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Contents

Federal Register

Vol. 79, No. 145

Tuesday, July 29, 2014

Reader Aids

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

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

CFR PARTS AFFECTED IN THIS ISSUE

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

3 CFR

Administrative Orders:

Memorandums:

Memorandum of July 11, 2014 43917

5 CFR

300 43919
315 43919
335 43919
410 43919
537 43919
900 43919

Proposed Rules:

890 43969

7 CFR

Proposed Rules:

319 43972

9 CFR

77 43923

Proposed Rules:

94 43974

10 CFR

430 43927

14 CFR

Proposed Rules:

39 (2 documents) 43981, 43983

18 CFR

Proposed Rules:

40 43987
154 43994

24 CFR

207 43929

33 CFR

100 (2 documents) 43933, 43935
117 (5 documents) 43935, 43938, 43939
147 43935
165 (3 documents) 43935, 43940

40 CFR

52 (4 documents) 43943, 43945

Proposed Rules:

52 43998

47 CFR

20 43956

48 CFR

1803 43958
1816 43958
1852 43958

50 CFR

2 43961
10 43961
13 43961
14 43961
15 43961
16 43961
17 43961
18 43961
20 43961
21 43961
22 43961
23 43961
36 43961
80 43961
86 43961
91 43961
100 43961

Federal Register
Vol. 79, No. 145
Tuesday, July 29, 2014

Presidential Documents

Title 3—

The President

Memorandum of July 11, 2014

Delegation of Authority Pursuant to Section 4 of the Support for United States-Republic of Korea Civil Nuclear Cooperation Act

Memorandum for the Secretary of State

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 301 of title 3, United States Code, I hereby delegate to the Secretary of State the reporting functions conferred upon the President by section 4 of the Support for United States-Republic of Korea Civil Nuclear Cooperation Act (Public Law 113–81).

You are authorized and directed to publish this memorandum in the *Federal Register.*

THE WHITE HOUSE,
Washington, July 11, 2014

[FR Doc. 2014–17938
Filed 7–28–14; 8:45 am]
Billing code 4710–10

Rules and Regulations

Federal Register
Vol. 79, No. 145
Tuesday, July 29, 2014

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Parts 300, 315, 335, 410, 537, and 900

RIN 3206–AM77

Nondiscrimination Provisions

AGENCY: U.S. Office of Personnel Management.

ACTION: Final rule.

SUMMARY: The Office of Personnel Management (OPM) is issuing a final rule to update various nondiscrimination provisions to provide greater consistency and reflect current law.

DATES: This final rule is effective July 29, 2014.

FOR FURTHER INFORMATION CONTACT: Sharon Wong by telephone at (202) 606–7140; by TTY at 1–800–877–8339; by fax at (202) 606–6042; or by email at *diversityandinclusion@opm.gov*.

SUPPLEMENTARY INFORMATION: On September 4, 2013, OPM issued proposed regulations in the **Federal Register** (78 FR 54434) to update certain regulations that contain nondiscrimination provisions. OPM conducted a retrospective review of its regulations, including those with nondiscrimination provisions, as part of the Executive Order 13563 directive that agencies review existing regulations to determine whether they should be changed or eliminated. See *http://www.opm.gov/Open/Resources/RetrospectiveRegReview.pdf*.

OPM also chose these regulations for retrospective review to further respond to a separate instruction issued by President Obama in a June 17, 2009, Memorandum on Federal Benefits and Nondiscrimination, which directed OPM to issue guidance to promote compliance with existing laws that required Federal workplaces to be free of discrimination based on non-merit factors. See 5 U.S.C. 2303(b)(10); *http://www.whitehouse.gov/the-press-office/memorandum-heads-executive-departments-and-agencies-federal-benefits-and-non-discri*.

Our review revealed that the nondiscrimination provisions in certain regulations were inconsistently worded or had not been updated to reflect recent legal developments, including enactment of the Genetic Information Nondiscrimination Act of 2008 (GINA), Pub. L. 110–233, which prohibits discrimination on the basis of genetic information (including family medical history). Accordingly, OPM is issuing these final regulations to update the nondiscrimination provisions of certain regulations to reflect current law and to make them consistent, to the greatest extent possible.

Some of the nondiscrimination provisions reflect statutory prohibitions on discrimination that arise out of the civil service laws codified at title 5, United States Code, and OPM's authority to enforce the merit system principles. Others were promulgated to reflect the provisions of Title VII of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000e, *et seq.*), the Rehabilitation Act of 1973, as amended (29 U.S.C. 701 *et seq.*), and the Age Discrimination in Employment Act of 1967, as amended (ADEA) (29 U.S.C. 621–634). As a result, we adopted two formulations of the nondiscrimination language. For those grounded in Title VII of the Civil Rights Act, the Rehabilitation Act, the ADEA, and the GINA (referred to collectively here as ''civil rights laws''), the provisions will reflect the statutory prohibitions of discrimination on the basis of race, color, religion, sex (including pregnancy and gender identity), national origin, age (as defined by the Age Discrimination in Employment Act of 1967, as amended), disability, genetic information (including family medical history) and retaliation for exercising rights under the statutes enumerated above, where retaliation rights are available. For those grounded in the civil service laws, the provisions reflect the statutory prohibitions of discrimination on those bases (5 U.S.C. 2302(b)(1)(A)–(D)), as well as prohibitions of discrimination on the basis of marital status (5 U.S.C. 2302(b)(1)(E)); political affiliation (id.); and sexual orientation, labor organization affiliation or non-affiliation, status as a parent, or any other non-merit-based factor (E.O. 13087; E.O. 13152; 5 U.S.C. 2302(b)(10)). It also incorporates retaliation for exercising rights under the statutes enumerated above, where retaliation rights are available. (5 U.S.C. 2302(b)(9)(A)–(B)).

We further concluded that the nondiscrimination provisions currently appearing in some regulations were grounded in other specific legal authorities and appropriately reflected the scope of the laws that they are implementing. Therefore, we did not propose changes to those provisions. See 5 CFR part 720 and 5 CFR part 724.

We believe that greater consistency across our nondiscrimination provisions will clarify the protections afforded to individuals and lessen the confusion that might result from the use of different language in various provisions. Also, where appropriate, we updated the authority citations for the regulations to reflect a complete list of the statutory provisions pursuant to which the regulations are now being reissued.

As part of the update process, in reviewing the proposed text for section 300.103(c), we also noticed that the heading, ''Equal employment opportunity,'' was not completely descriptive of the subparagraph because it encompassed forms of discrimination not currently encompassed by the equal employment opportunity laws. Accordingly, we have changed this heading to read ''Equal employment opportunity and prohibited forms of discrimination.''

OPM received six sets of comments in response to the proposed changes to the regulation in 5 CFR parts 300, 315 and 335. Comments on the proposed changes were received from an anonymous commenter, a private citizen (law student), one Federal agency, a disability advocacy group, a religious organization, and a coalition of advocacy groups.

The anonymous commenter requested to have ''gender, particularly trans-gender'' listed as a protected category and age discrimination claims expanded to include all ages. With regard to gender, as noted above, the category ''gender identity'' is already included within the category of ''sex (including pregnancy and gender identity).''

Accordingly, OPM does not believe any further action on this comment is necessary or appropriate. Similarly, with regard to the commenter's position on the scope of age discrimination claims, OPM lacks the authority to revise the statutory elements for the ADEA through this rulemaking process, and thus declines to adopt that comment.

The individual commenter focused on issues related to the addition of ''sexual orientation'' as a protected category in certain provisions. The commenter stated that he believed the regulations will result in greater inconsistency because the references to sexual orientation were limited to the administrative arena and do not include the right to file a civil action in a Federal court. He also asserted that the absence of a right to Federal court meant the regulations were not ''current.''

In support of his position, the commenter cited a 2002 district court ruling, which held that sexual orientation claims are not actionable under Title VII. OPM has considered this comment but does not agree that the revised regulations will result in ''greater inconsistency'' or that the changes have not made the regulations ''current.'' These regulations seek to reflect the existing state of the law. Specifically, under the Civil Service Reform Act (CSRA), OPM has broad authority to issue regulations, including defining what is meant by ''non-merit-based factors.'' Under this authority, OPM has long held that, when tied to an actionable Part 300 claim, a claim of sexual orientation discrimination could reach the Merit System Protection Board and possibly, the Federal Circuit. Therefore, the regulations correctly note that claims of sexual orientation discrimination may be brought under the CSRA. On the other hand, these regulations seek to reflect, and do not purport to alter, the existing state of the law in Federal courts. Consequently, the regulations do not, and did not intend to, opine on what kinds of claims may be viable sex discrimination claims in Federal courts under Title VII.

The commenter suggested in the alternative that OPM add language explaining what he described as ''the discrepancy between a [F]ederal employee's right to administratively pursue a sexual orientation discrimination claim and the narrow judicial review sections of the CSRA,'' either in the regulation or in the OPM handbook titled ''Addressing Sexual Orientation Discrimination.'' *See* Comment at page 5. OPM has considered this comment but declined to adopt either alternative. These regulations are not a strategic guide for litigation; rather, they only restate the law as it exists today. Accordingly, OPM declines to add specific information regarding litigation options for sexual orientation claims. With respect to OPM's handbook, OPM notes this document has been rendered out of date as a result of significant developments that have occurred since its original publication in 2008, including most significantly the Supreme Court's decision invalidating Section 3 of the Defense of Marriage Act (DOMA). As a result, this handbook has been taken down from OPM's Web site for an assessment of whether the document can merely be updated or whether a new publication is appropriate.

The commenter also requested that OPM either define the term ''sexual orientation'' or add a parenthetical to make the meaning clearer, similar to parentheticals added to other bases under Title VII. The commenter believed such definitions were needed in order for the provisions to truly reflect what he defines as ''current law.'' The religious organization also raised a concern that ''sexual orientation'' was not defined. OPM considered these comments but declines to adopt them. The parentheticals for the Title VII categories were included only for clarification and for consistency across the regulations with nondiscrimination provisions. Although both commenters suggest that the ''meaning'' of sexual orientation is not unified, the existing case law demonstrates that the term ''sexual orientation'' is generally understood in the context of nondiscrimination jurisprudence, and thus not in need of further definition or clarification in these regulations.

The individual commenter, the agency, and the disability advocacy organization questioned why certain bases were missing from the list of protected bases in certain provisions within Part 300, Employment Practices. In particular, each commenter noted the difference between 5 CFR 300.104 (Appeals, Grievances and Complaints; complaints and grievance to an agency) as compared to 5 CFR 300.103 (Basic requirements; equal employment opportunity). The commenter recognized these two provisions were grounded in different authorities but suggested that sexual orientation should be added to section 300.104(c)(1) [1] to allow for a complaint alleging sexual orientation discrimination within an agency. OPM has considered but declines to accept this suggestion. Section 300.103(c), one of the three foundations for raising an employment practice claim, identifies the statutory categories of discrimination under the civil rights laws and prohibited personnel practices under the merit system principles for which one can seek redress. Section 300.104(c), however, is an internal agency administrative complaints process that was created by regulation in order to give another, although more limited, avenue for redress to employees. Given the more limited authority for an action under section 300.104(c), OPM initially decided that it was more appropriate to simply update the language within the provision, including changing an obsolete procedural citation, but not add any additional bases for a claim. Upon further review, however, OPM believes it is appropriate to further update the language in this provision to include the same formulation for Title VII claims found in 300.103(c) for consistency. Therefore, the parenthetical (including pregnancy and gender identity) has been added to the category ''sex,'' and ''disability,'' ''genetic information (including family medical history),'' and ''retaliation'' have been added as separate categories.

The agency specifically questioned why ''disability,'' ''genetic information,'' and ''retaliation'' were not included in the list of protected bases in section 300.104(c)(1) as well as why ''genetic information'' and ''retaliation'' were not included in section 315.806(d) (Appeal rights to the Merit System Protection Board [MSPB]). As noted above, upon further review, OPM has decided to further update section 300.104(c)(1) to reflect the same formulation for claims under the civil rights laws already found in section 300.103(c). So ''disability,'' ''genetic information (including family medical history),'' and ''retaliation'' have now been added as separate categories.

Further, while considering the agency comments, OPM identified an error in the final sentence of section 300.104(c)(1). Specifically, the sentence refers to ''EEO and grievance procedures.'' The grievance procedures, however, are already referenced in section 300.104(c)(2). Therefore, OPM removed the duplicative reference to ''grievance'' from the last sentence in section 300.104(c)(1).

In section 315.806(d) of Part 315, OPM addresses probationary employees. Longstanding Civil Service Commission and OPM regulations, now at 5 CFR

[1] The commenter actually cited ''section 300.103(c)(1),'' but OPM believes this is a typographic error because this same sentence referenced the right to file a complaint, which is consistent with language in ''section 300.104(c)(1).'' Moreover, the term ''sexual orientation'' is already included in section 300.103(c).

315.806(d), limit probationers' access to the MSPB to appeals based on discrimination claims based on marital status or partisan political reasons. The regulations permitted appellants to append allegations of other types of discrimination that were then enshrined in statute when an employee raised a marital status or partisan political reason allegation.

Consistent with the purpose of these regulations—to ''update various nondiscrimination provisions'' in Title 5 of the Code of Federal Regulations—OPM proposed to retain the current content of the regulation, but change ''handicapping condition'' to ''disability.'' In keeping with our objective of conforming the regulation to accurately reflect the current state of the law, we also added the parenthetical ''(including pregnancy and gender identity)'' to the word ''sex.'' The separate grounds of ''genetic information (including family medical history)'' and ''retaliation'' have not been added, however, because those categories would create new rights, which is outside the scope of this rulemaking process.

The disability advocacy organization supported OPM's proposal to add disability and genetic information to the non-discrimination provisions in sections 300.102, 300.103, and 335.103. Similar to the agency, however, the organization also thought ''disability'' and ''genetic information'' should be added to the list of claims actionable under the agency administrative process in section 300.104(c). For the reasons discussed above, OPM agrees with this view and has added ''disability'' and ''genetic information (including family medical history).''

The disability advocacy organization also asked that OPM ''clarify in the final regulations that the Uniform Guidelines on Employee Selection Procedures (UGESP) does not apply to complaints of discrimination based on disability'' in light of statements from the EEOC related to UGESP. OPM considered this comment and agrees that clarification is needed. On its face, UGESP states that it applies to employment selection procedures with an adverse impact on members of a race, color, religion, sex, or national origin group. Therefore, section 300.103(c) is further revised to make it clear that while the categories of claims in this regulation have been updated to reflect current law, to the extent possible, OPM did not intend to expand the scope of the UGESP.

The disability advocacy group's final comment asked OPM to revise 5 CFR 300.103(b) (Relevance), a different provision of the employment practice claims regulations. This provision was not part of this update process; therefore, this comment is outside of the scope of this rulemaking and will not receive any further consideration, beyond acknowledging receipt.

The religious organization questioned the inclusion of ''gender identity'' and ''sexual orientation'' to categories to prevent Federal workplace discrimination. First, the organization stated the inclusion of ''gender identity'' was not authorized by statute and the term is ambiguous and not defined in the regulations. OPM has considered these comments but disagrees that the category of ''gender identity'' is not authorized or that the term is not sufficiently defined. OPM notes that since 2012, the Equal Employment Opportunity Commission (EEOC) has recognized, in case law, that a gender identity claim is a form of discrimination on the basis of sex under Title VII. *See Macy* v. *Holder,* No. 0120120821, 2012 WL 1435995 *2 (EEOC, Apr. 20, 2012). Operative law is defined not only by the literal terms of statute and regulation but also by case law developed by the agency upon which authority to resolve claims is conferred and any Federal courts with jurisdiction to consider such claims. Although the organization cited several cases that, in its view, supported its position regarding the viability of gender identity claims under Title VII, the position outlined by the EEOC in its 2012 *Macy* decision is the operative precedent with respect to how such claims will be handled through the Federal sector EEO process, which was our focus in drafting this language. In addition, as a substantive matter, two recent Federal court decisions, including one involving the Federal sector, have recognized the viability of such claims, *see Schroer* v. *Billington,* 577 F. Supp. 2d 293 (D.D.C. 2008); *Finkle* v. *Howard Co.,* __F. Supp. 2d _ _, 2014 WL 1396386, at *8 (D. Md. Apr. 10, 2014). Moreover, several Federal courts have allowed gender identity discrimination claims to proceed as allegations of sex stereotyping under Title VII or section 1983, *see, e.g., Glenn* v. *Brumby,* 663 F.3d 1312, 1316 (11th Cir. 2011); *Barnes* v. *City of Cincinnati,* 401 F.3d 729 (6th Cir. 2005). The existing case law demonstrates that the term ''gender identity'' is generally understood in the context of nondiscrimination jurisprudence, and thus not in need of further definition or clarification in these regulations.

The organization also stated that if the ''gender identity'' claim remained in the regulations, then there was no need for a bill such as ''Employment Non-Discrimination Act'' (ENDA) and that such inclusion ''would have an adverse impact on the rights of other employees.'' *See* Comment at page 4. It made a similar comment about the negative impact of the ''sexual orientation'' category on the rights of other employees. OPM has considered but disagrees with these comments. Pending legislative actions, such as ENDA, are outside of the scope of this rulemaking, but OPM notes that the possibility of future legislation is not a basis for declining to act. *See Pension Ben. Guar. Corp.* v. *LTV Corp,* 496 U.S. 633, 650 (1990) (''Subsequent legislative history is a hazardous basis for inferring the intent of an earlier Congress. It is a particularly dangerous ground on which to rest an interpretation of a prior statute when it concerns, as it does here, a proposal that does not become law.'') (internal quotations and citations omitted). Moreover, even if passed, ENDA would not be limited to the Federal workforce, so would not be redundant to these regulations.

With regard to the rights of other employees, OPM notes it is already unlawful to discriminate against Federal employees or applicants for Federal employment on the basis of factors not related to job performance. 5 U.S.C. 2302(b)(10). The inclusion in these regulations of ''gender identity'' and ''sexual orientation'' did not change that longstanding prohibition. On the other hand, the suggestion that OPM simply incorporate the existing statutory language for 5 U.S.C. 2302(b)(10) is inconsistent with the purpose of this rulemaking process, which is to reduce the likelihood of confusion and inconsistent application. So OPM declines to adopt that suggestion.

Lastly the organization asserts that inclusion of ''gender identity'' and ''sexual orientation'' as part of a list of protected classes, along with other classes such as race, unfairly equates religious or moral opposition to claims of gender identity or sexual orientation with racial bigotry. OPM does not make such a moral equivalence assertion and does not believe the regulations, as written, inherently lead to such comparisons. Therefore, OPM does not believe this concern is a basis for removing the category of ''gender identity'' or ''sexual orientation'' from the nondiscrimination regulations.

The coalition of advocacy groups agreed with the changes in the regulations that added the parenthetical to ''sex'' so that it now reads ''sex (including pregnancy and gender identity)'' under the formulation for categories under Title VII. The coalition also asked that OPM further revise the

Title VII categories to include sexual orientation. As OPM noted previously, the purpose of this rulemaking is to note that claims of discrimination based upon factors not related to job performance, such as sexual orientation, may be brought under CSRA, the regulations do not, and did not intend at this time, to specifically address Title VII.

The coalition also requested that OPM take additional actions to work with other agencies to update their EEO policies and update existing guidance related to transgender employees. These requests are outside of the scope of this rulemaking process but OPM notes that it plans to assess all of the OPM published materials in this area to determine whether new or updated publications are appropriate.

Executive Order 13563 and Executive Order 12866

The Office of Management and Budget has reviewed this rule in accordance with E.O. 13563 and 12866.

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 apply only to Federal agencies and employees.

List of Subjects in 5 CFR Parts 300, 315, 335, 410, 537, and 900

Administrative practice and procedure, Equal employment opportunity, Government employees, Individuals with disabilities, Intergovernmental relations.

U.S. Office of Personnel Management.

Katherine Archuleta,

Director.

Accordingly, OPM amends title 5, Code of Federal Regulations, as follows:

PART 300—EMPLOYMENT (GENERAL)

■ 1. Revise the authority citation for 5 CFR part 300 to read as follows:

Authority: 5 U.S.C. 552, 2301, 2302, 3301, and 3302; E.O. 10577, 3 CFR 1954–1958 Comp., page 218, unless otherwise noted. Secs. 300.101 through 300.104 also issued under 5 U.S.C. 7201, 7204, and 7701; E.O. 11478, 3 CFR 1966–1970 Comp., page 803, E.O. 13087; and E.O. 13152. Secs. 300.401 through 300.408 also issued under 5 U.S.C. 1302(c). Secs. 300.501 through 300.507 also issued under 5 U.S.C. 1103(a)(5). Sec. 300.603 also issued under 5 U.S.C. 1104.

■ 2. Revise § 300.102(c) to read as follows:

§ 300.102 Policy.

* * * * *

(c) Be developed and used without discrimination on the basis of race, color, religion, sex (including pregnancy and gender identity), national origin, age (as defined by the Age Discrimination in Employment Act of 1967, as amended), disability, genetic information (including family medical history), marital status, political affiliation, sexual orientation, labor organization affiliation or nonaffiliation, status as a parent, or any other non-merit-based factor, or retaliation for exercising rights with respect to the categories enumerated above, where retaliation rights are available.

* * * * *

■ 3. Revise § 300.103(c) to read as follows:

§ 300.103 Basic requirements.

* * * * *

(c) *Equal employment opportunity and prohibited forms of discrimination.* An employment practice must not discriminate on the basis of race, color, religion, sex (including pregnancy and gender identity), national origin, age (as defined by the Age Discrimination in Employment Act of 1967, as amended), disability, genetic information (including family medical history), marital status, political affiliation, sexual orientation, labor organization affiliation or nonaffiliation, status as a parent, or any other non-merit-based factor, or retaliation for exercising rights with respect to the categories enumerated above, where retaliation rights are available. Employee selection procedures shall meet the standards established by the ''Uniform Guidelines on Employee Selection Procedures,'' where applicable.

■ 4. Revise § 300.104(c)(1) to read as follows:

§ 300.104 Appeals, grievances and complaints.

* * * * *

(c) *Complaints and grievances to an agency.* (1) A candidate may file a complaint with an agency when he or she believes that an employment practice that was applied to him or her and that is administered by the agency discriminates against him or her on the basis of race, color, religion, sex (including pregnancy and gender identity), national origin, age (as defined by the Age Discrimination in Employment Act of 1967, as amended), disability, genetic information (including family medical history), or retaliation for exercising rights with respect to the categories enumerated above, where retaliation rights are available. The complaint must be filed and processed in accordance with the agency EEO procedures, as appropriate.

* * * * *

PART 315—CAREER AND CAREER–CONDITIONAL EMPLOYMENT

■ 5. Revise the authority citation for part 315 to read as follows:

Authority: 5 U.S.C. 1302, 2301, 2302, 3301, and 3302; E.O. 10577, 3 CFR, 1954–1958 Comp. p. 218, unless otherwise noted; and E.O. 13162. Secs. 315.601 and 315.609 also issued under 22 U.S.C. 3651 and 3652. Secs. 315.602 and 315.604 also issued under 5 U.S.C. 1104. Sec. 315.603 also issued under 5 U.S.C. 8151. Sec. 315.605 also issued under E.O. 12034, 3 CFR, 1978 Comp. p.111. Sec. 315.606 also issued under E.O. 11219, 3 CFR, 1964–1965 Comp. p. 303. Sec. 315.607 also issued under 22 U.S.C. 2506. Sec. 315.608 also issued under E.O. 12721, 3 CFR, 1990 Comp. p. 293. Sec. 315.610 also issued under 5 U.S.C. 3304(c). Sec. 315.611 also issued under 5 U.S.C. 3304(f). Sec. 315.612 also issued under E.O. 13473. Sec. 315.708 also issued under E.O.13318, 3 CFR, 2004 Comp. p. 265. Sec. 315.710 also issued under E.O. 12596, 3 CFR, 1987 Comp. p. 229. Subpart I also issued under 5 U.S. C. 3321, E.O. 12107, 3 CFR, 1978 Comp. p. 264.

■ 6. Revise § 315.806(d) to read as follows:

§ 315.806 Appeal rights to the Merit Systems Protection Board.

* * * * *

(d) An employee may appeal to the Board under this section a termination that the employee alleges was based on discrimination because of race, color, religion, sex (including pregnancy and gender identity), national origin, age (as defined by the Age Discrimination in Employment Act of 1967, as amended), or disability. An appeal alleging a discriminatory termination may be filed under this subsection only if such discrimination is raised in addition to one of the issues stated in paragraph (b) or (c) of this section.

PART 335—PROMOTION AND INTERNAL PLACEMENT

■ 7. Revise the authority citation for 5 CFR part 335 to read as follows:

Authority: 5 U.S.C. 2301, 2302, 3301, 3302, 3330; E.O. 10577, E.O. 11478, 3 CFR 1966–1970 Comp., page 803, unless otherwise noted, E.O. 13087; and E.O. 13152, 3 CFR 1954–58 Comp., p. 218; 5 U.S.C. 3304(f), and Pub. L. 106–117.

■ 8. Revise § 335.103(b)(1) to read as follows:

§ 335.103 Agency promotion programs.

* * * * *

(b) *Merit promotion requirements*—(1) *Requirement 1.* Each agency must establish procedures for promoting employees that are based on merit and are available in writing to candidates. Agencies must list appropriate exceptions, including those required by

law or regulation, as specified in paragraph (c) of this section. Actions under a promotion plan—whether identification, qualification, evaluation, or selection of candidates—must be made without regard to race, color, religion, sex (including pregnancy and gender identity), national origin, age (as defined by the Age Discrimination in Employment Act of 1967, as amended), disability, genetic information (including family medical history), marital status, political affiliation, sexual orientation, labor organization affiliation or nonaffiliation, status as a parent, or any other non-merit-based factor, unless specifically designated by statute as a factor that must be taken into consideration when awarding such benefits, or retaliation for exercising rights with respect to the categories enumerated above, where retaliation rights are available, and must be based solely on job-related criteria.

* * * * *

PART 410—TRAINING

■ 9. Revise the authority citation for 5 CFR part 410 to read as follows:

Authority: 5 U.S.C. 1103(c), 2301, 2302, 4101, *et seq.;* E.O. 11348, 3 CFR, 1967 Comp., p. 275, E.O. 11478, 3 CFR 1966–1970 Comp., page 803, unless otherwise noted, E.O. 13087; and E.O. 13152.

■ 10. Revise § 410.302(a)(1) to read as follows:

§ 410.302 Responsibility of the head of an agency.

(a) *Specific responsibilities.* (1) The head of each agency must prescribe procedures as are necessary to ensure that the selection of employees for training is made without regard to race, color, religion, sex (including pregnancy and gender identity), national origin, age (as defined by the Age Discrimination in Employment Act of 1967, as amended), disability, genetic information (including family medical history), marital status, political affiliation, sexual orientation, labor organization affiliation or nonaffiliation, status as parent, or any other non-merit-based factor, unless specifically designated by statute as a factor that must be taken into consideration when awarding such benefits, or retaliation for exercising rights with respect to the categories enumerated above, where retaliation rights are available, and with proper regard for their privacy and constitutional rights as provided by merit system principles set forth in 5 U.S.C. 2301(b)(2).

* * * * *

PART 537—REPAYMENT OF STUDENT LOANS

■ 11. Revise the authority citation for 5 CFR part 537 to read as follows:

Authority: 5 U.S.C. 2301, 2302, and 5379(g); E.O. 11478, 3 CFR 1966–1970 Comp., page 803, unless otherwise noted, E.O. 13087; and E.O. 13152.

■ 12. Revise § 537.105(d) to read as follows:

§ 537.105 Criteria for payment.

* * * * *

(d) *Selection.* When selecting employees (or job candidates) to receive student loan repayment benefits, agencies must ensure that benefits are awarded without regard to race, color, religion, sex (including pregnancy and gender identity), national origin, age (as defined by the Age Discrimination in Employment Act of 1967, as amended), disability, genetic information (including family medical history), marital status, political affiliation, sexual orientation, labor affiliation or nonaffiliation, status as a parent, or any other non-merit-based factor, unless specifically designated by statute as a factor that must be taken into consideration when awarding such benefits, or retaliation for exercising rights with respect to the categories enumerated above, where retaliation rights are available.

PART 900—INTERGOVERNMENTAL PERSONNEL ACT PROGRAMS

Subpart F—Standards for a Merit System of Personnel Administration

■ 13. Revise the authority citation for 5 CFR part 900, subpart F, to read as follows:

Authority: 42 U.S.C. 4728, 4763; E.O. 11589, 3 CFR part 557 (1971–75 Compilation); 5 U.S.C. 2301, 2302, E.O. 11478, 3 CFR 1966–1970 Comp., page 803, unless otherwise noted, E.O. 13087; and E.O. 13152.

■ 14. Revise § 900.603(e) to read as follows:

§ 900.603 Standards for a merit system of personnel administration.

* * * * *

(e) Assuring fair treatment of applicants and employees in all aspects of personnel administration without regard to race, color, religion, sex (including pregnancy and gender identity), national origin, age (as defined by the Age Discrimination in Employment Act of 1967, as amended), disability, genetic information (including family medical history), marital status, political affiliation, sexual orientation, status as parent, labor organization affiliation or nonaffiliation in accordance with chapter 71 of title V, or any other non-merit-based factor, or retaliation for exercising rights with respect to the categories enumerated above, where retaliation rights are available, and with proper regard for their privacy and constitutional rights as citizens. This ''fair treatment'' principle includes compliance with the Federal equal employment opportunity and nondiscrimination laws.

* * * * *

[FR Doc. 2014–17802 Filed 7–25–14; 8:45 am]

BILLING CODE 6320–B2–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 77

[Docket No. APHIS–2014–0027]

Approved Tests for Bovine Tuberculosis in Cervids

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule and request for comments.

SUMMARY: We are amending the regulations regarding official tuberculosis tests for captive cervids to remove the CervidTB Stat-Pak® as an official bovine tuberculosis test for the following species of captive cervids: Elk, red deer, white-tailed deer, fallow deer, and reindeer. We are also amending the regulations to specify that the Dual Path Platform (DPP)® test, which was previously a supplemental test to be used in conjunction with the CervidTB Stat-Pak®, is now considered a primary test, as well. We are taking this action because the CervidTB Stat-Pak® is no longer being produced, and because we have determined that the DPP® test can reliably be used as a primary test for bovine tuberculosis in certain species of captive cervids. This action is necessary on an immediate basis so that the regulations do not continue to authorize usage of a discontinued test, yet still provide regulated entities with options in order to meet the testing requirements for captive cervids within the regulations.

DATES: This interim rule is effective July 29, 2014. We will consider all comments that we receive on or before September 29, 2014.

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

• *Federal eRulemaking Portal:* Go to: *http://www.regulations.gov/#!docketDetail;D=APHIS-2014-0027.*

• *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2014–0027, 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-2014-0027* or in our reading room, which is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

FOR FURTHER INFORMATION CONTACT: Dr. Owen Henderson, Senior Staff Cervid Tuberculosis Disease Specialist, Cervid Health Program, Sheep, Goat, Cervid, and Equine Health Center, Surveillance, Preparedness, and Response Services, VS, APHIS, 2150 Centre Avenue, Building B–3–123, Fort Collins, CO 80526–8117; (970) 494–7317.

SUPPLEMENTARY INFORMATION:

Background

Bovine tuberculosis is a contagious and infectious granulomatous disease caused by the bacterium *Mycobacterium bovis.* Although commonly defined as a chronic debilitating disease, bovine tuberculosis can occasionally assume an acute, rapidly progressive course. While any body tissue can be affected, lesions are most frequently observed in the lymph nodes, lungs, intestines, liver, spleen, pleura, and peritoneum. Although cattle are considered to be the true hosts of *M. bovis,* the disease has been reported in several other species of livestock, most notably bison and captive cervids. There have also been instances of infection in other domestic and nondomestic animals, as well as in humans.

Through the National Cooperative State/Federal Bovine Tuberculosis Eradication Program, the Animal and Plant Health Inspection Service (APHIS) of the United States Department of Agriculture (USDA) works cooperatively with the Nation's livestock industry and State animal health agencies to eradicate bovine tuberculosis from domestic livestock in the United States and prevent its recurrence.

Federal regulations implementing this program are contained in 9 CFR part 77, ''Tuberculosis'' (referred to below as the regulations) and in the ''Uniform Methods and Rules—Bovine Tuberculosis Eradication,'' which is incorporated by reference within the regulations. The regulations restrict the interstate movement of cattle, bison, and captive cervids to prevent the spread of bovine tuberculosis. Subpart C of the regulations (§§ 77.20 to 77.41, referred to below as the captive cervid regulations) addresses captive cervids.

Currently, in the captive cervid regulations, there are several instances in which we require captive cervids to be tested with an official tuberculosis test. For example, in § 77.35, in order for a herd of captive cervids to be recognized as accredited, all cervids in the herd must have tested negative to at least two consecutive official tuberculosis tests, conducted at 9 to 15 month intervals, with certain, limited exceptions.

In § 77.20 of the captive cervid regulations, prior to issuance of this interim rule, the definition of *official tuberculosis test* listed the following as official tests for bovine tuberculosis in captive cervids:

• The single cervical tuberculin (SCT) test, a primary test.

• The comparative cervical tuberculin test (CCT) test, a supplemental test.

• The CervidTB Stat-Pak® test, a primary test.

• The Dual Path Platform (DPP®) test, a supplemental test.

We specified that the SCT and CCT tests were official tuberculosis tests for all species of captive cervids in a final rule published in the **Federal Register** on December 31, 1998 (63 FR 72104–72129, Docket No. 92–076–2). We added the CervidTB Stat-Pak® and DPP® tests as official tuberculosis tests for captive elk, red deer, white-tailed deer, fallow deer, and reindeer in an interim rule [1] published in the **Federal Register** on January 9, 2013 (78 FR 1718–1723, Docket No. APHIS–2012–0087).

We solicited comments concerning the interim rule for 60 days ending March 11, 2013. We received 11 comments by that date. They were from captive cervid producers, an organization representing captive cervid producers within the United States, and an organization representing veterinarians within the United States. All commenters supported the rule.

Since the interim rule was published, however, production of the CervidTB Stat-Pak® has been discontinued. For this reason, in this interim rule, we are amending the captive cervid regulations to remove the CervidTB Stat-Pak® from the list of official tuberculosis tests.

When we were informed that the CervidTB Stat-Pak® test would be discontinued, we began to evaluate the possible use of the DPP® test as a primary test, with the intent of determining whether the DPP® test could be used in lieu of the CervidTB Stat-Pak® test once the latter ceased to be produced. We have determined that it can be used in such a manner. Accordingly, this rule also amends the captive cervid regulations to establish a testing protocol in which the DPP® test is used as both a primary and supplemental test for bovine tuberculosis in elk, red deer, white-tailed deer, fallow deer, and reindeer. Below, we discuss the changes we are making to the captive cervid regulations, by section.

Definitions (§ 77.20)

As we mentioned previously, prior to issuance of this interim rule, the definition of *official tuberculosis test* in § 77.20 listed the CervidTB StatPak® as an official tuberculosis test. We are amending the definition of *official tuberculosis test* to remove the CervidTB StatPak® from the official tuberculosis tests listed in the definition.

Section 77.20 also provides definitions of each official tuberculosis test. We are removing the definition of *CervidTB Stat-Pak®.*

The definition of *designated accredited veterinarian* in § 77.20 had stated that, among other things, a designated accredited veterinarian is an accredited veterinarian who is trained and approved to draw the blood samples needed for the CervidTB Stat-Pak® and DPP® test. (Both tests are serological.) We are amending the definition of *designated accredited veterinarian* to remove reference to the CervidTB Stat-Pak® test.

Testing Procedures for Tuberculosis in Captive Cervids (§ 77.33)

Section 77.33 of the captive cervid regulations specifies, among other things, who may administer official tuberculosis tests, which diagnostic laboratories have been approved by APHIS, the reporting requirements for each test, and how the tests will be interpreted. We are removing references to the CervidTB Stat-Pak® test from this section. We are also updating the Web addresses provided in paragraph (d)(2) of the section in light of a recent redesign of APHIS' Web site, and replacing a reference to ''local area VS offices'' in the same paragraph with the

[1] To view the interim rule, its supporting documents, or the comments that we received, go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2012-0087.*

term ''District offices,'' which reflects current Agency terminology.

Official Tuberculosis Tests (§ 77.34)

As we mentioned previously, § 77.34 of the captive cervid regulations contains requirements regarding the sequence in which official tuberculosis tests should be administered and the manner in which test results should be interpreted for purposes of the captive cervid regulations. Requirements regarding primary tests for tuberculosis are contained in paragraph (a) of § 77.34; requirements for supplemental tests in paragraph (b). We are amending paragraph (a) of § 77.34 to reflect the fact that the CervidTB Stat-Pak® test is discontinued, and the DPP® test may now be used as a primary test.

As amended, paragraph (a) of § 77.34 specifies that the DPP® test is a primary test that may be used in individual captive elk, red deer, white-tailed deer, fallow deer, and reindeer, and in herds of these species that are of unknown tuberculous status. It further specifies that, with limited exceptions, each captive cervid that has non-negative test results to this initial DPP® test will be classified as a suspect and retested with the DPP® test no sooner than 30 days; a captive cervid that has non-negative test results to the DPP® test must not be retested using the SCT or CCT test. (We are also amending the paragraph to specify that the each captive cervid that responds to the SCT test must not be retested with the DPP® test.) Finally, it allows the DPP® test to be used in affected herds of captive elk, red deer, white-tailed deer, fallow deer, and reindeer, and in herds of these species that have received captive cervids from an affected herd; in such instances, each captive cervid that has non-negative test results to the DPP® test will be classified as a reactor, unless APHIS determines that the captive cervid should be classified as a suspect because of possible exposure to a tuberculous animal.

With minor changes, these requirements for the use of the DPP® test as a primary test mirror the requirements that had previously been in paragraph (a) of § 77.34 regarding use of the CervidTB Stat-Pak® test as a primary test. Most of the changes are editorial; one, which removes a reference to designated tuberculosis epidemiologists, reflects an organizational restructuring in APHIS and is discussed in greater detail later in this document.

We are specifying that most captive cervids that have non-negative test results to the initial DPP® test must be classified as suspects and retested no sooner than 30 days later using the DPP® test as a supplemental test. By reduplicating the initial testing conditions to the extent practicable at such an interval, we have firm confidence in the test results provided by this second DPP® test.

As amended, paragraph (b) of § 77.34 specifies that the DPP® test may be used as a supplemental test to retest captive cervids that have been classified as suspects based on an initial DPP® test. It further specifies that this supplemental test must evaluate a serum sample drawn from the cervid no sooner than 30 days after the initial DPP® test, and that a captive cervid that has non-negative test results to two successive DPP® tests must be classified as a reactor, unless APHIS determines that another disease classification is warranted.

Interstate Movements (§ 77.39)

Section 77.39 of the captive cervid regulations contains restrictions on the interstate movement of captive cervid herds involved in an epidemiological investigation or subject to affected herd management. We are removing references to and provisions regarding the CervidTB Stat-Pak® test from this section.

Miscellaneous

Since the January 2013 interim rule to add the CervidTB Stat-Pak® and DPP tests to the captive cervid regulations was issued, the Office of Management and Budget (OMB) has approved the paperwork associated with that interim rule under the control number 0579–0412. We are adding a reference to this approval to § 77.33, which contains the paperwork requirements for which we sought OMB approval.

Additionally, since the interim rule was published, APHIS' Veterinary Services program has undergone a reorganization. As a result of this reorganization, APHIS has eliminated the role of designated tuberculosis epidemiologist (DTE). The functions previously reserved for DTEs are now performed by various APHIS personnel. As a result, we are removing references to DTEs from the captive cervid regulations, and are removing the definition of *designated tuberculosis epidemiologist* from § 77.2 of the regulations. We are replacing the references to DTEs within the captive cervid regulations with references to APHIS.

Immediate Action

Immediate action is warranted to provide regulated entities who must have their captive cervids tested in order to comply with the captive cervid regulations with additional testing options following discontinuation of the CervidTB Stat-Pak® test. Under these circumstances, the Administrator has determined that prior notice and opportunity for public comment are contrary to the public interest and that there is good cause under 5 U.S.C. 553 for making this rule effective less than 30 days after publication in the **Federal Register.**

We will consider comments we receive during the comment period for this interim rule (see **DATES** above). After the comment period closes, we will publish another document in the **Federal Register** in which we will respond to the comments we receive and finalize or, as necessary, revise the provisions of this interim rule.

