits of the Disability and Rehabilitation Research Projects and Centers Program have been well established over the years, as projects similar to the ones envisioned by the

final priorities have been completed successfully. The new RRTCs will generate and promote the use of new knowledge that will improve the outcomes for employment and community living and participation for youth and young adults with serious mental health conditions.

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

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at: *www.gpo.gov/fdsys.* At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at: *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Dated: July 15, 2014.

Michael K. Yudin,

Acting Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 2014–16995 Filed 7–17–14; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Applications for New Awards; National Institute on Disability and Rehabilitation Research—Rehabilitation Research and Training Centers

AGENCY: Office of Special Education and Rehabilitative Services, Department of Education.

ACTION: Notice.

Overview Information: National Institute on Disability and Rehabilitation Research (NIDRR)—Disability and Rehabilitation Research Projects and Centers Program—Rehabilitation Research and Training Centers—(1) Transition to Employment for Youth and Young Adults with Serious Mental Health Conditions and (2) Community Living and Participation for Youth and Young Adults with Serious Mental Health Conditions Notice inviting applications for new awards for fiscal year (FY) 2014.

Catalog of Federal Domestic Assistance (CFDA) Numbers: 84.133B–6 and 84.133B–7.

Note: This notice invites applications for two separate competitions. For funding and other key information for each of the two competitions, see the chart in the *Award Information* section of this notice.

DATES:

Applications Available: July 18, 2014.

Deadline for Letter of Intent to Apply: August 15, 2014.

Date of Pre-Application Meeting: August 8, 2014.

Deadline for Transmittal of Applications: August 29, 2014.

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The purpose of the Disability and Rehabilitation Research Projects and Centers Program is to plan and conduct research, demonstration projects, training, and related activities, including international activities, to develop methods, procedures, and rehabilitation technology that maximize the full inclusion and integration into society, employment, independent living, family support, and economic and social self-sufficiency of individuals with disabilities, especially individuals with the most severe disabilities, and to improve the effectiveness of services authorized under the Rehabilitation Act of 1973, as amended (Rehabilitation Act).

Rehabilitation Research and Training Centers (RRTCs)

The purpose of the RRTCs, which are funded through the Disability and Rehabilitation Research Projects and Centers Program, is to achieve the goals of, and improve the effectiveness of, services authorized under the Rehabilitation Act through well-designed research, training, technical assistance, and dissemination activities in important topical areas as specified by NIDRR. These activities are designed to benefit rehabilitation service providers, individuals with disabilities, family members, policymakers, and other research stakeholders. Additional information on the RRTC program can be found at: *http://www2.ed.gov/programs/rrtc/index.html.*

Priorities: NIDRR has established three absolute priorities for the competitions announced in this notice. The General RRTC Requirements priority, which applies to all RRTC competitions, is from the notice of final priorities for the Disability and Rehabilitation Research Projects and Centers Program, published in the **Federal Register** on February 1, 2008 (73 FR 6132). The Transition to Employment for Youth and Young Adults with Serious Mental Health Conditions and Community Living and Participation for Youth and Young Adults with Serious Mental Health Conditions priorities are from the notice of final priorities for the Disability and Rehabilitation Research Projects and Centers Program, published elsewhere in this issue of the **Federal Register**.

Absolute Priorities: For FY 2014 and any subsequent year in which we make awards from the list of unfunded applicants from these competitions, these priorities are absolute priorities. Under 34 CFR 75.105(c)(3), for each competition, we consider only applications that meet both the General RRTC Requirements priority and the absolute priority designated for that competition.

These priorities are:

Absolute Priority 1—General RRTC Requirements.

Note: The full text of the General RRTC Requirements priority is included in the notice of final priorities for the Disability and Rehabilitation Research Projects and Centers Program, published in the **Federal Register** on February 1, 2008 (73 FR 6132), and in the applicable application package.

Absolute Priority 2—Transition to Employment for Youth and Young Adults with Serious Mental Health Conditions.

Absolute Priority 3—Community Living and Participation for Youth and Young Adults with Serious Mental Health Conditions.

Note: The full texts of the Transition to Employment for Youth and Young Adults with Serious Mental Health Conditions and Community Living and Participation for Youth and Young Adults with Serious Mental Health Conditions priorities are included in the notice of final priorities published elsewhere in this issue of the **Federal Register** and in the applicable application package.

Program Authority: 29 U.S.C. 762(g) and 764(b)(2)(A).