Executive Order 12866 and Regulatory Flexibility Act

This interim rule is subject to Executive Order 12866. However, for this action, the Office of Management and Budget has waived its review under Executive Order 12866.

In accordance with the Regulatory Flexibility Act, we have analyzed the potential economic effects of this action on small entities.

This rule removes the CervidTB Stat-Pak® as an official tuberculosis test for captive cervids, and establishes a testing protocol where the DPP® test may be used in lieu of the CervidTB Stat-Pak® test.

It is APHIS policy that owners are responsible for assuming the costs associated with primary official tuberculosis tests for bovine tuberculosis in captive cervids; the Agency assumes the cost of corroboratory testing. Bovine tuberculosis testing using the SCT test, including veterinary fees, costs about $10 to $15 per head. We have estimated bovine tuberculosis testing using the DPP® test to cost approximately $13 to $15 per head. Owners of captive cervids will not be required to use the DPP® test instead of the SCT test, but may choose to do so if they determine such use to be cost-effective for their operations.

That being said, we do anticipate that producers may, in certain instances, experience benefits because of the availability of the DPP® test as official primary tuberculosis test for captive cervids. This is because of the nature of the DPP® test. As a serological test, it is relatively easy to administer, in comparison to the SCT and CCT tests, and does not require the animals to be held for a significant period of time while the test is applied. There is thus a lower risk of misapplication of the

tests and morbidity due to handling of the animals during application.

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

Executive Order 12372

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

Executive Order 12988

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. It has no preemptive effect.

Paperwork Reduction Act

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

List of Subjects in 9 CFR Part 77

Animal diseases, Bison, Cattle, Reporting and recordkeeping requirements, Transportation, Tuberculosis.

Accordingly, we are amending 9 CFR part 77 as follows:

PART 77—TUBERCULOSIS

■ 1. The authority citation for part 77 continues to read as follows:

Authority: 7 U.S.C. 8301–8317; 7 CFR 2.22, 2.80, and 371.4.

§ 77.2 [Amended]

■ 2. Section 77.2 is amended by removing the definition of *designated tuberculosis epidemiologist (DTE).*

■ 3. Section 77.20 is amended as follows:

■ a. In the definition of *designated accredited veterinarian,* by removing the words ''CervidTB Stat-Pak® test and'';

■ b. By revising the definition of *official tuberculosis test;* and

■ c. By removing the definition of *CervidTB Stat-Pak® test.*

The revision reads as follows:

§ 77.20 Definitions.

* * * * *

Official tuberculosis test. Any of the following tests for bovine tuberculosis in captive cervids, applied and reported in accordance with this part:

(1) The single cervical tuberculin (SCT) test.

(2) The comparative cervical tuberculin test (CCT) test.

(3) The Dual Path Platform (DPP®) test.

* * * * *

■ 4. Section 77.33 is amended as follows:

■ a. In paragraph (a)(2), by removing the words ''CervidTB Stat-Pak® or'';

■ b. By revising paragraphs (d)(2) and (e)(3);

■ c. By removing paragraph (e)(4); and

■ d. By adding an OMB citation at the end of the section.

The addition and revisions read as follows:

§ 77.33 Testing procedures for tuberculosis in captive cervids.

* * * * *

(d) * * *

(2) *DPP® test.* The veterinarian who draws blood from the captive cervid must submit a form specified by APHIS for such requests to NVSL to perform the DPP® test on the blood sample. The form is available at the following Web site: *http://www.aphis.usda.gov/wps/portal/footer/resources/forms;* click on the ''VS forms'' link on that Web page. The veterinarian must also fill out the relevant portions of a test record. This form may be obtained by contacting the local district VS office, information regarding which is available at: *http://www.aphis.usda.gov/wps/portal/aphis/ourfocus/animalhealth?1dmy&urile=wcm%3apath%3a%2Faphis_content_library%2Fsa_our_focus%2Fsa_animal_health%2Fsa_contact_us%2Fsa_map%2Fct_state_contacts_map.* This record must be sent to the offices of the State and Federal animal health officials in the State.

(e) * * *

(3) Interpretation of DPP® test results will be in accordance with the classification requirements described in § 77.34.

* * * * *

(Approved by the Office of Management and Budget under control number 0579–0412)

■ 5. Section 77.34 is amended as follows:

■ a. In paragraphs (a)(1) and (b)(1), by removing the words ''the DTE'' each time that they occur, and adding the word ''APHIS'' in their place;

■ b. In paragraph (a)(1), by removing the words ''CervidTB Stat-Pak® or DPP® tests'' and adding the words ''DPP® test'' in their place; and

■ c. By revising paragraphs (a)(2) and (b)(2).

The revisions read as follows:

§ 77.34 Official tuberculosis tests.

(a) * * *

(2) *DPP® test.* (i) The DPP® test is a primary test that may be used in individual captive elk, red deer, white-tailed deer, fallow deer, and reindeer, and in herds of these species that are of unknown tuberculous status. Except as specified in paragraph (a)(2)(ii) of this section, each captive cervid that has non-negative test results to this initial DPP® test will be classified as a suspect and retested with the DPP® test. A captive cervid that has non-negative test results to the DPP® test must not be retested using the SCT or CCT test.

(ii) The DPP® test is a primary test that may be used in affected herds of captive elk, red deer, white-tailed deer, fallow deer, and reindeer, and in herds of these species that have received captive cervids from an affected herd. In such herds, each captive cervid that has non-negative test results to the DPP® test will be classified as a reactor, unless APHIS determines that the captive cervid should be classified as a suspect because of possible exposure to a tuberculous animal.

(b) * * *

(2) *DPP® test.* The DPP® test may be used as a supplemental test in order to retest captive cervids that have been classified as suspects based on an initial DPP® test. In such instances, the supplemental DPP® test must evaluate a new serum sample drawn from the cervid no sooner than 30 days after the initial DPP® test. A captive cervid that has non-negative test results on two successive DPP® tests will be classified as a reactor, unless APHIS determines that another disease classification is warranted.

§ 77.39 [Amended]

■ 6. Section 77.39 is amended as follows:

■ a. By removing paragraph (a)(1)(iii);

■ b. By redesignating paragraph (a)(1)(iv) as paragraph (a)(1)(iii);

■ c. In paragraphs (b)(2)(iv) and (c), by removing the words ''the DTE'' and adding the word ''APHIS'' in their place;

■ d. In paragraph (e), introductory text, by removing the words ''CervidTB Stat-Pak®'' each time they appear and adding the word ''DPP®'' in their place;

■ e. In paragraph (e)(2), by removing the words ''the DTE'' and adding the word ''APHIS'' in their place;

■ f. In paragraph (e)(3), by removing the words ''CervidTB Stat-Pak®'' each time they appear and adding the word ''DPP®'' in their place;

■ g. In paragraph (f)(1), by removing the words ''CervidTB Stat-Pak®'' each time they appear and adding the word ''DPP®'' in their place and by removing the words ''the DTE'' and adding the word ''APHIS'' in their place; and

■ h. In paragraph (f)(2), by removing the words ''CervidTB Stat-Pak®'' and adding the word ''DPP®'' in their place.

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

Kevin Shea,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2014–17877 Filed 7–28–14; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF ENERGY

10 CFR Part 430

[Docket No. EERE–2014–BT–STD–0026]

RIN 1904–AD32

Energy Conservation Program for Consumer Products: Energy Conservation Standards for Residential Furnaces; Energy Conservation Standards for Residential Direct Heating Equipment

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Final rule; technical amendment.

SUMMARY: The U.S. Department of Energy (DOE) is issuing a final rule technical amendment to implement two orders issued by the U.S. Court of Appeals for the District of Columbia Circuit in separate litigation. Specifically, DOE is amending the relevant portions of its regulations to reflect the Court's order vacating the amended energy conservation standards for non-weatherized gas furnaces (including mobile home furnaces), which were adopted in the June 27, 2011 direct final rule for residential furnaces and residential central air conditioners and heat pumps. Similarly, DOE is also amending the relevant portions of its regulation to reflect the Court's decision to vacate the regulatory definition of ''vented hearth heater'' (and by implication, the associated energy conservation standards), which were developed in the April 27, 2010 and November 18, 2011 final rules for residential direct heating equipment.

DATES: *Effective Date:* July 29, 2014.

FOR FURTHER INFORMATION CONTACT: Mr. John Cymbalsky, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Office, EE–5B, 1000 Independence Avenue SW., Washington, DC 20585–0121. Telephone: (202) 287–1692. Email: *John.Cymbalsky@ee.doe.gov.*

Mr. Eric Stas, U.S. Department of Energy, Office of the General Counsel, GC–71, 1000 Independence Avenue SW., Washington, DC 20585–0121. Telephone: (202) 586–9507. Email: *Eric.Stas@hq.doe.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

A. Residential Furnaces

On November 19, 2007, DOE published a final rule in the **Federal Register** (hereinafter the ''November 2007 final rule'') that amended the energy conservation standards for residential furnaces and boilers. 72 FR 65136. The compliance date for the standards was set at November 19, 2015. However, following DOE's adoption of the November 2007 final rule, several parties jointly sued DOE in the United States Court of Appeals for the Second Circuit (Second Circuit) to invalidate the rule.[1] The petitioners asserted that the standards for residential furnaces promulgated in the November 2007 final rule did not reflect the ''maximum improvement in energy efficiency'' that ''is technologically feasible and economically justified,'' as required under 42 U.S.C. 6295(o)(2)(A). On April 16, 2009, DOE filed with the Court a motion for voluntary remand that the petitioners did not oppose. The motion did not state that the November 2007 final rule would be vacated, but indicated that DOE would revisit its initial conclusions outlined in the November 2007 final rule in a subsequent rulemaking action. DOE also agreed that the final rule resulting from the subsequent rulemaking action would address both regional standards for furnaces, as well as the effects of alternate standards on natural gas prices. On April 21, 2009, the U.S. Court of Appeals for the Second Circuit granted DOE's motion, thereby remanding the rule to DOE for further proceedings without vacating the November 2007 final rule.

On June 27, 2011 DOE published a final rule in the **Federal Register** (hereinafter the ''June 2011 direct final rule'') that amended the energy conservation standards for residential furnaces pursuant to the voluntary remand in *State of New York, et al.* v. *Department of Energy, et al.* On October 31, 2011, DOE published a notice of effective date and compliance dates to confirm these amended energy conservation standards and compliance dates contained in the June 2011 direct final rule. 76 FR 67037. After the publication of the October 2011 notice, the American Public Gas Association (APGA) sued DOE in the United States Court of Appeals for the District of Columbia Circuit (DC Circuit) to invalidate the rule as it pertained to non-weatherized gas furnaces.[2] On March 11, 2014, DOE and APGA, as well as the various intervenors in the case, filed a joint motion for approval of a settlement in which DOE agreed to seek a remand of the non-weatherized gas furnaces portion of the June 27, 2011 direct final rule. On April 24, 2014, the DC Circuit approved the settlement agreement and issued an order that the standards established for non-weatherized gas furnaces and mobile home gas furnaces be vacated and remanded to DOE for further rulemaking.[3] As a result, the standards established by the June 2011 direct final rule for the non-weatherized gas furnaces and mobile home gas furnaces will not go into effect, and instead, the standards established for these product classes of furnaces in the November 19, 2007 final rule will come into effect, with compliance required beginning on November 19, 2015. Thus, DOE is amending the Code of Federal Regulations (CFR) to reflect the Court's order impacting the standards for non-weatherized gas furnaces and mobile home gas furnaces.

B. Residential Hearth Products

In a final rule published in the **Federal Register** on April 16, 2010 (hereinafter the ''April 2010 final rule''), DOE promulgated a definition for ''vented hearth heater,'' established product classes for vented gas hearth direct heating equipment, and set minimum energy conservation standards for vented gas hearth direct heating equipment. 75 FR 20112. Compliance with the standard would have been required by April 16, 2013. Following DOE's adoption of the April 2010 final rule, the Hearth, Patio & Barbecue Association (HPBA) sued DOE in the DC Circuit to invalidate the rule as it pertained to vented gas hearth products.[4]

On November 18, 2011, DOE published a final rule in the **Federal Register** that amended the definition of ''vented hearth heater'' to clarify the

[1] Petition for Review, *State of New York, et al.* v. *Department of Energy, et al.,* Nos. 08–0311–ag(L); 08–0312–ag(con) (2d Cir. filed Jan. 17, 2008).

[2] Petition for Review, *American Public Gas Association* v. *U.S. Department of Energy, et al.,* No. 11–1485 (D.C. Cir. filed Dec. 23, 2011).

[3] Consistent with the settlement agreement, the direct final rule's amended standards for weatherized gas furnaces, non-weatherized oil-fired furnaces, and central air conditioners and heat pumps were allowed to be implemented on schedule.

[4] Petition for Review, *Hearth, Patio, & Barbecue Association* v. *Department of Energy, et al.*, No 10–1113 (D.C. Cir. filed May 27, 2010).

scope of the exclusion from coverage under energy conservation standards for those vented hearth heaters that are primarily decorative hearth products. 76 FR 71836. On February 8, 2013, the Court issued a decision in which it ordered that the definition of ''vented hearth heater'' be vacated and remanded the matter to DOE to interpret the challenged provisions in accordance with the opinion of the Court.[5] Consequently, the standards established by the April 2010 final rule for vented gas hearth direct heating equipment will not go into effect, with the result being that there are no standards for these products at this time. Thus, DOE is amending the CFR to reflect the Court's order to vacate the definition for ''vented hearth heater.'' In addition, DOE is removing the standards set for vented gas hearth direct heating equipment in the April 2010 final rule, as there is no longer a definition that covers this type of equipment.

II. Summary of the Need for Correction

By this action, DOE is updating the CFR to implement changes to DOE's regulations for residential furnaces and residential direct heating equipment required by two Court orders, as described in section I. This is a purely technical amendment, and at this time, DOE is not exercising any of the authority that Congress has provided in the Energy Policy and Conservation Act of 1975 (EPCA; 42 U.S.C. 6291 *et seq.*), as amended, for the Secretary of Energy to revise definitions and energy conservation standards.

III. Final Action

DOE has determined, pursuant to 5 U.S.C. 553(b)(B), that prior notice and an opportunity for public comment on this final rule are unnecessary. DOE is merely implementing changes to the CFR text prescribed by two Court orders and making other limited revisions to its regulations as necessitated by those orders. DOE is not exercising any of the discretionary authority that the Congress has provided to the Secretary of Energy in EPCA. DOE, therefore, finds that good cause exists to waive prior notice and an opportunity to comment for this rulemaking. For the same reasons, DOE, pursuant to 5 U.S.C. 553(d)(3), finds that good cause exists for making this final rule effective upon publication in the **Federal Register**.

IV. Procedural Issues and Regulatory Review

A. Review Under Executive Orders 12866 and 13563

This final rule is not a ''significant regulatory action'' under section 3(f)(1) of Executive Order 12866 and the principles reaffirmed in Executive Order 13563. Accordingly, this action was not subject to review by the Office of Information and Regulatory Affairs (OIRA) in the Office of Management and Budget (OMB).

B. Review Under the Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires preparation of an initial regulatory flexibility analysis for any rule that by law must be proposed for public comment, unless the agency certifies that the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. As required by Executive Order 13272, ''Proper Consideration of Small Entities in Agency Rulemaking,'' 67 FR 53461 (August 16, 2002), DOE published procedures and policies on February 19, 2003, to ensure that the potential impacts of its rules on small entities are properly considered during the rulemaking process. 68 FR 7990. DOE has made its procedures and policies available on the Office of the General Counsel's Web site (*http://energy.gov/gc/office-general-counsel*). Because this is a technical amendment for which a general notice of proposed rulemaking is not required, the analytical requirements of the Regulatory Flexibility Act do not apply to this rulemaking.

List of Subjects in 10 CFR Part 430

Administrative practice and procedure, Confidential business information, Energy conservation, Household appliances, Imports, Intergovernmental relations, Small businesses.

Issued in Washington, DC on July 21, 2014.

Kathleen B. Hogan,

Deputy Assistant Secretary for Energy Efficiency, Energy Efficiency and Renewable Energy.

For the reasons stated in the preamble, DOE amends part 430 of Chapter II, subchapter D of title 10, Code of Federal Regulations as set forth below:

PART 430—ENERGY CONSERVATION PROGRAM FOR CONSUMER PRODUCTS

■ 1. The authority citation for part 430 continues to read as follows:

Authority: 42 U.S.C. 6291–6309; 28 U.S.C. 2461 note.

§ 430.2 [Amended]

■ 2. Section 430.2 is amended by removing the definition of ''vented hearth heater.''

■ 3. Section 430.32 is amended by:

■ a. Revising paragraph (e)(1); and

■ b. Revising paragraph (i)(2).

The revisions read as follows:

§ 430.32 Energy and water conservation standards and their compliance dates.

(e) *Furnaces and boilers.* (1) *Furnaces.* (i) The Annual Fuel Utilization Efficiency (AFUE) of residential furnaces shall not be less than the following for non-weatherized gas furnaces manufactured before November 19, 2015, non-weatherized oil furnaces manufactured before May 1, 2013, and weatherized furnaces manufactured before January 1, 2015:

Product class	AFUE (percent) [1]
(A) Furnaces (excluding classes noted below)	78
(B) Mobile Home furnaces	75
(C) Small furnaces (other than those designed solely for installation in mobile homes) having an input rate of less than 45,000 Btu/hr	
(*1*) Weatherized (outdoor)	78
(*2*) Non-weatherized (indoor)	78

[1] Annual Fuel Utilization Efficiency, as determined in § 430.23(n)(2) of this part.

[5] *Hearth, Patio & Barbecue Association* v. *Department of Energy, et al.,* 706 F.3d 499 (D.C. Cir. 2013).

(ii) The AFUE of residential furnaces shall not be less than the following starting on the compliance date indicated in the table below:

Product class	AFUE (percent) [1]	Compliance date
(A) Non-weatherized gas furnaces (not including mobile home furnaces)	80	November 19, 2015.
(B) Mobile Home gas furnaces	80	November 19, 2015.
(C) Non-weatherized oil-fired furnaces (not including mobile home furnaces)	83	May 1, 2013.
(D) Mobile Home oil-fired furnaces	75	September 1, 1990.
(E) Weatherized gas furnaces	81	January 1, 2015.
(F) Weatherized oil-fired furnaces	78	January 1, 1992.
(G) Electric furnaces	78	January 1, 1992.

[1] Annual Fuel Utilization Efficiency, as determined in § 430.23(n)(2) of this part.

(iii) Furnaces manufactured on or after May 1, 2013, shall have an electrical standby mode power consumption ($P_{W,SB}$) and electrical off mode power consumption ($P_{W,OFF}$) not more than the following:

Product class	Maximum standby mode electrical power consumption, $P_{W,SB}$ (watts)	Maximum off mode electrical power consumption, $P_{W,OFF}$ (watts)
(A) Non-weatherized oil-fired furnaces (including mobile home furnaces)	11	11
(B) Electric furnaces	10	10

* * * * *

(i) * * *

(2) Vented home heating equipment manufactured on or after April 16, 2013, shall have an annual fuel utilization efficiency no less than:

Product class	Annual fuel utilization efficiency, April 16, 2013 (percent)
Gas wall fan type up to 42,000 Btu/h	75
Gas wall fan type over 42,000 Btu/h	76
Gas wall gravity type up to 27,000 Btu/h	65
Gas wall gravity type over 27,000 Btu/h up to 46,000 Btu/h	66
Gas wall gravity type over 46,000 Btu/h	67
Gas floor up to 37,000 Btu/h	57
Gas floor over 37,000 Btu/h	58
Gas room up to 20,000 Btu/h	61
Gas room over 20,000 Btu/h up to 27,000 Btu/h	66
Gas room over 27,000 Btu/h up to 46,000 Btu/h	67
Gas room over 46,000 Btu/h	68

* * * * *

[FR Doc. 2014–17876 Filed 7–28–14; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Part 207

[Docket No. FR–5583–F–02]

RIN 2502–AJ16

Federal Housing Administration (FHA) Multifamily Mortgage Insurance; Capturing Excess Bond Proceeds

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Final rule.

SUMMARY: This final rule amends HUD's regulations covering the contract rights and obligations of mortgagees participating in FHA multifamily mortgage insurance programs, to address reimbursement to FHA of excess bond proceeds. When a mortgagee finances mortgages through the issuance and sale of bonds or through bond anticipation notes, the mortgagee uses the funds from the payment of a mortgage insurance claim under HUD regulations addressing FHA multifamily insurance claim payment to pay off the remaining bond debts. At times, the amount paid by the FHA multifamily insurance claim is greater than the remaining bond debts. This final rule requires mortgagees that finance a project using a project-specific trust indenture agreement to include language in the trust indenture to require that excess bond funds that remain after FHA's multifamily insurance claim payment is used to satisfy the bonds are returned to FHA. HUD requires similar payments of excess bond funds on obligations of public housing agencies and, thus, the final rule provides consistency in the administration of HUD's bond-financed mortgages.

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

FOR FURTHER INFORMATION CONTACT: Claire T. Brolin, Management Analyst (Directives), Office of the Deputy Assistant Secretary for Multifamily Housing Programs, Program Administration Office, Office of Housing, Department of Housing and Urban Development, 451 7th Street SW., Room 6106, Washington, DC 20410; telephone number 202–402–6634 (this is not a toll-free number). Persons with hearing or speech impairments may access this number through TTY by calling the Federal Relay Service, toll free, at 800–877–8339.

SUPPLEMENTARY INFORMATION:

I. Background

On July 10, 2013 (78 FR 41339), HUD published for public comment a proposed rule that would amend HUD's regulations in 24 CFR part 207 that cover the contract rights and obligations of mortgagees participating in FHA multifamily mortgage insurance programs, to address reimbursement to FHA of excess bond proceeds.[1] FHA provides mortgage insurance on loans made by FHA-approved lenders for single- family and multifamily homes. The FHA multifamily insurance program is authorized under applicable sections of Title II of the National Housing Act. HUD's regulations in 24 CFR part 207 provide that upon an assignment of the mortgage or a conveyance of the property to FHA, FHA will pay insurance benefits to the mortgagee in accordance with a regulatory formula [2] that is meant to provide only the funds needed to pay the FHA insurance claim.

However, when the loan is bond financed, the amount FHA pays to the lender may be greater than the funds needed to pay the FHA insurance claim and discharge all other obligations of the trust indenture. When FHA pays an insurance claim on a bond-financed mortgage, the lender remits the payment to the bond trustee who pays off the bond debts, debt services on the bond, and fees and expenses owed to parties (such as the trustee or the bond issuer). Most of the factors in determining the amounts required to pay the FHA insurance claim and satisfy servicer fees required to be paid by the trust indenture can be calculated with precision, but the amount of funds in the trust is not known prior to accounting for the final interest earnings on the invested trust fund balances. Funds in the trust accounts earn interest and, given the passage of time and uncertainty of short-term interest rates, it is difficult to project what the trust fund balance will be at the time the FHA multifamily insurance claim is settled and all the trust indenture obligations are finally paid. As a result, the trustee is sometimes left with additional funds, also known as ''excess bond funds.'' Excess bond funds are distributed by the bond trustee to the mortgagor, the mortgagee, FHA, or other third parties, according to the trust indenture agreement. As a result, the mortgagor or the mortgagee may receive excess bond funds after redeeming the bonds with the FHA multifamily insurance claim proceeds.

HUD's July 10, 2013, rule proposed to establish, in the 24 CFR part 207 regulations, a new § 207.261 that would require mortgagees to remit to FHA the excess bond funds that remain after the FHA multifamily insurance claim payment is used to satisfy the bonds, which represents the funds that FHA's regulatory formula is unable to account for at the time the FHA multifamily insurance claim was settled, due to the nature of bond financing. Interested readers should refer to the preamble of the July 10, 2013, proposed rule for additional information on the proposed regulatory change.

II. This Final Rule

This final rule follows publication of the July 10, 2013, proposed rule and takes into consideration the public comments received on the proposed rule. The public comment period on the proposed rule closed on September 9, 2013, and HUD received public comments from two commenters. Section IV of this preamble discusses the comments received on the proposed rule.

At the final rule stage, HUD has decided to amend the scope of the proposed rule, to provide clarifications in response to public comments, to correct an incorrect citation, and to make some editorial changes. Specifically, HUD is limiting the application of the rule to mortgagees that finance a project through bonds and use a project-specific trust indenture agreement. This action is consistent with how HUD treats bonds governed by HUD's regulations in 24 CFR part 811, which apply only to bonds financing single projects. Although this final rule does not relieve mortgagees that finance a project through multiple-project parity bonds from being responsible for returning excess bond funds that are identified, HUD recognizes the burden that would be borne if the specific trust indenture language was applied to multiple-project parity bond structures. HUD is also clarifying that the contract rights and obligations being amended under 24 CFR part 207 apply to all FHA multifamily mortgage insurance programs, including loans on healthcare facilities insured under Sections 232, 241, and 242 of the National Housing Act.

In addition to limiting the rule's scope, the proposed rule included a parenthetical referencing ''the date of issuance of the refunding bonds'' as the cut-off date for exempting the originally-deposited funds. HUD takes the opportunity afforded by this rule to replace the phrase ''refunding bonds'' with simply ''bonds'' so as to not create confusion, and to clarify that the date for exempting the originally-deposited funds is limited to the bonds used to secure the FHA-insured multifamily mortgage that the mortgagee has submitted an FHA multifamily insurance claim for. HUD's proposed rule also incorrectly referenced § 207.258 as the provision in which FHA pays a FHA insurance claim, HUD at the final rule stage replaces the incorrect citation with the correct reference to § 207.259.

Lastly, HUD clarifies the exact language to be included in the trust agreement and makes some editorial changes at this final rule stage. HUD incorporates the definition of ''rebate fund'' into the new § 207.261 as paragraph (b) to ease implementation for FHA multifamily insurance programs that cross-reference to the provisions in 24 CFR part 207, subpart B, but exclude the subpart B definitions in 207.251.

Consistent with HUD's proposed rule, new § 207.261(a) requires mortgagees that finance housing insured under Title II of the National Housing Act through the issuance and sale of bonds or bond anticipation notes, and use a project-specific trust indenture agreement that clearly outlines the project and identifies by project the trust funds established by and administered in accordance with the terms of the trust indenture, to meet the requirements set out in paragraphs (1) and (2) of this section.

Paragraph (1) requires that the mortgagee include in the bond trust indenture language that, upon a conveyance or assignment of the mortgage to the FHA Commissioner, the bond trustee must remit to the mortgagee all remaining excess bond funds. Excess bond funds mean (1) money remaining in all funds and accounts other than a rebate fund,[3] and (2) any other funds remaining under the trust indenture after payment, or provision for payment, of debt service on the bonds and the fees and expenses of the credit enhancer, issuer, trustee, and other such parties unrelated to the mortgagor (other than funds originally deposited by the mortgagor or related

[1] Regulations in 24 CFR part 207, subpart B, particularly pertaining to payment of FHA insurance claims, are applicable to other FHA insurance programs and are incorporated by reference where applicable.

[2] See 24 CFR 207.259.

[3] A rebate fund, also referred to as an arbitrage rebate fund is a fund typically established under the bond contract for tax-exempt bonds in which arbitrage earnings from investments in various funds and accounts holding bond proceeds are accumulated in order to make arbitrage rebate payments to the Federal Government. See *http://www.msrb.org/msrb1/glossary/view_def.asp?param=ARBITRAGEREBATEFUND.* See also *http://www.irs.gov/pub/irs-tege/part2e02.pdf.*

parties on or before the date of issuance of the bonds).

Paragraph (2) requires that the mortgagee, upon the FHA Commissioner's payment of an FHA mortgage insurance claim under § 207.259, shall legally enforce the trust indenture to collect all of the excess bond funds; and the mortgagee must remit to FHA all excess bond funds that result from FHA's payment of an FHA insurance claim after a conveyance or assignment of the mortgage to FHA, no later than 6 months following the date of the final settlement on the FHA mortgage insurance claim.

New paragraph (b) includes the definition of ''rebate fund'' consistent with the proposed rule, and defines ''rebate fund'' as a separate fund established under a contract or agreement for tax-exempt bonds in which amounts (excess interest earnings from the tax-exempt bonds) must be deposited to make rebate payments to the federal government under the Internal Revenue Code.

III. HUD's Responses to Key Issues Raised by Public Commenters

The following section presents a summary of the public comments in response to the July 10, 2013, proposed rule, and HUD's responses.

Comment: Make the rule effective only prospectively: Commenters requested that the rule apply only to future financings and questioned HUD's legal authority to require the changes to existing trust indentures.

Response: The rule is effective prospectively and does not create any obligations to amend existing trust indentures.

Comment: The rule should not apply to the Risk-Sharing Programs (Section 542): Commenters requested that HUD add commentary in the final rule to clarify the rule does not apply to the Risk-Sharing Program, authorized by Section 542(c) of the Housing and Community Development Act of 1992.

Response: This rule applies only to those multifamily loans insured under Title II of the National Housing Act that authorizes payment of the FHA insurance claim pursuant to Section 207, and does not apply to the Risk-Sharing Program.

Comment: Eliminate the ''Refunding Bond'' reference: A commenter queried whether ''refunding'' should be removed from the parenthetical phrase at the end of the new Section 207.261(a).

Response: HUD concurs with this suggestion and, as discussed above in Section II, HUD has removed the reference to ''refunding bonds'' from section 207.261.

Comment: HUD should limit the rule to prevent excess bond funds from going to mortgagors: A commenter stated that if it is HUD's intent to prohibit the mortgagor from receiving excess bond proceeds then HUD should limit the regulation to that purpose.

Response: HUD does not believe that the rule should specifically target mortgagors. The FHA multifamily mortgage insurance program was created to increase the availability of affordable housing or provision of healthcare facilities. The payment of an FHA multifamily insurance benefit upon an assignment of the mortgage or a conveyance of the property to FHA is meant to provide only the funds needed to settle the FHA multifamily insurance claim. In all non-bond financed transactions, FHA's formula results in payment of the exact funds needed to settle the FHA mortgage insurance claim. This rule considers the specific nature of a bond-financed transaction and requires the mortgagee to adopt procedures that equalizes the result with non-bond financed transactions.

Comment: The analogy to 24 CFR part 811 bonds is inappropriate because the single project bond financing structure is not always used in FHA-insured multifamily projects: A commenter wrote that the reference to single project bond financings for Section 8 assisted projects under 24 CFR part 811 fails to recognize the scope of financing done by state and local housing finance agencies (HFAs) in FHA-insured multifamily bond-financed projects. Two commenters stated that the rule inaccurately assumes that bonds are issued under a bond resolution (or trust indenture) to finance only one FHA-insured multifamily mortgage loan and to fund a reserve fund, similar to section 811 bond-financed projects, but that state HFAs normally finance multifamily developments on a pooled basis. The commenters stated that HFAs finance a group of mortgage loans under one general bond resolution, which may or may not have a reserve fund, and if there is a reserve fund, it typically would secure all of the series of bonds issued under the general bond resolution. The commenters further stated that the series of bonds financing an FHA-insured multifamily mortgage loan, as well as other mortgage loans, are not typically structured on a pass-through basis, but rather may have annual, semi-annual, or sinking fund payment terms. The commenters continued, stating that upon the payment in full of any mortgage loan, the resolution continues in effect unless all of the bonds issued under the general bond resolution have been paid in full. The commenters concluded stating that given the variety and complexity of these structures, when FHA makes an FHA insurance claim payment, the principal amount of outstanding bonds may not be equal to the FHA insurance claim payment.

Response: HUD agrees with the commenters that this rule should be based on the use of a project-specific trust indenture as commonly used in Section 8 housing under Part 811 regulations. Therefore, the final rule adds language to clarify the types of transactions to which this rule applies.

Comment: The requirement that an HFA pay multi-project remaining funds to FHA that are distinct from those contributed by HUD is inequitable. A commenter objected to the requirement that the HFA pay to FHA the amount that an FHA multifamily insurance claim payment exceeded the principal balance on multi-project unredeemed bonds, to include excess funds that result from the application of the HFA's own funds to retire bonds. The commenter urged that all rights to this excess amount should be retained by the HFA.

Response: HUD acknowledges the concerns made by the commenters and, as discussed in Section II of this preamble, the final rule should not impact HFA's funds contributed on parity bond issue multiple-project funds.

Comment: This rule would require state HFAs to liquidate the bond resolution for a single claim and accomplish the impractical task of tracking funds on each project, resulting in higher costs and risks: A commenter stated that to remit all monies held in the ''funds and accounts'' to FHA in the event of a single FHA multifamily insurance claim, a state HFA would need to liquidate the bond resolution, which is contrary to the provisions of the resolution that require continuation until all bonds issued under the resolution are paid. The commenter stated that a single FHA multifamily insurance claim usually accounts for a small portion of these monies, but the regulation as written would require the liquidation of the entire bond resolution for one FHA multifamily insurance claim, and that even if the HFA liquidated the bond resolution, it may not be possible for the HFA to determine the amount, if any, that would be payable to FHA under the rule.

Commenters stated that the rule would create the practical problem of how to track the ''excess bond funds''

over the life of the mortgage loan. The commenters stated that the pooled arrangement and transactions subsequent to the financing of the FHA-insured multifamily mortgage loan make it difficult if not impossible to track the funds specific to a single mortgage loan. The commenters stated that a pro rata allocation of the reserve fund would be unworkable because reserve fund deposits are partly based on the creditworthiness of each loan, and that due to the complexity of tracking, an HFA would probably choose not to utilize the parity general trust indenture, but would instead use pass through financing that has higher rates and costs, and is a potentially riskier bond.

Response: The change made at the final rule, as discussed in section II, will not require the tracking of ''excess bond funds'' in multiple-project parity bond issue structures.

Comment: The increase costs provide little benefits to FHA: A commenter wrote that the new structure required by this rule would place a higher burden on HFAs and FHA, but would come with relatively little anticipated financial benefit. The commenter stated that bond issuers are already limited to amounts they may hold and recover and excess funds are marginal given the complex rules of tax-exempt financing.

Response: HUD understands that when considering each transaction individually, the financial gain to bond issuers appears to be minimal. However, as discussed in Section IV, when viewing the transactions in the aggregate, the savings for FHA proves to be greater.

Comment: The rule could result in a loss of affordable housing units and increase FHA multifamily insurance claims if the rule includes payments of the federally-permitted 1.5 percent annual spread: A commenter wrote that if the rule required HFAs to remit the 1.5 percent annual spread authorized by the Internal Revenue Code to FHA, then FHA could see higher multifamily insurance claims. The commenter stated that, currently, HFAs maintain an accumulated annual spread as additional security for the bonds and use the spread to assist troubled projects to avoid loan defaults and the loss of affordable housing units. The commenter stated that if HFAs withdraw their annual spread, it could increase the incidence (and possibly the size) of FHA multifamily insurance claims, and that therefore applying the rule to the 1.5 percent spread would significantly disincentivize an HFA from maintaining the spread.

Response: The 1.5 percent annual spread authorized by the Internal Revenue Code to help state HFAs meet the costs of operating affordable housing programs is an ongoing operating fee, not a bond reserve fund residual, which is the subject of this rule.

IV. Cost and Benefits of the Final Rule

This final rule directs mortgagees participating in FHA multifamily insurance programs and using tax-exempt bonds under section 103 of the Internal Revenue Code (IRC) [4] to return to FHA the proceeds remaining after bond debts have been paid off using amounts received in connection with an FHA mortgage insurance claim payment. The existence and possible value of any excess bond funds to individual private entities is limited and cannot be precisely stated, as such measures are dependent on the following: The occurrence and timing of a default (which is by definition an unforeseen result of any non-fraudulent lending in the program); the current interest rate environment; [5] the trust indenture; and, then, on the independent actions that HUD and the trustee take. Approximately 3 percent of projects for which FHA multifamily insurance claims were paid were financed by issuing section 103 tax-exempt bonds. In 2012, there were $189 million in claims and 3 percent of this number, $5.67 million, provides an estimate of the total claims for tax-exempt bond-financed projects. HUD estimates that about 1.16 percent of outstanding balances are subject to recapture; therefore, in 2012 there would have been an estimated $66,000 of funds in excess of that required to discharge the lien of the trust indenture. The 2012 data pertaining to FHA multifamily insurance claims for tax-exempt bond-financed projects suggests the aggregate amount of funds is well below the amount that would make this rule economically significant.

The transfer of excess bond funds to FHA by this final rule makes explicit that FHA's payment of a multifamily mortgage insurance claim for bond debts must not result in an amount above actual expenses being retained by the mortgagee, the mortgagor, or any third party. Given the inherently unexpected nature and uncertain dollar amount of any excess bond funds, the final rule is not expected to have a significant impact on future mortgagees' interest or behavior in the program. The final rule is also unlikely to affect how future mortgagors or others experience the program. It should be noted that, while the impact of the final rule on any individual entity is likely to be inconsequential, there is value to FHA from the change. The occurrence of defaults and resulting excess bond funds are statistically likely events, and the aggregate amount of program funds currently expended across all FHA multifamily insurance claims over time is sufficient to justify the final rule.

[4] Under section 103, payments of interest on State or local bonds are excludable from gross income. (See 26 U.S.C. 103.)

[5] Reserve funds may grow more slowly due to low interest rates and the low rates on taxable financing have made tax-exempt financing less advantageous to developers.

V. Findings and Certifications

Paperwork Reduction Act

The information collection requirements contained in this rule have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520) and assigned OMB control number 2502–0418. In accordance with the Paperwork Reduction Act, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information, unless the collection displays a currently valid OMB control number.

Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 605(b)) generally requires an agency to conduct regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements, unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. This rule would not impose any economic burdens on FHA-approved multifamily mortgagees. The regulatory amendments would not modify the terms of FHA multifamily mortgage insurance through which mortgagees are made financially whole in the case of a mortgage default and filing of a FHA multifamily mortgage insurance claim. The rule ends the possibility that a mortgagor or mortgagee may profit from a multifamily mortgage default, which is inconsistent with HUD's public housing bond financing regulations, the purpose of the FHA insurance programs, and the proper administration of the FHA mortgage insurance funds. Accordingly, the undersigned certifies that this rule will not have a significant economic impact on a substantial number of small entities.

Executive Order 13132, Federalism

Executive Order 13132 (entitled ''Federalism'') prohibits an agency from publishing any rule that has federalism

implications if the rule either (1) imposes substantial direct compliance costs on state and local governments and is not required by statute, or (2) preempts state law, unless the agency meets the consultation and funding requirements of section 6 of the Executive Order. This rule would not have federalism implications and would not impose substantial direct compliance costs on state and local governments or preempt state law within the meaning of the Executive Order.

Environmental Review

This final rule does not direct, provide for assistance or loan and mortgage insurance for, or otherwise govern, or regulate, real property acquisition, disposition, leasing, rehabilitation, alteration, demolition, or new construction, or establish, revise, or provide for standards for construction or construction materials, manufactured housing, or occupancy. Accordingly, under 24 CFR 50.19(c)(1), this final rule is categorically excluded from environmental review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321).

Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) (UMRA) establishes requirements for Federal agencies to assess the effects of their regulatory actions on state, local, and tribal governments, and the private sector. This final rule does not impose any Federal mandates on any state, local, or tribal government, or the private sector within the meaning of UMRA.

Catalog of Federal Domestic Assistance

The Catalog of Federal Domestic Assistance number for FHA mortgage insurance for the purchase or refinancing of existing multifamily housing projects is 14.155.

List of Subjects in 24 CFR Part 207

Manufactured homes, Mortgage insurance, Reporting and recordkeeping requirements, Solar energy.

Accordingly, for the reasons stated in the preamble, HUD amends 24 CFR part 207 as follows:

PART 207—MULTIFAMILY HOUSING MORTGAGE INSURANCE

■ 1. The authority citation for part 207 continues to read as follows:

Authority: 12 U.S.C. 1701z–11(e), 1709(c)(1), 1713, and 1715(b); 42 U.S.C. 3535(d).

■ 2. Add § 207.261 to read as follows:

§ 207.261 Capturing excess bond proceeds.

(a) A mortgagee that finances multifamily housing or healthcare facilities insured under Title II of the National Housing Act through the issuance and sale of bonds or bond anticipation notes and uses a project-specific trust indenture agreement, that clearly outlines the project and identifies by project the trust funds established by and administered in accordance with the terms of the trust indenture, shall:

(1) Include the following clause in the trust indenture: In the event of an assignment or conveyance of the mortgage to the Commissioner, subsequent to the issuance of the bonds, all money remaining in all funds and accounts other than the rebate fund, and any other funds remaining under the trust indenture after payment or provision for payment of debt service on the bonds and the fees and expenses of the credit enhancer, issuer, trustee, and other such parties unrelated to the mortgagor (other than funds originally deposited by the mortgagor or related parties on or before the date of issuance of the bonds) shall be returned to the mortgagee.

(2) Upon the Commissioner's payment of an FHA mortgage insurance claim under § 207.259, the mortgagee shall take all legally-entitled actions to enforce the clause required by paragraph (a)(1) of this section and pay the Commissioner any trust funds remaining after discharge by the trustee of all obligations of the trust indenture, no later than 6 months after the date of the Commissioner's final settlement of the FHA mortgage insurance claim.

(b) For purposes of paragraph (a) of this section, the term ''rebate fund'' means a separate fund established under a contract or agreement for tax-exempt bonds in which amounts (excess interest earnings from the tax-exempt bonds) must be deposited to make rebate payments to the federal government under the Internal Revenue Code.

Dated: July 17, 2014.

Carol J. Galante,

Assistant Secretary for Housing, Federal Housing Commissioner.

[FR Doc. 2014–17742 Filed 7–28–14; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket Number USCG–2013–0789]

RIN 1625–AA08

Special Local Regulation; Suncoast Offshore Grand Prix; Gulf of Mexico, Sarasota, FL

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: The Coast Guard is amending the permanent special local regulations for the Suncoast Offshore Challenge and the Suncoast Offshore Grand Prix in the Gulf of Mexico near Sarasota, Florida. Reflected in the existing permanent special local regulations, these two races have nearly identical course and time characteristics, however, one event used to be held annually on the first Saturday of July and the other event is held annually on the first Sunday of July. The sponsor has decided to combine the events into a single day, reduce the length of the racecourse, and modify the time of the event. Due to recent shoaling north of New Pass, it is necessary to amend the existing language to close New Pass and open Big Sarasota Pass to traffic. The changes are necessary to provide for the safety of life on navigable waters during the event.

DATES: This rule is effective August 28, 2014.

ADDRESSES: Documents mentioned in this preamble are part of docket USCG–2013–0789. To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type the docket number in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rulemaking. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Marine Science Technician First Class Hector I. Fuentes, Sector Saint Petersburg Waterways Management Branch, U.S. Coast Guard; telephone (813) 228–2191, email *Hector.I.Fuentes@uscg.mil.* If you have questions on viewing or submitting material to the docket, call Cheryl

Collins, Program Manager, Docket Operations, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

Table of Acronyms

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

A. Regulatory History and Information

On February 7, 2014, a Notice of Proposed Rulemaking (NPRM) entitled, ''Special Local Regulations; Suncoast Offshore Grand Prix; Gulf of Mexico, Sarasota, FL'' was published in the **Federal Register** (see 79 FR 7408). We received no comments on the proposed rule. No public meeting was requested, and none was held.

The Annual Suncoast Offshore Challenge and Annual Suncoast Offshore Grand Prix in the Gulf of Mexico near Sarasota, Florida are governed by permanent regulations at 33 CFR 100.719 and 33 CFR 100.720, respectively. The marine events are normally held on the first Saturday and Sunday of July between 10 a.m. and 4 p.m. Event coordinators have decided to combine the two events to take place annually on the first Sunday of July between 10 a.m. and 4 p.m. Event coordinators are also reducing the length of the racecourse so that Big Sarasota Pass channel may remain open during the event. In recent years, areas north of New Pass have been subjected to shoaling. To ensure the safety of boaters, the Coast Guard will also close New Pass during the race because the north end of the course is close to the channel.

B. Basis and Purpose

The legal basis for the rule is the Coast Guard's authority to establish special local regulations: 33 U.S.C. 1233.

The purpose of the regulation is to consolidate the Annual Suncoast Offshore Challenge at 33 CFR 100.719 and Annual Suncoast Offshore Grand Prix 33 CFR 100.720 into a single regulation to provide safety of life on the navigable waters in the Captain of the Port Saint Petersburg Zone.

C. Comments, Changes and the Final Rule

There were no comments related to this event during the comment period and there was no request for a public meeting made during the comment period.

This final rule is necessary to accommodate the rescheduling of the Annual Suncoast Offshore Challenge to the same date of the Annual Suncoast Offshore Grand Prix race, to modify the regulated area to account for changes in the length of the racecourse, and to modify the passes for inbound and outbound traffic into Sarasota Bay. The final rule removes 33 CFR 100.719, the existing permanent regulation for the Annual Suncoast Offshore Challenge scheduled for the first Saturday in July. That event would be consolidated into existing 33 CFR 100.720, the Annual Suncoast Offshore Grand Prix race. The event listed in 33 CFR 100.719 is a one-day race event to be held on the already established Grand Prix race day, annually on the first Sunday of July. Under the existing special local regulations, New Pass is open to maritime traffic and Big Sarasota Pass is closed to traffic. Due to recent shoaling north of New Pass, this final rule closes New Pass and opens Big Sarasota Pass to inbound and outbound traffic. Additionally, the coordinates of the regulated area would be modified to reflect a reduced length in the racecourse.

D. Regulatory Analyses

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

1. Regulatory Planning and Review

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

This regulation is not a significant regulatory action because this change constitutes merging and modification of existing regulations. This rule may have some impact on the public, but these potential impacts will be minimized for the following reason: Big Sarasota Pass is within three miles of New Pass and would allow vessels to continue to enter and exit Sarasota Bay.

2. Impact on Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered the impact of this rule on small entities. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

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

3. Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT**, above. The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

4. Collection of Information

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

5. Federalism

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

6. Protest Activities

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

7. Unfunded Mandates Reform Act

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

we do discuss the effects of this rule elsewhere in this preamble.

8. Taking of Private Property

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

9. Civil Justice Reform

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

10. Protection of Children From Environmental Health Risks

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

11. Indian Tribal Governments

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

12. Energy Effects

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

13. Technical Standards

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

14. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule is categorically excluded from further review under paragraph 34(h) of Figure 2–1 of the Commandant Instruction. An environmental analysis checklist supporting this determination and a Categorical Exclusion Determination are available in the docket where indicated under **ADDRESSES**.

List of Subjects in 33 CFR Part 100

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

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

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

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

Authority: 33 U.S.C. 1233; Department of Homeland Security Delegation No. 0170.1.

§ 100.719 [Removed]

■ 2. Remove § 100.719.

■ 3. Revise § 100.720 to read as follows:

§ 100.720 Annual Suncoast Offshore Grand Prix, Gulf of Mexico, Sarasota, FL.

(a) *Regulated Area.* The regulated area is established by a line drawn from the start line position 27°18.40′ N, 82°35.36′ W, thence to turn 1 position 27°16.74′ N, 82°34.92′ W, thence to turn 2 position 27°18.20′ N, 82°34.51′ W, thence to turn 3 position 27°18.67′ N, 82°35.09′ W, thence to turn 4 position 27°18.66′ N, 82°35.45′ W, thence to the finish line position 27°18.64′ N, 82°35.00′ W. All coordinates referenced use datum: NAD 1983.

(b) *Special local regulations.* (1) Spectator craft will be permitted to anchor shoreward of the shoreside boundaries, in the spectator area 500 yards from the regulated area between position 27°18.02′ N, 82°34.42′ W and position 27°16.85′ N, 82°34.67′ W.

(2) Spectator craft will be permitted to anchor seaward of the seaside boundaries, in the spectator area 500 yards from the regulated area between position 27°18.54′ N, 82°35.56′ W and position 27°16.64′ N, 82°35.07′ W.

(3) All vessel traffic not involved with the Suncoast Offshore Grand Prix shall enter and exit Sarasota Bay via Big Sarasota Pass and stay well clear of the racecourse.

(4) New Pass will be closed to all inbound and outbound vessel traffic at the COLREGS Demarcation Line. Vessels are allowed to utilize New Pass to access all areas inland of the Demarcation Line via Sarasota Bay. It may be opened at the discretion of the Patrol Commander.

(5) Entry into the regulated area shall be in accordance with this regulation.

(c) *Effective Date.* This rule is effective annually during the first Sunday of July from 10 a.m. to 4 p.m.

Dated: June 26, 2014.

G.D. Case,

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

[FR Doc. 2014–17833 Filed 7–28–14; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Parts 100, 117, 147, and 165

[USCG–2014–0567]

Quarterly Listings; Safety Zones, Security Zones, Special Local Regulations, Drawbridge Operation Regulations and Regulated Navigation Areas

AGENCY: Coast Guard, DHS.

ACTION: Notice of expired temporary rules issued.

SUMMARY: This document provides required notice of substantive rules issued by the Coast Guard and that were made temporarily effective between July 2013 and June 2014, and that expired before they could be published in the **Federal Register**. This notice lists temporary safety zones, security zones, special local regulations, drawbridge operation regulations and regulated navigation areas, all of limited duration and for which timely publication in the **Federal Register** was not possible.

DATES: This document lists temporary Coast Guard rules that became effective between July 2013 and June 2014, and were terminated before they could be published in the **Federal Register**.

ADDRESSES: The Docket Management Facility maintains the public docket for this notice. Documents indicated in this notice will be available for inspection or copying at the Docket Management Facility (M–30), U.S. Department of Transportation, West Building ground floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590 between 9 a.m. and 5 p.m., Monday through Friday, except federal holidays.

FOR FURTHER INFORMATION CONTACT: For questions on this notice contact Yeoman Second Class Maria Fiorella Villanueva, Office of Regulations and Administrative Law, telephone (202) 372–3862. For questions on viewing, or on submitting material to the docket, contact Cheryl Collins, Program

Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION: Coast Guard District Commanders and Captains of the Port (COTP) must be immediately responsive to the safety and security needs within their jurisdiction; therefore, District Commanders and COTPs have been delegated the authority to issue certain local regulations. *Safety zones* may be established for safety or environmental purposes. A safety zone may be stationary and described by fixed limits or it may be described as a zone around a vessel in motion. *Security zones* limit access to prevent injury or damage to vessels, ports, or waterfront facilities. *Special local regulations* are issued to enhance the safety of participants and spectators at regattas and other marine events. *Drawbridge operation regulations* authorize changes to drawbridge schedules to accommodate bridge repairs, seasonal vessel traffic, and local public events. *Regulated Navigation Areas* are water areas within a defined boundary for which regulations for vessels navigating within the area have been established by the regional Coast Guard District Commander.

Timely publication of these rules in the **Federal Register** is often precluded when a rule responds to an emergency, or when an event occurs without sufficient advance notice. The affected public is, however, often informed of these rules through Local Notices to Mariners, press releases, and other means. Moreover, actual notification is provided by Coast Guard patrol vessels enforcing the restrictions imposed by the rule. Because **Federal Register** publication was not possible before the end of the effective period, mariners were personally notified of the contents of these safety zones, security zones, special local regulations, regulated navigation areas or drawbridge operation regulations by Coast Guard officials on-scene prior to any enforcement action. However, the Coast Guard, by law, must publish in the **Federal Register** notice of substantive rules adopted. To meet this obligation without imposing undue expense on the public, the Coast Guard periodically publishes a list of these temporary safety zones, security zones, special local regulations, regulated navigation areas and drawbridge operation regulations. Permanent rules are not included in this list because they are published in their entirety in the **Federal Register**. Temporary rules are also published in their entirety if sufficient time is available to do so before they are placed in effect or terminated.

The temporary rules listed in this notice have been exempted from review under Executive Order 12666, Regulatory Planning and Review, because of their emergency nature, limited scope and temporary effectiveness.

The following unpublished rules were placed in effect temporarily during the period between July 2013 and June 2014 unless otherwise indicated. To view copies of these rules, visit *www.regulations.gov* and search by the docket number indicated in the list below.

Dated: July 23, 2014.

K.G. Cervoni,

Chief, Office of Regulations and Administrative Law, U.S. Coast Guard.

Docket No.	Location	Type	Effective date
USCG–2013–0640	Chester, PA	Safety Zones (Parts 147 and 165)	7/20/2013
USCG–2013–0733	Ocean City, NJ	Safety Zones (Parts 147 and 165)	8/24/2013
USCG–2013–0846	Miami Beach, FL	Safety Zones (Parts 147 and 165)	9/14/2013
USCG–2013–0565	Miami, FL	Safety Zones (Parts 147 and 165)	9/28/2013
USCG–2013–0565	Miami, FL	Safety Zones (Parts 147 and 165)	9/28/2013
USCG–2013–0862	Seattle, WA	Drawbridges (Part 117)	10/5/2013
USCG–2013–0815	San Diego, CA	Safety Zones (Parts 147 and 165)	10/12/2013
USCG–2013–0867	Harsens Island, MI	Safety Zones (Parts 147 and 165)	10/19/2013
USCG–2013–0821	Lake Havasu, AZ	Safety Zones (Parts 147 and 165)	10/19/2013
USCG–2013–0945	Pago Harbor, American Samoa	Special Local Regulation (Part 100)	11/11/2013
USCG–2013–0894	Savannah, GA	Safety Zones (Parts 147 and 165)	11/13/2013
USCG–2013–1013	Allegheny and Ohio Rivers	Safety Zones (Parts 147 and 165)	12/15/2013
USCG–2014–0019	Los Angeles, CA	Safety Zones (Parts 147 and 165)	1/25/2014
USCG–2014–0018	Vero Beach, FL	Safety Zones (Parts 147 and 165)	1/25/2014
USCG–2014–0025	Mt. Vernon, IN	Safety Zones (Parts 147 and 165)	1/26/2014
USCG–2014–0029	West Mifflin, PA	Security Zones (Part 165)	1/27/2014
USCG–2013–1086	Cambridge, MD	Security Zone (Part 165)	1/29/2014
USCG–2014–0039	Evansville, IN	Safety Zones (Parts 147 and 165)	1/29/2014
USCG–2014–0022	Gloucester, VA	Safety Zones (Parts 147 and 165)	2/9/2014
USCG–2014–0061	Coral Gables, FL	Security Zone (Part 165)	2/12/2014
USCG–2014–0057	Gulfport, MS	Safety Zones (Parts 147 and 165)	2/12/2014
USCG–2014–0043	Liberty Island, NY	Safety Zones (Parts 147 and 165)	2/13/2014
USCG–2014–0103	Rockwood, IL	Safety Zones (Parts 147 and 165)	2/15/2014
USCG–2014–0084	Saint Louis, MO	Security Zone (Part 165)	2/19/2014
USCG–2013–0999	La Conner, WA	Safety Zones (Parts 147 and 165)	2/21/2014
USCG–2014–0078	San Pedro, CA	Security Zones (Part 165)	2/21/2014
USCG–2014–0030	Savannah, GA	Safety Zone (Parts 147 and 165)	2/23/2014
USCG–2014–0031	Tavares, FL	Special Local Regulation (Part 100)	3/1/2014
USCG–2014–0136	San Diego, CA	Safety Zones (Parts 147 and 165)	3/1/2014
USCG–2014–0070	Sacramento, CA	Drawbridge Operation Regulation (Part 117)	3/3/2014
USCG–2014–0164	Manhattan, NY	Security Zone (Part 165)	3/11/2014
USCG–2014–0141	Savannah, GA	Safety Zones (Parts 147 and 165)	3/13/2014
USCG–2014–0129	Manitowoc, Wisconsin	Safety Zone (Parts 147 and 165)	3/14/2014
USCG–2012–0087	Puget Sound, WA	Security Zone (Part 165)	3/16/2014
USCG–2014–0032	Tavares, FL	Special Local Regulation (Part 100)	3/21/2014
USCG–2014–0137	Fairfax Co, VA and Charles CO, MD	Safety Zone (Parts 147 and 165)	3/24/2014
USCG–2014–0217	Ohio River	Safety Zones (Parts 147 and 165)	3/26/2014
USCG–2011–0489	Lake Michigan, Chicago Harbor	Security Zone (Part 165)	4/2/2014
USCG–2014–0131	Charleston, SC	Security Zones (Part 165)	4/5/2014

Docket No.	Location	Type	Effective date
USCG–2014–0225	Portland, OR	Drawbridge Operation Regulation (Part 117)	4/6/2014
USCG–2012–0087	Tacoma, WA	Security Zone (Part 165)	4/11/2014
USCG–2014–0266	Manhattan, NY	Security Zone (Part 165)	4/11/2014
USCG–2014–0276	Grand Haven, MI	Safety Zones (Parts 147 and 165)	4/12/2014
USCG–2014–0062	Englewood Beach, FL	Special Local Regulation (Part 100)	4/12/2014
USCG–2013–0963	Ellis Island, NY	Safety Zones (Parts 147 and 165)	4/15/2014
USCG–2014–0287	Blytheville, AR	Safety Zones (Parts 147 and 165)	4/15/2014
USCG–2014–0288	Miami, FL	Security Zone (Part 165)	4/17/2014
USCG–2014–0230	Liberty Island, NY	Safety Zones (Parts 147 and 165)	4/18/2014
USCG–2014–0304	Virginia Beach, VA	Safety Zones (Parts 147 and 165)	4/18/2014
USCG–2014–0270	Seattle, WA	Drawbridge Operation Regulation (Part 117)	4/19/2014
USCG–2014–0033	Daytona Beach, FL	Special Local Regulation (Part 100)	4/25/2014
USCG–2014–0262	Wyandotte, MI	Special Local Regulation (Part 100)	4/26/2014
USCG–2014–0315	Miami Beach, FL	Safety Zones (Parts 147 and 165)	4/26/2014
USCG–2014–0322	San Francisco, CA	Special Local Regulation (Part 100)	4/27/2014
USCG–2014–0321	Tiburon, CA	Special Local Regulation (Part 100)	4/27/2014
USCG–2014–0309	Wyandotte, MI	Special Local Regulation (Part 100)	5/3/2014
USCG–2014–0271	Key West, FL	Special Local Regulation (Part 100)	5/3/2014
USCG–2014–0045	Savannah, GA	Safety Zones (Parts 147 and 165)	5/7/2014
USCG–2011–0258	Seattle, WA	Special Local Regulation (Part 100)	5/10/2014
USCG–2014–0327	Port Huron, MI	Special Local Regulation (Part 100)	5/10/2014
USCG–2014–0326	Sacramento, CA	Drawbridge Operation Regulation (Part 117)	5/13/2014
USCG–2014–0378	Tarrytown, NY	Security Zone (Part 165)	5/15/2014
USCG–2014–0355	Westville, NJ	Safety Zones (Parts 147 and 165)	5/16/2014
USCG–2014–0077	Elizabeth City, NC	Safety Zones (Parts 147 and 165)	5/17/2014
USCG–2014–0294	Manhattan, NY	Safety Zones (Parts 147 and 165)	5/17/2014
USCG–2014–0340	Alameda, CA	Safety Zones (Parts 147 and 165)	5/17/2014
USCG–2014–0289	Baltimore, MD	Safety Zones (Parts 147 and 165)	5/17/2014
USCG–2014–0204	Cocoa Beach, FL	Special Local Regulation (Part 100)	5/18/2014
USCG–2014–0396	Charles County, MD	Safety Zones (Parts 147 and 165)	5/19/2014
USCG–2014–0069	Tampa, FL	Safety Zones (Parts 147 and 165)	5/20/2014
USCG–2014–0399	New London, CT	Security Zone (Part 165)	5/21/2014
USCG–2014–0390	San Francisco, CA	Safety Zones (Parts 147 and 165)	5/21/2014
USCG–2014–0404	Chicago, IL	Security Zone (Part 165)	5/22/2014
USCG–2011–0489	Lake Michigan, Chicago Harbor	Safety Zones (Parts 147 and 165)	5/23/2014
USCG–2014–0421	Washington, DC	Security Zone (Part 165)	5/26/2014
USCG–2014–0311	Petaluma, CA	Safety Zones (Parts 147 and 165)	5/26/2014
USCG–2014–0255	New Orleans, LA	Safety Zones (Parts 147 and 165)	5/26/2014
USCG–2014–0241	Newport, KY	Safety Zones (Parts 147 and 165)	5/31/2014
USCG–2014–0373	Tavares, FL	Special Local Regulation (Part 100)	5/31/2014
USCG–2014–0122	Knoxville, TN	Special Local Regulation (Part 100)	5/31/2014
USCG–2014–0417	Oxford, MD	Special Local Regulation (Part 100)	5/31/2014
USCG–2014–0232	Mastic Beach, NY	Safety Zones (Parts 147 and 165)	6/1/2014
USCG–2014–0383	Detroit, MI	Safety Zones (Parts 147 and 165)	6/1/2014
USCG–2014–0420	Tampa, FL	Safety Zones (Parts 147 and 165)	6/2/2014
USCG–2014–0012	Jacksonville, FL	Special Local Regulation (Part 100)	6/6/2014
USCG–2014–0439	Portland, OR	Drawbridge Operation Regulation (Part 117)	6/7/2014
USCG–2014–0391	Erie, PA	Safety Zones (Parts 147 and 165)	6/7/2014
USCG–2014–0477	Duluth, MN	Safety Zones (Parts 147 and 165)	6/7/2014
USCG–2014–0453	Anne Arundel Counties, MD	Safety Zones (Parts 147 and 165)	6/10/2014
USCG–2014–0426	Vermilion, OH	Safety Zones (Parts 147 and 165)	6/13/2014
USCG–2013–0214	Port Duluth Zone	Safety Zones (Parts 147 and 165)	6/14/2014
USCG–2014–0239	Greenwich, CT	Safety Zones (Parts 147 and 165)	6/14/2014
USCG–2014–0335	Oswego, NY	Safety Zones (Parts 147 and 165)	6/14/2014
USCG–2014–0493	5th Coast Guard District	Special Local Regulation (Part 100)	6/14/2014
USCG–2014–0463	Ocean City, NJ	Safety Zones (Parts 147 and 165)	6/16/2014
USCG–2014–0505	Pacific Ocean, CA	Safety Zones (Parts 147 and 165)	6/16/2014
USCG–2014–0500	Patapsco, MD	Safety Zones (Parts 147 and 165)	6/16/2014
USCG–2014–0474	Erie, PA	Security Zone (Part 165)	6/21/2014
USCG–2014–0509	Oswego, NY	Safety Zones (Parts 147 and 165)	6/21/2014
USCG–2014–0428	Pacific Ocean, CA	Safety Zones (Parts 147 and 165)	6/22/2014
USCG–2014–0502	San Diego, CA	Safety Zones (Parts 147 and 165)	6/28/2014

[FR Doc. 2014–17834 Filed 7–28–14; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2014–0584]

Drawbridge Operation Regulation; Hutchinson River, Bronx, NY

AGENCY: Coast Guard, DHS.

ACTION: Notice of deviation from drawbridge regulation.

SUMMARY: The Coast Guard has issued a temporary deviation from the operating schedule that governs the Amtrak Pelham Bay Bridge across the Hutchinson River, mile 0.5, at Bronx, New York. The deviation is necessary for installation of new bearing bushings at the bridge. This temporary deviation allows the bridge to remain in the closed position for two six-day closure periods to perform scheduled maintenance.

DATES: This deviation is effective from 10 p.m. on October 10, 2014 through 7 a.m. on October 30, 2014.

ADDRESSES: The docket for this deviation, [USCG–2014–0584] is available at *http://www.regulations.gov.* Type the docket number in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this deviation. You may also visit the Docket Management Facility in Room W12–140, on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary deviation, call or email Ms. Judy Leung-Yee, Project Officer, First Coast Guard District, *judy.k.leung-yee@uscg.mil,* or (212) 668–7165. If you have questions on viewing the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

The Amtrak Pelham Bay Bridge has a vertical clearance of 8 feet at mean high water and 15 feet at mean low water. The existing drawbridge operating regulations are found at 33 CFR 117.793.

The Hutchinson River has predominantly commercial vessel traffic of various sizes.

The owner of the bridge, National Railroad Passenger Corporation (Amtrak), requested two six-day bridge closures to facilitate installation of new bearing bushings at the bridge.

Under this temporary deviation, the Amtrak Pelham Bay Bridge may remain in the closed position from 10 p.m. on October 10, 2014 through 7 a.m. on October 16, 2014 and from 10 p.m. on October 17, 2014 through 7 a.m. on October 23, 2014. In the event of inclement weather a rain date from 10 p.m. on October 24, 2014 through 7 a.m. on October 30, 2014 will be used to complete the scheduled bridge maintenance.

The Coast Guard coordinated this bridge closure with the existing marine facilities that normally transit the Amtrak Pelham Bay Bridge and no objections were received.

Vessels that can pass under the bridge in the closed position may do so at all times. There are no alternate routes. The bridge can't be opened in the event of an emergency during this bridge maintenance.

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

Dated: July 17, 2014.

C.J. Bisignano,

Supervisory Bridge Management Specialist, First Coast Guard District.

[FR Doc. 2014–17849 Filed 7–28–14; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2014–0603]

Drawbridge Operation Regulation; Lake Washington Ship Canal, Seattle, WA

AGENCY: Coast Guard, DHS.

ACTION: Notice of deviation from drawbridge regulation.

SUMMARY: The Coast Guard has issued a temporary deviation from the operating schedule that governs the University Bridge, mile 4.3, across Lake Washington Ship Canal at Seattle, WA. The deviation is necessary to allow King County Metro Transit to perform essential maintenance on the University Bridge. This deviation allows one half (leaf) of the bridge to remain in the closed position and need not open to marine traffic.

DATES: This deviation is effective from 11 p.m. on August 1, 2014, to 6 a.m. on August 2, 2014, and from 11 p.m. on August 15, 2014, to 6 a.m. on August 16, 2014.

ADDRESSES: The docket for this deviation, [USCG–2014–0603] is available at *http://www.regulations.gov.* Type the docket number in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this deviation. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary deviation, call or email Mr. Steven Fischer, Bridge Administrator, Thirteenth Coast Guard District; telephone 206–220–7282, email *Steven.M.Fischer3@uscg.mil.* If you have questions on viewing the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION: The Seattle Department of Transportation has requested a temporary deviation from the operating schedule for the University Bridge, mile 4.3, across the Lake Washington Ship Canal at Seattle, WA. The requested deviation is to allow Seattle Department of Transportation to perform essential maintenance on the University Bridge. The planned maintenance includes routine cleaning and inspecting of the gear reducers. To facilitate this maintenance period, one side of the draws of the bridge will be maintained in the closed-to-navigation position from 11 p.m. on August 1, 2014 to 6 a.m. on August 2, 2014, and again from 11 p.m. on August 15, 2014 to 6 a.m. on August 16, 2014. Vessels that do not require bridge openings may continue to transit beneath the bridge during the closure periods. The bridge will not be able to open for emergencies.

The University Bridge, mile 4.3, provides a vertical clearance of 30 feet in the closed position; clearances are referenced to the mean water elevation of Lake Washington. The current operating schedule for the bridge is set out in 33 CFR 117.1051. The normal operating schedule for the University Bridge states that the bridge need not open from 7 a.m. to 9 a.m. and from 4 p.m. to 6 p.m. Monday through Friday for vessels less than 1000 tons. The normal operating schedule for the bridge also requires one hour advance

notification for bridge openings between 11 p.m. and 7 a.m. daily. Waterway usage on the Lake Washington Ship Canal ranges from commercial tug and barge to small pleasure craft. Vessels able to pass through the bridge in the closed positions may do so at anytime. The bridge will not be able to open for emergencies and there is no immediate alternate route for vessels to pass. The Coast Guard will also inform the users of the waterways through our Local and Broadcast Notices to Mariners of the change in operating schedule for the bridge so that vessels can arrange their transits to minimize any impact caused by the temporary deviation.

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

Dated: July 10, 2014.

Steven M. Fischer,

Bridge Administrator, Thirteenth Coast Guard District.

[FR Doc. 2014–17856 Filed 7–28–14; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2014–0053]

RIN 1625–AA09

Drawbridge Operation Regulation; Atlantic Intracoastal Waterway, West Palm Beach, FL

ACTION: Notice of deviation from drawbridge regulation.

SUMMARY: The Coast Guard has issued a temporary deviation from the operating schedule that governs the Royal Park and Southern Boulevard Bridges, Atlantic Intracoastal Waterway, mile 1022.6 and mile 1024.7, West Palm Beach, FL. These temporary operating schedules have been implemented in an effort to assist with the flow of vehicular traffic due to the Flagler Memorial Bridge being left in the open to navigation position.

DATES: This deviation is effective without actual notice from July 29, 2014 through 8 a.m. on October 31, 2014. For the purposes of enforcement, actual notice will be used from 6 a.m. on May 16, 2014, until July 29, 2014.

ADDRESSES: The docket for this deviation, [USCG–2014–0053] is available at *http://www.regulations.gov.* Type the docket number in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this deviation. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions about this temporary deviation, call or email Mr. Michael Lieberum, Chief Operations Section, Seventh Coast Guard District, Bridge Branch; telephone 305–415–6744, email *michael.b.lieberum@uscg.mil.* If you have questions about viewing the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION: Due to safety concerns with the operation of the Flagler Memorial Bridge over the Atlantic Intracoastal Waterway, mile 1021.8, West Palm Beach, FL, the FDOT has requested permission to place the Flagler Memorial Bridge in the open to navigation position which will redirect all vehicular traffic to the Royal Park and Southern Boulevard Bridges. The City of Palm Beach has requested that the operating schedule of the Royal Park Bridge be modified from the schedule published in 33 CFR 117.261(v) which required this bridge to open on the hour and half-hour. The vertical clearance of the Royal Park Bridge is 21 feet at mean high water at low steel. The temporary bridge schedule is as follows: Monday through Friday, from 6:16 a.m. until 8:14 p.m., the Royal Park Bridge will open on an hourly schedule at the quarter-hour, except from 7:16 a.m. to 9:14 a.m. and from 4:16 p.m. to 6:14 p.m. this bridge will remain closed to navigation. At all other times, including Federal Holidays, this bridge will open on the quarter-hour and three-quarter hour. The City has also requested that the Southern Boulevard Bridge be modified from the schedule published in 33 CFR 117.261(w) which required this bridge to open on the quarter hour and three quarter hour. The vertical clearance of the Southern Boulevard Bridge is 14 feet at mean high water at low steel. The temporary bridge schedule is as follows: Monday through Friday, from 7:31 a.m. to 9:29 a.m. and from 4:01 p.m. to 5:59 p.m., this bridge will remain closed to navigation. At all other times, including Federal Holidays, this bridge will open on the top and bottom of the hour. This temporary modification to the regulations will remain in effect until October 31, 2014.

The Coast Guard will inform waterway users of the change in operating schedule for this bridge through the Local Notice to Mariners. Mariners are advised to use this information in order to arrange safe transit through these bridges to minimize any delay caused by this temporary deviation.

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

Dated: May 16, 2014.

Barry Dragon,

Director, Bridge Administration, Seventh Coast Guard District.

[FR Doc. 2014–17854 Filed 7–28–14; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2014–0622]

Drawbridge Operation Regulation; Tennessee River, Decatur, AL

AGENCY: Coast Guard, DHS.

ACTION: Notice of deviation from drawbridge regulations.

SUMMARY: The Coast Guard has issued a temporary deviation from the operating schedule that governs the Southern Railroad Drawbridge across the Tennessee River, mile 304.4, at Decatur, Alabama. The deviation is necessary to allow the bridge owner time to replace and adjust the down haul operating ropes that are essential to the continued safe operation of the drawbridge. This deviation allows the bridge to remain in the closed-to-navigation position and not open to vessel traffic.

DATES: This deviation is effective from 8 a.m., August 12, 2014 to 10 p.m., August 14, 2014.

ADDRESSES: The docket for this deviation, (USCG–2014–0622) is available at *http://www.regulations.gov.* Type the docket number in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this deviation. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of

Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary deviation, call or email Eric A. Washburn, Bridge Administrator, Western Rivers, Coast Guard; telephone 314–269–2378, email *Eric.Washburn@uscg.mil.* If you have questions on viewing the docket, call Cheryl F. Collins, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION: The Norfolk Southern Railroad requested a temporary deviation for the Southern Railroad Drawbridge, across the Tennessee River, mile 304.4, at Decatur, Alabama to remain in the closed-to-navigation position on two days for 14 hours each day from 8 a.m. to 10 p.m. on August 12, 2014 and August 14, 2014 in order to replace and adjust the down haul operation ropes.

The Southern Railroad Drawbridge currently operates in accordance with 33 CFR 117.5, which states the general requirement that drawbridge shall open promptly and fully for the passage of vessels when a request to open is given in accordance with the subpart.

There are no alternate routes for vessels transiting this section of the Tennessee River.

The Southern Railroad Drawbridge, in the closed-to-navigation position, provides a vertical clearance of 10.52 feet above normal pool. Navigation on the waterway consists primarily of commercial tows and recreational watercraft and will not be significantly impacted. This temporary deviation has been coordinated with waterway users. No objections were received.

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

Dated: July 16, 2014.

Eric A. Washburn,

Bridge Administrator, Western Rivers.

[FR Doc. 2014–17841 Filed 7–28–14; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2011–0451]

Safety Zone, Seafair Air Show Performance, Seattle, WA

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

SUMMARY: The Coast Guard will enforce the annual Seafair Air Show safety zone on Lake Washington, Seattle, WA from 8 a.m. on August 1, 2014 to 4 p.m. on August 3, 2014. This action is necessary to ensure the safety of the public from inherent dangers associated with these annual aerial displays. During the enforcement period, no person or vessel may enter or transit this safety zone unless authorized by the Captain of the Port or his designated representative.

DATES: The regulations in 33 CFR 165.1319 will be enforced from 8 a.m. on August 1, 2014 through 4 p.m. on August 3, 2014.

FOR FURTHER INFORMATION CONTACT: If you have questions on this notice, call or email LTJG Johnny Zeng, Sector Puget Sound Waterways Management Division, Coast Guard; telephone (206) 217–6323, email *SectorPugetSoundWWM@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the Seafair Air Show Performance safety zone in 33 CFR 165.1319 daily from 8 a.m. until 4 p.m. from August 1, 2014 through August 3, 2014 unless canceled sooner by the Captain of the Port.

Under the provisions of 33 CFR 165.1319, the following area is designated as a safety zone: All waters of Lake Washington, Washington State, enclosed by the following points: Near the termination of Roanoke Way 47°35′44″ N, 122°14′47″ W; thence to 47°35′48″ N, 122°15′45″ W; thence to 47°36′02.1″ N, 122°15′′0.2″ W; thence to 47°35′56.6″ N, 122°16′29.2″ W; thence to 47°35′42″ N, 122°16′24″ W; thence to the east side of the entrance to the west high-rise of the Interstate 90 bridge; thence westerly along the south side of the bridge to the shoreline on the western terminus of the bridge; thence southerly along the shoreline to Andrews Bay at 47°33′06″ N, 122°15′32″ W; thence northeast along the shoreline of Bailey Peninsula to its northeast point at 47°33′44″ N, 122°15′04″ W; thence easterly along the east-west line drawn tangent to Bailey Peninsula; thence northerly along the shore of Mercer Island to the point of origin.

In accordance with the general regulations in 33 CFR part 165, subpart C, no person or vessel may enter or remain in the zone except for support vessels and support personnel, vessels registered with the event organizer, or other vessels authorized by the Captain of the Port or his designated representatives. Vessels and persons granted authorization to enter the safety zone shall obey all lawful orders or directions made by the Captain of the Port or his designated representative.

This document is issued under authority of 33 CFR 165.1319 and 5 U.S.C. 552(a). In addition to this notice in the **Federal Register**, the Coast Guard will provide the maritime community with advance notification of the safety zone via the Local Notice to Mariners and marine information broadcasts on the day of the event. If the COTP determines that the safety zone need not be enforced for the full duration stated in this notice, he may use a Broadcast Notice to Mariners to grant general permission to enter the regulated area.

Dated: July 16, 2014.

M.W. Raymond,

Captain, U.S. Coast Guard, Captain of the Port, Puget Sound.

[FR Doc. 2014–17851 Filed 7–28–14; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2014–0201]

RIN 1625–AA00

Safety Zone, Patapsco River; Baltimore, MD

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a safety zone encompassing certain waters of the Patapsco River. This safety zone is necessary to protect the public and vessels on navigable waters during a fireworks display launched from a barge located adjacent to the East Channel of Northwest Harbor at Baltimore, MD on August 5, 2014.

DATES: This rule is effective and will be enforced from 8:30 p.m. to 10:30 p.m. on August 5, 2014.

ADDRESSES: Documents mentioned in this preamble are part of docket [USCG–2014–0201]. To view documents mentioned in this preamble as being

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

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Mr. Ronald Houck, U.S. Coast Guard Sector Baltimore, MD; telephone 410–576–2674, email *Ronald.L.Houck@uscg.mil.* If you have questions on viewing or submitting material to the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

Table of Acronyms

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

A. Regulatory History and Information

On April 9, 2014, we published a notice of proposed rulemaking (NPRM) entitled ''Safety Zone for Fireworks Display, Patapsco River, Northwest Harbor (East Channel); Baltimore, MD'' in the **Federal Register** (79 FR 19572). We received no comments on the proposed rule. No public meeting was requested, and none was held. Because this temporary final rule will publish fewer than 30 days prior to the fireworks display, and the rule is necessary to protect public safety, the Coast Guard finds good cause under 5 U.S.C. 553(d)(3) to make the rule effective fewer than 30 days after publication.

B. Basis and Purpose

The legal basis for this rule is found in 33 U.S.C. 1231, 46 U.S.C. Chapter 701, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Public Law 107–295, 116 Stat. 2064; and Department of Homeland Security Delegation No. 0170.1, which collectively authorize the Coast Guard to propose, establish, and define regulatory safety zones.

This safety zone is necessary to ensure public and maritime safety during a fireworks display, and to protect mariners transiting the area from the potential hazards associated with a fireworks display, such as the accidental discharge of fireworks, dangerous projectiles, and falling hot embers or other debris.

C. Discussion of Comments, Changes and the Final Rule

The Coast Guard received no comments in response to the NPRM. No public meeting was requested and none was held.

D. Regulatory Analyses

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

1. Regulatory Planning and Review

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

Although this regulation would restrict access to this area, the effect of this proposed rule will not be significant because: (i) the Coast Guard will give advance notification via maritime advisories so mariners can adjust their plans accordingly, (ii) vessels may still be permitted to transit through the safety zone with permission of the Captain of the Port on a case-by-case basis; and (iii) this safety zone is limited in size and duration.

2. Impact on Small Entities

The Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601–612, as amended, requires federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard received no comments from the Small Business Administration on this rule. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

This rule may affect the following entities, some of which may be small entities: the owners or operators of vessels intending to operate or transit through or within, or anchor in, the safety zone during the enforcement period. This safety zone will not have a significant economic impact on a substantial number of small entities for the reasons provided under Regulatory Planning and Review.

3. Assistance for Small Entities

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

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

4. Collection of Information

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

5. Federalism

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

6. Protest Activities

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

7. Unfunded Mandates Reform Act

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

8. Taking of Private Property

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

9. Civil Justice Reform

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

10. Protection of Children

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

11. Indian Tribal Governments

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

12. Energy Effects

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

13. Technical Standards

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

14. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA)(42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves establishing a safety zone for a fireworks display that will temporarily restrict vessel traffic from transiting the immediate area of the fireworks barge in the Patapsco River. This rule is categorically excluded from further review under paragraph 34(g) of Figure 2–1 of the Commandant Instruction. An environmental analysis checklist supporting this determination and a Categorical Exclusion Determination are available in the docket where indicated under **ADDRESSES**.

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T05–0201 to read as follows:

§ 165.T05–0201 Safety Zone, Patapsco River; Baltimore, MD.

(a) *Location.* The following area is a safety zone: All waters of the Patapsco River, within a 200 yard radius of a fireworks discharge barge in approximate position latitude 39°15′48″ N, longitude 076°34′37″ W, located adjacent to the East Channel of Northwest Harbor at Baltimore, Maryland. All coordinates refer to datum NAD 1983.

(b) *Regulations.* The general safety zone regulations found in 33 CFR 165.23 apply to the safety zone created by this temporary section, § 165.T05–0201.

(1) All persons are required to comply with the general regulations governing safety zones found in 33 CFR 165.23.

(2) Entry into or remaining in this zone is prohibited unless authorized by the Coast Guard Captain of the Port Baltimore or his designated representative. All vessels underway within this safety zone at the time it is implemented are to depart the zone.

(3) Persons desiring to transit the area of the safety zone must first obtain authorization from the Captain of the Port Baltimore or his designated representative. To seek permission to transit the area, the Captain of the Port Baltimore and his designated representative can be contacted at telephone number 410–576–2693 or on Marine Band Radio VHF–FM channel 16 (156.8 MHz). The Coast Guard vessels enforcing this section can be contacted on Marine Band Radio VHF–FM channel 16 (156.8 MHz). Upon being hailed by a U.S. Coast Guard vessel, or other Federal, State, or local agency vessel, by siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed. If permission is granted, all persons and vessels must comply with the instructions of the Captain of the Port Baltimore or his designated representative and proceed as directed while within the zone.