Applicable Regulations: (a) The Education Department General Administrative Regulations in 34 CFR parts 74, 75, 77, 80, 81, 82, 84, 86, and 97. (b) The Education Department debarment and suspension regulations in 2 CFR part 3485. (c) The regulations for this program in 34 CFR part 350. (d) The notice of final priorities for the Disability and Rehabilitation Research Projects and Centers Program published in the **Federal Register** on February 1, 2008 (73 FR 6132). (e) The notice of final priorities, published elsewhere in this issue of the **Federal Register**.

Note: The regulations in 34 CFR part 86 apply to institutions of higher education (IHEs) only.

II. Award Information

Type of Award: Discretionary grants.

Estimated Available Funds: See chart.

Maximum Award: See chart.

Estimated Number of Awards: See chart.

Project Period: See chart.

CFDA No. and name	Applications available	Deadline for transmittal of applications	Estimated available funds [1]	Estimated number of awards	Maximum award amount (per year) [2 3]	Project period (months)
84.133B–6, Transition to Employment for Youth and Young Adults with Serious Mental Health Conditions.	July 18, 2014	August 29, 2014	$875,000	1	$875,000	60

CFDA No. and name	Applications available	Deadline for transmittal of applications	Estimated available funds [1]	Estimated number of awards	Maximum award amount (per year) [2 3]	Project period (months)
84.133B–7, Community Living and Participation for Youth and Young Adults with Serious Mental Health Conditions.	July 18, 2014	August 29, 2014	875,000	1	875,000	60

Note: The Department is not bound by any estimates in this chart.

[1] Contingent upon the availability of funds and the quality of applications, we may make additional awards in FY 2014 and any subsequent year from the list of unfunded applicants from this competition.

[2] We will reject any application that proposes a budget exceeding the maximum amount. The Assistant Secretary for Special Education and Rehabilitative Services may change the maximum amount through a notice published in the **Federal Register**.

[3] **Note:** The maximum amount includes both direct and indirect costs.

III. Eligibility Information

1. *Eligible Applicants:* States; public or private agencies, including for-profit agencies; public or private organizations, including for-profit organizations; IHEs; and Indian tribes and tribal organizations.

2. *Cost Sharing or Matching:* This competition does not require cost sharing or matching.

IV. Application and Submission Information

1. *Address to Request Application Package:* You can obtain an application package via the Internet or from the Education Publications Center (ED Pubs). To obtain a copy via the Internet, use the following address: *www.ed.gov/fund/grant/apply/grantapps/index.html.* To obtain a copy from ED Pubs, write, fax, or call the following: ED Pubs, U.S. Department of Education, P.O. Box 22207, Alexandria, VA 22304. Telephone, toll free: 1–877–433–7827. FAX: (703) 605–6794. If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call, toll free: 1–877–576–7734.

You can contact ED Pubs at its Web site, also: *www.EDPubs.gov* or at its email address: *edpubs@inet.ed.gov.*

If you request an application package from ED Pubs, be sure to identify this program as follows: CFDA number 84.133B–6 or 84.133B–7.

Individuals with disabilities can obtain a copy of the application package in an accessible format (e.g., Braille, large print, audiotape, or compact disc) by contacting the person or team listed under *Accessible Format* in section VIII of this notice.

2. *Content and Form of Application Submission:* Requirements concerning the content of an application, together with the forms you must submit, are in the application package for each competition.

Notice of Intent to Apply: Due to the broad nature of the priorities in these competitions, and to assist with the selection of reviewers for these competitions, NIDRR is requesting all potential applicants to submit a letter of intent (LOI). The submission is not mandatory and the content of the LOI will not be peer reviewed or otherwise used to rate an application.

Each LOI should be limited to a maximum of four pages and include the following information: (1) The title of the proposed project, the name of the applicant, the name of the Project Director or Principal Investigator (PI), and the names of partner institutions and entities; (2) a brief statement of the vision, goals, and objectives of the proposed project and a description of its activities at a sufficient level of detail to allow NIDRR to select potential peer reviewers; (3) a list of proposed project staff including the Project Director or PI and key personnel; (4) a list of individuals whose selection as a peer reviewer might constitute a conflict of interest due to involvement in proposal development, selection as an advisory board member, co-PI relationships, etc.; and (5) contact information for the Project Director or PI. Submission of an LOI is not a prerequisite for eligibility to submit an application.

NIDRR will accept the optional LOI via mail (through the U.S. Postal Service or commercial carrier) or email, by August 15, 2014. The LOI must be sent to: Patricia Barrett, U.S. Department of Education, 400 Maryland Avenue SW., Room 5142, Potomac Center Plaza (PCP), Washington, DC 20202; or by email to: *patricia.barrett@ed.gov.*

For further information regarding the LOI submission process, contact Patricia Barrett at (202) 245–6211.

Page Limit: The application narrative (Part III of the application) is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. We recommend that you limit Part III to the equivalent of no more than 100 pages, using the following standards:

- A ''page'' is 8.5″ x 11″, on one side only, with 1″ margins at the top, bottom, and both sides.
- Double space (no more than three lines per vertical inch) all text in the application narrative. You are not required to double space titles, headings, footnotes, references, captions, or text in charts, tables, figures, and graphs.
- Use a font that is either 12 point or larger or no smaller than 10 pitch (characters per inch).
- Use one of the following fonts: Times New Roman, Courier, Courier New, or Arial.

The recommended page limit does not apply to Part I, the cover sheet; Part II, the budget section, including the narrative budget justification; Part IV, the assurances and certifications; or the one-page abstract, the resumes, the bibliography, or the letters of support. However, the page limit does apply to all of the application narrative section (Part III).

Note 1: Please submit an appendix that lists every collaborating organization and individual named in the application, including staff, consultants, contractors, and advisory board members. We will use this information to help us screen for conflicts of interest with our reviewers.

Note 2: An applicant should consult NIDRR's Long-Range Plan for Fiscal Years 2013–2017 (78 FR 20299) (Plan) when preparing its application. The Plan is organized around the following research domains: (1) Community Living and Participation; (2) Health and Function; and (3) Employment.

3. *Submission Dates and Times:*

Applications Available: July 18, 2014.

Deadline for Notice of Intent to Apply: August 15, 2014.

Date of Pre-Application Meeting: Interested parties are invited to participate in a pre-application meeting and to receive information and technical assistance through individual consultation with NIDRR staff. The pre-application meeting will be held on August 8, 2014. Interested parties may participate in this meeting by conference call with NIDRR staff from the Office of Special Education and Rehabilitative Services between 1:00 p.m. and 3:00 p.m., Washington, DC time. NIDRR staff also will be available

from 3:30 p.m. to 4:30 p.m., Washington, DC time, on the same day, by telephone, to provide information and technical assistance through individual consultation. For further information or to make arrangements to participate in the meeting via conference call or to arrange for an individual consultation, contact the person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice.

Deadline for Transmittal of Applications: August 29, 2014.

Applications for grants under the competitions announced in this notice must be submitted electronically using the Grants.gov Apply site (Grants.gov). For information (including dates and times) about how to submit your application electronically, or in paper format by mail or hand delivery if you qualify for an exception to the electronic submission requirement, please refer to section IV. 7. *Other Submission Requirements* of this notice.

We do not consider an application that does not comply with the deadline requirements.

Individuals with disabilities who need an accommodation or auxiliary aid in connection with the application process should contact the person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice. If the Department provides an accommodation or auxiliary aid to an individual with a disability in connection with the application process, the individual's application remains subject to all other requirements and limitations in this notice.

4. *Intergovernmental Review:* This program is not subject to Executive Order 12372 and the regulations in 34 CFR part 79.

5. *Funding Restrictions:* We reference regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

6. *Data Universal Numbering System Number, Taxpayer Identification Number, and System for Award Management:* To do business with the Department of Education, you must—

a. Have a Data Universal Numbering System (DUNS) number and a Taxpayer Identification Number (TIN);

b. Register both your DUNS number and TIN with the System for Award Management (SAM) (formerly the Central Contractor Registry (CCR)), the Government's primary registrant database;

c. Provide your DUNS number and TIN on your application; and

d. Maintain an active SAM registration with current information while your application is under review by the Department and, if you are awarded a grant, during the project period.

You can obtain a DUNS number from Dun and Bradstreet. A DUNS number can be created within one to two business days.

If you are a corporate entity, agency, institution, or organization, you can obtain a TIN from the Internal Revenue Service. If you are an individual, you can obtain a TIN from the Internal Revenue Service or the Social Security Administration. If you need a new TIN, please allow two to five weeks for your TIN to become active.

The SAM registration process can take approximately seven business days, but may take upwards of several weeks, depending on the completeness and accuracy of the data entered into the SAM database by an entity. Thus, if you think you might want to apply for Federal financial assistance under a program administered by the Department, please allow sufficient time to obtain and register your DUNS number and TIN. We strongly recommend that you register early.