(4) *Enforcement.* The U.S. Coast Guard may be assisted in the patrol and enforcement of the zone by Federal, State, and local agencies.

(c) *Definitions.* As used in this section:

Captain of the Port Baltimore means the Commander, U.S. Coast Guard Sector Baltimore, Maryland.

Designated representative means any Coast Guard commissioned, warrant, or petty officer who has been authorized by the Captain of the Port Baltimore to assist in enforcing the safety zone described in paragraph (a) of this section.

(d) *Enforcement period.* This rule will be enforced from 8:30 p.m. to 10:30 p.m. on August 5, 2014.

Dated: July 7, 2014.

M. Dean,

Commander, U.S. Coast Guard, Acting Captain of the Port Baltimore.

[FR Doc. 2014–17835 Filed 7–28–14; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R05–OAR–2014–0119; FRL–9912–19–Region–5]

Approval and Promulgation of Air Quality Implementation Plans; Illinois; Latham Pool Adjusted Standard

Correction

In rule document 2014–16290 appearing on pages 40673 through 40675 in the issue of Monday, July 14, 2014, make the following correction:

1. On page 40673, in the second column, in the ''**DATES**'' section, the effective date listed on line two ''August 13, 2014'' should read ''September 12, 2014''.

[FR Doc. C1–2014–16290 Filed 7–28–14; 8:45 am]

BILLING CODE 1505–05–D

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2013–0072; FRL–9913–62–OAR]

Approval and Promulgation of Air Quality Implementation Plans; Maryland; Section 110(a)(2) Infrastructure Requirements for the 2008 Lead National Ambient Air Quality Standards

Correction

In rule document 2014–16556 appearing on pages 41437 through 41438 in the issue of Wednesday, July 16, 2014 the subject line is corrected to appear as set forth above.

[FR Doc. C1–2014–16556 Filed 7–28–14; 8:45 am]

BILLING CODE 1505–01–D

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R02–OAR–2014–0238; FRL–9913–73-Region–2]

Approval and Promulgation of Air Quality Implementation Plans; New York State; Transportation Conformity Regulations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking direct final action to approve a revision to the New York State Implementation Plan (SIP). The revision establishes transportation conformity regulations for the State of New York. EPA is approving this revision in accordance with the requirements of the Clean Air Act.

DATES: This rule is effective on September 29, 2014 without further notice, unless EPA receives adverse written comment by August 28, 2014. If EPA receives such comments, it will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

ADDRESSES: Submit your comments, identified by Docket ID Number EPA–R02–OAR–2014–0238 by one of the following methods:

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

B. *Email: Ruvo.Richard@epa.gov.*

C. *Mail:* EPA–R03–OAR–2014–0238, Richard Ruvo, Air Programs Branch, U.S. Environmental Protection Agency, Region II, 290 Broadway, New York, NY 10007.

D. *Hand Delivery:* At the previously-listed EPA Region II address. 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–R02–OAR–2014–0238. EPA's policy is that all comments received will be included in the public docket without change, and may be made available online at *www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *www.regulations.gov* or email. The *www.regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through *www.regulations.gov,* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the electronic 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, is not placed on the Internet and 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 during normal business hours at the Clean Air and Sustainability Division, U.S. Environmental Protection Agency, Region II, 290 Broadway, New York, NY 10007. Copies of the State submittal are available at the New York State Department of the Environmental Conservation, Division of Air Resources, 625 Broadway, Albany, New York 12233.

FOR FURTHER INFORMATION CONTACT: Melanie Zeman, (212) 637–4022, or by email at *zeman.melanie@epa.gov*

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

I. What Is Transportation Conformity?

Transportation conformity is required under section 176(c) of the Clean Air Act to ensure that Federally supported highway, transit projects, and other activities are consistent with (conform to) the purpose of the SIP. Conformity currently applies to areas that are designated nonattainment, and those redesignated to attainment after 1990 (maintenance areas), with plans developed under section 175A of the Clean Air Act for the following transportation related criteria pollutants: Ozone, particulate matter ($PM_{2.5}$ and PM_{10}), carbon monoxide (CO), and nitrogen dioxide (NO_2). Conformity for purposes of the SIP means that transportation activities will not cause new air quality violations, worsen existing violations, or delay timely attainment of the relevant national ambient air quality standards (NAAQS). The transportation conformity regulation is found in 40 CFR part 93 (''Federal conformity rule'') and provisions related to conformity SIPs are found in 40 CFR 51.390.

II. What is the background for this action?

On August 10, 2005, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA–LU) was signed into law. SAFETEA–LU revised certain provisions of section 176(c) of the Clean Air Act, related to transportation conformity. Prior to SAFETEA–LU, states were required to address all of the Federal conformity rule's provisions in their conformity SIPs. After SAFETEA–LU amended CAA section 176(c)(4)(D) and EPA revised 40 CFR 51.390 to be consistent with those amendments, state's SIPs were required to address only the following three sections of the Federal conformity rule, modified as appropriate to each state's circumstances: 40 CFR 93.105 (consultation procedures); 40 CFR 93.122(a)(4)(ii) (written commitments to implement control measures that are not included in the transportation plan and transportation improvement program (TIP)); and 40 CFR 93.125(c) (written commitments to implement mitigation measures). States are no longer required to submit conformity SIP revisions that address the other sections of the Federal transportation conformity rule.

III. What did the state submit and how did we evaluate it?

On October 3, 2013, the New York State Department of Environmental Conservation submitted a revision to its State Implementation Plan (SIP), to EPA for transportation conformity amendments filed for adoption on August 14, 2013, and published in the New York State Register (I.D. No. ENV–16–13–0001–A) on September 4, 2013. The SIP revision included the repeal of the old Part 240, which was not included in the SIP, and replacement with a new Part 240, ''Conformity to State or Federal Implementation Plans of Transportation Plans, Programs, and Projects Developed, Funded or Approved Under Title 23 U.S.C. or the Federal Transit Laws'' and revisions to Part 200, ''General Provisions'' into Title 6 of the Official Compilation of Codes, Rules, and Regulations of the State of New York (6 NYCRR). The Part 240 revisions include cites to portions of the Federal statute and regulations that are incorporated by reference into Part 240. This SIP revision addresses the three provisions of the EPA Conformity Rule required by CAA section 176(c)(4)(D): 40 CFR 93.105 (consultation procedures); 40 CFR 93.122(a)(4)(ii) (control measures); and 40 CFR 93.125(c) (mitigation measures).

We reviewed the submittals to assure consistency with the January 2009, ''Guidance for Implementing the Transportation Conformity State Implementation Plans (SIPs).'' This review can be found in the technical support document that is part of the docket. The guidance document can be found at *http://www.epa.gov/oms/stateresources/transconf/policy/420b09001.pdf.* The guidance document states that each state is only required to address and tailor the three aforementioned sections of the Federal Conformity Rule to be included in their state conformity SIPs. EPA's review of New York's SIP Revision indicates that it is consistent with EPA's guidance in that it includes the three aforementioned regulatory elements specified in CAA section 176(c)(4)(D). Consistent with the EPA Conformity Rule at 40 CFR 93.105 (consultation procedures), New York State Part 240–2 identifies the appropriate agencies, procedures, and allocation of responsibilities for consultation. Specifically, New York State Part 240–2.10 provides for appropriate public consultation/public involvement consistent with 40 CFR 93.105.

With respect to the requirements of 40 CFR 93.122(a)(4)(ii) and 40 CFR 93.125(c), the proposed SIP specifies at 6 NYCRR 240–3.1 and 240–3.2, respectively, that written commitments to control measures that are not included in the transportation plan and TIP must be obtained prior to a conformity determination and must demonstrate assurance that they will be fulfilled, and that written commitments to mitigation measures must be obtained prior to a positive conformity determination, and the project sponsors must comply with such commitments. EPA is approving 6 NYCRR Part 240 ''Conformity to State and Federal Implementation Plans of Transportation Plans, Programs, and Projects Developed, Funded or Approved Under Title 23 U.S.C. or the Federal Transit Laws,'' that was published in the New York State Register and became effective on September 13, 2013.

IV. Final Action

EPA is approving the New York SIP revisions for Transportation Conformity, which were submitted on October 3, 2013. EPA is publishing this rule without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comment. However, in the Proposed Rules section of today's **Federal Register**, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision if adverse comments are filed. This rule will be effective on September 29, 2014 without further notice unless EPA receives adverse comment by August 28, 2014. If EPA receives adverse comment, EPA will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect. EPA will address all public comments in a subsequent final rule based on the proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting must do so at this time. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment.

V. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA 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 Clean Air Act; and

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

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

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

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

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Oxides of nitrogen, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: June 25, 2014.

Judith A. Enck,

Regional Administrator, Region 2.

Part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

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

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

Subpart HH—New York

■ 2. In § 52.1670 the table in paragraph (c) is amended by adding in numeric order an entry for Title 6, Part 240 and adding subtitles, Subparts 240–1, 240–2 and 240–3, to read as follows:

§ 52.1670 Identification of plan.

* * * * *

(c) * * *

EPA-APPROVED NEW YORK STATE REGULATIONS AND LAWS

New York State regulation	State effective date	Latest EPA approval date	Comments
Title 6:			
* * *	*	* *	*
Part 240, Conformity to State or Federal Implementation Plans of Transportation Plans, Programs and Projects Developed, Funded or Approved Under Title 23 U.S.C. or the Federal Transit Laws.			
Subpart 240–1, Transportation Conformity General Provisions.	9/13/13	7/29/14, [Insert FEDERAL REGISTER citation].	
Subpart 240–2, Consultation	9/13/13	7/29/14, [Insert FEDERAL REGISTER citation].	
Subpart 240–3 Regional Transportation-Related Emissions and Enforceability.	9/13/13	7/29/14, [Insert FEDERAL REGISTER citation].	
* * *	*	* *	*

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[FR Doc. 2014–17659 Filed 7–28–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R01–OAR–2012–0895; A–1–FRL–9913–56–OAR]

Approval and Promulgation of Air Quality Implementation Plans; Maine; Nitrogen Oxides Exemption Request

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving a request from Maine for an exemption from the requirements for the control of nitrogen oxides (NO_X) emissions contained in section 182(f) of the Clean Air Act (CAA or Act) in relation to the 2008 8-hour ozone national ambient air quality standards (standards or NAAQS). Maine's request, dated October 13, 2012, is based on a technical demonstration submitted to EPA by Maine's Department of Environmental Protection (ME DEP) showing that NO_X emissions in Maine are not having a meaningful adverse impact on the ability of any

nonattainment areas located in the Ozone Transport Region (OTR) to attain the ozone standards during times when elevated ozone levels are monitored in those areas. Specifically, Maine analyzed the nearest of these areas (i.e., the nonattainment areas in Massachusetts and Connecticut). Based on EPA's review of this technical demonstration, and other relevant information, we conclude that any additional reductions in NO_X emissions in the State of Maine that would be required under the 2008 8-hour ozone standards, and which would be beyond what Maine's State Implementation Plan (SIP) regulations already provide for, would not produce net ozone air quality benefits in the OTR. Thus, EPA has determined that those emissions reductions may be exempted under the Act.

DATES: This rule is effective on August 28, 2014.

ADDRESSES: EPA has established a docket for this action under Docket Identification No. EPA–R01–OAR–2012–0895. All documents in the docket are listed on the *www.regulations.gov* Web site. Although listed in the index, some information is not publicly available, i.e., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *www.regulations.gov* or in hard copy at the Office of Ecosystem Protection, U.S. Environmental Protection Agency, EPA New England Regional Office, One Congress Street, Suite 1100, Boston, MA. EPA requests that if at all possible, you contact the contact listed in the **FOR FURTHER INFORMATION CONTACT** section immediately following this paragraph 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 legal holidays. Copies of the documents relevant to this action are also available for public inspection during normal business hours, by appointment at the State Air Agency: Bureau of Air Quality Control, Department of Environmental Protection, First Floor of the Tyson Building, Augusta Mental Health Institute Complex, Augusta, ME 04333–0017.

FOR FURTHER INFORMATION CONTACT: Richard Burkhart, Air Quality Planning Unit, U.S. Environmental Protection Agency, EPA New England Regional Office, 5 Post Office Square, Suite 100, Boston, MA 02109–3912, telephone number (617) 918–1664, fax number (617) 918–0664, email *Burkhart.Richard@epa.gov*.

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

The information presented in this action is organized as follows:

I. Background

On August 5, 2013 (78 FR 47253), EPA published a Notice of Proposed Rulemaking (NPR) for the State of Maine. In the NPR, EPA proposed to approve Maine's request for a state-wide exemption from the CAA section 182(f) NO_X control requirements. The ME DEP submitted the request to EPA on October 13, 2012.

In the NPR, EPA also proposed approval of a CAA section 176A request from Maine to restructure the requirements of the OTR for all of Maine and proposed to amend the Maine SIP accordingly. The ME DEP submitted its restructuring request on February 11, 2013, and supplemented its submittal on November 18, 2013. Specifically, Maine requested that EPA approve a ''limited opt-out'' or ''restructuring'' of the Act's OTR requirements pertaining to nonattainment New Source Review (NSR) permitting requirements applicable to major new and modified stationary sources of volatile organic compounds (VOC). EPA is not taking final action on the proposed approval of Maine's CAA section 176A request or the related proposed SIP changes at this time.

II. What Action is EPA taking?

EPA is approving the State of Maine's request for an exemption from the NO_X requirements contained in Section 182(f) of the CAA for the entire State of Maine. CAA section 182(f) makes certain requirements that apply to major sources of volatile organic compounds (VOC) also applicable to major stationary sources of NO_X emissions. This section also gives the Administrator authority to exempt NO_X emission sources from those requirements. Through this action the Administrator is granting such an exemption with respect to the 2008 ozone NAAQS for the State of Maine. The specific requirements that would otherwise apply are (1) the requirement to implement pollution controls meeting reasonably available control technology (RACT) for emissions of NO_X; and (2) the nonattainment area new source review (NSR) permitting requirements for major new and modified sources as they apply to emissions of NO_X. EPA is approving this request pursuant to CAA section 182(f)(1)(B), which provides the applicable test for granting such exemptions for nonattainment areas in the Ozone Transport Region (OTR) (as well as for attainment areas in the OTR).

When evaluating how Maine's request meets the ''net ozone air quality benefit'' test in section 182(f)(1)(B) of the CAA, EPA considered a variety of factors: (1) Maine's unique position at the northern extremity of the OTR and the phenomenon that on high ozone days [1] in nearby nonattainment areas the prevailing winds typically flow from the southwest towards Maine; (2) our 2005 NO_X exemption guidance [2] which indicates that the ''net ozone air quality benefit'' test may be applied in attainment areas within the OTR; (3) Maine's back-trajectory technical analysis and EPA's photochemical grid modeling; (4) the language of section 182(f) of the CAA and important related CAA provisions; and (5) information provided by the public, and the State of Maine, in response to our notice of proposed rulemaking. These factors, which are discussed in more detail in the response to comments below, show that Maine is downwind of nearby areas when they experience ozone concentrations above the standard, none of the back-trajectories associated with ozone concentration days above the standard for nearby nonattainment areas pass through Maine, and modeling data indicate that Maine's impact on nonattainment areas in the OTR is so small as to be not meaningful. For all of these reasons, EPA believes that NO_X emission reductions required under section 182(f) absent a NO_X exemption would not produce any meaningful ozone benefits in OTR areas that are not attaining the 2008 ozone standard; we therefore conclude that Maine's technical demonstration and the other information we evaluated satisfy the requirements of the ''net ozone air quality benefits'' test. If EPA subsequently determines, based on future air quality analyses, that such NO_X emissions controls in Maine are necessary to meet the requirements of

[1] The term ''high ozone days'' refers to days when the ozone standard is exceeded. The 2008 ozone NAAQS is based on a three-year average of the fourth-highest 8-hour average yearly concentration. When an ozone monitor ''exceeds'' the level of the NAAQS (0.075 ppm or 75 ppb) it is commonly referred to as an exceedance day.

[2] ''Guidance on Limiting Nitrogen Oxides Requirements Related to 8-Hour Ozone Implementation,'' January 2005.

the CAA, EPA may initiate rulemaking to revoke the NO_X exemption being approved in relation to the 2008 ozone NAAQS.

III. Response to Comments

EPA received both supportive and adverse comments on its August 5, 2013 NPR. The comments received that relate to Maine's CAA section 182(f) NO_X exemption request, and EPA's responses to those specific comments, are set forth below. As noted above, EPA is not taking action on Maine's OTR restructuring request relating to nonattainment NSR applicable to VOC emissions and this notice, therefore, does not address public comments received on that aspect of EPA's August 5, 2013 NPR. Any final action on EPA's proposed approval of Maine's OTR restructuring request for VOC NSR will be taken separately. Public comments received on our August 5, 2013 NPR that pertained to Maine's OTR VOC NSR restructuring request will be addressed at that time.

Comment #1: Several commenters mentioned that Maine's air quality data is near the existing ozone NAAQS. One or more commenters stated that preliminary 2013 ozone data show that coastal Maine's design value is 75 parts per billion (ppb) [0.075 parts per million (ppm)] and within a small margin of failing to meet the NAAQS. Several commenters directly stated or implied that they expect ozone levels in Maine will increase if EPA approves Maine's NO_X exemption request.

Response #1: The ME DEP runs an extensive network of ozone monitors throughout the State of Maine. In addition, there are three ozone monitors run by tribes in Maine and two ozone monitors at CASTNET (Clean Air Status and Trends Network) sites. All ozone data for monitoring sites in Maine meet the 2008 ozone NAAQS. The design values [3] for ME DEP's ozone monitors, based on 2010–2012 quality-assured, certified ozone data, are shown in Table 1 below (Maine's ozone data are available in the EPA Air Quality System (AQS) air quality database and in the EPA airdata database at *http://www.epa.gov/airdata/ad_rep_mon.html*). Final 2013 ozone data and preliminary 2011–2013 design values are also shown. The 2013 data are also in AQS, and have been certified.

TABLE 1—MAINE OZONE DATA 4TH HIGH VALUES AND DESIGN VALUES (DV)

Site location	County	Monitor type	AIRS ID #	4th High 2010	4th High 2011	4th High 2012	4th High 2013	2010 to 2012 DV	2011 to 2013 DV
Bar Harbor—McFarland Hill.	Hancock	NCore	230090103	0.070	0.066	0.060	0.069	0.065	0.065
Bar Harbor—Cadillac Mtn.	Hancock	SLAMS	230090102	0.076	0.074	0.066	0.068	0.072	0.069
Bowdoinham	Sagadahoc	SPMS	230230006	0.061	0.061	0.062	0.061	0.061	0.061
Cape Elizabeth	Cumberland	SLAMS	230052003	0.072	0.070	0.066	0.072	0.069	0.069
Durham	Androscoggin	SPMS	230010014	0.058	0.063	0.061	0.059	0.060	0.061
Gardiner	Kennebec	SLAMS	230112005	0.059	0.063	0.064	0.065	0.062	0.064
Holden	Penobscot	SLAMS	230194008	0.059	0.055	0.058	0.064	0.057	0.059
Jonesport	Washington	SPMS	230290019	0.061	0.057	0.057	0.062	0.058	0.058
Kennebunkport	York	SLAM	230312002	0.072	0.073	0.077	0.076	0.074	0.075
North Lovell	Oxford	SPMS	230173001	0.054	0.054	0.056	0.052	0.054	0.054
Port Clyde	Knox	SLAM	230130004	0.070	0.068	0.062	0.076	0.066	0.068
Portland	Cumberland	SPM/NR	230050029	0.060	0.060	0.065	0.061	0.061	0.062
Shapleigh	York	SPMS	230310040	0.066	0.064	0.065	0.064	0.065	0.064
West Buxton	York	SPMS	230310037	0.058	0.059	0.065	0.063	0.060	0.062

All data in parts per million (ppm) ozone—2013 ozone design values are preliminary.
NCore: National Core.
SLAMS: State and Local Air Monitoring Station.
SPMS: Special Purpose Monitoring Station.
SPM/NR: Special Purpose Monitor/Non-Regulatory.

As has always been the case in Maine, the ozone monitors with the highest design values are located on the coast (i.e., Kennebunkport, Cape Elizabeth, Portland, Port Clyde, Bar Harbor and Jonesport).

ME DEP received similar comments, during its state public comment period, asserting that if a NO_X exemption is granted by EPA the effect would be to exacerbate current air quality in Maine; to address these comments, ME DEP prepared a technical analysis supplementing its original analysis, and submitted that additional analysis to EPA as part of its November 18, 2013 submittal supplementing its original submittal. ME DEP's analysis tracks the origin of the ozone precursor pollutants (NO_X and VOC) on days when the 2008 NAAQS is exceeded. Maine is at the end of the ozone ''pipeline'' in the OTR, and thus receives ozone transported from points to the south, such as from the Greater Boston area, the large cities along coastal Connecticut and from the New York City area. These pollutants are transported into Maine on southerly and south-westerly winds, the only wind direction that results in ozone levels in Maine that exceed the 2008 ozone NAAQS.

Furthermore, Maine did not request to discontinue or remove from its SIP any existing NO_X pollution controls. That is, all existing sources still will be required to comply with currently applicable NO_X pollution control requirements to which they were subject prior to EPA's action approving Maine's NO_X exemption request. Specifically, the NO_X control requirements contained in Chapters 138, 145 and 148 of ME DEP Regulations (''Reasonably Available Control Technology For Facilities That Emit Nitrogen Oxides (NO_X-RACT),'' ''NO_X Control Program,'' and ''Emissions from Smaller-Scale Electric Generating Facilities'') will remain in Maine's SIP. And for major new and modified stationary sources of NO_X,

[3] The 2008 ozone NAAQS is based on a three-year average of the fourth-highest 8-hour average yearly concentration. This value is called the design value. If the design value is less than or equal to 0.075 ppm (the level of the 2008 ozone NAAQS) the area is meeting the 2008 ozone NAAQS. An ozone monitor can ''exceed'' the level of the NAAQS (0.075 ppm or 75 ppb) on average three times a year and still ''meet'' the 2008 ozone NAAQS. Any one monitor with a design value above the level of the NAAQS is not meeting the NAAQS.

Maine's Prevention of Significant Deterioration (PSD) permitting requirements will now apply in lieu of the nonattainment NSR permitting requirements. Outside of the OTR, PSD permitting requirements typically apply in areas attaining the NAAQS. All of Maine is now attaining the ozone NAAQS, and ME DEP's technical demonstration supporting its NO_X exemption request shows that Maine's emissions are not having a meaningful adverse impact on the ability of any nonattainment areas in the OTR to attain the ozone NAAQS. The basis of Maine's conclusion was a detailed analysis of all of the ozone exceedances in the nearest of these areas (i.e., the nonattainment areas in Massachusetts and Connecticut).

Moreover, it is important to note that, as explained in EPA's August 5, 2013 NPR, EPA's approval of this NO_X exemption is not the first time that EPA has granted a NO_X exemption under CAA section 182(f) to Maine. On December 26, 1995 (60 FR 66748), EPA approved the State of Maine's section 182(f) NO_X exemption request for counties in northern and downeast Maine which were attaining the 1-hour ozone NAAQS applicable at that time (specifically, Aroostook, Franklin, Oxford, Penobscot, Piscataquis, Somerset, Washington, Hancock and Waldo Counties). In addition, on February 3, 2006 (71 FR 5791), EPA approved a section 182(f) NO_X exemption request for a similar area in Maine (specifically, Aroostook, Franklin, Oxford, Penobscot, Piscataquis, Somerset, Washington, and portions of Hancock and Waldo Counties) in relation to the 1997 8-hour ozone NAAQS. Thus, since December 1995 all of the major stationary sources of NO_X in these areas have not been subject to the nonattainment NSR permitting requirements that are applicable throughout the OTR. Sources in these areas have throughout that period of time been covered by Maine's PSD regulations, and will continue to be so covered under EPA's approval of this NO_X exemption request.

Comment #2: One commenter requested that EPA and Maine examine ozone data from Appledore Island and other ''research ozone monitors.'' In addition, the commenter requested that Maine examine ozone data at the now discontinued Small Point ozone monitor and discontinued ozone monitor in Pownall, Maine. Another commenter noted that ''[g]iven the nature and limitations of monitoring, it is fair to say that other locations are likely to be above the current 75 ppb [0.075 ppm] standard but simply haven't been identified.''

Response #2: As stated in the response to comment #1 above, there is an extensive ozone monitoring network operated in the State of Maine by a number of entities. For a variety of reasons, ME DEP runs more ozone monitors than minimally required under EPA regulations at 40 CFR Part 58, Appendix D. This is especially true in southern Maine and along the entire coastline, where Maine records its highest levels of ozone. For example, EPA regulations require the State of Maine to run a minimum of two ozone monitors in the Portland-South Portland, Maine Metropolitan Statistical Area (MSA), which comprises the counties of Cumberland, Sagadahoc and York. ME DEP currently runs six ozone monitors in this MSA, with a mix of monitors along the coast and some monitors located more inland. As stated earlier, all current Maine ozone sites in the AQS data base (see Table 1, above) are monitoring air quality that meets the 2008 ozone NAAQS. In addition, all New Hampshire ozone sites in the AQS data base also monitor air quality that meets the 2008 ozone NAAQS. In fact, all of Maine and all of New Hampshire are designated as attainment/unclassifiable for the 2008 ozone NAAQS (see 40 CFR 81.320 and 81.330), the best/cleanest classification.

With regard to ozone monitoring data at Appledore Island off the coast of New Hampshire, the University of New Hampshire did operate a research data ozone monitor on this island for a number of years. The data is available at: *www.eos.unh.edu/observatories/data.shtml*. The Appledore monitor was shut down in March 2012, so the latest three years available to analyze from that monitor for the ozone season are the years 2009–2011. An analysis of that data by the ME DEP shows that the 4th highest daily maximum concentrations for each year were 0.075 ppm, 0.068 ppm and 0.070 ppm, respectively, resulting in a design value of 0.071 ppm, which is below the 2008 ozone NAAQS.

The Pownal, Maine ozone monitoring site was in operation only during the 1980 through 1983 ozone seasons. Pownal is an inland ozone monitoring site and, as is the case for all inland ozone monitoring sites, historically had lower maximum ozone values than nearby coastal sites. An analysis of historic ozone data by the ME DEP shows the 4th highest daily maximum 8-hour ozone concentration in 1983 at the Pownal site was on the order of 0.02 ppm ozone lower (based on the 4th highest daily maximum 8-hour concentration) than the coastal sites in Kennebunkport and Cape Elizabeth, respectively. Even though these data are quite old, they confirm the observation that ozone concentrations at inland sites in Maine are much lower than at coastal sites during periods of high ozone. During ozone episodes in Maine, ozone plumes which originate from the large upwind urban areas of Boston and Providence are advected over the Gulf of Maine (the North Atlantic) by the wind, and then inland into coastal Maine. Once ashore, the ozone concentrations are quickly reduced, most likely by two methods. The first reduction method is the increase in mixing height over the land, as opposed to over the cold North Atlantic. The increase in mixing height, both because of the roughness length [4] of the land as opposed to the ocean (i.e., the land has hills, trees and buildings which cause a resistance for the winds; the relatively smooth ocean does not, and the increase in resistance, roughness, causes the mixing height to increase), and the warmer land being able to support a higher boundary layer mixing height, help to dilute ozone levels and thus lower ozone concentrations. In addition, ozone scavenging (the process whereby ozone is converted into oxygen, a non-pollutant) by the land-cover vegetation of trees, shrubs and grasslands helps to lower ozone concentrations. The result of these processes is lower ozone concentrations inland in Maine and higher concentrations along the coast. Since ozone in Maine is highest along the coast, Maine has put many of its ozone monitors in coastal locations.

The Small Point monitoring site in Phippsburg, Maine was in operation only during the 1994–2000 ozone seasons. This site is in Sagadahoc County, which is part of the Portland-South Portland, Maine Metropolitan Statistical Area. The Small Point monitor was at a coastal location. An analysis by the ME DEP of the historic ozone data during that time period shows that there was only a single year, 1996, when the Small Point (Phippsburg) site had the highest 4th high maximum daily 8-hour ozone concentration among coastal monitoring sites in Maine. The highest site during other years was at the Kennebunkport site in 1994 and 1995, at the Cape Elizabeth site in 1997, and at the Cadillac Mountain Summit site in 1998, 1999 and 2000. Depending on the transport pattern at a particular time,

[4] ''Roughness length'' is a measure of surface roughness, oceans are smooth with a low roughness length, while forests are rough with a high roughness length.

the peak ozone concentration can occur anywhere along Maine's southwest and mid-coast regions, but the southern sites are most likely to show the highest concentrations.

As stated earlier, ME DEP runs more ozone monitors in the Portland-South Portland, Maine MSA than is required by EPA's minimum ozone monitoring requirements at 40 CFR Part 58, Appendix D. Maine's entire ozone monitoring network is described in its 2014 Annual Air Monitoring Plan. (See *www.maine.gov/dep/air/monitoring/docs/Air%20Monitoring%20Plan.pdf.*) This annual air monitoring plan is required to be submitted to EPA annually for review and approval after being subjected to a 30-day public comment period. Maine's most recent plan was posted for public comment on May 31, 2013, and was then submitted to EPA for review on July 1, 2013. EPA approved Maine's plan as a final action on August 6, 2013 and does not believe there exist any gaps in ozone monitoring coverage along Maine's coast.

Comment #3: Several commenters discuss Maine's ozone air quality and refer to it as poor and/or unhealthy. They cite high asthma rates and other lung ailments. For example, one commenter states: ''[i]t is a troubling fact that Mainers continue to suffer from smog pollution from in-state and cross-border pollutants, especially in the summer. Maine's Department of Health and Human Services (DHHS) reports that Maine has some of the highest rates of asthma in the country, with approximately 10% of Maine adults and 10.7% of children suffering from asthma. According to the American Lung Association's 2013 ''State of the Air'' report, hundreds of thousands of Maine residents suffer from smog pollution, including more than 23,000 children and 127,000 adults with asthma; nearly 84,000 with COPD; 377,000 with cardiovascular disease; and nearly 103,000 with diabetes. In addition, more than 269,000 young people under age 18 and 216,000 seniors in Maine are especially vulnerable to harmful health impacts of smog pollution. Given the on-going health threat of smog pollution to Maine families, we believe that it would be a serious mistake to weaken the state's ability to control sources of smog pollutants.''

Another commenter states that one half of Maine's counties have unhealthy air quality. Several commenters also state that Maine's ozone air quality is getting worse, not better.

Response #3: The primary ozone NAAQS (0.075 ppm on an 8-hour average basis) was established by EPA in 2008 to protect public health with an adequate margin of safety. As stated earlier, all of Maine's air quality meets the 2008 ozone NAAQS and all of Maine is designated attainment/unclassifiable for the 2008 ozone NAAQS (40 CFR 81.320). See Response #1 and Table 1, above. In addition, ozone trends in Maine show improving air quality. For example, EPA AQS ozone data show that in 1983 there were 30 days on which the 2008 ozone NAAQS was exceeded [5] in Maine. By 1993, the number of days on which the ozone NAAQS was exceeded had dropped to 20, and by 2003 that number was 15. In 2013, preliminary ozone data show only 5 days on which the 2008 ozone NAAQS was exceeded in Maine. Maine has also seen a significant reduction in its 8-hour ozone design values over the last 30 years. For example, the 8-hour ozone design values for Cumberland County for the 1983–1985, 1991–1993, 2001–2003, and 2011–2013 time periods are 0.116 ppm, 0.098 ppm, 0.088 ppm, and 0.069 ppm, respectively. Similarly, the 8-hour ozone design values for York County for the same time periods are 0.115 ppm, 0.102 ppm, 0.091 ppm, and 0.075 ppm, respectively. Due primarily to emission reductions upwind of Maine, EPA expects this improving ozone air quality trend to continue in Maine.

As noted in Maine's request, NO_X emissions in Maine have been reduced over the past 10 years, and this trend is expected to continue. This trend has been demonstrated by a number of SIP revisions submitted by ME DEP and approved by EPA in recent years. In those SIP submittals, Maine has shown that NO_X emissions across the state will continue to decrease into the future as a result of the implementation of a variety of state and federal control strategies, none of which are affected by Maine's section 182(f) NO_X exemption being approved by EPA. Examples of this are the Ozone Redesignation and Maintenance Plans for: (1) Portland, Maine; and (2) Hancock, Knox, Lincoln and Waldo Counties, each approved by EPA on December 11, 2006 (71 FR 71489). In the state's maintenance plans for these areas, ME DEP projected that typical summer day NO_X emissions in Cumberland, Hancock, Knox, Lincoln, Sagadahoc, Waldo, and York Counties (the same counties affected by the expansion of Maine's previously approved section 182(f) NO_X exemptions) would decrease by 42.5% between 2005 and 2016. Another example is Maine's Regional Haze Plan approved by EPA on April 24, 2012 (77 FR 24385). In that plan, Maine projected that annual NO_X emissions across the entire state would decrease by 52.7% between 2002 and 2018. EPA's August 5, 2013 NPR for Maine's NO_X exemption request explains that granting the NO_X exemption will only result in rendering inapplicable any additional NO_X reduction requirements that would be required pursuant to the 2008 ozone NAAQS and which would be beyond already existing pollution control requirements.

Comment #4: Several commenters noted that the Clean Air Scientific Advisory Committee (CASAC) has recommended a tighter ozone standard which, if promulgated, would put much of coastal Maine into ozone nonattainment.

Response #4: EPA is required by the CAA to evaluate and act on Maine's NO_X exemption request as it applies to the current ozone NAAQS, the ozone standards EPA promulgated in 2008. Section 182(f) of the CAA does not contain NO_X exemption evaluative criteria relating to NAAQS that may be promulgated in the future. However, if EPA were to revise the ozone NAAQS in the future, EPA would evaluate Maine's ozone data at that time and make appropriate decisions regarding attainment and nonattainment in Maine during the designation process. If EPA in the future designates a portion of Maine as nonattainment under a revised ozone NAAQS, that area would automatically be subject to nonattainment new source review (NSR) and RACT for NO_X, independent of whether or not EPA approves Maine's NO_X exemption request for the 2008 ozone NAAQS. As noted in EPA's implementation rule for the 1997 ozone NAAQS (69 FR 23951, April 30, 2004) and in EPA's proposed implementation rule for the 2008 ozone NAAQS (78 FR 34178, June 6, 2013), a NO_X exemption request must be submitted to EPA by a state with respect to a specific ozone NAAQS and must be re-submitted for each subsequent ozone NAAQS. Thus, if EPA does revise the ozone NAAQS in the future, we would expect that Maine would be required to submit a new request for a NO_X exemption for the revised ozone NAAQS were Maine to

[5] An ozone monitor can ''exceed'' the level of the NAAQS (0.075 ppm or 75 ppb) on average three times a year and still ''meet'' the 2008 ozone NAAQS. Any one monitor with a design value above the level of the NAAQS is not meeting the NAAQS. Since Maine has many monitors it is likely and common that different monitors record exceedances on different days. This is one way Maine can have 5 ''exceedance'' days and still not violate the level of the ozone NAAQS. The other is that in one very hot year Maine can have 5 exceedance days, but have only one or two exceedance days in the two other years that are included in the calculation of the three-year average design value.

determine that a NO_X exemption should continue in any portion of the state.

Comment #5: Certain commenters asserted that, notwithstanding Maine's air trajectory analysis, EPA's Cross State Air Pollution Rule (CSAPR) modeling shows that Maine significantly contributes to nonattainment, and interferes with maintenance of the 2008 ozone NAAQS. For example, CSAPR source apportionment modeling for the ozone monitor in Barnstable County, Massachusetts shows that Maine's contribution to that monitor is greater than 1% of the 2008 ozone NAAQS (i.e., 1.217 ppb).

The commenters further asserted that, although CSAPR focused on the 0.08 ppm ozone NAAQS, had CSAPR focused on the 0.075 ppm 2008 NAAQS, Maine would have been identified at that time as a significant contributor of ozone-related pollutants to Barnstable County, Massachusetts. That is because, the commenters assert, the Barnstable County ozone monitor would have been identified as having attainment and maintenance problems in relation to a 0.075 ppm standard (i.e., at a level of 76.7 ppb).

The commenters further assert that the Barnstable County monitor has a current design value (DV) of 0.075 ppm (based upon 2010–2012 certified data), which is right at the level of the 2008 ozone NAAQS. An ozone monitor's DV consists of the 3-year average of the 4th highest ozone concentrations in each of the three years, at that monitor, which, for the Barnstable County monitor were 78 ppb (2010), 68 ppb (2011), and 79 ppb (2012), respectively. While the Barnstable County monitor is currently monitoring attainment, two of those three years were well above attainment levels for the 2008 ozone NAAQS. Thus, the commenters assert, this indicates that EPA's CSAPR modeling was correct, and that Barnstable does have an attainment/maintenance problem in relation to the 2008 ozone NAAQS. Thus, the commenters conclude that the CSAPR modeling indicates that Maine's emissions significantly contribute to ozone attainment/maintenance problems in Massachusetts.

The commenters continue by stating that Maine's back trajectory analysis is incomplete because it only considered nearby nonattainment areas in Connecticut and Massachusetts, and did not consider areas that are currently designated attainment that have been nonattainment in the past (i.e., maintenance areas). They further assert that EPA modeling from the Clean Air Interstate Program (2005) and CSAPR (2011) shows that Maine has a 0.3 ppb nonattainment area impact on ozone levels in Massachusetts and a 0.141 ppb impact in Connecticut. Any reduction in controls, in Maine, the commenters assert, will result in greater adverse ozone impacts in these areas.

Response #5: The modeling conducted by EPA to support the development of the Clean Air Interstate Rule (CAIR) and CSAPR is not directly relevant to our analysis of Maine's request for a NO_X waiver under section 182(f), because neither modeling analysis directly addresses ozone contribution with respect to the 2008 ozone standard. The CAIR modeling was conducted to analyze interstate transport with respect to the 1997 ozone and 1997 $PM_{2.5}$ NAAQS and the CSAPR modeling was conducted to analyze interstate transport with respect to the 1997 ozone and the 1997 annual $PM_{2.5}$ and the 2006 24-hour $PM_{2.5}$ NAAQS. Thus, neither modeling analysis provides information on downwind areas that will have difficulty attaining or maintaining the 2008 ozone standard, or on upwind areas that contribute to those problems. Nevertheless, it is informative that the CSAPR modeling shows a very small contribution from Maine to nonattainment sites (relative to the 1997 ozone standard) in the OTR. The CSAPR modeling does strongly suggest that Maine's ozone impact on these areas is not meaningful. (EPA's response to comment #8 below discusses issues related to Maine's ozone impact in greater detail).

In addition, it is important to note that Barnstable County, Massachusetts is designated attainment for the 2008 ozone NAAQS (see 40 CFR 81.320). Also, 2010–2012 quality-assured, certified ozone data (available in EPA's AQS database) for the Truro, Massachusetts ozone monitor (the ozone monitor in Barnstable County) meets the ozone NAAQS. As the commenter noted, the design value for this monitor for this period is 0.075 ppm. The preliminary AQS ozone data for 2013 also meets the NAAQS (design value period 2011–2013). The preliminary design value at Truro for 2011–2013 is 0.073 ppm. Thus, for purposes of evaluating Maine's request for a NO_X waiver, EPA has decided it is appropriate to treat Barnstable County, Massachusetts as an attainment area.

Furthermore, the Maine DEP has undertaken, and EPA has reviewed, an additional analysis of the elevated ozone levels recorded at the Truro ozone monitor. The ME DEP generated back trajectories for all days during 2008 to 2012 that the Truro monitor showed an exceedance, with final AQS data, of the 2008 ozone NAAQS, at the Truro ozone monitor. ME DEP also generated back trajectories for days during 2013 for which preliminary AQS ozone data showed an exceedance at the Truro monitor. In all, there were back trajectories generated by the ME DEP for 18 separate days, and the trajectories show that on those exceedance days the air parcels do not originate or traverse any part of Maine. This trajectory analysis does not show any meaningful ozone contribution from Maine to the Truro site on days conducive to ozone exceedances in Truro, for the period 2008 to 2013.

Comment #6: One commenter states that Maine's submission to EPA indicates that the state's VOC and NO_X emissions are of small magnitude compared to other OTR states. The State of Delaware commented that, based on the emissions data Maine provided in its submittal, half of the OTR states' NO_X emissions are smaller in magnitude than Maine's (i.e., CT, DE, Washington DC, NH, RI, and VT), and the other half's NO_X emissions are of greater magnitude than Maine's (i.e., MD, MA, NJ, NY, PA, and VA).