Note: Once your SAM registration is active, you will need to allow 24 to 48 hours for the information to be available in Grants.gov and before you can submit an application through Grants.gov.

If you are currently registered with SAM, you may not need to make any changes. However, please make certain that the TIN associated with your DUNS number is correct. Also note that you will need to update your registration annually. This may take three or more business days.

Information about SAM is available at *www.SAM.gov.* To further assist you with obtaining and registering your DUNS number and TIN in SAM or updating your existing SAM account, we have prepared a SAM.gov Tip Sheet, which you can find at: *http://www2.ed.gov/fund/grant/apply/sam-faqs.html.*

In addition, if you are submitting your application via Grants.gov, you must (1) be designated by your organization as an Authorized Organization Representative (AOR); and (2) register yourself with Grants.gov as an AOR. Details on these steps are outlined at the following Grants.gov Web page: *www.grants.gov/web/grants/register.html.*

7. *Other Submission Requirements:* Applications for grants under the competitions announced in this notice must be submitted electronically unless you qualify for an exception to this requirement in accordance with the instructions in this section.

a. *Electronic Submission of Applications.*

Applications for grants under the RRTC competitions (CFDA Numbers 84.133B–6 and 84.133B–7) must be submitted electronically using the Governmentwide Grants.gov Apply site at *www.Grants.gov.* Through this site, you will be able to download a copy of the application package, complete it offline, and then upload and submit your application. You may not email an electronic copy of a grant application to us.

We will reject your application if you submit it in paper format unless, as described elsewhere in this section, you qualify for one of the exceptions to the electronic submission requirement and submit, no later than two weeks before the application deadline date, a written statement to the Department that you qualify for one of these exceptions. Further information regarding calculation of the date that is two weeks before the application deadline date is provided later in this section under *Exception to Electronic Submission Requirement.*

You may access the electronic grant application for the RRTC competitions (CFDA Numbers 84.133B–6 and 84.133B–7) at *www.Grants.gov.* You must search for the downloadable application packages for these competitions by the CFDA number. Do not include the CFDA number's alpha suffix in your search (e.g., search for 84.133, not 84.133B).

Please note the following:

- When you enter the Grants.gov site, you will find information about submitting an application electronically through the site, as well as the hours of operation.
- Applications received by Grants.gov are date and time stamped. Your application must be fully uploaded and submitted and must be date and time stamped by the Grants.gov system no later than 4:30:00 p.m., Washington, DC time, on the application deadline date. Except as otherwise noted in this section, we will not accept your application if it is received—that is, date and time stamped by the Grants.gov system—after 4:30:00 p.m., Washington, DC time, on the application deadline date. We do not consider an application that does not comply with the deadline requirements. When we retrieve your application from Grants.gov, we will notify you if we are rejecting your application because it was date and time stamped by the Grants.gov system after 4:30:00 p.m., Washington, DC time, on the application deadline date.
- The amount of time it can take to upload an application will vary depending on a variety of factors, including the size of the application and

the speed of your Internet connection. Therefore, we strongly recommend that you do not wait until the application deadline date to begin the submission process through Grants.gov.

• You should review and follow the Education Submission Procedures for submitting an application through Grants.gov that are included in the application package for the competition to which you are applying to ensure that you submit your application in a timely manner to the Grants.gov system. You can also find the Education Submission Procedures pertaining to Grants.gov under News and Events on the Department's G5 system home page. In addition, for specific guidance and procedures for submitting an application through Grants.gov, please refer to the Grants.gov Web site at: *www.grants.gov/web/grants/applicants/apply-for-grants.html.*

• You will not receive additional point value because you submit your application in electronic format, nor will we penalize you if you qualify for an exception to the electronic submission requirement, as described elsewhere in this section, and submit your application in paper format.

• You must submit all documents electronically, including all information you typically provide on the following forms: The Application for Federal Assistance (SF 424), the Department of Education Supplemental Information for SF 424, Budget Information—Non-Construction Programs (ED 524), and all necessary assurances and certifications.

• You must upload any narrative sections and all other attachments to your application as files in a PDF (Portable Document) read-only, non-modifiable format. Do not upload an interactive or fillable PDF file. If you upload a file type other than a read-only, non-modifiable PDF or submit a password-protected file, we will not review that material. Additional, detailed information on how to attach files is in the application instructions.

• Your electronic application must comply with any page-limit requirements described in this notice.

• After you electronically submit your application, you will receive from Grants.gov an automatic notification of receipt that contains a Grants.gov tracking number. This notification indicates receipt by Grants.gov only, not receipt by the Department. Grants.gov will also notify you automatically by email if your application met all the Grants.gov validation requirements or if there were any errors. You will be given an opportunity to correct any errors and resubmit your application, but you must still meet the deadline for submission of applications.

Once your application is successfully validated by Grants.gov, the Department will retrieve your application from Grants.gov and send you an email with a unique PR/Award number for your application. This second notification indicates that the Department has received your application and has assigned your application a PR/Award number (an ED-specified identifying number unique to your application).

These emails do not mean that your application is free of any disqualifying errors. It is your responsibility to ensure that your submitted application has met all of the Department's requirements, including submitting only PDF documents, as prescribed in this notice and in the application instructions.

We may request that you provide us original signatures on forms at a later date.

Application Deadline Date Extension in Case of Technical Issues with the Grants.gov System: If you are experiencing problems submitting your application through Grants.gov, please contact the Grants.gov Support Desk, toll free, at 1–800–518–4726. You must obtain a Grants.gov Support Desk Case Number and must keep a record of it.

If you are prevented from electronically submitting your application on the application deadline date because of technical problems with the Grants.gov system, we will grant you an extension until 4:30:00 p.m., Washington, DC time, the following business day to enable you to transmit your application electronically or by hand delivery. You also may mail your application by following the mailing instructions described elsewhere in this notice.

If you submit an application after 4:30:00 p.m., Washington, DC time, on the application deadline date, please contact the person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice and provide an explanation of the technical problem you experienced with Grants.gov, along with the Grants.gov Support Desk Case Number. We will accept your application if we can confirm that a technical problem occurred with the Grants.gov system and that that problem affected your ability to submit your application by 4:30:00 p.m., Washington, DC time, on the application deadline date. The Department will contact you after a determination is made on whether your application will be accepted.

Note: The extensions to which we refer in this section apply only to the unavailability of, or technical problems with, the Grants.gov system. We will not grant you an extension if you failed to fully register to submit your application to Grants.gov before the application deadline date and time or if the technical problem you experienced is unrelated to the Grants.gov system.

Exception to Electronic Submission Requirement: You qualify for an exception to the electronic submission requirement, and may submit your application in paper format, if you are unable to submit an application through the Grants.gov system because—

• You do not have access to the Internet; or

• You do not have the capacity to upload large documents to the Grants.gov system; and

• No later than two weeks before the application deadline date (14 calendar days or, if the fourteenth calendar day before the application deadline date falls on a Federal holiday, the next business day following the Federal holiday), you mail or fax a written statement to the Department, explaining which of the two grounds for an exception prevents you from using the Internet to submit your application.

If you mail your written statement to the Department, it must be postmarked no later than two weeks before the application deadline date. If you fax your written statement to the Department, we must receive the faxed statement no later than two weeks before the application deadline date.

Address and mail or fax your statement to: Patricia Barrett, U.S. Department of Education, 400 Maryland Avenue SW., Room 5142, PCP, Washington, DC 20202–2700. FAX: (202) 245–6211.

Your paper application must be submitted in accordance with the mail or hand delivery instructions described in this notice.

b. *Submission of Paper Applications by Mail.*

If you qualify for an exception to the electronic submission requirement, you may mail (through the U.S. Postal Service or a commercial carrier) your application to the Department. You must mail the original and two copies of your application, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.133B–6 or 84.133B–7), LBJ Basement Level 1, 400 Maryland Avenue SW., Washington, DC 20202–4260.

You must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary of the U.S. Department of Education.

If you mail your application through the U.S. Postal Service, we do not accept either of the following as proof of mailing:

(1) A private metered postmark.

(2) A mail receipt that is not dated by the U.S. Postal Service.

If your application is postmarked after the application deadline date, we will not consider your application.

Note: The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, you should check with your local post office.

c. *Submission of Paper Applications by Hand Delivery.*

If you qualify for an exception to the electronic submission requirement, you (or a courier service) may deliver your paper application to the Department by hand. You must deliver the original and two copies of your application by hand, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.133B–6 or 84.133B–7), 550 12th Street SW., Room 7039, Potomac Center Plaza, Washington, DC 20202–4260.

The Application Control Center accepts hand deliveries daily between 8:00 a.m. and 4:30:00 p.m., Washington, DC time, except Saturdays, Sundays, and Federal holidays.