Response #6: EPA acknowledges that Maine's NO_X exemption submission to EPA states that Maine's NO_X emissions are small compared to the total emissions of the entire OTR, and that Maine provided that comparison as one aspect of the total weight of evidence supporting its request. The magnitude of NO_X emissions in an area, however, is not a criterion for granting a NO_X exemption request. Neither the magnitude of Maine's NO_X emissions, nor the fact that Maine's emissions constitute a relatively small percentage of total NO_X emissions generated in the OTR, were factors that influenced EPA's evaluation of the merits of Maine's NO_X exemption request. The primary technical information that forms the basis of EPA's approval of Maine's NO_X exemption request consists of the back trajectory analyses described in Maine's submittal, the conclusions of which are generally supported by the photochemical grid modeling conducted previously by EPA. Moreover, Maine is not seeking to increase its NO_X emissions by eliminating or curtailing existing emission controls currently being implemented by existing stationary sources in Maine. As explained earlier, EPA expects the overall trend in anthropogenic NO_X emissions to continue to decline in Maine over time due to already existing and enforceable pollution controls on those sources of NO_X emissions. (VOC emissions are not the subject of this final action, which, as already noted, only addresses Maine's request for a

NO_X exemption under CAA section 182(f).)

Comment #7: One commenter stated that the nonattainment new source review requirement to implement a level of emissions control constituting the Lowest Achievable Emission Rate (LAER), that would be replaced by Best Available Control Technology (BACT) by virtue of the NO_X exemption EPA is approving, is very important to air quality and therefore should not be replaced. The commenter notes that LAER ensures a more stringent level of control. The commenter further states that such control is the backbone of maintaining air quality and is especially important where air quality is at, or near, the NAAQS, as are parts of Maine today. The commenter further concludes that ME DEP's position is that BACT, the level of emissions control applicable to major new and modified stationary sources in areas designated unclassifiable/attainment for a particular NAAQS, will be as effective as LAER for reducing ozone levels, and the commenter disagrees with that position which the commenter attributes to ME DEP. The commenter asserts that a review of EPA's RACT/BACT/LAER Clearinghouse shows a very wide range for BACT emission limits, whereas LAER is either unique or more stringent than BACT, or at least equivalent to the most stringent BACT limits. The commenter points to an example to illustrate its point, one of ME DEP's air pollution control licenses that would destroy fumes from loading crude oil into marine tank vessels. The commenter also makes a number of other assertions, all of which are designed to argue that LAER is more stringent than BACT and that EPA should therefore not grant Maine's request for a NO_X exemption.

Response #7: In essence, the commenter asserts that a source required to meet a LAER level of emissions control will almost all of the time achieve greater emission reductions than a source that is required to meet a BACT level of emissions control. The commenter further alleges that the ME DEP takes the position that there is little to no difference between LAER and BACT levels of control when controlling NO_X emissions. (VOCs are not the subject of this final action, and so are not discussed here).

Whether or not ME DEP actually does take the position that, in most cases, a BACT level of control will yield the same level of emissions reductions as a LAER level of control is not germane to EPA's analysis of the approvability of Maine's request for a NO_X exemption under CAA section 182(f). Thus, whether the comment were true, or not, it would not be relevant to this final action. Whether BACT or LAER applies to major new or modified sources of NO_X in Maine is simply a factual consequence of whether EPA grants Maine's NO_X exemption request, and is not a technical or legal factor that determines (even in part) whether Maine qualifies for a NO_X exemption under CAA section 182(f). As such no response to the comment is required.

Nonetheless, EPA notes that LAER and BACT determinations are made independently, based on the specific facts for each project. By definition, the main difference between the two types of determinations is the fact that a BACT analysis will take into account energy, environmental, and economic impacts and other costs required to meet a specific emission limit. These factors are not relevant, however, when determining an emission limit that meets LAER. For these reasons, whether an emission limit determined as a result of a BACT or LAER analysis would turn out to be equivalent in any one particular case depends largely on the case-specific facts regarding the source and the various factors considered in the analysis.

Moreover, EPA's approval of Maine's request is based on a technical demonstration submitted by ME DEP showing that NO_X emissions in Maine are not having a meaningful adverse impact on the ability of any ozone nonattainment areas located in the OTR to attain the ozone standards during times when elevated ozone levels are monitored in those areas. Specifically, Maine analyzed the nearest of these areas (i.e., the nonattainment areas in Massachusetts and Connecticut). Consequently, any additional reductions in NO_X emissions (such as the difference between LAER and BACT) are not necessary for attainment or maintenance of the ozone standards in the ozone nonattainment areas nearest to Maine and located in the OTR.

Comment #8: Commenters stated that Maine's technical demonstration ''lacks the proper analysis needed for EPA to approve the [NO_X waiver] request,'' and that section 182 ''specifically requires a technical demonstration that shows that 'net air quality benefits' are greater in the absence of NO_X reductions from the sources concerned.'' The commenters also stated that the other two tests available under section 182(f), ''contribution to attainment'' and ''net ozone benefit,'' only apply to nonattainment areas [and all of Maine is designated attainment] and the ''contribution to attainment'' test is only available in areas not located within the OTR.

Response #8: EPA has evaluated Maine's request for a NO_X waiver and concluded that the State has met the relevant statutory test and that approval of the request is consistent with the requirements of the Clean Air Act. This response explains why we have concluded that the ''net ozone air quality benefit'' test in CAA section 182(f)(1)(B) is the relevant statutory test and how the information available to the Agency demonstrates that Maine has satisfied the requirements of that test.

First, as explained in our 2005 NO_X waiver guidance (''Guidance on Limiting Nitrogen Oxides Requirements Related to 8-Hour Ozone Implementation,'' January 2005) (''2005 NO_X Waiver Guidance''),[6] EPA concludes that the ''net ozone air quality benefit'' test outlined in section 182(f)(1)(B) applies to nonattainment and attainment areas within an ozone transport region. Section 182(f)(1)(B) provides that the NO_X requirements in section 182(f) shall not apply for ''nonattainment areas within . . . an ozone transport region if the Administrator determines . . . that additional reductions of [NO_X] would not produce net ozone air quality benefits in such region.'' 42 U.S.C. 7511a(f)(1)(B). As explained in the 2005 NO_X waiver guidance, EPA believes ''[i]t would be absurd and, therefore, it is unlikely that Congress intended to apply more stringent requirements in the attainment/unclassified portions of the [OTR] than would apply to more polluted portions.'' 2005 NO_X Waiver Guidance at pp. 23–24. Moreover, a key statutory consequence of a state's inclusion in the OTR is that key nonattainment area requirements also apply in attainment areas. CAA section 184(b)(2), for example, provides that certain sources shall be ''subject to the requirements which would be applicable . . . if the area were classified as a Moderate nonattainment area.'' 42 U.S.C. 7511c(b)(2). In this context, EPA concludes that the statutory language in CAA section 182(f) is ambiguous. EPA further believes that

[6] The NO_X waiver guidance is not binding and EPA remains free to reconsider whether the recommendations set forth in the guidance are applicable or not in any given situation. As explicitly explained in the guidance: ''[t]his document does not impose binding, enforceable requirements on any party, nor does it assure that EPA may approve all instances of its application, and thus the guidance may not apply to a particular situation based upon the circumstances presented. The EPA retains the discretion to adopt approaches on a case-by-case basis that differ from this guidance where appropriate.'' 2005 NO_X Waiver Guidance at p.3

it would not be reasonable to interpret the requirements of CAA section 182(f) as making it more difficult for an attainment area in the OTR than a nonattainment area in the OTR to qualify for a NO_X waiver. EPA thus concludes that the ''net ozone air quality benefit'' is the appropriate statutory test to apply when evaluating Maine's request.

Second, CAA section 182(f)(1)(B), which establishes the ''net ozone air quality benefit'' test, states that the NO_X requirements in section 182(f) shall not apply if the Administrator determines that additional reductions of NO_X emissions would not produce a ''net ozone air quality benefit.'' As an initial matter and as acknowledged in the 2005 guidance, EPA believes the term ''net ozone air quality benefit'' is ambiguous. It is thus appropriate for EPA to look to other relevant CAA provisions in interpreting this term. Of particular relevance are CAA section 184 (which establishes the OTR) and CAA section 176A (which clarifies the purpose and intent behind creation of the OTR). These two provisions shed light on how terms in section 182(f) should be interpreted. Specifically, sections 176A and 184 focus on concerns regarding interstate transport of pollutants leading to a *violation* of a NAAQS in one or more states. Said another way, these sections focus on situations in which transported pollutants are making a meaningful contribution to ozone *nonattainment*. Put simply, Congress was concerned with reducing the impact of transported pollutants to areas that were *not* attaining the ozone standard. This plain, but important, conclusion also is supported by other provisions contained in section 184. In this context, EPA concludes that it is appropriate to interpret the ''net ozone air quality benefit'' test in CAA section 182(f)(1)(B) as focused on downwind locations and days above the standard. In other words, the legally relevant ozone air quality benefits are those that occur in downwind nonattainment areas on days when those areas have air quality above the standard. Thus, we conclude it is appropriate, when evaluating whether this test has been satisfied, to focus on the impact of NO_X emissions from the area requesting a NO_X waiver on any nonattainment area's ability to attain the ozone standards.

This conclusion is also consistent with the 2005 guidance which says that the analysis should focus on values above the ozone standard, and, in some situations, may also need to consider values just below the standard. The suggestion that ozone impacts on areas with values just below the standard should be considered is made in the context of discussing the analysis needed when implementation of NO_X emission controls would actually cause increased ozone levels in some areas. In such a situation, it is logical to consider impacts across areas to determine whether there is, on net, a benefit or disbenefit associated with NO_X controls in the relevant area. EPA does not believe the guidance suggests that values below the standard should be considered in other circumstances such as those presented by Maine's request. In any event, as noted above, guidance documents by their nature are not binding and EPA retains discretion to depart from the guidance in appropriate circumstances. For the reasons given above, EPA has determined that it is reasonable in this situation to focus on nonattainment areas and on days when air quality in those areas exceeds the standard.

Third, in evaluating whether Maine has satisfied the ''net ozone air quality benefit'' test, we considered Maine's unique position at the northern extremity of the OTR, our 2005 guidance, the technical analysis presented by Maine and information provided by commenters in response to our notice of proposed rulemaking. Maine is in a relatively unique position for several reasons: (1) Because of its geographic position, Maine is generally downwind of nearby areas with high ozone on the days when those areas are experiencing ozone nonattainment problems; (2) Maine's back trajectory modeling analysis shows that none of the air parcels associated with the nonattainment areas nearest to Maine pass through or traverse Maine's airshed on days when the ozone standard is exceeded; and (3) CSAPR modeling suggests that Maine's impact on nonattainment areas is not meaningful. For all of these reasons, we believe that these additional NO_X emission reductions would not produce any meaningful ozone benefits in areas above the standard within the OTR and therefore concluded that Maine's technical demonstration satisfies the requirements of the ''net ozone air quality benefits test.''

Fourth, as noted above, it is important to emphasize that EPA's decision to grant Maine's request will not result in the relaxation of any already required and operational emissions controls currently in place at stationary sources in Maine. Even with a NO_X exemption in place, Maine will still be required to implement the air permitting requirements applicable in attainment areas for major new and modified stationary sources of NO_X throughout the entire State of Maine (rather than the permitting requirements applicable in nonattainment areas). Major new and modified facilities must install best achievable control technology (BACT) to reduce emissions. In addition, the permitting requirements in Maine assure that the air quality does not degrade in areas that are currently meeting ozone standards. To obtain a new source permit, facilities must demonstrate as part of the permitting process that the new or modified source will not cause violations of air quality standards. As stated earlier, Maine also has shown that NO_X emissions across the state will continue to decrease into the future as a result of implementation of a variety of state and federal control strategies, none of which will be affected by EPA's decision to grant Maine's request for a section 182(f) NO_X exemption.

Finally, EPA's case-specific analysis of Maine's unique factual circumstances is consistent with EPA's obligation under CAA section 182(f) to consider the NO_X and VOC study required under CAA section 185B. Section 185B of the Act required EPA, in conjunction with the National Academy of Sciences, to conduct a study on the role of ozone precursors in tropospheric ozone formation and control and to submit a final report to Congress. See ''The Role of Ozone Precursors in Tropospheric Ozone Formation and Control: A Report to Congress,'' EPA–454/R–93–024, July 1993. Section 5 of that report presents the key findings of the study and EPA's response. The essential thrust of the study and report was to analyze the various factors that contribute to the problem of ozone nonattainment, including consideration of the complexities associated with the roles that NO_X and VOC play in ozone formation. For example, Section 185B provides, in part, that ''[t]he study shall examine the roles of NO_X and VOC emission reductions, [and] the extent to which NO_X reductions may contribute (or be counterproductive) to achievement of attainment in different nonattainment areas. . .'' Thus, in parallel with our discussion in Response #8, above, in which we explain that the purpose and intent underlying CAA sections 182(f), 184, and 176A is to address the problem of ozone nonattainment within the OTR, Congress required EPA, through section 185B, to conduct a study and submit a report with the goal of identifying improved ways of reducing ozone in ozone nonattainment areas. Consequently, it is reasonable as also

explained in our Response #8 to focus on Maine's impacts on nonattainment areas and, in that light, EPA's approval of Maine's request for a NO_X waiver is consistent with the purpose and content of the CAA section 185B study and report to Congress.

Comment #9: Several commenters asked what would happen if Maine were to be designated nonattainment for the ozone NAAQS in the future.

Response #9: If portions of Maine are designated nonattainment in the future for the current or a future ozone NAAQS, those areas would automatically be subject to all applicable ozone nonattainment requirements, including nonattainment NSR for NO_X emissions under ME DEP's new source review permitting requirements.

Comment #10: Several commenters discussed the benefits of the OTR and alleged that if Maine is allowed to opt out of these uniform requirements, similar petitions could follow and the benefits of the OTR will be minimized.

Response #10: To the extent that these comments are intended to relate to Maine's OTR restructuring request for VOC nonattainment new source review, as noted above, EPA is not taking final action in this notice on that aspect of Maine's request; so EPA here provides no response to the comment as it relates to that specific part of Maine's request. With respect to Maine's NO_X exemption request, however, as discussed above, Maine's location at the northern extremity of the OTR is unique. Moreover, EPA notes that its prior approvals of Maine's NO_X exemption requests in 1995 and 2006 did not result in other NO_X exemption requests from states in the OTR. If, however, such a request were to be submitted to EPA by another state in the OTR, EPA would evaluate that request and conduct notice and comment rulemaking as appropriate on any proposed action on that request.

Comment #11: One commenter said he would be willing to pay more for gasoline to keep Maine's air cleaner.

Response #11: EPA's approval of Maine's NO_X exemption request will have no effect on gasoline formulation or gasoline prices. There is no relationship under the CAA between gasoline prices and whether Maine legally qualifies for a NO_X exemption under CAA section 182(f).

Comment #12: One commenter states that nearly every state in the 13-state OTR has reduced its NO_X and VOCs by a higher rate relative to its 1990 baseline than has Maine. The commenter states that these data, covering the period 1990 to 2008, show that upwind states have shouldered a more significant burden to reduce air pollution than has Maine.

Response #12: EPA agrees that significant emission reductions of NO_X have occurred throughout the OTR, and also throughout the country, as a result of both state and federal pollution control efforts. As the commenter notes, the rate of NO_X emissions decreases varies from state to state. The exact rate of NO_X emissions decreases in Maine from 1990 to the present does not affect Maine's analysis supporting its request for a NO_X exemption, nor does it constitute a relevant fact that would or should inform EPA's evaluation and analysis of Maine's request for a NO_X exemption under section 182(f). As explained earlier in response to other comments, the relevant factors for EPA's evaluation of Maine's NO_X exemption request essentially consist of the fact that all of Maine is attaining the ozone NAAQS and that Maine's NO_X emissions do not meaningfully affect nonattainment areas within the OTR, on days when those areas exceed the ozone NAAQS. Again, the amount of NO_X emitted and controlled by other states is not a factor relevant to EPA's analysis under CAA section 182(f) of a NO_X exemption request. To the extent the comment relates to VOC emissions, EPA is not taking action in this final rulemaking on Maine's OTR restructuring request, and so EPA provides no response here to the comment in that respect.

Comment #13: One commenter noted that, if EPA approves Maine's requests, hazardous air pollutants will increase in Maine.

Response #13: The 1990 CAA Amendments significantly expanded EPA's authority to regulate hazardous air pollutants (HAPs). Section 112 of the CAA lists 187 HAPs to be regulated by source category. The National Emission Standards for Hazardous Air Pollutants (NESHAPs) promulgated after the 1990 CAA Amendments are found in 40 CFR Part 63. These standards require application of technology-based emissions standards referred to as Maximum Achievable Control Technology (MACT). Consequently, these post-1990 NESHAPs are also referred to as MACT standards. These standards are not affected by this final rulemaking action.

Comment #14: Several commenters stated that Maine should do its ''fair share'' in controlling air pollution.

Response #14: As noted earlier, Maine is not requesting to discontinue or remove from its SIP any existing NO_X pollution controls. Specifically, existing NO_X RACT requirements already contained in Maine's SIP will remain in Maine's SIP and stationary sources subject to those requirements before our action will continue to be subject to those same requirements. As explained earlier and in our August 5, 2013 NPR, for major new and modified stationary sources of NO_X, Maine's PSD permitting requirements will apply in lieu of the nonattainment NSR permitting requirements. The PSD permitting program is the major new source review permitting program under the CAA that generally applies in attainment areas (such as Maine). EPA has determined that Maine qualifies for a NO_X exemption under CAA section 182(f)(1)(B) as a matter of law and thus Maine will, in fact, be doing what it is required to do legally under the CAA in order to control NO_X emissions.

Comment #15: EPA received a comment that an economic analysis should have been performed. Another commenter noted that Maine should be required to show its economic analysis in support of its stated rationale that: ''The RACT, Lowest Achievable Emission Rate (LAER) and 1.15 VOC and NO_X emission offset requirements hinder economic sustainability and development in Maine.''

Response #15: No provision of CAA section 182(f) CAA, or any aspect of EPA's 2005 NO_X exemption guidance, indicates that an economic analysis is a relevant part of EPA's evaluation of a state's request for a NO_X exemption under CAA section 182(f). The basis for EPA's action has been explained in EPA's August 5, 2013 NPR and in this final notice. The relevant factors are the CAA section 182(f)(1)(B) criteria that must be met by a state requesting a NO_X exemption and the technical demonstration submitted by such state in support of its request.

Comment #16: One commenter requested that EPA conduct additional modeling and analyses to determine if new sources, or increased emissions from existing sources, would cause a violation of the ozone standard in York County, Maine.

Response #16: As discussed in more detail in Response #3, ME DEP's emission projections included in its EPA-approved ozone redesignation request and in its regional haze SIP submittal indicate that NO_X emissions in York County, and in the entire state of Maine, are projected to decrease in the future. Furthermore, any new source would, even after EPA's approval of Maine's NO_X waiver request, be subject to Maine's PSD permitting requirements. Under the PSD requirements, a source must demonstrate that its emissions, along with other sources, will not cause of a

violation of ambient air quality standards. (See Maine's Chapter 115, ''Major and Minor Source Air Emission License Regulations,'' section 7.)

Comment #17: EPA received numerous supportive comments from specific industrial sources in Maine; groups representing the lumber, wood and paper industries in Maine; and environmental consultants in Maine that usually represent Maine industries. All of these groups favor EPA's approval of Maine's section 182(f) NO_X exemption request, dated October 13, 2012. The favorable comments generally point to the fact that Maine is attaining the 2008 ozone NAAQS (40 CFR 81.320) and that much of Maine has ozone air quality well below the level of the 2008 ozone NAAQS. Some of the supportive comments also agree with EPA that Maine's October 13, 2012 submittal for a NO_X exemption contains a technical demonstration that meets the requirements of section 182(f) of the CAA. Several of the supportive comments also mention the benefit to Maine's economy that will result from EPA's approval of Maine's request, and express concern about negative impacts on employment in the state that would occur if EPA were to deny Maine's request.

Response #17: The basis for EPA's approval of Maine's NO_X exemption request has been discussed in detail in EPA's August 5, 2013 NPR and in this final notice. While EPA agrees that it is appropriate to approve Maine's NO_X exemption request in accordance with CAA section 182(f)(1)(B), benefits or harms to Maine's economy are not part of the CAA section 182(f)(1)(B) analysis. Therefore, EPA has not taken economic factors, whether favorable or unfavorable, into account in approving Maine's request for a NO_X exemption under CAA section 182(f)(1)(B).

Comment #18: Several commenters commented on the public participation procedures Maine used in relation to its NO_X exemption request, stating that notice of Maine's intended action was difficult to find on the ME DEP's internet page, and that ME DEP failed to provide adequate notice in Maine newspapers. One commenter stated that ''DEP failed to give reasonable notice by prominent advertisement in the areas affected—essentially the entire state—by their Restructure Request.''

Response #18: The State of Maine and EPA followed established and appropriate public notice and comment procedures under applicable state and federal law in relation to Maine's NO_X exemption request, including procedures applicable to revisions of Maine's state regulations, and procedures applicable to submission of its revised regulations to EPA as a SIP revision. On September 10, 2013, Maine DEP held a public hearing on the state's SIP revision, and the hearing was well attended. Numerous comments were received by Maine at the hearing, as well as by mail and email. In addition, EPA extended the public comment period provided in its August 5, 2013 NPR for an additional 30 days (for a total of 60 days) in order to give the public additional time to provide comments (78 FR 54813, September 6, 2013). EPA also received numerous comments, from approximately 30 parties, that are being addressed in this notice. As noted earlier, Maine's request for OTR restructuring relating to VOC nonattainment new source review is not the subject of EPA's final action here. EPA also is not taking action to revise the regulations in Maine's SIP as requested by Maine in its submittal dated November 18, 2013, because the regulations in the SIP revision are only relevant to the OTR restructuring aspect of the state's request and EPA is not taking action on that aspect of Maine's request. In this final action, EPA is only approving Maine's NO_X exemption request, dated October 13, 2012, under section 182(f) of the CAA. Maine's SIP does not require revision in order for the NO_X exemption to take effect under the SIP, because the SIP already contains language that accommodates the NO_X exemption that EPA is approving in this final action.

IV. Final Action

EPA is approving the State of Maine's request for an exemption from the NO_X requirements contained in Section 182(f) of the CAA for the entire State of Maine specifically pertaining to (1) the requirement to implement pollution controls meeting reasonably available control technology (RACT) for emissions of NO_X; and (2) the nonattainment area new source review (NSR) permitting requirements for major new and modified sources as they apply to emissions of NO_X. EPA is approving this request pursuant to CAA section 182(f)(1)(B). If EPA subsequently determines, based on future air quality analyses, that such NO_X emissions controls in Maine are necessary to meet the requirements of the CAA, EPA may initiate rulemaking to revoke the NO_X exemption being approved in relation to the 2008 ozone NAAQS.

V. Statutory and Executive Order Reviews

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

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

B. Paperwork Reduction Act

This action does not impose an information collection burden under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 et seq. Burden is defined at 5 CFR 1320.3(b).

C. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency to prepare a regulatory flexibility analysis of any regulation subject to notice and comment rulemaking requirements under the Administrative Procedures Act or any other statute unless the agency certifies 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 in 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 rule on small entities, I certify that this action will not have a significant economic impact on a substantial number of small entities. This rule will not impose any requirements directly on small entities. Entities potentially affected directly by this rule include state, local and tribal governments and none of these governments are small governments. Other types of small entities are not directly subject to the requirements of this rule.

D. Unfunded Mandates Reform Act

This action contains no federal mandate under the provisions of title II of the Unfunded Mandates Reform Act of 1995 (UMRA), 2 U.S.C. 1531–1538 for

state, local and tribal governments, in the aggregate, or the private sector. This action imposes no enforceable duty on any state, local or tribal governments or the private sector. Therefore, this action is not subject to the requirements of section 202 and 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

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.

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 would not have a substantial direct effect on one or more Indian tribes, since no tribe has to develop an implementation plan under these regulatory revisions. Furthermore, these regulation revisions do not affect the relationship or distribution of power and responsibilities between the federal government and Indian tribes. The CAA and the Tribal Air Rule establish the relationship of the federal government and tribes in developing plans to attain the NAAQS, and these revisions to the regulations do nothing to modify that relationship. Thus, Executive Order 13175 does not apply to this action.

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

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

I. National Technology Transfer and Advancement Act

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

K. Congressional Review Act

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). This rule will be effective August 28, 2014.

L. Petitions for Judicial Review

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 29, 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, Nitrogen oxides, Ozone, Volatile organic compounds, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: July 18, 2014.

Gina McCarthy,

Administrator.

Part 52 of chapter I, title 40 of the Code of Federal Regulations, is amended as follows:

PART 52—[AMENDED]

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

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

Subpart U—Maine

■ 2. Section 52.1023 is amended by adding paragraph (j) to read as follows:

§ 52.1023 Control strategy: Ozone.

* * * * *

(j) Approval. EPA is approving an exemption request from the nitrogen oxides (NOx) requirements contained in Section 182(f) of the Clean Air Act for the entire state of Maine for purposes of the 2008 ozone National Ambient Air Quality Standard. The exemption request was submitted by the Maine Department of Environmental Protection on October 13, 2012. This approval exempts, for purposes of the 2008 ozone standard, major sources of nitrogen oxides in Maine from:

(1) The requirement to implement controls meeting reasonably available control technology (RACT) for NO_X; and

(2) Nonattainment area new source review requirements for major new and modified sources as they apply to emissions of NO_X.

[FR Doc. 2014–17583 Filed 7–28–14; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 20

[WT Docket No. 05–265; DA 14–865]

Reexamination of Roaming Obligations of Commercial Mobile Radio Service Providers and Other Providers of Mobile Data Services

AGENCY: Federal Communications Commission.

ACTION: Petition for reconsideration; denial.

SUMMARY: In this document, the Wireless Telecommunications Bureau (Bureau) addresses a petition filed by Blanca Telephone Company (Blanca), seeking reconsideration of the Commission's decision to reject a uniform time limit or ''shot clock'' on all data roaming negotiations. The Bureau finds that Blanca presents no material error or omission in the Commission's Data Roaming Order, or any additional new facts warranting reconsideration. In the Data Roaming Order, the Commission's decision to reject a single time limit for all negotiations but to consider requests for time limits on a case-by-case basis provides appropriate flexibility in negotiations that will involve a wide range of evolving technologies and commercial contexts, while allowing parties to seek Commission intervention if a negotiating partner unduly delays a particular negotiation.

DATES: Effective July 29, 2014.

FOR FURTHER INFORMATION CONTACT: Peter Trachtenberg, Spectrum and Competition Policy Division, Wireless Telecommunications Bureau, (202) 418–7369, email *peter.trachtenberg@fcc.gov.*

SUPPLEMENTARY INFORMATION: This is a summary of the Wireless Telecommunications Bureau's Order on Reconsideration, WT Docket No. 05–265, DA 14–865, adopted June 25, 2014, and released June 25, 2014. The full text of this document is available for inspection and copying during business hours in the FCC Reference Information Center, Portals II, 445 12th Street SW., Room CY–A257, Washington, DC 20554. Also, it may be purchased from the Commission's duplicating contractor at Portals II, 445 12th Street SW., Room CY–B402, Washington, DC 20554; the contractor's Web site, *http://www.bcpiweb.com;* or by calling (800) 378–3160, facsimile (202) 488–5563, or email *FCC@BCPIWEB.com.* Copies of the Order on Reconsideration also may be obtained via the Commission's Electronic Comment Filing System (ECFS) by entering the docket number WT Docket No. 05–265. Additionally, the complete item is available on the Federal Communications Commission's Web site at *http://www.fcc.gov.*

1. *Data Roaming Order, 76 FR 26199, May 6, 2011.* Data roaming allows consumers to obtain data services over their mobile devices when they travel outside their own provider's network coverage areas, by relying on another provider's network. In the Data Roaming Order, the Commission sought to promote consumer access to nationwide mobile broadband service by adopting a rule requiring facilities-based providers of commercial mobile data services to offer roaming arrangements to other such providers on commercially reasonable terms and conditions, subject to certain limitations. To ensure that the data roaming rule is sufficiently flexible to apply to a wide range of evolving technologies and commercial contexts, the Commission allowed providers ''[to] negotiate the terms of their roaming arrangements on an individualized basis.'' As the Commission explained, this means that providers may tailor roaming agreements to ''individualized circumstances without having to hold themselves out to serve all comers indiscriminately on the same or standardized terms.''

2. The Commission made clear that, once a provider requests a data roaming arrangement, a would-be host provider ''has a duty to respond promptly to the request and avoid actions that unduly delay or stonewall the course of negotiations regarding that request.'' The Commission also addressed commenter proposals designed to limit delay tactics in data roaming negotiations, including proposals to establish a mandatory, uniform time limit, described as a ''shot clock,'' for all negotiations subject to the Commission's data roaming rule. The Commission declined to adopt a mandatory, uniform time limit based on the Commission's assessment that some data roaming negotiations may be ''more complex or fact-intensive'' than others and require more time. Instead, the Commission determined that if a provider believes that another provider is unduly delaying a data roaming negotiation, it may ask the Commission to set a time limit for that particular negotiation.

3. The Commission provided that it would address all such individual requests for a time limit, and any other disputes over a provider's conduct during data roaming negotiations, on a case-by-case basis, taking into consideration the totality of the circumstances. Among the factors that the Commission stated it may consider in determining the commercial reasonableness of a host provider's conduct during negotiations are whether the provider ''has responded to the request for negotiation,'' whether it has engaged in ''a persistent pattern of stonewalling behavior,'' and ''the length of time since the initial request.'' The Commission held that a party to a data roaming dispute may seek relief through either a petition for declaratory ruling or a formal or informal complaint, and it established specific dispute resolution procedures to ensure the prompt resolution of any data roaming disputes brought before it.

4. *Blanca Telephone Company Petition for Reconsideration.* On June 6, 2011, Blanca filed the instant Petition, which requests that the Commission ''reconsider and reverse its decision declining to adopt a time limit for roaming negotiations'' that are subject to the Commission's data roaming requirements. Blanca explains that the proposed time limit or ''shot clock'' would allow ''either party to a negotiation, after a reasonable period such as 60 days,'' to refer the matter to the Commission for resolution pursuant to the dispute resolution processes established in the Data Roaming Order. Blanca contends that the Commission's decision to address claims of undue delay on a case-by-case basis, rather than establishing a uniform time limit for all data roaming negotiations, is flawed in two respects. First, it argues that the Commission's stated rationale for this decision—*i.e.,* that some negotiations may be more complex or fact-intensive than others and thus require more time—failed to quantify the actual number of negotiations that are likely to involve complex issues. According to Blanca, ''[i]f it turns out to be the case that relatively few negotiations fall into the 'complex' category,'' then the Commission's determination ''will have imposed an unwarranted disadvantage on smaller rural and regional'' providers seeking data roaming arrangements with nationwide providers. Second, Blanca maintains that the Commission's decision to impose time limits on a case-by-case basis will place an

additional burden on smaller carriers that lack bargaining power by requiring them to demonstrate the need for a time limit in the course of their negotiations with larger national providers.

5. On November 21, 2011, the Commission released a Public Notice, 76 FR. 74721, December 1, 2011, announcing the filing of the Petition and seeking comment. In response, the Commission received three comments and three replies. Other than AT&T, all commenters, including several providers and associations, supported the petition.

6. Pursuant to section 1.429 of the Commission's rules, parties may petition for reconsideration of final orders in a rulemaking proceeding. Reconsideration is generally appropriate only where the petitioner shows either a material error or omission in the original order or raises additional facts not known or not existing until after the petitioner's last opportunity to respond.

7. In 2011, in order ''to allow the agency to resolve certain petitions for reconsideration more efficiently and expeditiously,'' the Commission amended its rules to delegate authority to the relevant bureau or office to dismiss or deny petitions filed in either rulemaking or non-rulemaking proceedings, if the petition ''plainly does not warrant consideration by the full Commission.'' Among the kinds of petitions that the Commission found would satisfy this standard are those that fail to identify any material error, omission, or reason warranting reconsideration, or that rely on arguments that have been fully considered and rejected by the Commission within the same proceeding. In this case, as discussed below, Blanca's first argument about the likely frequency of complex data roaming negotiations that may require more time than permitted under a ''shot clock'' is a wholly speculative one that fails to identify any material error, omission, or reason warranting reconsideration. Blanca's second argument, based on the incentives of the largest mobile broadband providers, was specifically considered and rejected in the Data Roaming Order, and in any event also fails to identify any material error, omission, or reason warranting reconsideration. Given these circumstances, the Bureau exercises its delegated authority under section 1.429(*l*) of the rules to address and deny Blanca's petition.

8. As noted above, Blanca first challenges the rationale for the Commission's decision to reject a ''shot clock'' in favor of a case-by-case approach for addressing allegations of undue carrier delay of negotiations, which the Commission preferred because some negotiations may be more complex or fact-intensive than others. Blanca argues that the Commission failed to quantify the actual number of negotiations that are likely to involve complex issues. It hypothesizes that it may ''tur[n] out to be the case'' that there are relatively few complex negotiations requiring additional time. The Bureau finds that this kind of speculation about the nature of future data roaming negotiations under the Commission's new rules does not present a material error, omission or reason warranting reconsideration. As these rules and procedures regarding negotiations over data roaming arrangements were newly created in this proceeding, there is little track record upon which to calculate the likely number of complex negotiations that may occur, and Blanca has provided nothing concrete upon which to base such a projection. Moreover, the very nature of the evolving mobile broadband industry, the variable nature of the network configurations, services, technologies, and business plans involved, and the individualized nature of data roaming agreements make it unrealistic to predict the relative number of data roaming negotiations that may raise complex or fact-intensive issues at any given time. Further, this uncertainty itself counsels against establishing a uniform deadline in all cases, particularly given the ability of providers under the rule to negotiate individualized data roaming agreements. Blanca's argument therefore does not support reconsideration of the Commission's approach.

9. Blanca and other commenters supporting the petition also argue the Commission failed to consider the larger providers' greater bargaining power and lack of incentives to enter into roaming agreements. They contend that the Commission's approach exacerbates this problem and that only a ''shot clock'' will adequately address incentives to delay. The Bureau disagrees. The Commission carefully considered the impact of incentives on parties' negotiating conduct. In deciding to adopt its data roaming rule, the Commission highlighted the concern that ''consolidation may have . . . reduced the incentives of the largest two providers to enter into [data roaming] arrangements by reducing their need for reciprocal roaming.'' Further, it adopted specific measures to address the possibility that providers might engage in unreasonable delay. In particular, the Commission imposed on providers a duty to respond promptly to requests for data roaming and avoid actions that unduly delay negotiations regarding that request, and it provided an enforceable remedy. It further provided that if a requesting provider believes that the other party is violating its duty by unduly delaying the negotiation, the provider may bring such claim to the Commission at any time and ask the Commission to set a deadline for one or both parties to act. The Commission also emphasized that ''in the event a would-be host provider violates its duty by actions that unduly delay or stonewall the course of negotiations, [the Commission] stands ready to move expeditiously with fines, forfeitures, and other appropriate remedies, which should reduce any incentives to delay data roaming negotiations.''

10. Accordingly, Blanca's argument based on disparate bargaining power has already been fully considered and rejected by the Commission. It also identifies no material error, omission, or reason warranting reconsideration. While Blanca and other commenters allege that roaming negotiations can take inordinate periods of time, they fail to demonstrate that the processes established in the Data Roaming Order rules are inadequate to address problems of unreasonable delay. They offer no reason why providers cannot avail themselves of the established remedies, including the ability to ask the Commission to set a deadline for a particular negotiation, or evidence that providers have utilized current procedures and found them ineffective.

11. In conclusion, the Commission finds nothing in the arguments or the record justifying reconsideration of the Commission's approach, which was designed to ensure that the data roaming rule remains sufficiently flexible to apply to a wide range of evolving technologies and commercial contexts, while allowing individual providers to seek expedited intervention by the Commission when a provider is unduly delaying the course of a data roaming negotiation. Accordingly, the Petition is denied. The Bureau reminds parties, however, that the Commission ''intend[s] to closely monitor further development of the commercial mobile broadband data marketplace and stand[s] ready to take additional action if necessary to help ensure'' that the goals of the data roaming proceeding are achieved.

12. Accordingly, *it is ordered,* pursuant to the authority contained in Sections 1, 2, 4(i), 4(j), 301, 303, 304, 309, 316, 332, and 405 of the Communications Act of 1934, as amended, and Section 706 of the

Telecommunications Act of 1996, 47 U.S.C. 151, 152, 154, 301, 303, 304, 309, 316, 332, 405, and 1302, and the delegated authority under Section 1.429 of the Commission's rules, 47 CFR 1.429, that this Order on Reconsideration *is adopted,* effective on publication of the text or summary thereof in the **Federal Register**.

13. *It Is Further Ordered,* pursuant to the authority contained in Section 405 of the Communications Act of 1934, as amended, 47 U.S.C. 405, and Section 1.429 of the Commission's rules, 47 CFR 1.429, that the Petition for Reconsideration filed by Blanca Telephone Company on June 6, 2011, *is denied.*

Federal Communications Commission.

Roger Sherman,

Chief, Wireless Telecommunications Bureau.

[FR Doc. 2014–17704 Filed 7–28–14; 8:45 am]

BILLING CODE 6712–01–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 1803, 1816, and 1852

RIN 2700–AE08

NASA Federal Acquisition Regulation Supplement (NFS): Contractor Whistleblower Protections

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Interim rule.

SUMMARY: NASA is issuing an interim rule amending the NASA FAR Supplement (NFS) to implement statutory requirements providing whistleblower protections for contractor and subcontractor employees and to address the allowability of legal costs incurred by a contractor related to whistleblower proceedings.

DATES: *Effective date:* July 29, 2014. In accordance with FAR 1.108(d)(3), contracting officers are encouraged to include the changes in this interim rule in major modifications to contracts and orders awarded prior to the effective date of this interim rule.

Comment date: Comments on this interim rule should be submitted in writing to the address shown below on or before September 29, 2014.

ADDRESSES: Interested parties may submit comments, identified by RIN number 2700–AE08 via the Federal eRulemaking Portal: *http://www.regulations.gov.* Follow the instructions for submitting comments. Comments may also be submitted to Leigh Pomponio via email at *leigh.pomponio@NASA.gov.* Comments received generally will be posted without change to *http://www.regulations.gov,* including any personal information provided. To confirm receipt of your comment(s), please check *www.regulations.gov,* approximately two to three days after submission to verify posting.

FOR FURTHER INFORMATION CONTACT: Leigh Pomponio, NASA, Office of Procurement, email: *leigh.pomponio@NASA.gov* or phone: 202–358–0592.

SUPPLEMENTARY INFORMATION:

A. Background

This interim rule revises the NFS to implement a policy providing whistleblower protections for contractor and subcontractor employees. This rule implements 10 U.S.C. 2409 as amended by section 846 of the National Defense Authorization Act for Fiscal Year 2008 (Pub. L. 110–181) and section 827 of the National Defense Authorization Act for Fiscal Year 2013 (Pub. L. 112–239). Section 846, entitled Protection of Contractor Employees from Reprisal for Disclosure of Certain Information, and Section 827, entitled ''Enhancement of Whistleblower Protections for Contractor Employees,'' made extensive changes to 10 U.S.C. 2409, entitled ''Contractor employees: protection from reprisal or disclosure.'' Paragraph (g) of section 827 amended paragraph (k) of 10 U.S.C. 2324, ''Allowable costs under defense contracts'' which is also applicable to NASA contracts. Paragraph (g) is implemented by this interim rule.

Paragraph 827(i)(1) specifies that the amendments made by section 827 are applicable to—

Contracts awarded on or after the effective date;

Task orders entered into on or after the effective date, pursuant to contracts awarded before, on, or after such date; and

Contracts awarded before the effective date, which are modified to include a contract clause providing for the applicability of such amendments.

Paragraph 827(i)(3) requires that at the time of any major modification to a contract that was awarded before the effective date, the head of the contracting agency shall make best efforts to include, in the contract, a clause providing for the applicability to the contract of the amendments made by section 827.

Section 846 of the NDAA for FY 2008 and Section 827 of the NDAA for FY 2013 created a standalone statute for NASA that is not dependent on the Federal Acquisition Regulation (FAR) coverage. The NASA contractor whistleblower rule is based on an independent statute that applies only to Title 10 agencies. Section 828, Pilot Program for Enhancement of Contractor Whistleblower Protections, of the NDAA for FY 2013 has been implemented in the FAR; see FAR Case 2013–015, 78 FR 60169, *http://www.gpo.gov/fdsys/pkg/FR-2013-09-30/html/2013-23703.htm.* Section 828 establishes a four-year ''pilot program'' to provide enhanced whistleblower protections for employees of civilian agency contractors and subcontractors and suspend the use of FAR 3.901 through 3.906.

The FAR also incorporates sections 827(g) and 828(d) of the NDAA for FY 2013 (Pub. L. 112–239); see FAR Case 2013–017, 78 FR 60173, *http://www.gpo.gov/fdsys/pkg/FR-2013-09-30/pdf/2013-23764.pdf,* which address legal costs incurred by a contractor in connection with a proceeding commenced by a contractor employee submitting a complaint under the applicable whistleblower section.

B. Discussion and Analysis

The current FAR addresses this subject at subpart 3.9. This rule will add NASA-unique requirements at Subpart 1803.9 of the NFS, entitled ''Whistleblower Protections for Contractor Employees.'' The subpart covers the policy, procedures for filing and investigating complaints, remedies, clause prescriptions, and a related clause at NFS 1852.203–71, entitled ''Requirement to Inform Employees of Whistleblower Rights''.

This interim rule also adds a prescription at 1816.3 and a clause 1852.216–90, ''Allowability of Legal Costs Incurred in Connection with a Whistleblower Proceeding'' to implement paragraph (g) of section 827 which addresses treatment of cost incurred in connection with whistleblower proceedings. Due to the effective date of the Act, and because the Act encourage agencies to modify contracts (at the time of any major modification to a contract) that were awarded before the effective date of the Act, it is necessary to create a revised cost principle applicable to any task orders issued against contracts awarded prior to the effective date of this regulation and any contracts modified to implement section 827. Otherwise, FAR clause 52.216–7, Allowable Cost and Payment governs.

C. Changes to NFS

The statutory changes to 10 U.S.C. 2409 made by section 846 of the National Defense Authorization Act for Fiscal Year 2008 and section 827 of the National Defense Authorization Act for

Fiscal Year 2013 are implemented in the NFS by adding subpart 1803.9 which heretofore did not exist. This subpart adds NASA-specific whistleblower protections for contractor employees. To fully implement the statutory changes, a prescription and clause is added to create a revised cost principle that covers limited circumstances and a limited time period.

D. Executive Orders 12866 and 13563

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

E. Regulatory Flexibility Act

NASA certifies that this interim rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.,* because the rule neither changes the substance of contract or solicitation procedures or policies nor creates a whistleblower protection for contractor employees. Such protections currently exist, and this case only clarifies contractors' rights and the remedies available to their employees.

F. Paperwork Reduction Act

This interim rule does not contain any information collection requirements that require the approval of the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. Chapter 35).

G. Determination To Issue an Interim Rule

A determination has been made by the Assistant Administrator for Procurement, pursuant to 41 U.S.C. 1701(d) that urgent and compelling reasons exist to justify promulgating this rule on an interim basis without prior opportunity for public comment. This action is necessary for the following reasons: First, by operation of law, the revised statute became effective on July 1, 2013 (i.e., Congress included language in section 827 specifically addressing the effective date of the changes to 10 U.S.C. 2409). Second, the revisions impose new responsibilities on agencies and create certain new rights for contractor employees. Specifically, as of July 1, 2013:

—There are changes and additions in the list of entities to whom a whistleblower disclosure makes the whistleblower eligible for additional protections against reprisal;

—Agency heads have expanded responsibilities to take specific actions with regard to a NASA Inspector General finding of reprisal against a contractor whistleblower;

—The law requires that the written notice to employees of their whistleblower rights must be provided in the ''predominant native language of the workforce'';

—For the first time, contractors must flow down to subcontractors the requirement to provide written notice to subcontractor employees; and

—There is a new exemption for elements of the intelligence community that was not available under previous laws.

The most effective and efficient way to ensure awareness and compliance by agencies and contractors with all of these requirements is through immediate regulatory change. Delaying promulgation may delay the effective date of regulations but will not postpone when the law becomes applicable to contractors and subcontractors. Thus, ordinary notice and comment procedures would unnecessarily increase the risk of confusion and noncompliance, defeating the regulatory objective.

Moreover, there is little likelihood that the publication of this interim rule without prior comment will increase burden on contractors. This interim regulation qualifies as an interpretative rule, as it provides basic guidance that agencies and contractors need to comply with the statute. Indeed, this regulation prescribes little beyond that which is set forth clearly in the statutes.

Nevertheless, pursuant to 41 U.S.C. 1707 and FAR 1.501–3(b), NASA will consider public comments received in response to this interim rule in the formation of the Agency's final rule.

List of Subjects in 48 CFR Parts 1803, 1816, and 1852

Government procurement.

William P. McNally,

Assistant Administrator for Procurement.

Accordingly, 48 CFR Parts 1803, 1816, and 1852 are amended as follows:

■ 1. The authority citation for 48 CFR parts 1803, 1816, and 1852 are revised to read as follows:

Authority: 51 U.S.C. 20113(a) and 48 CFR chapter 1.

PART 1803—IMPROPER BUSINESS PRACTICES AND PERSONAL CONFLICTS OF INTEREST

■ 2. Add subpart 1803.9 to read as follows:

Subpart 1803.9—Contractor Employee Whistleblower Protections

Sec.

Subpart 1803.9—Contractor Employee Whistleblower Protections

1803.900 Scope of subpart.

This subpart applies to NASA instead of FAR subpart 3.9.

(a) This subpart implements 10 U.S.C. 2409 as amended by section 846 of the National Defense Authorization Act for Fiscal Year 2008 (Pub. L. 110–181), section 842 of the National Defense Authorization Act for Fiscal Year 2009 (Pub. L. 110–417), and section 827 of the National Defense Authorization Act for Fiscal Year 2013 (Pub. L. 112–239).

(b) This subpart does not apply to any element of the intelligence community, as defined in 50 U.S.C. 3003(4). This subpart does not apply to any disclosure made by an employee of a contractor or subcontractor of an element of the intelligence community if such disclosure—

(1) Relates to an activity or an element of the intelligence community; or

(2) Was discovered during contract or subcontract services provided to an element of the intelligence community.

1803.901 Definition.

Abuse of authority, as used in this subpart, means an arbitrary and capricious exercise of authority that is inconsistent with the mission of NASA or the successful performance of a NASA contract.

1803.903 Policy.

(a) *Policy.* 10 U.S.C. 2409 prohibits contractors or subcontractors from discharging, demoting, or otherwise discriminating against an employee as a reprisal for disclosing, to any of the entities listed at paragraph (b) of this section, information that the employee

reasonably believes is evidence of gross mismanagement of a NASA contract, a gross waste of NASA funds, an abuse of authority relating to a NASA contract, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a NASA contract (including the competition for or negotiation of a contract). Such reprisal is prohibited even if it is undertaken at the request of an executive branch official, unless the request takes the form of a non-discretionary directive and is within the authority of the executive branch official making the request.

(b) Entities to whom disclosure may be made:

(1) A Member of Congress or a representative of a committee of Congress.

(2) The NASA Inspector General or any other Inspector General that has oversight over contracts awarded by or on behalf of NASA.

(3) The Government Accountability Office.

(4) A NASA employee responsible for contract oversight or management.

(5) An authorized official of the Department of Justice or other law enforcement agency.

(6) A court or grand jury.

(7) A management official or other employee of the contractor or subcontractor who has the responsibility to investigate, discover, or address misconduct.

(c) *Disclosure clarified.* An employee who initiates or provides evidence of contractor or subcontractor misconduct in any judicial or administrative proceeding relating to waste, fraud, or abuse on a NASA contract shall be deemed to have made a disclosure.

(d) *Contracting officer actions.* A contracting officer who receives a complaint of reprisal of the type described in paragraph (a) of this section shall forward it to legal counsel and to the NASA Inspector General.

1803.904 Procedures for filing complaints.

(a) Any employee of a contractor or subcontractor who believes that he or she has been discharged, demoted, or otherwise discriminated against contrary to the policy in 1803.903 may file a complaint with the Inspector General of NASA.

(b) A complaint may not be brought under this section more than three years after the date on which the alleged reprisal took place.

(c) The complaint shall be signed and shall contain—

(1) The name of the contractor;

(2) The contract number, if known; if not known, a description reasonably sufficient to identify the contract(s) involved;

(3) The violation of law, rule, or regulation giving rise to the disclosure;

(4) The nature of the disclosure giving rise to the discriminatory act, including the party to whom the information was disclosed; and

(5) The specific nature and date of the reprisal.

1803.905 Procedures for investigating complaints.

(a) Unless the NASA Inspector General makes a determination that the complaint is frivolous, fails to allege a violation of the prohibition in 1803.903, or has been previously addressed in another Federal or State judicial or administrative proceeding initiated by the complainant, the NASA Inspector General will investigate the complaint.

(b) If the NASA Inspector General determines that a complaint merits further investigation, the NASA Inspector General will—

(1) Notify the complainant, the contractor alleged to have committed the violation, and the head of the Agency;

(2) Conduct an investigation; and

(3) Provide a written report of findings to the complainant, the contractor alleged to have committed the violation, and the head of the Agency.

(c) The NASA Inspector General—

(1) Will determine that the complaint is frivolous or will submit the report addressed in paragraph (b) of this section within 180 days after receiving the complaint; and

(2) If unable to submit a report within 180 days, will submit the report within the additional time period, up to 180 days, to which the person submitting the complaint agrees.

(d) The NASA Inspector General may not respond to any inquiry or disclose any information from or about any person alleging the reprisal, except to the extent that such response or disclosure is—

(1) Made with the consent of the person alleging reprisal;

(2) Made in accordance with 5 U.S.C. 552a (the Freedom of Information Act) or as required by any other applicable Federal law; or

(3) Necessary to conduct an investigation of the alleged reprisal.

(e) The legal burden of proof specified at paragraph (e) of 5 U.S.C. 1221 (Individual Right of Action in Certain Reprisal Cases) shall be controlling for the purposes of an investigation conducted by the NASA Inspector General, decision by the head of the Agency, or judicial or administrative proceeding to determine whether prohibited discrimination has occurred.

1803.6 Remedies.

(a) Not later than 30 days after receiving a NASA Inspector General report in accordance with 1803.905, the head of the Agency shall determine whether sufficient basis exists to conclude that the contractor has subjected the complainant to a reprisal as prohibited by 1803.903 and shall either issue an order denying relief or shall take one or more of the following actions:

(1) Order the contractor to take affirmative action to abate the reprisal.

(2) Order the contractor to reinstate the person to the position that the person held before the reprisal, together with compensatory damages (including back pay), employment benefits, and other terms and conditions of employment that would apply to the person in that position if the reprisal had not been taken.

(3) Order the contractor to pay the complainant an amount equal to the aggregate amount of all costs and expenses (including attorneys' fees and expert witnesses' fees) that were reasonably incurred by the complainant for, or in connection with, bringing the complaint regarding the reprisal, as determined by the head of the Agency.

(b) If the head of the Agency issues an order denying relief or has not issued an order within 210 days after the submission of the complaint or within 30 days after the expiration of an extension of time granted in accordance with 1803.905(3)(ii), and there is no showing that such delay is due to the bad faith of the complainant—

(1) The complainant shall be deemed to have exhausted all administrative remedies with respect to the complaint; and

(2) The complainant may bring a de novo action at law or equity against the contractor to seek compensatory damages and other relief available under 10 U.S.C. 2409 in the appropriate district court of the United States, which shall have jurisdiction over such an action without regard to the amount in controversy. Such an action shall, at the request of either party to the action, be tried by the court with a jury. An action under this authority may not be brought more than two years after the date on which remedies are deemed to have been exhausted.

(c) Whenever a contractor fails to comply with an order issued by the head of agency in accordance with 10 U.S.C. 2409, the head of the Agency or designee shall request the Department of Justice to file an action for enforcement

of such order in the United States district court for a district in which the reprisal was found to have occurred. In any action brought under this paragraph, the court may grant appropriate relief, including injunctive relief, compensatory and exemplary damages, and reasonable attorney fees and costs. The person upon whose behalf an order was issued may also file such an action or join in an action filed by the head of the agency.

(d) Any person adversely affected or aggrieved by an order issued by the head of the Agency in accordance with 10 U.S.C. 2409 may obtain judicial review of the order's conformance with the law, and the implementing regulation, in the United States Court of Appeals for a circuit in which the reprisal is alleged in the order to have occurred. No petition seeking such review may be filed more than 60 days after issuance of the order by the head of the agency or designee. Review shall conform to chapter 7 of title 5, Unites States Code. Filing such an appeal shall not act to stay the enforcement of the order by the head of an agency, unless a stay is specifically entered by the court.

(e) The rights and remedies provided for in this subpart may not be waived by any agreement, policy, form, or condition of employment.

1803.907 Classified information.

Nothing in this subpart provides any rights to disclose classified information not otherwise provided by law.

1803.970 Contract clause.

Use the clause at 1852.203–71, Requirement to Inform Employees of Whistleblower Rights, in all solicitations and contracts.

PART 1816—TYPES OF CONTRACTS

■ 3. Section 1816.307–70 is amended by adding paragraph (g) to read as follows:

1816.307–70 NASA contract clauses.

* * * * *

(g) As required by section 827 of the National Defense Authorization Act for Fiscal Year 2013 (Pub. L. 112–239), use the clause at 1852.216–90, Allowability of Costs Incurred in Connection With a Whistleblower Proceeding—

(1) In task orders entered pursuant to contracts awarded before September 30, 2013, that include the clause at FAR 52.216–7, Allowable Cost and Payment; and

(2) In contracts awarded before September 30, 2013, that—

(i) Include the clause at FAR 52.216–7, Allowable Cost and Payment; and

(ii) Are modified to include the clause at 1852.203–71, Requirement to Inform Employees of Whistleblower Rights, dated June 2013 or later.

PART 1852—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

■ 4. Section 1852.203–71is added to read as follows:

1852.203–71 Requirement to inform employees of whistleblower rights.

As prescribed in 1803.970, use the following clause:

Requirement to Inform Employees of Whistleblower Rights

[August 2014]

(a) The Contractor shall inform its employees in writing, in the predominant native language of the workforce, of contractor employee whistleblower rights and protections under 10 U.S.C. 2409, as described in subpart 1803.09 of the NASA FAR Supplement.

(b) The Contractor shall include the substance of this clause, including this paragraph (b), in all subcontracts.

(End of clause)

■ 5. Section 1852.216–90 is added to read as follows:

1852.216–90 Allowability of legal costs incurred in connection with a whistleblower proceeding.

As prescribed in 216.307–70(g), use the following clause:

Allowability of Legal Costs Incurred In Connection with a Whistleblower Proceeding

[August 2014]

Pursuant to section 827 of the National Defense Authorization Act for Fiscal year 2013 (Pub. L. 112–239), notwithstanding FAR clause 52.216–7, Allowable Cost and Payment—

(1) The restrictions of FAR 31.205–47(b) on allowability of costs related to legal and other proceedings also apply to any proceeding brought by a contractor employee submitting a complaint under 10 U.S.C. 2409, entitled ''Contractor employees: protection from reprisal for disclosure of certain information;'' and

(2) Costs incurred in connection with a proceeding that is brought by a contractor employee submitting a complaint under 10 U.S.C. 2409 are also unallowable if the result is an order to take corrective action under 10 U.S.C. 2409.

(End of clause)

[FR Doc. 2014–17728 Filed 7–28–14; 8:45 am]

BILLING CODE 7510–13–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Parts 2, 10, 13, 14, 15, 16, 17, 18, 20, 21, 22, 23, 36, 80, 86, 91, and 100

[Docket No. FWS–HQ–BPHR–2014–0028; FXGO16600954000–134–FF09B30000]

RIN 1018–BA52

Addresses of Headquarters Offices

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), are updating the addresses of our headquarters offices in our regulations. The Service will relocate its headquarters offices on July 28, 2014. We are taking this action to ensure regulated entities and the general public have accurate contact information for the Service's offices.

DATES: This rule is effective on July 29, 2014.

ADDRESSES: This final rule is available on the Internet at *http://www.regulations.gov* under Docket No. FWS–HQ–BPHR–2014–0028.

FOR FURTHER INFORMATION CONTACT: Andrew Brown, 703–358–2179.

SUPPLEMENTARY INFORMATION: The Service will relocate its headquarters offices to Falls Church, VA, on July 28, 2014. The address of several headquarters offices are referenced throughout numerous sections of the regulations in title 50 of the Code of Federal Regulations (CFR). This final rule updates the addresses of the Service's headquarters offices in the regulations. See the Regulation Promulgation section of this rule for the specific revisions we are making to the regulations.

These actions are administrative in nature. We are providing regulated entities and the general public with accurate contact information for the Service's offices. Under 5 U.S.C. 553(b), rules of agency organization, procedure, or practice may be made final without previous notice to the public. This is a final rule. In addition, under 5 U.S.C. 553(d), we may make this rule effective in less than 30 days if we have ''good cause'' to do so. The rule provides accurate contact information for our offices, and this action will benefit regulated entities and the general public. Therefore, we find that we have ''good cause'' to make this rule effective on July 29, 2014.

Required Determinations

Regulatory Planning and Review—Executive Orders 12866 and 13563

Executive Order 12866 provides that the Office of Information and Regulatory Affairs (OIRA) will review all significant rules. The OIRA has determined that this rule is not significant.

Executive Order (E.O.) 13563 reaffirms the principles of E.O. 12866 while calling for improvements in the nation's regulatory system to promote predictability, to reduce uncertainty, and to use the best, most innovative, and least burdensome tools for achieving regulatory ends. The executive order directs agencies to consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public where these approaches are relevant, feasible, and consistent with regulatory objectives. E.O. 13563 emphasizes further that regulations must be based on the best available science and that the rulemaking process must allow for public participation and an open exchange of ideas. We have developed this rule in a manner consistent with these requirements.

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

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.,* as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996 (Pub. L. 104–121)), whenever an agency is required to publish a notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis that describes the effect of the rule on small entities (that is, small businesses, small organizations, and small government jurisdictions). However, no regulatory flexibility analysis is required if the head of an agency certifies the rule will not have a significant economic impact on a substantial number of small entities.

SBREFA amended the Regulatory Flexibility Act to require Federal agencies to provide the statement of the factual basis for certifying that a rule will not have a significant economic impact on a substantial number of small entities.

We have examined this rule's potential effects on small entities as required by the Regulatory Flexibility Act, and have determined that this action will not have a significant economic impact on a substantial number of small entities. This rule updates the contact information for the Service's headquarters offices in our regulations in title 50 of the Code of Federal Regulations. We are taking this action to ensure that regulated entities and the general public have accurate contact information for the Service's offices. This rule will not result in any costs or benefits to any entities, large or small.

Therefore, we certify that, because this rule will not have a significant economic effect on a substantial number of small entities, a regulatory flexibility analysis is not required.

This rule is not a major rule under the SBREFA (5 U.S.C. 804(2)). It will not have a significant economic impact on a substantial number of small entities.

a. This rule does not have an annual effect on the economy of $100 million or more. There are no costs to any entities resulting from these revisions to the regulations.

b. This rule will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions. The updating of the Service's contact information does not affect costs or prices in any sector of the economy.

c. This rule will not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises.

Unfunded Mandates Reform Act

In accordance with the Unfunded Mandates Reform Act (2 U.S.C. 1501 *et seq.*), we have determined the following:

a. This rule will not ''significantly or uniquely'' affect small governments in a negative way. A small government agency plan is not required.

b. This rule will not produce a Federal mandate of $100 million or greater in any year. It is not a ''significant regulatory action'' under the Unfunded Mandates Reform Act.

Takings

Under the criteria outlined in E.O. 12630, this final rule does not have significant takings implications. This rule is an administrative action to update Service addresses; it does not contain a provision for taking of private property. A takings implication assessment is not required.

Federalism

This rule does not have sufficient Federalism effects to warrant preparation of a federalism summary impact statement under E.O. 13132.

Civil Justice Reform

In accordance with E.O. 12988, the Office of the Solicitor has determined that the rule does not unduly burden the judicial system and meets the requirements of sections 3(a) and 3(b)(2) of the Order.

Paperwork Reduction Act

This rule does not contain any information collection that would require approval under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). A Federal agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

National Environmental Policy Act

We evaluated the environmental impacts of the changes to the regulations, and determined that this rule does not have any environmental impacts.

Government-to-Government Relationship With Tribes

In accordance with the President's memorandum of April 29, 1994, ''Government-to-Government Relations With Native American Tribal Governments'' (59 FR 22951), Executive Order 13175, and 512 DM 2, we have evaluated potential effects on Federally recognized Indian Tribes and have determined that this rule will not interfere with Tribes' ability to manage themselves or their funds. This rule offers Tribes and the general public accurate contact information for our offices.

Energy Supply, Distribution, or Use

E.O. 13211 requires agencies to prepare Statements of Energy Effects when undertaking certain actions. Because this rule is administrative, it is not a significant regulatory action under E.O. 12866, and it will not significantly affect energy supplies, distribution, or use. Therefore, this action is not a significant energy action and no Statement of Energy Effects is required.

List of Subjects

50 CFR Part 2

Organization and functions (Government agencies).

50 CFR Part 10

Exports, Fish, Imports, Law enforcement, Plants, Transportation, Wildlife.

50 CFR Part 13

Administrative practice and procedure, Exports, Fish, Imports, Plants, Reporting and recordkeeping requirements, Transportation, Wildlife.

50 CFR Part 14

Animal welfare, Exports, Fish, Imports, Labeling, Reporting and recordkeeping requirements, Wildlife.

50 CFR Part 15

Imports, Reporting and recordkeeping requirements, Wildlife.

50 CFR Part 16

Fish, Imports, Reporting and recordkeeping requirements, Wildlife.

50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, Transportation.

50 CFR Part 18

Administrative practice and procedure, Alaska, Imports, Indians, Marine mammals, Oil and gas exploration, Reporting and recordkeeping requirements, Transportation.

50 CFR Part 20

Exports, Hunting, Imports, Reporting and recordkeeping requirements, Transportation, Wildlife.

50 CFR Part 21

Exports, Hunting, Imports, Reporting and recordkeeping requirements, Transportation, Wildlife.

50 CFR Part 22

Exports, Imports, Reporting and recordkeeping requirements, Transportation, Wildlife.

50 CFR Part 23

Endangered and threatened species, Exports, Imports, Treaties.

50 CFR Part 36

Alaska, Recreation and recreation areas, Reporting and recordkeeping requirements, Wildlife refuges.

50 CFR Part 80

Fish, Grant programs-natural resources, Reporting and recordkeeping requirements, Signs and symbols, Wildlife.

50 CFR Part 86

Administrative practice and procedure, Grant programs-recreation, Marine safety, Natural resources, Recreation and recreation areas, Reporting and recordkeeping requirements.

50 CFR Part 91

Hunting, Wildlife.

50 CFR Part 100

Administrative practice and procedure, Alaska, Fish, National forests, Public lands, Reporting and recordkeeping requirements, Wildlife.

Regulation Promulgation

Accordingly, we amend parts 2, 10, 13, 14, 15, 16, 17, 18, 20, 21, 22, 23, 36, 80, 86, 91, and 100 of subchapters A, B, C, F, G, and H of chapter I, title 50 of the Code of Federal Regulations, as set forth below:

Subchapter A—General Provisions

PART 2—AGENCY ORGANIZATION AND LOCATIONS

■ 1. The authority citation for part 2 continues to read as follows:

Authority: 5 U.S.C. 301.

■ 2. Revise the heading for part 2 to read as set forth above.

■ 3. Revise § 2.1 to read as follows:

§ 2.1 Headquarters.

The U.S. Fish and Wildlife Service is composed of a main office in the Washington, DC, area, referred to as ''Headquarters''; eight regional offices, which are described in § 2.2; and a variety of field installations, a nationwide network of law enforcement agents, and a number of field study teams for biological and ecological activities. Headquarters includes the Office of the Director, as well as program areas headed by Assistant Directors.

(a) The address for the Office of the Director is: Office of the Director, U.S. Fish and Wildlife Service, Main Interior, 1849 C Street NW., Room 3331, Washington, DC 20240–0001.

(b) The address of Headquarters program areas is: U.S. Fish and Wildlife Service Headquarters, MS: [Insert appropriate Mail Stop from table], 5275 Leesburg Pike, Falls Church, VA 22041–3803.

Headquarters program	Mail stop
Business Management and Operations	MS: BMO.
Budget, Planning and Human Capital, including:	
• Service's Information Collection Clearance Officer	MS: BPHC.
External Affairs	MS: EA.
Ecological Services, Including:	
• Division of Environmental Review	MS: ES.
Fish and Aquatic Conservation, including:	
• Division of Fish and Aquatic Conservation Programs	MS: FAC.
International Affairs, including:	
• Division of Management Authority	MS: IA.
• Division of Scientific Authority.	
Information Resource and Technology Management	MS: IRTM.
Migratory Birds, including:	
• Division of Migratory Bird Management	MS: MB.
• Division of Bird Habitat Conservation.	
National Wildlife Refuge System	MS: NWRS.
Office of Diversity and Inclusive Workforce Management	MS: ODIWM.
Office of Law Enforcement	MS: OLE.
Science Applications	MS: SA.
Wildlife and Sport Fish Restoration	MS: WSFR.

■ 4. Amend § 2.2 by revising the section heading and introductory text to read as follows:

§ 2.2 Regional offices.

The U.S. Fish and Wildlife Service has eight regional offices that are responsible for implementing national policies. Each Regional Director has jurisdiction over Service activities performed by field installations in the State(s) encompassed by the region. Field installations include ecological services stations, endangered species

stations, fishery assistance offices, national fish hatcheries, national wildlife refuges, research laboratories, and wildlife assistance offices. Unless otherwise stated for a particular matter in the regulations, all persons may secure from the regional offices information or make submittals or requests, as well as obtain forms and instructions as to the scope and contents of papers or reports required of the public. The geographic jurisdictions and addresses of the U.S. Fish and Wildlife regional offices are as follows:

* * * * *

Subchapter B—Taking, Possession, Transportation, Sale, Purchase, Barter, Exportation, and Importation of Wildlife and Plants

PART 10—GENERAL PROVISIONS

■ 5. The authority citation for part 10 continues to read as follows:

Authority: 16 U.S.C. 668a–d, 703–712, 742a–j–l, 1361–1384, 1401–1407, 1531–1543, 3371–3378; 18 U.S.C. 42; 19 U.S.C. 1202.

■ 6. Amend § 10.22 by revising paragraph (b) to read as follows:

§ 10.22 Law enforcement offices.

* * * * *

(b) Any resident or official of a foreign country may contact the Service's Headquarters Office of Law Enforcement at the address provided at 50 CFR 2.1(b) or by telephone at 703–358–1949.

PART 13—GENERAL PERMIT PROCEDURES

■ 7. The authority citation for part 13 continues to read as follows:

Authority: 16 U.S.C. 668a, 704, 712, 742j–l, 1374(g), 1382, 1538(d), 1539, 1540(f), 3374, 4901–4916; 18 U.S.C. 42; 19 U.S.C. 1202; 31 U.S.C. 9701.

■ 8. Amend § 13.11 by revising the first sentence of paragraph (b)(3) to read as follows:

§ 13.11 Application procedures.

* * * * *

(b) * * *

(3) You may obtain applications for Wild Bird Conservation Act permits (50 CFR part 15); injurious wildlife permits (50 CFR part 16); captive-bred wildlife registrations (50 CFR part 17); permits authorizing import, export, or foreign commerce of endangered and threatened species, and interstate commerce of nonnative endangered or threatened species (50 CFR part 17); marine mammal permits (50 CFR part 18); and permits and certificates for import, export, and re-export of species listed under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) (50 CFR part 23) from the Service's permits Web page at *http://www.fws.gov/permits/* or from the Division of Management Authority at the address provided at 50 CFR 2.1(b). * * *

* * * * *

PART 14—IMPORTATION, EXPORTATION, AND TRANSPORTATION OF WILDLIFE

■ 9. The authority citation for part 14 continues to read as follows:

Authority: 16 U.S.C. 668, 704, 712, 1382, 1538(d)–(f), 1540(f), 3371–3378, 4223–4244, and 4901–4916; 18 U.S.C. 42; 31 U.S.C. 9701.

■ 10. Amend § 14.3 by revising the third sentence to read as follows:

§ 14.3 Information collection requirements.

* * * You can direct comments regarding these information collection requirements to the Service's Information Collection Clearance Officer at the address provided at 50 CFR 2.1(b).

■ 11. Amend § 14.106 by revising the fourth sentence of paragraph (a) to read as follows:

§ 14.106 Primary enclosures.

* * * * *

(a) * * * Copies may be inspected at the U.S. Fish and Wildlife Service Headquarters (see 50 CFR 2.1(b) for address) or at the National Archives and Records Administration (NARA). * * *

* * * * *

PART 15—WILD BIRD CONSERVATION ACT

■ 12. The authority citation for part 15 continues to read as follows:

Authority: 16 U.S.C. 4901–4916.

■ 13. Amend § 15.4 by revising the second sentence of paragraph (b) to read as follows:

§ 15.4 Information collection requirements.

* * * * *

(b) * * * Direct comments regarding the burden estimate or any other aspect of these reporting requirements to the Service's Information Collection Clearance Officer at the address provided at 50 CFR 2.1(b).

■ 14. Amend § 15.21 by revising the first sentence of paragraph (c) to read as follows:

§ 15.21 General application procedures.

* * * * *

(c) A person wishing to obtain a permit under this subpart or approval of cooperative breeding programs under this subpart submits an application to the attention of the Director, U.S. Fish and Wildlife Service, at the address listed for the Division of Management Authority at 50 CFR 2.1(b). * * *

PART 16—INJURIOUS WILDLIFE

■ 15. The authority citation for part 16 continues to read as follows:

Authority: 18 U.S.C. 42.

■ 16. Amend § 16.13 by revising paragraph (f) to read as follows:

§ 16.13 Importation of live or dead fish, mollusks, and crustaceans, or their eggs.

* * * * *

(f) Information concerning the importation requirements of this section and application requirements for designation as a certifying official for purposes of this section may be obtained by contacting the Division of Fish and Aquatic Conservation Programs at the address provided at 50 CFR 2.1(b) or by telephone at 703–358–1878.

* * * * *

■ 17. Amend § 16.22 by revising the first sentence of paragraph (a) and the last sentence of paragraph (d) to read as follows:

§ 16.22 Injurious wildlife permits.

* * * * *

(a) * * * Submit applications for permits to import, transport, or acquire injurious wildlife for such purposes to the attention of the Director, U.S. Fish and Wildlife Service, at the address listed for the Division of Management Authority at 50 CFR 2.1(b). * * *

* * * * *

(d) * * * Direct comments regarding the burden estimate or any other aspect of these reporting requirements to the Service's Information Collection Clearance Officer at the address provided at 50 CFR 2.1(b).

PART 17—ENDANGERED AND THREATENED WILDLIFE AND PLANTS

■ 18. The authority citation for part 17 continues to read as follows:

Authority: 16 U.S.C. 1361–1407; 1531–1544; and 4201–4245, unless otherwise noted.

■ 19. Amend § 17.9 by revising paragraph (a)(2) and the last sentence of paragraph (b) to read as follows:

§ 17.9 Permit applications and information collection requirements.

(a) * * *

(2) Submit permit applications for activities affecting native endangered and threatened species in international movement or commerce, and all

activities affecting nonnative endangered and threatened species, to the attention of the Director, U.S. Fish and Wildlife Service, at the address listed for the Division of Management Authority at 50 CFR 2.1(b).

(b) * * * Direct comments regarding the burden estimate or any other aspect of these reporting requirements to the Service's Information Collection Clearance Officer at the address provided at 50 CFR 2.1(b).

■ 20. Amend § 17.21 by revising the first sentence of paragraph (c)(4) and the first sentence of the introductory text of paragraph (g)(2) to read as follows:

§ 17.21 Prohibitions.

* * * * *

(c) * * *

(4) Any taking under paragraphs (c)(2) and (3) of this section must be reported in writing to the Office of Law Enforcement, at the address provided at 50 CFR 2.1(b), within 5 days. * * *

* * * * *

(g) * * *

(2) Any person subject to the jurisdiction of the United States seeking to engage in any of the activities authorized by this paragraph must first register with the Service's Division of Management Authority at the address provided at 50 CFR 2.1(b). * * *

* * * * *

■ 21. Amend § 17.44 by revising the fourth sentence of the introductory text of paragraph (y)(5) and the note to paragraph (y)(6) to read as follows:

§ 17.44 Special rules—fishes.

* * * * *

(y) * * *

(5) * * * Facilities outside the littoral states wishing to obtain such exemptions must submit a written request to the Division of Management Authority at the address provided at 50 CFR 2.1(b) and provide information that shows, at a minimum, all of the following:

* * * * *

(6) * * *

Note to paragraph (y)(6): A listing of all countries that have not designated either a Management Authority or Scientific Authority, or that have been identified as countries from which Parties should not accept permits, is available by writing to the Division of Management Authority at the address provided at 50 CFR 2.1(b).

* * * * *

PART 18—MARINE MAMMALS

■ 22. The authority citation for part 18 continues to read as follows:

Authority: 16 U.S.C. 1361 *et seq.*

■ 23. Amend § 18.4 by revising the second sentence of paragraph (b) to read as follows:

§ 18.4 Information collection requirements.

* * * * *

(b) * * * Send comments regarding this burden or any other aspect of this collection of information, including suggestions for reducing the burden, to the Service's Information Collection Clearance Officer at the address provided at 50 CFR 2.1(b).

■ 24. Amend § 18.27 by revising the last sentence of paragraph (b) to read as follows:

§ 18.27 Regulations governing small takes of marine mammals incidental to specified activities.

* * * * *

(b) * * * Direct comments regarding the burden estimate or any other aspect of this requirement to the Service's Information Collection Clearance Officer at the address provided at 50 CFR 2.1(b).

* * * * *

■ 25. Amend § 18.30 by revising the first sentence of paragraph (a) to read as follows:

§ 18.30 Polar bear sport-hunted trophy import permits.

(a) * * * You, as the hunter or heir of the hunter's estate, must submit an application for a permit to import a trophy of a polar bear taken in Canada to the Division of Management Authority at the address provided at 50 CFR 2.1(b).* * *

* * * * *

■ 26. Amend § 18.119 by revising paragraph (b) to read as follows:

§ 18.119 What are the information collection requirements?

* * * * *

(b) You should direct comments regarding the burden estimate or any other aspect of this requirement to the Service's Information Collection Clearance Officer at the address provided at 50 CFR 2.1(b).

■ 27. Amend § 18.129 by revising paragraph (b) to read as follows:

§ 18.129 What are the information collection requirements?

* * * * *

(b) You should direct comments regarding the burden estimate or any other aspect of this requirement to the Service's Information Collection Clearance Officer at the address provided at 50 CFR 2.1(b).

PART 20— MIGRATORY BIRD HUNTING

■ 28. The authority citation for part 20 continues to read as follows:

Authority: Migratory Bird Treaty Act, 40 Stat. 755, 16 U.S.C. 703–712; Fish and Wildlife Act of 1956, 16 U.S.C. 742a–j; Public Law 106–108, 113 Stat. 1491, Note Following 16 U.S.C. 703.

■ 29. Amend § 20.20 by revising the last sentence of paragraph (a) to read as follows:

§ 20.20 Migratory Bird Harvest Information Program.

(a) * * * Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to the Service's Information Collection Clearance Officer at the address provided at 50 CFR 2.1(b).

* * * * *

PART 21—MIGRATORY BIRD PERMITS

■ 30. The authority citation for part 21 continues to read as follows:

Authority: 16 U.S.C. 703–712.

■ 31. Amend § 21.4 by revising the second sentence of paragraph (b) to read as follows:

§ 21.4 Information collection requirements.

* * * * *

(b) * * * Direct comments regarding the burden estimate or any other aspect of these reporting requirements to the Service's Information Collection Clearance Officer at the address provided at 50 CFR 2.1(b).

■ 32. Amend § 21.26 by revising the last sentence of paragraph (e) to read as follows:

§ 21.26 Special Canada goose permit.

* * * * *

(e) * * * States may send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to the Service's Information Collection Clearance Officer at the address provided at 50 CFR 2.1(b).

■ 33. Amend § 21.31 by revising footnote 2 to paragraph (f)(2) to read as follows:

§ 21.31 Rehabilitation permits.

* * * * *

(f) * * *

(2) * * *

[2] You can obtain copies of this document by writing to the Division of Environmental Review at the address provided at 50 CFR 2.1(b).

* * * * *

■ 34. Amend § 21.43 by revising the last sentence of paragraph (g) to read as follows:

§ 21.43 Depredation order for blackbirds, cowbirds, grackles, crows, and magpies.

* * * * *

(g) * * * You may send comments on the information collection requirements to the Service's Information Collection Clearance Officer at the address provided at 50 CFR 2.1(b).

■ 35. Amend § 21.49 by revising the last sentence of paragraph (f) to read as follows:

§ 21.49 Control order for resident Canada geese at airports and military airfields.

* * * * *

(f) * * * You may send comments on the information collection and recordkeeping requirements to the Service's Information Collection Clearance Officer at the address provided at 50 CFR 2.1(b).

■ 36. Amend § 21.50 by revising the last sentence of paragraph (f) to read as follows:

§ 21.50 Depredation order for resident Canada geese nests and eggs.

* * * * *

(f) * * * You may send comments on the information collection and recordkeeping requirements to the Service's Information Collection Clearance Officer at the address provided at 50 CFR 2.1(b).

■ 37. Amend § 21.51 by revising the last sentence of paragraph (f) to read as follows:

§ 21.51 Depredation order for resident Canada geese at agricultural facilities.

* * * * *

(f) * * * You may send comments on the information collection and recordkeeping requirements to the Service's Information Collection Clearance Officer at the address provided at 50 CFR 2.1(b).

■ 38. Amend § 21.52 by revising the last sentence of paragraph (g) to read as follows:

§ 21.52 Public health control order for resident Canada geese.

* * * * *

(g) * * * You may send comments on the information collection and recordkeeping requirements to the Service's Information Collection Clearance Officer at the address provided at 50 CFR 2.1(b).

■ 39. Amend § 21.60 by revising the first sentence of paragraph (f)(9) and the last sentence of paragraph (j) to read as follows:

§ 21.60 Conservation order for light geese.

* * * * *

(f) * * *

(9) The States and Tribes must submit an annual report summarizing activities conducted under the conservation order on or before September 15 of each year, to the Chief, Division of Migratory Bird Management, at the address provided at 50 CFR 2.1(b). * * *

* * * * *

(j) * * * At any time, you may submit comments on these information collection requirements to the Service's Information Collection Clearance Officer at the address provided at 50 CFR 2.1(b).

■ 40. Amend § 21.61 by revising the second sentence of paragraph (d)(7)(iv), the last sentence of paragraph (g), and the last sentence of paragraph (i) to read as follows:

§ 21.61 Population control of resident Canada geese.

* * * * *

(d) * * *

(7) * * *

(iv) * * * The States and Tribes must submit an annual report summarizing activities conducted under the program and an assessment of the continuation of the injuries on or before June 1 of each year to the Chief, Division of Migratory Bird Management, at the address provided at 50 CFR 2.1(b).

* * * * *

(g) * * * The States and Tribes must submit this estimate on or before August 1 of each year, to the Chief, Division of Migratory Bird Management, at the address provided at 50 CFR 2.1(b).

* * * * *

(i) * * * You may send comments on the information collection and recordkeeping requirements to the Service's Information Collection Clearance Officer at the address provided at 50 CFR 2.1(b).

PART 22—EAGLE PERMITS

■ 41. The authority citation for part 22 continues to read as follows:

Authority: 16 U.S.C. 668–668d; 16 U.S.C. 703–712; 16 U.S.C. 1531–1544.

■ 42. Amend § 22.4 by revising paragraph (b) to read as follows:

§ 22.4 Information collection requirements.

* * * * *

(b) Direct comments regarding any aspect of these reporting requirements to the Service's Information Collection Clearance Officer at the address provided at 50 CFR 2.1(b).

■ 43. Amend § 22.21 by revising the last sentence of paragraph (a)(2) to read as follows:

§ 22.21 What are the requirements concerning scientific and exhibition purpose permits?

* * * * *

(a) * * *

(2) * * * Mail should be sent to the Division of Management Authority at the address provided at 50 CFR 2.1(b).