Note for Mail or Hand Delivery of Paper Applications: If you mail or hand deliver your application to the Department—

(1) You must indicate on the envelope and—if not provided by the Department—in Item 11 of the SF 424 the CFDA number, including suffix letter, if any, of the competition under which you are submitting your application; and

(2) The Application Control Center will mail to you a notification of receipt of your grant application. If you do not receive this notification within 15 business days from the application deadline date, you should call the U.S. Department of Education Application Control Center at (202) 245–6288.

V. Application Review Information

1. *Selection Criteria:* The selection criteria for these competitions are from 34 CFR 350.54 and are listed in the application packages.

2. *Review and Selection Process:* We remind potential applicants that in reviewing applications in any discretionary grant competition, the Secretary may consider, under 34 CFR 75.217(d)(3), the past performance of the applicant in carrying out a previous award, such as the applicant's use of funds, achievement of project objectives, and compliance with grant conditions. The Secretary may also consider whether the applicant failed to submit a timely performance report or submitted a report of unacceptable quality.

In addition, in making a competitive grant award, the Secretary also requires various assurances including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department of Education (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

3. *Special Conditions:* Under 34 CFR 74.14 and 80.12, the Secretary may impose special conditions on a grant if the applicant or grantee is not financially stable; has a history of unsatisfactory performance; has a financial or other management system that does not meet the standards in 34 CFR parts 74 or 80, as applicable; has not fulfilled the conditions of a prior grant; or is otherwise not responsible.

VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN); or we may send you an email containing a link to access an electronic version of your GAN. We may notify you informally, also.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Reporting:* (a) If you apply for a grant under this competition, you must ensure that you have in place the necessary processes and systems to comply with the reporting requirements in 2 CFR part 170 should you receive funding under the competition. This does not apply if you have an exception under 2 CFR 170.110(b).

(b) At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multi-year award, you must submit an annual performance report that provides the most current performance and financial expenditure information as directed by the Secretary under 34 CFR 75.118. The Secretary may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to *www.ed.gov/fund/grant/apply/appforms/appforms.html.*

4. *Performance Measures:* To evaluate the overall success of its research program, NIDRR assesses the quality of its funded projects through a review of grantee performance and products. Each year, NIDRR examines a portion of its grantees to determine:

- The number of products (e.g., new or improved tools, methods, discoveries, standards, interventions, programs, or devices developed or tested with NIDRR funding) that have been judged by expert panels to be of high quality and to advance the field.
- The average number of publications per award based on NIDRR-funded research and development activities in refereed journals.
- The percentage of new NIDRR grants that assess the effectiveness of interventions, programs, and devices using rigorous methods.

NIDRR uses information submitted by grantees as part of their Annual Performance Reports for these reviews.

5. *Continuation Awards:* In making a continuation award, the Secretary may consider, under 34 CFR 75.253, the extent to which a grantee has made ''substantial progress toward meeting the objectives in its approved application.'' This consideration includes the review of a grantee's progress in meeting the targets and projected outcomes in its approved application, and whether the grantee has expended funds in a manner that is consistent with its approved application and budget. In making a continuation grant, the Secretary also considers whether the grantee is operating in compliance with the assurances in its approved application, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

VII. Agency Contact

For Further Information Contact: Patricia Barrett, U.S. Department of Education, 400 Maryland Avenue SW.,

Room 5142, PCP, Washington, DC 20202–2700. Telephone: (202) 245–6211 or by email: *patricia.barrett@ed.gov.*

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

VIII. Other Information

Accessible Format: Individuals with disabilities can obtain this document and a copy of the application package in an accessible format (e.g., braille, large print, audiotape, or compact disc) by contacting the Grants and Contracts Services Team, U.S. Department of Education, 400 Maryland Avenue SW., Room 5037, PCP, Washington, DC 20202–2550. Telephone: (202) 245–7363. If you use a TDD or a TTY, call the FRS, toll-free, at 1–800–877–8339.

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Dated: July 15, 2014.

Michael K. Yudin,

Acting Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 2014–16994 Filed 7–17–14; 8:45 am]

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The text of laws is not published in the **Federal Register** but may be ordered in ''slip law'' (individual pamphlet) form from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone, 202–512–1808). The text will also be made available on the Internet from GPO's Federal Digital System (FDsys) at *http://www.gpo.gov/fdsys*. Some laws may not yet be available.

H.R. 2388/P.L. 113–127
To take certain Federal lands located in El Dorado County, California, into trust for the benefit of the Shingle Springs Band of Miwok Indians, and for other purposes. (July 16, 2014; 128 Stat. 1424)

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