* * * * *

PART 23—CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA (CITES)

■ 44. The authority citation for part 23 continues to read as follows:

Authority: Convention on International Trade in Endangered Species of Wild Fauna and Flora (March 3, 1973), 27 U.S.T. 1087; and Endangered Species Act of 1973, as amended, 16 U.S.C. 1531 *et seq.*

■ 45. Amend § 23.7 by revising paragraphs (a), (b), and (c) to read as follows:

§ 23.7 What office do I contact for CITES information?

* * * * *

Type of information	Office to contact
(a) *CITES administrative and management issues:*	
(1) CITES documents, including application forms and procedures; lists of registered scientific institutions and operations breeding Appendix-I wildlife for commercial purposes; and reservations (2) Information on the CoP (3) List of CITES species (4) Names and addresses of other countries' Management and Scientific Authority offices (5) Notifications, resolutions, and decisions (6) Standing Committee documents and issues (7) State and tribal export programs	U.S. Management Authority, U.S. Fish and Wildlife Service Headquarters, MS: IA, 5275 Leesburg Pike, Falls Church, VA 22041–3803, Toll Free: (800) 358–2104/permit questions, Tel: (703) 358–2095/other questions, Fax: (703) 358–2281/permits, Fax: (703) 358–2298/other issues, Email: *managementauthority@fws.gov*, Web site: *http://www.fws.gov/international* and *http://www.fws.gov/permits.*
(b) *Scientific issues:*	
(1) Animals and Plants Committees documents and issues (2) Findings of non-detriment and suitability of facilities, and other scientific findings (3) Listing of species in the Appendices and relevant resolutions (4) Names and addresses of other countries' Scientific Authority offices and scientists involved with CITES-related issues (5) Nomenclatural issues	U.S. Scientific Authority, U.S. Fish and Wildlife Service Headquarters, MS: IA, 5275 Leesburg Pike, Falls Church, VA 22041–3803, Tel: (703) 358–1708, Fax: (703) 358–2276, Email: *scientificauthority@fws.gov*, Web site: *http://www.fws.gov/international*.
(c) *Wildlife clearance procedures:*	
(1) CITES replacement tags (2) Information about wildlife port office locations (3) Information bulletins (4) Inspection and clearance of wildlife shipments involving import, introduction from the sea, export, and re-export, and filing a Declaration of Importation or Exportation of Fish or Wildlife (Form 3–177) (5) Validation, certification, or cancellation of CITES wildlife documents	Law Enforcement, U.S. Fish and Wildlife Service Headquarters, MS: OLE, 5275 Leesburg Pike, Falls Church, VA 22041–3803, Tel: (703) 358–1949, Fax: (703) 358–2271, Web site: *http://www.fws.gov/le*.
* * * * * * *	

■ 46. Amend § 23.9 by revising the second sentence of paragraph (a) to read as follows:

§ 23.9 Incorporation by reference.

(a) * * * You may inspect copies at the U.S. Management Authority, U.S. Fish and Wildlife Service Headquarters, MS. IA, 5275 Leesburg Pike, Falls Church, VA 22041–3803, or at the National Archives and Records Administration (NARA). * * *

* * * * * *

Subchapter C—The National Wildlife Refuge System

PART 36—ALASKA NATIONAL WILDLIFE REFUGES

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

Authority: 16 U.S.C. 460(k) *et seq.,* 668dd–668ee, 3101 *et seq.*

■ 48. Amend § 36.3 by revising the last sentence to read as follows:

§ 36.3 Information collection.

* * * Comments and suggestions on the burden estimate or any other aspect of the form should be sent directly to the Service's Information Collection Clearance Officer at the address provided at 50 CFR 2.1(b).

Subchapter F—Financial Assistance—Wildlife Sport Fish Restoration Program

PART 80—ADMINISTRATIVE REQUIREMENTS, PITTMAN–ROBERTSON WILDLIFE RESTORATION AND DINGELL–JOHNSON SPORT FISH RESTORATION ACTS

■ 49. The authority citation for part 80 continues to read as follows:

Authority: 16 U.S.C. 669–669k; 16 U.S.C. 777–777n, except 777e–1 and g–1.

■ 50. Amend § 80.160 by revising paragraph (c) to read as follows:

§ 80.160 What are the information collection requirements of this part?

* * * * *

(c) Send comments on the information collection requirements to the Service's Information Collection Clearance Officer at the address provided at 50 CFR 2.1(b).

PART 86—BOATING INFRASTRUCTURE GRANT (BIG) PROGRAM

■ 51. The authority citation for part 86 continues to read as follows:

Authority: 16 U.S.C. 777g, 777g–1.

■ 52. Amend § 86.16 by revising the first sentence of paragraph (c) to read as follows:

§ 86.16 What are the information collection requirements?

* * * * *

(c) Send comments regarding this collection of information to the Service's Information Collection Clearance Officer at the address provided at 50 CFR 2.1(b).

* * * * *

Subchapter G—Miscellaneous Provisions

PART 91—MIGRATORY BIRD HUNTING AND CONSERVATION STAMP CONTEST

■ 53. The authority citation for part 91 continues to read as follows:

Authority: 5 U.S.C. 301; 16 U.S.C. 718j; 31 U.S.C. 9701.

■ 54. Amend § 91.1 by revising the second sentence of paragraph (b) to read as follows:

§ 91.1 Purpose of regulations.

* * * * *

(b) * * * A copy of the regulations, along with the Reproduction Rights Agreement and Display and Participation Agreement, may be requested from the Federal Duck Stamp

Office at the address for the Division of Bird Habitat Conservation provided at 50 CFR 2.1(b). * * *

Subchapter H—National Wildlife Monuments

PART 100—SUBSISTENCE MANAGEMENT REGULATIONS FOR PUBLIC LANDS IN ALASKA

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

Authority: 16 U.S.C. 3, 472, 551, 668dd, 3101–3126; 18 U.S.C. 3551–3586; 43 U.S.C. 1733.

■ 56. Amend § 100.9 by revising the first sentence of paragraph (b) to read as follows:

§ 100.9 Information collection requirements.

* * * * *

(b) You may direct comments on the burden estimate or any other aspect of the burden estimate to the Service's Information Collection Clearance Officer at the address provided at 50 CFR 2.1(b). * * *

Dated: July 23, 2014.

Rachel Jacobson,

Principal Deputy Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 2014–17768 Filed 7–24–14; 4:15 pm]

BILLING CODE 4310–55–P

Proposed Rules

Federal Register
Vol. 79, No. 145
Tuesday, July 29, 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 890

RIN 3206–AM86

Federal Employees Health Benefits Program Expansion of Eligibility to Certain Employees on Temporary Appointments and Certain Employees on Seasonal and Intermittent Schedules

AGENCY: Office of Personnel Management.

ACTION: Notice of proposed rulemaking.

SUMMARY: The United States Office of Personnel Management (OPM) is issuing a proposed rule that would expand eligibility for enrollment under the Federal Employees Health Benefits (FEHB) Program to certain temporary, seasonal, and intermittent employees who are identified as full-time employees. This regulation would make FEHB coverage available to these newly eligible employees no later than January 2015.

DATES: OPM must receive comments on or before August 28, 2014.

ADDRESSES: Send written comments to Louise Yinug, Senior Policy Analyst, Planning and Policy Analysis, U.S. Office of Personnel Management, Room 3415, 1900 E Street NW., Washington, DC; or FAX to (202) 606–0036 Attn: Louise Yinug. You may also submit comments using the *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

FOR FURTHER INFORMATION CONTACT: Louise Yinug, Senior Policy Analyst at (202) 606–0004.

SUPPLEMENTARY INFORMATION: OPM is proposing to expand eligibility for coverage under the Federal Employees Health Benefits (FEHB) Program to certain temporary, seasonal, and intermittent Federal employees who are expected to work full-time schedules within the meaning of section 4980H of the Internal Revenue Code (IRC) for at least 90 days.

This proposed rule would expand eligibility by authorizing enrollment in a FEHB health plan for certain Federal employees on temporary appointments and certain employees working on seasonal and intermittent schedules. Currently, most employees on temporary appointments become eligible for FEHB coverage after completing one year of current continuous employment and, once eligible for coverage, do not receive an employer contribution to premium. Employees working on seasonal schedules for less than six months in a year and those working intermittent schedules are excluded from eligibility regardless of the work hours for which they are expected to be scheduled. Some limited exceptions were made to these exclusions for temporary firefighters and emergency response workers in 5 CFR 890.102(h) and (i).

Under this proposed regulation, employees on temporary appointments, employees on seasonal schedules who will be working less than six months per year, and employees working intermittent schedules would be eligible to enroll in a FEHB health plan if the employee is expected to work a full-time schedule of 130 or more hours in a calendar month. If the employing office expects the employee to work at least 90 days, the employee is eligible to enroll upon notification of the employee's eligibility by the employing office. If the employing office expects the employee to work fewer than 90 days, the employee will be eligible to enroll after the completion of a 90 day waiting period. Temporary, seasonal, and intermittent employees who are expected to work a schedule of less than 130 hours in a calendar month would not be eligible to enroll in a FEHB health plan. Temporary, seasonal, and intermittent employees for whom the expectation of hours of employment changes from less than 130 hours per calendar month to 130 hours or more per calendar month would become eligible to enroll in an FEHB health plan as described above.

The change in eligibility for coverage set forth in this proposed regulation is intended to ensure, to the greatest extent practicable, that full-time employees, within the meaning of section 4980H of the IRC and Treasury regulations thereunder (79 FR 8544, February 12, 2014) are eligible to enroll in FEHB. IRC section 4980H, enacted as part of the Affordable Care Act, defines a full-time employee as, with respect to any month, an employee who is employed on average at least 30 hours of service per week (IRC section 4980H(c)(4)). Under the IRC section 4980H regulations a full-time employee means, with respect to any calendar month, an employee who is employed at least 130 hours of service in that month.

This proposed rule would allow newly eligible employees (employees on an appointment limited to one year and employees working on a seasonal or intermittent schedule) to initially enroll under the FEHB program with a Government contribution to premium if they are expected to be employed on a full-time schedule and are expected to work for at least 90 days.

Some temporary employees who have completed one year of continuous employment are already eligible for FEHB coverage but without a Government contribution to premium. This proposed rule would allow these employees to enroll in a FEHB plan under 5 CFR 890.102(j) (with a Government contribution to premium) if the employee is determined by his or her employing office to be newly eligible for FEHB coverage under this regulation.

Enrollments for employees newly eligible pursuant to this rule would be accepted during a 60-day period after the employing office notifies employees of their eligibility to enroll in a FEHB health plan. Coverage will become effective as provided for by 5 CFR 890.301. Employing offices must promptly determine eligibility of new and current employees and upon determining eligibility, promptly offer employees an opportunity to enroll in the FEHB Program so that coverage becomes effective no later than January 2015.

While this proposed regulation would expand FEHB coverage to new categories of Federal employees, there are other employers who are entitled to purchase FEHB coverage for their own employees or whose employees are otherwise entitled to enroll in FEHB coverage. These other employers may have made or are planning to make other arrangements to provide health insurance for their temporary, seasonal,

and intermittent employees. Accordingly, the OPM Director may waive application of this proposed rule when the employer of an individual not covered by 5 U.S.C. 8901(1)(A) demonstrates to OPM that these expansion requirements would have an adverse impact on the employer's need for self-governance. We expect such instances to be rare.

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 only adds to the list of groups eligible to enroll under the FEHB Program.

Executive Orders 13563 and 12866, Regulatory Review

OPM has examined the impact of this rule as required by Executive Order 12866 on Regulatory Planning and Review (September 30, 1993) and Executive Order 13563 on Improving Regulation and Regulatory Review (January 18, 2011). Executive Orders 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). A regulatory impact analysis must be prepared for major rules with economically significant effects ($100 million or more in at least one year). Section 3(f) of Executive Order 12866 defines a ''significant regulatory action'' as an action that is likely to result in a rule that may:

(1) Have an annual effect on the economy of $100 million or more in at least one year or adversely affect in a material way a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal government or communities;

(2) Create a 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 set forth in Executive Order 12866.

As shown in the analysis that follows, the economic impact of this rule is projected to fall below the $100 million threshold. Although not economically significant, this rule has been determined to be a ''significant regulatory action'' under section 3(f)(4) and thus has been reviewed by the Office of Management and Budget in accordance with Executive Orders 13563 and 12866.

Baseline FEHB Eligibility and Federal Government Employer Responsibility

If finalized, this proposed rule would expand eligibility to enroll in a FEHB plan to certain temporary, seasonal, and/or intermittent employees who are identified as working full-time. In order to estimate rule-induced impacts, it is necessary to assess the number of full-time Federal employees who are not currently eligible to participate in the FEHB program or are not currently eligible to have the government pay a portion of their premium, and thus may be affected by the proposed rule.

The following categories of Federal employees are either excluded by regulation from participating in the FEHB Program or are not currently eligible to have the government pay a portion of their premium:

- *Temporary employees with less than a year of service.* Per OPM regulations, most of these individuals are not eligible to enroll in FEHB. In 2012 OPM published a regulation extending FEHB eligibility to certain temporary firefighters and some personnel performing emergency response functions.
- *Seasonal employees.* Seasonal employees working six months or fewer are generally prohibited by regulation from enrolling in FEHB.
- *Intermittent employees.* Intermittent employees are generally prohibited by regulation from enrolling in FEHB. In 2012, however, OPM published a regulation extending FEHB eligibility to certain intermittent employees engaged in emergency response and recovery work.
- *Temporary employees with more than a year of service.* Per statute, these employees can enroll in an FEHB plan if they pay the entire premium with no Government contribution.

OPM has worked with Federal payroll providers to assess how many full-time Federal employees are without access to FEHB. The data show that all responding executive agencies have a small number of full-time employees (as defined in Section 4980H of the IRC) without access to FEHB. The number without access varies from agency to agency. Within agencies, the number varies from month to month. Some large departments hire full-time temporary or seasonal employees only for a few months of the year.

The agencies included in our data, in aggregate, offer FEHB to at least 95 percent of full-time employees (and their dependents) for all months. Across civilian, non-Postal, executive agencies and all months of the year, our data indicate that there are 300,000 full-time employee-months currently ineligible for FEHB (0.9 to 2 percent of the Federal workforce).

The Federal government and its agencies are subject to employer shared responsibility like other applicable large employers. The employer shared responsibility payments only apply if a full-time employee (defined as an employee with 130 hours of service in a month) receives a premium tax credit in connection with the purchase of health insurance through an Exchange. We do not know whether the full-time Federal employees not yet eligible for FEHB would, in the absence of this rule, be eligible for premium tax credits in connection with coverage purchased on an Exchange because we lack information on other available sources of health coverage or household income. Even in the extremely unlikely case that all 300,000 employee-months without FEHB are eligible to receive a premium tax credit in connection with coverage purchased on an Exchange, the total assessable payment incurred by the Federal agencies would be well below the threshold for economic significance, which is $100 million.[1] While we expect that agencies will be in compliance with the employer shared responsibility provision without this proposed rule, we are undertaking the FEHB expansion regardless to even out rules across different types of workers.

Impacts of the Proposed Rule

Agencies may incur FEHB expansion costs; a rough quantification of these potential costs appears below.

We do not know how many individuals without an offer of FEHB, which varies widely from month to month, would enroll in FEHB if it were available. Our similar recent regulations expanding FEHB coverage to certain temporary firefighters and disaster recovery workers resulted in very limited take-up, ranging from approximately 10 to 20 percent. We estimate, using enrollment-weighted averages, that FEHB coverage currently costs the government about $700 per full-time worker per month for affected agencies.[2] Given this average cost

[1] The relevant employer payment would be $250 per month (or $3,000 per year), as indexed, only for those full-time employees who receive a premium tax credit in connection with coverage purchased on an Exchange.

[2] This estimate includes FEHB premium payments but not administrative costs to employing agencies.

estimate, if those currently without FEHB eligibility become eligible and the portion of newly eligible employees who enroll is between 10 and 20 percent, this expansion would generate costs to the Federal government of well below the threshold for economic significance, which is $100 million.

The premium payments newly made by the Federal government are appropriately categorized as costs to society if rule-induced increases in FEHB enrollment would be associated with providing additional medical services to newly-enrolled individuals. To the extent that increases in enrollment do not change how society uses its resources, then premium payments by the government would instead be transfers between members of society. Recipients of these transfers could include newly-enrolled individuals, if they would have paid (or paid more) for medical services or for health insurance premiums in the absence of the rule, or providers and charities, if the effect of the rule is a decrease in uncompensated care.

We lack exact data to quantify rule-induced public health benefits or to refine our estimates of costs and transfers. We therefore request comments on any of this proposed rule's impacts.

Federalism

We have examined this rule in accordance with Executive Order 13132, Federalism, and have determined that this rule will not have any negative impact on the rights, roles and responsibilities of State, local, or tribal governments.

List of Subjects in 5 CFR Parts 890

Administrative practice and procedure, Government employees, Health facilities, Health insurance, Health professions, Hostages, Iraq, Kuwait, Lebanon, Military personnel, Reporting and recordkeeping requirements, Retirement.

U.S. Office of Personnel Management.

Katherine Archuleta,

Director.

Accordingly, OPM proposes to amend title 5, Code of Federal Regulations as follows:

PART 890—FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM

1. The authority citation for part 890 continues to read as follows:

Authority: 5 U.S.C. 8913; Sec. 890.301 also issued under sec. 311 of Pub. L. 111–03, 123 Stat. 64; Sec. 890.111 also issued under section 1622(b) of Pub. L. 104–106, 110 Stat. 521; Sec. 890.112 also issued under section 1 of Pub. L. 110–279, 122 Stat. 2604; 5 U.S.C. 8913; Sec. 890.803 also issued under 50 U.S.C. 403p, 22 U.S.C. 4069c and 4069c–1; subpart L also issued under sec. 599C of Pub. L. 101–513, 104 Stat. 2064, as amended; Sec. 890.102 also issued under sections 11202(f), 11232(e), 11246 (b) and (c) of Pub. L. 105–33, 111 Stat. 251; and section 721 of Pub. L. 105–261, 112 Stat. 2061.

■ 2. Section 890.102 is amended by adding paragraphs (j) and (k) to read as follows:

§ 890.102 Coverage.

* * * * *

(j)(1) Notwithstanding paragraphs (c)(1), (2), and (3) of this section, an employee working on a temporary appointment, an employee working on a seasonal schedule of less than six months in a year, or an employee working on an intermittent schedule, for whom the employing office expects the total hours in the regularly scheduled administrative workweek plus hours of irregular or occasional overtime work to be at least 130 hours per calendar month, is eligible to enroll in a health benefits plan under this part as follows:

(i) If the employing office expects the employee to work at least 90 days, the employee is eligible to enroll upon notification of the employee's eligibility by the employing office, and

(ii) If the employing office expects the employee to work fewer than 90 days, the employee will be eligible to enroll after the completion of a 90 day waiting period.

(2) An employee working on a temporary appointment, an employee working on a seasonal schedule of less than six months in a year, or an employee working on an intermittent schedule for whom the employing office expects the total hours in the regularly scheduled administrative workweek plus hours of irregular or occasional overtime work to be less than 130 hours per calendar month is generally ineligible to enroll in a health benefits plan under this part. If the expectation of hours of employment changes to 130 hours or more per month, that employee is eligible to enroll in a health benefits plan under this part as described in paragraph (j)(1) of this section.

(3) Once an employee is enrolled under paragraph (j) of this section, eligibility will not be revoked, regardless of his or her actual work schedule or employer expectations in subsequent years, unless the employee separates from Federal service or receives a new appointment (in which case eligibility will be determined by the rules applicable to the new appointment).

(4) For purposes of paragraph (j) of this section, a regularly scheduled administrative workweek includes hours of paid leave and hours of leave without pay for purposes of taking leave under the Family Medical Leave Act under 5 U.S.C. chapter 63, subchapter V, for performance of duty in the uniformed services under the Uniformed Services Employment and Reemployment Rights Act of 1994, 38 U.S.C. 4301 *et seq.,* for receiving medical treatment under Executive Order 5396 (Jul. 17, 1930), and for periods during which workers compensation is received under the Federal Employees Compensation Act, 5 U.S.C. chapter 81.

(5) Each temporary employee who is initially eligible for FEHB coverage on the basis of paragraph (j) of this section is entitled to enroll in accordance with § 890.301(a). A temporary employee who is currently eligible under 5 U.S.C. 8906a (with no Government contribution) but who is not enrolled on the effective date of paragraph (j), and who would also meet eligibility requirements on the basis of paragraph (j), is entitled to enroll (with a Government contribution) on the basis of paragraph (j) in accordance with § 890.301(h)(4)(ii). A temporary employee who is enrolled under 5 U.S.C. 8906a (with no Government contribution) on the effective date of paragraph (j), and who would also meet eligibility requirements on the basis of paragraph (j), is entitled to change enrollment (with a Government contribution) on the basis of paragraph (j) in accordance with § 890.301(h)(4)(ii).

(k) The Director, upon written request of an employer of employees other than those covered by 5 U.S.C. 8901(1)(A), may, in his or her sole discretion, waive application of paragraph (j) of this section to its employees when the employer demonstrates to the Director that the waiver is necessary to avoid an adverse impact on the employer's need for self-governance.

■ 3. Amend § 890.301 by:

■ a. Revising the heading of paragraph (h);

■ b. Redesignating paragraph (h)(4) as paragraph (h)(4)(i); and

■ c. Adding paragraph (4)(ii) to read as follows:

§ 890.301 Opportunities for employees who are not participants in premium conversion to enroll or change enrollment; effective dates.

* * * * *

(h) *Change in employment status or entitlement to Government contribution.* * * *

(ii) A change in entitlement to Government contribution as a result of

becoming eligible for coverage under § 890.102(j).

* * * * *

[FR Doc. 2014–17806 Filed 7–24–14; 4:15 pm]

BILLING CODE 6325–63–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 319

[Docket No. APHIS–2013–0085]

RIN 0579–AD87

Importation of Two Hybrids of Unshu Orange From the Republic of Korea Into the Continental United States

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: We are proposing to amend the regulations concerning the importation of citrus fruit to allow the importation of commercial consignments of two Unshu orange hybrids from the Republic of Korea into the continental United States. These hybrids would be eligible for importation into the continental United States subject to the existing conditions for the importation of Unshu oranges from the Republic of Korea. We would also make one minor change to the existing regulations by adding an explicit statement that only commercial consignments of Unshu oranges would be eligible for importation into the continental United States. The proposed changes would remove the prohibition on the importation of Unshu orange hybrids that can safely enter the United States, provided that certain conditions are met, and would codify an existing requirement.

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

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

- Federal eRulemaking Portal: Go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2013-0085.*
- Postal Mail/Commercial Delivery: Send your comment to Docket No. APHIS–2013–0085, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road Unit 118, Riverdale, MD 20737–1238.

Supporting documents and any comments we receive on this docket may be viewed at *http://www.regulations.gov/#!docketDetail;D=APHIS-2013-0085* 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 Coordination Specialist, Regulatory Coordination and Compliance, PPQ, APHIS, 4700 River Road Unit 156, Riverdale, MD 20737–1231; (301) 851–2114.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 7 CFR 319.28 govern the importation of citrus fruit into the United States. These regulations are intended to prevent the introduction of citrus canker, among other citrus diseases and pests, into the United States via the importation of citrus from affected foreign regions. Citrus canker is a disease that affects citrus and is caused by the infectious bacterium *Xanthomonas citri* subsp. *citri.*

On October 12, 2010, we published in the **Federal Register** (75 FR 62455–62457, Docket No. APHIS–2010–0022) a final rule [1] amending the regulations concerning the importation of citrus fruit in § 319.28 to remove certain restrictions on the importation of Unshu oranges from the Republic of Korea (South Korea) that were no longer necessary. Specifically, we removed requirements for the fruit to be grown in specified canker-free export areas and for joint inspection in the groves and packinghouses by the Government of the Republic of Korea and the Animal and Plant Health Inspection Service (APHIS). We also clarified that surface sterilization of the fruit must be conducted in accordance with 7 CFR part 305 and expanded the area in the continental United States where Unshu oranges from the Republic of Korea could be distributed. Finally, we required that each shipment be accompanied by a phytosanitary certificate containing an additional declaration stating that the fruit was given the required surface sterilization and inspected and found free of *Elsinoe australis,* the fungus that is the causal agent of sweet orange scab.

Under the existing regulations, only one species of Unshu orange, *Citrus reticulata* Blanco var. *unshu,* Swingle [*Citrus unshiu* Marcovitch, Tanaka], is eligible for importation into the continental United States from the Republic of Korea. The 2010 rulemaking did not address that restriction.

In 2011, however, the national plant protection organization (NPPO) of the Republic of Korea submitted to APHIS a request to allow exports to the continental United States of two Unshu, sweet, and mandarin orange hybrids: Shiranuhi [(*C. reticulata* ssp. *unshiu* x (*C.* x *sinensis*)) x *C. reticulata]* and Setoka [(*C. reticulata* ssp. *unshiu* x (*C. x sinensis*)) x *C. reticulata*] x *C. reticulata*]. In response to that request, we developed a pest risk analysis (PRA). Copies of the PRA may be obtained from the person listed under **FOR FURTHER INFORMATION CONTACT** or viewed on the Regulations.gov Web site (see **ADDRESSES** above for instructions for accessing Regulations.gov).[2] The PRA, titled ''Importation of Two Fresh Fruit Hybrids of Unshu, Sweet, and Mandarin Oranges, *Citrus* spp., from Korea into the Continental United States'' (May 2013), identified two pests, *Xanthomonas citri* subsp. *citri* and *Elsinoe australis* (the causal agents of citrus canker and sweet orange scab, respectively), as quarantine pests associated with the two Unshu orange hybrids. Those are the same quarantine pests that an earlier PRA that supported the 2010 rulemaking identified as being associated with Unshu oranges imported from the Republic of Korea.

The May 2013 PRA and the earlier one each included a risk management document (RMD) outlining the conditions under which the commodities under consideration could safely be imported into the continental United States. The 2013 RMD determined the two Unshu orange hybrids, being subject to infestation by the same quarantine pests as Unshu oranges imported from the Republic of Korea, could safely be allowed entry to the United States under the same conditions. Those conditions include surface treatment of the fruit in accordance with 7 CFR part 305 prior to packing, registration of the packinghouse in which the treatment is applied and the fruit is packed with the NPPO of South Korea, and certification that the fruit has been treated in accordance with the regulations and has been inspected and found to be free of sweet orange scab (*Elsinoe australis).*

[1] To view the rule, go to *http://www.regulations.gov/#!documentDetail;D=APHIS-2010-0022-0007.*

[2] Instructions on accessing Regulations.gov and information on the location and hours of the reading room may be found at the beginning of this document under **ADDRESSES**. You may also request paper copies of the risk analysis by calling or writing the person listed under **FOR FURTHER INFORMATION CONTACT**.

We are proposing to make one modification to the existing requirements by adding to § 319.28(c) an explicit statement indicating that shipments of Unshu oranges and the two Unshu orange hybrids from the Republic of Korea would have to be commercial consignments in order to be eligible for U.S. entry. This change would codify our current practice. Commercial consignments 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 packing, identification of grower or packinghouse on the packaging, and documents consigning the fruits or vegetables to a wholesaler or retailer. Produce grown commercially is less likely to be infested with plant pests than noncommercial consignments. Noncommercial consignments are more prone to infestations because the commodity is often ripe to overripe, could be of a variety with unknown susceptibility to pests, and is often grown with little or no pest control.

Executive Order 12866 and Regulatory Flexibility Act

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

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

We are proposing to amend the regulations to allow the importation into the continental United States, under certain conditions, of commercial consignments of two Unshu, sweet, and Mandarin orange hybrids.

Easy-peel, sweet, juicy, seedless mandarin varieties, including Unshu oranges, are gaining popularity in the United States. The United States does not commercially produce Unshu oranges, but does produce various similar mandarin varieties. U.S. production of these mandarin varieties doubled in 6 years, from 225,000 metric tons (MT) in 2007, to almost 500,000 MT in 2012. Production values of mandarin varieties more than doubled, from $141 million in 2007 to $336 million in 2012. In general, harvesting and marketing activities are most active between January 1 and March 31 in California and between November 15 and March 15 in Florida. U.S. imports of mandarin varieties averaged about 142,000 MT per year, valued at $178 million, between 2010 and 2012, with Chile, Spain, Peru, and Morocco the main sources. Net imports (imports minus exports) averaged about 100,000 MT per year.

The Republic of Korea and Japan are the principal exporters of Unshu oranges to the United States. In Korea, almost all Unshu oranges are produced on the southern island of Cheju. Over 99 percent of Korea's Unshu oranges are consumed domestically, and only about 0.6 percent of Korea's Unshu oranges, totaling 3,611 MT valued at $4.8 million, were exported in 2012. The United Kingdom was the main destination of Korean Unshu oranges; the United States was the fourth largest importer of Korean Unshu oranges in 2012, totaling 743 MT. In the United States, these imported Unshu oranges were typically sold at a premium in ethnic specialty stores.

The PRA for this proposed rule assumes the upper range of annual Unshu orange imports from Korea to the United States to be about 2,000 MT. Prior to administrative suspension of Unshu orange imports from Korea to the United States in 2003, imports of Unshu oranges from Korea to the United States averaged about 650 MT annually between 1995 and 2002. Following the removal of the import suspension in 2010, imports of Unshu oranges from Korea totaled 412 MT in 2011 (valued at $0.5 million) and 743 MT in 2012 (valued at $0.9 million). Given these import levels and Korea's limited supply capacity and relatively stable domestic demand, Korea's projected exports of 2,000 MT may be high. Even if imports from Korea were to reach 2,000 MT, the Korean Unshu orange share of the U.S. market for mandarin varieties is expected to remain negligible (about 1.4 percent of U.S. imports and 0.3 percent of U.S. domestic supply of all mandarin varieties based on the U.S. production and trade data for 2010–2012). In addition, given the fact that fresh Unshu orange imports by the United States are predominantly supplied by Japan and Korea, we expect any product displacement would be largely borne by Japanese Unshu orange imports.

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

Executive Order 12988

This proposed rule would allow two Unshu orange hybrids to be imported into the continental United States from the Republic of Korea. If this proposed rule is adopted, State and local laws and regulations regarding the Unshu orange hybrids imported under this rule would be preempted while the fruit is in foreign commerce. Fresh Unshu orange hybrids 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–2013–0085. 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.

This proposed rule would allow the importation of commercial consignments of two Unshu orange hybrids from the Republic of Korea into the continental United States, subject to the conditions governing the importation of Unshu oranges from the Republic of Korea.

Under this rulemaking, packinghouses in which the required surface sterilization treatment is applied and the fruit is packed would have to be registered with the NPPO of the Republic of Korea. In addition, the NPPO of the Republic of Korea would issue the phytosanitary certificate that would have to accompany each shipment.

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 0.5588 hours per response.

Respondents: Importers of Unshu oranges and the NPPO of the Republic of Korea.

Estimated annual number of respondents: 4.

Estimated annual number of responses per respondent: 8.5.

Estimated annual number of responses: 34.

Estimated total annual burden on respondents: 19 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 are proposing 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 319.28 is amended by revising paragraph (c) to read as follows:

§ 319.28 Notice of quarantine.

* * * * *

(c) *Unshu oranges from the Republic of Korea.* The prohibition does not apply to Unshu oranges (*Citrus reticulata* Blanco var. *unshu,* Swingle [*Citrus unshiu* Marcovitch, Tanaka]), also known as Satsuma mandarin, or the Unshu, sweet, and mandarin orange hybrids Shiranuhi [(*C. reticulata* ssp. *unshiu* x *(C.* x *sinensis*)) x *C. reticulata]* and Setoka [(*C. reticulata* ssp. *unshiu* x (*C. x sinensis*)) x *C. reticulata*] x *C. reticulata*] grown on Cheju Island, Republic of Korea, and imported under permit into any area of the United States except for those specified in paragraph (c)(4) of this section, *Provided,* that each of the following safeguards is fully carried out:

(1) Before packing, the fruit shall be given a surface sterilization in accordance with part 305 of this chapter.

(2) The packinghouse in which the surface sterilization treatment is applied and the fruit is packed must be registered with the national plant protection organization of the Republic of Korea.

(3) The fruit must be accompanied by a phytosanitary certificate issued by the national plant protection organization of the Republic of Korea, which includes an additional declaration stating that the fruit was given a surface sterilization in accordance with 7 CFR part 305 and was inspected and found free of *Elsinoe australis.*

(4) The fruit may be imported into any area of the United States except American Samoa, Hawaii, the Northern Mariana Islands, Puerto Rico, and the U.S. Virgin Islands.

(5) The fruit must be imported in commercial consignments only.

* * * * *

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

Kevin Shea,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2014–17885 Filed 7–28–14; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 94

[Docket No. APHIS–2013–0061]

RIN 0579–AD96

Restrictions on the Importation of Fresh Pork and Pork Products From a Region in Mexico

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: We are proposing to amend the regulations governing the importation of animals and animal products to define a low-risk classical swine fever region in Mexico from which we would allow the importation of fresh pork and pork products under certain conditions. Under this proposed rule, such pork and pork products would have to be derived from swine raised on farms meeting stringent sanitary and biosecurity requirements. We would also provide safeguards against commingling of the swine and the pork and pork products with animals and products that do not meet our proposed requirements. Establishments that slaughter the swine from which the pork or pork products are derived would have to allow periodic inspection and evaluation of their facilities, records, and operations by the Animal and Plant Health Inspection Service. This proposed rule would relieve some restrictions on the importation of pork and pork products from Mexico while continuing to protect against the introduction of classical swine fever into the United States.

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

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

- Federal eRulemaking Portal: Go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2013–0061.*
- Postal Mail/Commercial Delivery: Send your comment to Docket No. APHIS–2013–0061, Regulatory Analysis and Development, PPD, APHIS, Station

3A–03.8, 4700 River Road Unit 118, Riverdale, MD 20737–1238.

Supporting documents and any comments we receive on this docket may be viewed at *http://www.regulations.gov/#!docketDetail;D=APHIS–2013–0061* or in our reading room, which is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

FOR FURTHER INFORMATION CONTACT: Dr. Chip Wells, Senior Staff Veterinarian, National Import Export Services, VS, APHIS, 4700 River Road Unit 38, Riverdale, MD 20737–1231; (301) 851–3317.

SUPPLEMENTARY INFORMATION:

Background

The Animal and Plant Health Inspection Service (APHIS) of the United States Department of Agriculture (USDA) regulates the importation of animals and animal products into the United States to guard against the introduction of animal diseases not currently present or prevalent in this country. The regulations in 9 CFR part 94 (referred to below as the regulations) prohibit or restrict the importation of specified animals and animal products to prevent the introduction into the United States of various animal diseases, including classical swine fever (CSF), foot-and-mouth disease (FMD), swine vesicular disease (SVD), and rinderpest. These are dangerous and communicable diseases of ruminants and swine.

APHIS currently recognizes nine Mexican States as free of CSF: Baja California, Baja California Sur, Campeche, Chihuahua, Nayarit, Quintana Roo, Sinaloa, Sonora, and Yucatan. Because of the proximity of those nine States to CSF-affected regions and/or other risk factors, however, their pork and pork products may only be imported into the United States under the conditions specified in § 94.32.

In November 2007, the Government of Mexico submitted a request to APHIS seeking recognition of the States of Aguascalientes, Colima, Guanajuato, Jalisco, Michoacán, Querétaro, San Luis Potosí, and Zacatecas as CSF-free in order to allow for the export of fresh pork and pork products originating in those Mexican States to the United States. Collectively, those States are known as the Central Western Region (CWR). Mexico had declared those States free of CSF in July 2006 after conducting a CSF eradication campaign. In September 2008, the Government of Mexico expanded their request to include an APHIS evaluation of the State of Puebla, which Mexico had declared CSF-free in December 2006. In January 2009, after declaring that CSF had been eradicated in Mexico, the Government of Mexico expanded its request again to include all Mexican territory.

In response to these requests, we have prepared a risk assessment that evaluates the risk of the spread of CSF to the U.S. swine population via the importation of pork and pork products from the CWR and the additional States included in Mexico's market access request.[1] APHIS technical teams made two site visits to the CWR, the first in May 2008 and the second in April 2012. In December 2012, APHIS conducted a site visit to evaluate the remaining unrecognized States of Mexico.

In our risk assessment, we identified three risk factors that could be associated with the importation into the United States of pork and pork products from the States included in Mexico's market request. The first of these is the serologic evidence, found in some Mexican States as recently as 2012, of exposure in swine to CSF virus. It has not been possible from the available data to determine whether this evidence of exposure results from infection or CSF vaccination. The second risk factor is the lack of uniformity in the quality of epidemiological investigations of CSF suspect cases in Mexico. The third is the existence of common land borders between some Mexican States and neighboring CSF-affected countries, raising concerns about the possibility that CSF could be reintroduced into Mexico from those neighboring countries. The risk assessment document discusses these three risk factors in detail.

Because of the presence of these risk factors, we are unable, at this time, to recognize the Mexican States we evaluated as CSF-free. We did determine, however, that fresh pork and pork products imported from all of those States but one, Chiapas, would present a low risk of introducing CSF into the U.S. swine population, provided that certain conditions designed to mitigate that risk were met. We are therefore proposing to recognize a new APHIS-defined Mexican CSF region that would consist of all Mexican States except the nine States we currently recognize as CSF-free and the State of Chiapas, which we do not recognize as CSF-free. The nine States currently recognized as CSF-free would retain their CSF-free status and could continue to export live swine and pork and pork products to the United States, subject to the conditions in § 94.32. We would not allow pork and pork products to be imported into the United States from Chiapas, however, because we have determined that such imports would present an unacceptably high risk of the spread of CSF to the U.S. swine population. We would also continue to prohibit the importation of live swine from the APHIS-defined Mexican CSF region because imported live swine are associated with higher levels of CSF risk than imported pork and pork products. The conditions under which we would allow pork and pork products to be imported from the proposed APHIS-defined Mexican CSF region would be included in a proposed new § 94.34 and are discussed in detail below.

We would define the *APHIS-defined Mexican CSF region* as being a single region of Mexico recognized by APHIS as low risk for classical swine fever. The proposed definition, which we would add to § 94.0, would also direct the reader to the APHIS Web site, where the list would be maintained, and to the mailing address to which a member of the public could write to obtain a copy. The proposed definition would further provide that we would add an area to the region after conducting an evaluation of that area in accordance with our regionalization criteria in § 92.2 and determining that the CSF risk profile for the area to be added is equivalent to that of the APHIS-defined CSF region as a whole.

The introductory text of proposed § 94.34 would state that fresh pork or pork products and ship stores, airplane meals, and baggage containing pork or pork products, other than those articles regulated under 9 CFR parts 95 or 96, may not be imported into the United States from the APHIS-defined Mexican CSF region unless the requirements listed in the proposed new section are met, in addition to other applicable requirements of 9 CFR parts 93 and 327, the latter of which contains the USDA's Food Safety and Inspection Service's (FSIS) regulations pertaining to imported products. These requirements are modeled on the existing CSF-related restrictions in § 94.32 and are intended to prevent the introduction of CSF into the United States via the various pathways listed.

[1] The risk assessment is available on the Regulations.gov Web site (see **ADDRESSES** above) or by contacting the person listed in this document under the heading **FOR FURTHER INFORMATION CONTACT**.

Proposed paragraph (a) of § 94.34 would state that pork or pork products destined for export to the United States from the APHIS-defined Mexican CSF region would have to be derived from swine raised on farms where CSF antigen exposure has not been detected. The pork or pork products would also have to be derived from swine herds that are tested annually for CSF antibodies with negative results, using a serological testing protocol that allows differentiation between CSF antibodies and cross-reactions with antibodies to other pestiviruses. Sample size would have to be adequate to detect 5 percent prevalence at a 95 percent confidence level, and samples from the herd could be collected at the slaughterhouse or the farm. Any sick pigs showing clinical signs consistent with CSF would have to be sampled and tested immediately on the farm for CSF antigen. In cases of CSF suspicion, any freshly dead pigs or pigs needing to be euthanized would have to be necropsied on the farm, and complete diagnostics for CSF would have to be performed at an official diagnostic laboratory in Mexico. These proposed requirements are intended to ensure that there are adequate testing, surveillance, and diagnostic measures in place at the farms containing the swine from which the pork and pork products are derived to ensure that those swine have not been infected with or exposed to the CSF virus.

Proposed paragraph (b) of § 94.34 addresses sanitary and biosecurity requirements for the farms that raise the swine from which the pork and pork products are derived. The Administrator would make a determination that the sanitary and biosecurity measures employed by a farm are adequate to prevent the spread of CSF provided that the requirements listed in proposed paragraphs (b)(1) through (b)(9) were met.

Proposed paragraph (b)(1) would state that the swine from which the pork or pork products are derived would have to be contained in a manner determined by the Administrator to be adequate to prevent exposure to other swine, wildlife, or swine products. Examples of acceptable means of containment would include perimeter fencing and gated driveways. This requirement would ensure that the swine would not be exposed to infection with the CSF virus through physical contact with animals or animal products that may be associated with a high level of CSF risk.

Proposed paragraph (b)(2) would state that all vehicles entering the farm or transporting swine to or from it would have to be cleaned and disinfected in a manner determined by the Administrator to be adequate to prevent the spread of CSF. Such cleaning and disinfecting would entail the removal of all visible organic matter, manure, dirt, debris, bedding, soil, and feed, the subsequent drying of all surfaces, and the use, as specified in the manufacturer's instructions, of a disinfecting agent that has been shown to deactivate the CSF virus. Vehicles can potentially transmit swine pathogens onto a farm when manure containing disease agents adheres to tires or the vehicle frame. Swine loaded into a contaminated vehicle for transport are also subject to exposure. The cleaning and disinfection requirements contained in this paragraph would ensure that the swine are protected against such exposure.

Proposed paragraph (b)(3) would state that personnel entering the farm would have to be limited to those necessary for farm operations. In addition, because clothing, boots, and other, similar articles contaminated with the manure of sick animals could be a source of pathogens, farm personnel would have to take measures to ensure that the clothing, boots, and other similar articles worn by the personnel entering the farm and by visitors are not contaminated. The farm would also have to maintain a written visitors log. The visitors log would aid in traceback in the event of a CSF outbreak on the farm.

Proposed paragraph (b)(4) would state that the farm would be required to prohibit farm personnel from owning or working with other swine or working in swine slaughter facilities. This provision would prevent the swine from being exposed to the CSF virus via contact with farm personnel who work in environments that do not meet our biosecurity standards.

Proposed paragraph (b)(5) would state that records of all animal movements into and out of the farm, including those of species other than swine, would have to be maintained on the farm for 3 years. The records would have to include the identification of the animals moved and the origin and destination for each movement. These proposed recordkeeping and record maintenance requirements would ensure that APHIS would be able to access all necessary information to conduct an effective traceback investigation in the event of a CSF outbreak on the farm or elsewhere in the APHIS-defined Mexican CSF region.

Proposed paragraph (b)(6) would prohibit the feeding of swill to swine on the farm, thereby eliminating another possible source of exposure to the CSF virus.

Proposed paragraph (b)(7) would require the farm to maintain a pest control program determined by the Administrator to be adequate to limit the exposure of swine to rodent contamination. Rodents can carry swine disease agents.

Proposed paragraph (b)(8) would address replacement stock, i.e., breeding swine that are brought onto the farm containing the swine from which the pork or pork products are derived. Replacement stock would have to test negative for CSF prior to entering the farm and would have to be obtained only from herds of equivalent sanitary status to the herds from which the pork or pork products are derived. These proposed requirements would prevent swine already on the farm from being exposed to CSF by replacement stock.

Proposed paragraph (b)(9) would require semen donor boars to test negative for CSF prior to being admitted to a semen collection center that supplies semen to the farm. The proposed requirement would prevent the spread of CSF onto the farm through artificial insemination.

Proposed paragraph (b) of § 94.34 does not prescribe a specific, detailed method or protocol for meeting the above-listed requirements. Producers in Mexico could potentially employ any of a number of methods, so long as they lead to the desired outcome, which is to prevent exposure of the U.S. swine population to CSF via imports of pork and pork products from the APHIS-defined low-risk region for CSF. To cite one example, the Biosecurity Guide for Pork Producers, published in the United States by the National Pork Board, includes sanitary and biosecurity standards that we would consider adequate to meet the requirements of paragraph (b). That document can be found on the Web at *https://webadmin.pork.org/filelibrary/Biosecurity/final%20biosecurity%20book.pdf.* Producers in Mexico may elect to use standards or guidelines other than those set out in that National Pork Board publication, provided that the Administrator determines that those alternatives also are adequate to prevent exposure of the U.S. swine population to CSF.

Proposed paragraph (c) would require the pork or pork products to be derived from swine raised on farms that have not been epidemiologically linked to CSF outbreaks and have not been located in a restricted zone for CSF in the previous 12 months. *Restricted zone for classical swine fever* is currently defined in § 94.0 as an area, delineated by the relevant competent veterinary

authorities of the region in which the area is located, that surrounds and includes the location of an outbreak of CSF in domestic swine or detection of the disease in wild boar, and from which the movement of domestic swine is prohibited. Our proposed requirements in paragraph (c) would ensure that the swine from which the pork and pork products are derived would not be raised on farms where there would be a high risk of CSF exposure due to the presence of the disease on the farm or the proximity of the farm to another that may contain affected swine.

Proposed paragraph (d) would require the pork or pork products derived from swine originating in the CSF low-risk region to have been raised on farms that were inspected within the previous year by Mexico's National Service of Health, Safety and Quality Agrofood and verified to be in compliance with the above conditions described in proposed paragraphs (a), (b), and (c). This requirement would provide APHIS with additional assurance that the testing, sanitary, and biosecurity standards for farms containing the swine from which the pork and pork products are to be derived are in fact being met by those farms.

Proposed paragraph (e) contains additional requirements aimed at ensuring that the swine from which the pork and pork products are derived have not been exposed to CSF through commingling with other swine and that contamination does not occur at the slaughter plant. First, we would require the pork or pork products to be derived from swine that were born, raised, and have lived only in the United States or in a region we recognize as CSF-free or low-risk for CSF. Second, we would also require that such swine be slaughtered in such a region at a federally inspected slaughter plant that is under the direct supervision of a full-time salaried veterinarian of the national government of that region and that is eligible to have its products imported into the United States under the Federal Meat Inspection Act (21 U.S.C. 601 *et seq.*) and the FSIS regulations in 9 CFR 327.2. Third, the slaughtering establishment would have to allow APHIS to periodically evaluate and inspect its facilities, records, and operations. That requirement would apply to any slaughtering establishment exporting pork or pork products to the United States in accordance with proposed § 94.34, regardless of whether the establishment is located in a CSF-free or low-risk region. U.S. plants that slaughter swine and ship pork to Mexico for further processing before the pork returns to the United States would not be affected by these proposed requirements.

Proposed paragraph (f) would provide additional protection against contamination through commingling by requiring the pork or pork products to be derived from swine that have not been commingled with swine originating from herds in the low-risk region that do not meet the sanitary standards contained in proposed § 94.34.

Proposed paragraphs (g), (h), and (i) provide safeguards against the exposure of the pork and pork products themselves to the CSF virus by means of commingling with contaminated products or affected swine. Proposed paragraph (g) would require that the pork or pork products not have contact with pork or pork products that have been in a region, other than the United States, that is not classified as CSF-free or low-risk for CSF. Proposed paragraph (h) would require the pork or pork products not to have had contact with pork or pork products derived from swine originating from herds in the low-risk region not reared under the sanitary standards contained in proposed § 94.34. Proposed paragraph (i) would prohibit the transiting of the pork or pork products through a region, other than the United States, that we do not recognize as CSF-free or low-risk for CSF unless moved directly through the region to their destination in a sealed means of conveyance with the seal intact upon arrival at the point of destination.

Proposed paragraph (j) would require that processed pork or pork products would have to be processed in a region classified as CSF-free or low-risk for CSF in a federally inspected processing plant that is under the direct supervision of a full-time salaried veterinary official of the national government of that region. As is the case with slaughtering establishments, any processing establishment that processes pork or pork products for export to the United States under proposed § 94.34 would have to allow APHIS to periodically evaluate and inspect its facilities, records, and operations. These requirements would help to prevent the pork and pork products from possible exposure to the CSF virus during processing and would also allow APHIS to verify that the processing facility is meeting our standards.

Proposed paragraph (k) would require the pork or pork products to be accompanied by a certificate issued by a full-time salaried veterinary officer of the Government of Mexico. Upon arrival of the pork or pork products in the United States, the certificate would have to be presented to an authorized inspector at the port of arrival. The certificate would have to identify the exporting region of the pork or pork products as being part of the APHIS-defined Mexican CSF region as listed under § 94.34 at the time the pork or pork products were in the region and would have to state that all applicable provisions of § 94.34 have been met. Requiring this certification from the Government of Mexico would provide us with verification that that the pork and pork products are in fact being exported to the United States in accordance with our proposed requirements.

Miscellaneous

The proposed addition of the APHIS-defined low-risk CSF region in Mexico would necessitate some, mostly minor, changes to §§ 94.9 and 94.10, which contain, respectively, requirements for the importation of pork and pork products and live swine from regions where CSF exists, and § 94.15, which pertains to the movement and handling of certain animal products and materials transiting the United States. In § 94.9, paragraphs (b) and (c), respectively, refer to the APHIS-defined CSF low-risk region in the European Union. We would amend those two paragraphs so that they would refer to the newly defined CSF low-risk region in Mexico, as well as the one in the European Union. We would also amend § 94.10(b) to add a reference to the APHIS-defined CSF low-risk region in Mexico. Current § 94.15(b) contains requirements for the transit through the United States of pork and pork products that originate in the nine Mexican States that we currently recognize as CSF-free but do not meet the requirements for entry contained in § 94.32. Under this rulemaking, the same requirements would apply to pork and pork products that originate in the CSF low-risk region of Mexico and transit the United States. We would, therefore, amend the introductory text of § 94.15(b) and paragraph (b)(2) by removing the lists of the nine CSF-free States from both paragraphs. The revised paragraphs would indicate that the requirements contained therein would apply to pork and pork products originating in any region of Mexico, except the State of Chiapas, that are transiting the United States. Pork and pork products from Chiapas would not be allowed to transit the United States due to the unacceptable risks associated with such shipments.

Finally, we would also make some editorial changes to § 94.15(b)(1), updating the mailing address that may

be used to obtain a permit application and adding a Web address from which permit applications could be obtained electronically.

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.

We are proposing to amend the regulations governing the importation of animals and animal products to define a low-risk classical swine fever region in Mexico, from which we would allow the importation of fresh pork and pork products under certain conditions.

We do not have information on how the proposed rule may affect Mexico's capacity to produce pork and pork products considered free of CSF (as well as meet all other U.S. import requirements). Therefore, we are not able to estimate the extent to which the proposed rule may affect the volume of pork and pork products exported by Mexico to the United States.

As a next-best approach for considering possible impacts of the rule, we can look at the relative significance of current levels of pork and pork product imports from Mexico. The annual value of U.S. production of pork and pork products for the 3 years from 2010 through 2012 averaged nearly $15.86 billion. Over the same 3-year period, the value of U.S. exports of pork and pork products averaged about $4.35 billion, and the average annual value of imports was about $0.96 billion. Annual U.S. domestic supply of pork and pork products (production minus exports plus imports) for the 3 years had a total value of about $12.47 billion. The annual value of U.S. imports of pork and pork products from Mexico over the 3 years from 2010 through 2012 averaged about $31 million, or less than 0.3 percent of U.S. domestic supply. Thus, even in the event that U.S. imports of pork and pork products from Mexico were to triple because of the proposed changes, they would still comprise less than 1 percent of the U.S. market for these commodities.

Executive Order 12988

This proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. If this proposed rule is adopted: (1) All State and local laws and regulations that are inconsistent with this rule will be preempted; (2) no retroactive effect will be given to this rule; and (3) administrative proceedings will not be required before parties may file suit in court challenging this rule.

National Environmental Policy Act

To provide the public with documentation of APHIS' review and analysis of any potential environmental impacts associated with the importation of pork and pork products from the APHIS-defined CSF low-risk region in Mexico, we have prepared an environmental assessment. The environmental assessment was prepared in accordance with: (1) The National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C. 4321 *et seq.*), (2) regulations of the Council on Environmental Quality for implementing the procedural provisions of NEPA (40 CFR parts 1500–1508), (3) USDA regulations implementing NEPA (7 CFR part 1b), and (4) APHIS' NEPA Implementing Procedures (7 CFR part 372).

The environmental assessment may be viewed on the Regulations.gov Web site or in our reading room. (A link to Regulations.gov and information on the location and hours of the reading room are provided under the heading **ADDRESSES** at the beginning of this proposed rule.) In addition, copies may be obtained by calling or writing to the individual listed under **FOR FURTHER INFORMATION CONTACT**.

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–2013–0061. 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.

This proposed rule would define a low-risk CSF region in Mexico from which we would allow the importation of fresh pork and pork products under certain conditions. The requirements contained in this proposed rule would entail the following information collection activities:

- Maintenance of a visitors log to ensure personnel entering farms are those necessary for farm operations.
- Maintenance of all records of all animal movements into and out of the farm, including those of species other than swine, for 3 years.
- Certification from a full-time salaried veterinary officer of Mexico. Upon arrival of the pork or pork products in the United States, the certificate would have to be presented to an authorized inspector at the port of arrival. The certificate would have to identify the exporting region of the pork or pork products as being part of the APHIS-defined Mexican CSF region at the time the pork or pork products were in the region and would have to state that all applicable provisions of § 94.34 have been met.
- Use of the United States Veterinary Permit for Importation and Transportation of Controlled Materials and Organisms and Vectors (VS Form 16–3).

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 1 hour per response.

Respondents: Exporters and full-time, salaried veterinary officers employed by the Government of Mexico.

Estimated annual number of respondents: 6.

Estimated annual number of responses per respondent: 246.

Estimated annual number of responses: 1,483.

Estimated total annual burden on respondents: 1,489 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 9 CFR Part 94

Animal diseases, Imports, Livestock, Meat and meat products, Milk, Poultry and poultry products, Reporting and recordkeeping requirements.

Accordingly, we propose to amend 9 CFR part 94 as follows:

PART 94—RINDERPEST, FOOT–AND–MOUTH DISEASE, NEWCASTLE DISEASE, HIGHLY PATHOGENIC AVIAN INFLUENZA, AFRICAN SWINE FEVER, CLASSICAL SWINE FEVER, SWINE VESICULAR DISEASE, AND BOVINE SPONGIFORM ENCEPHALOPATHY: PROHIBITED AND RESTRICTED IMPORTATIONS

■ 1. The authority citation for part 94 continues to read as follows:

Authority: 7 U.S.C. 450, 7701–7772, 7781–7786, and 8301–8317; 21 U.S.C. 136 and 136a; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.4.

■ 2. Section 94.0 is amended by adding a definition of *APHIS-defined Mexican CSF region* in alphabetical order to read as follows:

§ 94.0 Definitions.

* * * * *

APHIS-defined Mexican CSF region. A single region of Mexico recognized by APHIS as low risk for classical swine fever.

(1) A list of areas included in the region is maintained on the APHIS Web site at *http://www.aphis.usda.gov/import_export/animals/animal_disease_status.shtml.* Copies of the list will also be available via postal mail, fax, or email upon request to Regional Evaluation Services, National Import Export Services, Veterinary Services, Animal and Plant Health Inspection Service, 4700 River Road Unit 38, Riverdale, Maryland 20737.

(2) APHIS will add an area to the region after it conducts an evaluation of the area to be added in accordance with § 92.2 of this subchapter and finds that the risk profile for the area is equivalent with respect to classical swine fever to the risk profile for the region it is joining.

* * * * *

■ 3. Section 94.9 is amended as follows:

■ a. By revising paragraph (b); and

■ b. In paragraph (c) introductory text, by adding the words ''and § 94.34 for the APHIS-defined Mexican CSF region'' after the words ''APHIS-defined European CSF region''.

The revision reads as follows:

§ 94.9 Pork and pork products from regions where classical swine fever exists.

* * * * *

(b) The APHIS-defined European and Mexican CSF regions are regions of low risk for CSF.

* * * * *

■ 4. Section 94.10 is amended by revising paragraph (b) to read as follows:

§ 94.10 Swine from regions where classical swine fever exists.

* * * * *

(b) The APHIS-defined European and Mexican CSF regions are regions of low-risk for CSF.

* * * * *

■ 5. Section 94.15 is amended by revising paragraph (b) introductory text and paragraphs (b)(1) and (2) to read as follows:

§ 94.15 Animal products and materials; movement and handling.

* * * * *

(b) Pork and pork products from all regions of Mexico, except the State of Chiapas, that are not eligible for entry into the United States in accordance with this part may transit the United States via land border ports for immediate export if the following conditions are met:

(1) The person desiring to move the pork and pork products through the United States obtains a United States Veterinary Permit for Importation and Transportation of Controlled Materials and Organisms and Vectors (VS Form 16–3). (An application for the permit may be obtained from the Animal and Plant Health Inspection Service, Veterinary Services, National Import Export Services, 4700 River Road Unit 38, Riverdale, Maryland 20737–1231 or on our Web site at *http://www.aphis.usda.gov/import_export/animals/animal_import/animal_imports.shtml.*)

(2) The pork or pork products are packaged at a Tipo Inspección Federal plant in any region of Mexico, except the State of Chiapas, in leakproof containers and sealed with serially numbered seals of the Government of Mexico, and the containers remain sealed during the entire time they are in transit across Mexico and the United States.

* * * * *

■ 6. Section 94.34 is added to read as follows:

§ 94.34 Restrictions on the importation of fresh pork and pork products from the APHIS-defined Mexican CSF region.

Fresh pork or pork products and ship stores, airplane meals, and baggage containing pork or pork products, other than those articles regulated under part 95 or part 96 of this subchapter, may not be imported into the United States from the APHIS-defined Mexican CSF region unless the requirements in this section, in addition to other applicable requirements of part 93 of this subchapter and part 327 of this title, are met.

(a) The pork or pork products must be derived from swine raised on farms where CSF antigen exposure has not been detected. Fresh pork or pork products destined for export to the United States must be derived from swine herds that are tested annually for CSF antibodies with negative results, using a serological testing protocol that allows differentiation between CSF antibodies and cross-reactions with antibodies to other pestiviruses. Sample size must be adequate to detect 5 percent prevalence at a 95 percent confidence level, and samples from the herd may be collected at the slaughterhouse or the farm. Any sick pigs showing clinical signs consistent with CSF must be sampled and tested immediately on the farm for CSF antigen. In cases of CSF suspicion, any freshly dead pigs or pigs needing to be euthanized must be necropsied on the farm, and complete diagnostics for CSF must be performed at an official diagnostic laboratory in Mexico.

(b) The pork or pork products must be derived from swine raised on farms operating under sanitary and biosecurity measures determined by the Administrator to be adequate to prevent exposure of the swine population to CSF virus. All of the following conditions must be met:

(1) The swine from which the pork or pork products are derived must be contained in a manner determined by the Administrator to be adequate to prevent exposure to other swine, wildlife, or swine products. Such containment measures may include, but are not limited to, perimeter fencing and gated driveways.

(2) All vehicles entering the farm or transporting swine must be cleaned and disinfected in a manner determined by the Administrator to be adequate to prevent the spread of CSF by means of contamination of the vehicles with CSF virus. All visible organic matter, manure, dirt, debris, bedding, soil, and feed must be removed, and all surfaces dried. Disinfection must be conducted, in accordance with the manufacturer's instructions, utilizing an agent that has been shown to deactivate the CSF virus.

(3) Personnel entering the farm must be limited to those necessary for farm operations, and farm personnel must take measures to ensure that personnel entering the farm and visitors avoid exposing swine on the farm to clothing, boots, and other similar articles contaminated with the CSF virus. A written visitors log must be maintained.

(4) The farm must prohibit farm personnel from owning or working with other swine and from working in swine slaughter facilities.

(5) Records of all animal movements into and out of the farm, including those of species other than swine, must be maintained on the farm for a period of 3 years. The records must include the identification of the animals moved and the origin and destination for each movement.

(6) The feeding of swill to swine on the farm is prohibited.

(7) A pest control program determined by the Administrator to be adequate to limit exposure of swine to rodent contamination is maintained on the farm.

(8) Replacement stock must:

(i) Test negative for CSF prior to being admitted to the farm; and

(ii) Be obtained only from herds of equivalent sanitary status to the herds from which the pork or pork products are derived.

(9) Semen donor boars must test negative for CSF prior to being admitted to a semen collection center in Mexico that supplies semen to the farm.

(c) The pork or pork products were derived from swine raised on farms that have not been epidemiologically linked to CSF outbreaks and have not been located in a restricted zone for CSF in the previous 12 months.

(d) The pork or pork products derived from swine originating in the CSF low-risk region were raised on farms that were inspected within the previous year by Mexico's National Service of Health, Safety and Quality Agrofood (SENASICA) and verified to be in compliance with the above conditions described in paragraphs (a), (b), and (c) of this section.

(e) The pork or pork products were derived from swine that were born, raised, and have lived only in the United States or in a region classified as CSF-free or low-risk for CSF, and were slaughtered in such a region at a federally inspected slaughter plant that is under the direct supervision of a full-time salaried veterinarian of the national government of that region and that is eligible to have its products imported into the United States under the Federal Meat Inspection Act (21 U.S.C. 601 *et seq.*) and the regulations in § 327.2 of this title. Any slaughtering establishment exporting pork or pork products under the provisions of this section must allow APHIS to periodically evaluate and inspect its facilities, records, and operations.

(f) The pork or pork products were derived from swine that have not been commingled with swine originating from herds in the CSF low-risk region that do not meet the sanitary standards contained in this section.

(g) The pork or pork products have not been in contact with pork or pork products that have been in a region, other than the United States, that is not classified as CSF-free or low-risk for CSF.

(h) The pork or pork products have not been in contact with pork or pork products derived from swine originating from herds in the CSF low-risk region that were not reared under the sanitary standards contained in this section.

(i) The pork or pork products have not transited through a region, other than the United States, that is not classified as CSF-free or low-risk for CSF unless moved directly through the region to their destination in a sealed means of conveyance with the seal intact upon arrival at the point of destination.

(j) If processed, the pork or pork products were processed in a region classified as CSF-free or low-risk for CSF in a federally inspected processing plant that is under the direct supervision of a full-time salaried veterinary official of the national government of that region. Any processing establishment that processes pork or pork products for export to the United States under the provisions of this section must allow APHIS to periodically evaluate and inspect its facilities, records, and operations.

(k) The pork or pork products must be accompanied by a certification issued by a full-time salaried veterinary officer of the Government of Mexico. Upon arrival of the pork or pork products in the United States, the certification must be presented to an authorized inspector at the port of arrival. The certification must identify the exporting region of the pork or pork products as being part of the APHIS-defined Mexican CSF region at the time the pork or pork products were in the region and must state that the applicable provisions of this section have been met.

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

Kevin Shea,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2014–17886 Filed 7–28–14; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2014–0485; Directorate Identifier 2014–NM–093–AD]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to supersede Airworthiness Directive (AD) 2007–13–05, which applies to all The Boeing Company Model 777 airplanes. AD 2007–13–05 currently requires repetitive measurements of the freeplay of the right and left elevators, rudder, and rudder tab, and related investigative and corrective actions if necessary. Since we issued AD 2007–13–05, the manufacturer determined that the procedure for the rudder freeplay inspection does not properly detect excessive freeplay in the rudder control load loop. This proposed AD would require repetitive freeplay inspections and lubrication of the right and left elevators, rudder, and rudder tab; and related investigative and corrective actions if necessary. We are proposing this AD to detect and correct flutter, which can cause damage to the control surface structure and consequent loss of control of the airplane.

DATES: We must receive comments on this proposed AD by September 12, 2014.

ADDRESSES: You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.
- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this proposed AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, P. O. Box 3707, MC 2H–65, Seattle, WA 98124–2207; telephone 206–544–5000, extension 1; fax 206–766–5680; Internet *https://www.myboeingfleet.com.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2014–0485; 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: Haytham Alaidy, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office (ACO), 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: 425–917–6573; fax: 425–917–6590; email: *Haytham.Alaidy@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2014–0485; Directorate Identifier 2014–NM–093–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD because of those comments.

We will post all comments we receive, without change, to *http://www.regulations.gov,* including any personal information you provide. We will also post a report summarizing each substantive verbal contact we receive about this proposed AD.

Discussion

On April 11, 2007, we issued AD 2007–13–05, Amendment 39–15109 (72 FR 33856, June 20, 2007), for all The Boeing Company Model 777 airplanes. AD 2007–13–05 requires repetitive measurement of the freeplay of the right and left elevators, rudder, and rudder tab; and related investigative and corrective actions if necessary. AD 2007–13–05 also requires repetitive lubrication of the elevator, rudder, and rudder tab components. AD 2007–13–05 resulted from reports of freeplay-induced vibration of unbalanced control surfaces. We issued AD 2007–13–05 to detect and correct flutter, which can cause damage to the control surface structure and consequent loss of control of the airplane.

Actions Since AD 2007–13–05, Amendment 39–15109 (72 FR 33856, June 20, 2007) Was Issued

Since we issued AD 2007–13–05, Amendment 39–15109 (72 FR 33856, June 20, 2007), the manufacturer determined that the procedure for the rudder freeplay inspection does not properly detect excessive freeplay in the rudder control load loop.

Relevant Service Information

We reviewed Boeing Special Attention Service Bulletin 777–27–0062, Revision 2, dated January 27, 2014. 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–2014–0485.

FAA's Determination

We are proposing this AD because we evaluated all the relevant information and determined the unsafe condition described previously is likely to exist or develop in other products of the same type design.

Proposed AD Requirements

Although this proposed AD does not explicitly restate the requirements of AD 2007–13–05, Amendment 39–15109 (72 FR 33856, June 20, 2007), this proposed AD would retain all requirements of AD 2007–13–05. Those requirements are referenced in the service information identified previously, which, in turn, is referenced in paragraphs (g) and (h) of this proposed AD.

This proposed AD would require repetitive inspections (measurements) of the freeplay of the right and left elevators, rudder, and rudder tab; and related investigative and corrective actions if necessary. This proposed AD would also require repetitive lubrication of the elevator, rudder, and rudder tab components.

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 142 airplanes of U.S. registry. The new actions of this proposed AD would add no additional economic burden to that imposed by AD 2007–13–05, Amendment 39–15109 (72 FR 33856, June 20, 2007). The current costs for this AD are repeated for the convenience of affected operators, as follows:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Measurement (inspection), elevator.	4 work-hours × $85 per hour = $340 per measurement (inspection) cycle.	$0	$340 per measurement (inspection) cycle.	$48,280 per measurement (inspection) cycle.
Lubrication, elevator	17 work-hours × $85 per hour = $1,445 per lubrication cycle.	0	$1,445 per lubrication cycle	$205,190 per lubrication cycle.
Measurement (inspection), rudder.	4 work-hours × $85 per hour = $340 per measurement (inspection) cycle.	0	$340 per measurement (inspection) cycle.	$48,280 per measurement (inspection) cycle.
Lubrication, rudder ...	7 work-hours × $85 per hour = $595 per lubrication cycle.	0	$595 per lubrication cycle	$84,490 per lubrication cycle.
Measurement (inspection), rudder tab.	3 work-hours × $85 per hour = $255 per measurement (inspection) cycle.	0	$255 per measurement (inspection) cycle.	$36,210 per measurement (inspection) cycle.
Lubrication, rudder tab.	5 work-hours × $85 per hour = $425 per lubrication cycle.	0	$425 per lubrication cycle	$60,350 per lubrication cycle.

We have received no definitive data that would enable us to provide cost estimates for the on-condition corrective actions specified in this proposed AD.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, Section 106, describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701, ''General requirements.'' Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

We have determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify that the proposed regulation:

(1) Is not a ''significant regulatory action'' under Executive Order 12866,

(2) Is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979),

(3) Will not affect intrastate aviation in Alaska, and

(4) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA proposes to amend 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

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

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing Airworthiness Directive (AD) 2007–13–05, Amendment 39–15109 (72 FR 33856, June 20, 2007), and adding the following new AD:

The Boeing Company: Docket No. FAA–2014–0485; Directorate Identifier 2014–NM–093–AD.

(a) Comments Due Date

The FAA must receive comments on this AD action by September 12, 2014.

(b) Affected ADs

This AD replaces AD 2007–13–05, Amendment 39–15109 (72 FR 33856, June 20, 2007).

(c) Applicability

This AD applies to The Boeing Company Model 777–200, –200LR, –300, and –300ER series airplanes, certificated in any category, as identified in paragraphs (c)(1) and (c)(2) of this AD.

(1) Airplanes having a Variable Number identified in paragraph 1.A., ''Effectivity,'' of Boeing Special Attention Service Bulletin 777–27–0062, Revision 2, dated January 27, 2014.

(2) Airplanes having a date of issuance of the original airworthiness certificate or date of issuance of the original export certificate of airworthiness on or after January 27, 2014.

(d) Subject

Air Transport Association (ATA) of America Code 27, Flight Controls.

(e) Unsafe Condition

This AD was prompted by the manufacturer's determination that the procedure for the rudder freeplay inspection does not properly detect excessive freeplay in the rudder control load loop. We are issuing this AD to detect and correct flutter, which can cause damage to the control surface structure and consequent loss of control of the airplane.

(f) Compliance

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

(g) Repetitive Inspections of Elevators, Rudder, and Rudder Tab

At the applicable times specified in tables 1, 2, and 3 of paragraph 1.E. ''Compliance,'' of Boeing Special Attention Service Bulletin 777–27–0062, Revision 2, dated January 27, 2014, except as provided by paragraph (i) of this AD: Inspect the freeplay of the right and left elevators, rudder, and rudder tab by accomplishing all of the actions specified in Parts 1, 3, and 5 of the Accomplishment Instructions of Boeing Special Attention Service Bulletin 777–27–0062, Revision 2, dated January 27, 2014. Repeat the inspections thereafter at the intervals

specified in tables 1, 2, and 3 of paragraph 1.E. ''Compliance,'' of Boeing Special Attention Service Bulletin 777–27–0062, Revision 2, dated January 27, 2014. If during any inspection required by this paragraph, the rudder freeplay exceeds any applicable measurement specified in Part 1, 3, or 5 of the Accomplishment Instructions of Boeing Special Attention Service Bulletin 777–27–0062, Revision 2, dated January 27, 2014, before further flight, do the applicable corrective actions in accordance with Parts 1, 3, or 5 of the Accomplishment Instructions of Boeing Special Attention Service Bulletin 777–27–0062, Revision 2, dated January 27, 2014.

(h) Repetitive Lubrication

At the applicable times specified in tables 1, 2, and 3 of paragraph 1.E. ''Compliance,'' of Boeing Special Attention Service Bulletin 777–27–0062, Revision 2, dated January 27, 2014, except as provided by paragraph (i) of this AD: Lubricate the elevator components, rudder components, and rudder tab components, by accomplishing all of the actions specified in Parts 2, 4, and 6 of the Accomplishment Instructions of Boeing Special Attention Service Bulletin 777–27–0062, Revision 2, dated January 27, 2014, as applicable. Repeat the lubrication thereafter at the interval specified in tables 1, 2, and 3 of paragraph 1.E. ''Compliance,'' of Boeing Special Attention Service Bulletin 777–27–0062, Revision 2, dated January 27, 2014, as applicable.

(i) Exception to Service Information Specifications

Where Boeing Special Attention Service Bulletin 777–27–0062, Revision 2, dated January 27, 2014, specifies a compliance time ''after the original issue date on this service bulletin'' this AD requires compliance within the specified compliance time after July 25, 2007 (the effective date of AD 2007–13–05, Amendment 39–15109 (72 FR 33856, June 20, 2007).

(j) Credit for Previous Actions

This paragraph provides credit for the actions required by paragraphs (g) and (h) of this AD, if those actions were performed before the effective date of this AD using the service information specified in paragraph (j)(1) or (j)(2) of this AD.

(1) Boeing Special Attention Service Bulletin 777–27–0062, dated July 18, 2006, which was incorporated by reference in AD 2007–13–05, Amendment 39–15109 (72 FR 33856, June 20, 2007).

(2) Boeing Special Attention Service Bulletin 777–27–0062, Revision 1, dated October 1, 2009, which is not incorporated by reference in this AD.

(k) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Seattle Aircraft Certification Office (ACO), FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the ACO, send it to the attention of the person identified in paragraph (l)(1) of this AD. Information may be emailed to: *9-ANM-Seattle-ACO-AMOC-Requests@faa.gov*.

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

(3) An AMOC that provides an acceptable level of safety may be used for any repair required by this AD if it is approved by the Boeing Commercial Airplanes Organization Designation Authorization (ODA) that has been authorized by the Manager, Seattle ACO, to make those findings. For a repair method to be approved, the repair must meet the certification basis of the airplane, and the approval must specifically refer to this AD.

(4) AMOCs approved previously for AD 2007–13–05, Amendment 39–15109 (72 FR 33856, June 20, 2007), are not approved as AMOCs for this AD.

(l) Related Information

(1) For more information about this AD, contact Haytham Alaidy, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office (ACO), 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: 425–917–6573; fax: 425–917–6590; email: *Haytham.Alaidy@faa.gov*.

(2) For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, P.O. Box 3707, MC 2H–65, Seattle, WA 98124–2207; telephone 206–544–5000, extension 1; fax 206–766–5680; Internet *https://www.myboeingfleet.com*. You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Issued in Renton, Washington, on July 17, 2014.

John P. Piccola,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2014–17780 Filed 7–28–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2014–0487; Directorate Identifier 2014–NM–026–AD]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to supersede Airworthiness Directive (AD) 2012–19–11, which applies to certain The Boeing Company Model 737 airplanes. AD 2012–19–11 currently requires incorporating design changes to improve the reliability of the cabin altitude warning system by installing a redundant cabin altitude pressure switch, replacing the aural warning module (AWM) with a new or reworked AWM, and changing certain wire bundles or connecting certain previously capped and stowed wires as necessary. For certain airplanes, AD 2012–19–11 also requires prior or concurrent incorporation of related design changes by modifying the instrument panels, installing light assemblies, modifying the wire bundles, and installing a new circuit breaker, as necessary. Since we issued AD 2012–19–11, we have determined that certain airplanes were not included in the requirement to incorporate related design changes. This proposed AD would add, for certain airplanes, a requirement to incorporate related design changes. This proposed AD also, for certain airplanes, no longer gives credit for accomplishing certain previous actions. We are proposing this AD to prevent the loss of cabin altitude warning, which could delay flightcrew recognition of a lack of cabin pressurization, and could result in incapacitation of the flightcrew due to hypoxia (a lack of oxygen in the body), and consequent loss of control of the airplane.

DATES: We must receive comments on this proposed AD by September 12, 2014.

ADDRESSES: You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

- Federal eRulemaking Portal: Go to *http://www.regulations.gov*. Follow the instructions for submitting comments.
- Fax: 202–493–2251.
- Mail: U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.
- Hand Delivery: Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this proposed AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, P.O. Box 3707, MC 2H–65, Seattle, WA 98124–2207; telephone 206–544–5000, extension 1; fax 206–766–5680; Internet *https://www.myboeingfleet.com*. You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW.,

Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2014–0487; 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: Francis Smith, Aerospace Engineer, Cabin Safety and Environmental Systems Branch, ANM–150S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: 425–917–6596; fax: 425–917–6590; email: *Francis.Smith@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2014–0487; Directorate Identifier 2014–NM–026–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD because of those comments.

We will post all comments we receive, without change, to *http://www.regulations.gov,* including any personal information you provide. We will also post a report summarizing each substantive verbal contact we receive about this proposed AD.

Discussion

On September 19, 2012, we issued AD 2012–19–11, Amendment 39–17206 (77 FR 60296, October 3, 2012), for certain The Boeing Company Model 737 airplanes. AD 2012–19–11 requires incorporating design changes to improve the reliability of the cabin altitude warning system by installing a redundant cabin altitude pressure switch, replacing the AWM with a new or reworked AWM, and changing certain wire bundles or connecting certain previously capped and stowed wires as necessary. For certain airplanes, AD 2012–19–11 also requires prior or concurrent incorporation of related design changes by modifying the instrument panels, installing light assemblies, modifying the wire bundles, and installing a new circuit breaker, as necessary. AD 2012–19–11 resulted from a report of a flightcrew not receiving an aural warning during a lack of cabin pressurization event. We issued AD 2012–19–11 to prevent the loss of cabin altitude warning, which could delay flightcrew recognition of a lack of cabin pressurization, and could result in incapacitation of the flightcrew due to hypoxia (a lack of oxygen in the body), and consequent loss of control of the airplane.

Other Related Rulemaking

The concurrent actions for AD 2012–19–11, Amendment 39–17206 (77 FR 60296, October 3, 2012), are the primary corrective actions for AD 2011–03–14, Amendment 39–16598 (76 FR 6529, February 7, 2011), and AD 2013–02–05, Amendment 39–17326 (78 FR 6202, January 30, 2013). AD 2011–03–14 and AD 2013–02–05 provide the necessary wiring configuration to perform the corrective actions for AD 2012–19–11. AD 2011–03–14 (for certain Model 737–100, –200, –200C, –300, –400, and –500 series airplanes) and AD 2013–02–05 (for certain Model 737–600, –700, –700C, –800, –900, and –900ER series airplanes) were issued to prevent failure of the flightcrew to recognize and react to a valid cabin altitude warning horn, which could result in incapacitation of the flightcrew due to hypoxia (a lack of oxygen in the body), and consequent loss of control of the airplane.

Actions Since AD 2012–19–11, Amendment 39–17206 (77 FR 60296, October 3, 2012), Was Issued

Since we issued AD 2012–19–11, Amendment 39–17206 (77 FR 60296, October 3, 2012), we have reviewed new service information for the actions required by paragraph (g) of AD 2012–19–11, which refers to Boeing Special Attention Service Bulletin 737–21–1164, Revision 1, dated May 17, 2012, as one of the appropriate sources of service information. Boeing Special Attention Service Bulletin 737–21–1164, Revision 2, dated August 23, 2013, provides essentially the same procedure for accomplishing the actions, except for certain airplanes, Boeing Special Attention Service Bulletin 737–21–1164, Revision 2, dated August 23, 2013, specifies to contact the manufacturer for the installation and replacement of certain wire bundles.

We also have reviewed new service information for the concurrent actions required by paragraph (h) of AD 2012–19–11, Amendment 39–17206 (77 FR 60296, October 3, 2012), which refers to Boeing Alert Service Bulletin 737–31A1325, dated January 11, 2010; and Boeing Alert Service Bulletin 737–31A1332, Revision 3, dated March 28, 2012; as the appropriate sources of service information. Boeing Alert Service Bulletin 737–31A1325, Revision 1, dated July 5, 2012; and Boeing Alert Service Bulletin 737–31A1332, Revision 4, dated October 31, 2013; provide essentially the same procedures for accomplishing the concurrent actions, except, for certain airplanes, Boeing Alert Service Bulletin 737–31A1325, Revision 1, dated July 5, 2012, specifies to contact the manufacturer for modification, installation, and repair instructions. Boeing Alert Service Bulletin 737–31A1332, Revision 4, dated October 31, 2013, also specified that airplanes having line numbers YA091 through YA097 were inadvertently removed from Boeing Alert Service Bulletin 737–31A1332, Revision 3, dated March 28, 2012, and are now included in Group 1 airplanes as identified in Boeing Alert Service Bulletin 737–31A1332, Revision 4, dated October 31, 2013.

In addition, we are also correcting a typographical error in paragraph (i)(1) of AD 2012–19–11, Amendment 39–17206 (77 FR 60296, October 3, 2012), which refers to paragraph (h) of that AD; paragraph (i)(1) of AD 2012–19–11 should refer to paragraph (g) of that AD. Operators that accomplished Boeing Special Attention Service Bulletin 737–21–1165, Revision 1, dated July 16, 2010, get credit for the actions in paragraph (g) of this AD; operators cannot get credit for the concurrent actions required by paragraph (h) of this AD because they cannot accomplish the concurrent actions using Boeing Special Attention Service Bulletin 737–21–1165, Revision 1, dated July 16, 2010.

We have revised paragraphs (i)(2) through (i)(4) of AD 2012–19–11, Amendment 39–17206 (77 FR 60296, October 3, 2012), to specify certain airplane variable numbers to clearly identify the airplanes that are allowed to receive credit for previous actions using certain service information and to match the information specified in AD 2013–02–05, Amendment 39–17326 (78 FR 6202, January 30, 2013). The airplanes identified in paragraphs (j)(2) through (j)(4) of this proposed AD match the airplanes specified in paragraphs (i)(1) through (i)(3) of AD 2013–02–05; these

paragraphs give credit for doing actions specified in Boeing Alert Service Bulletin 737–31A1332, Revision 1, dated June 24, 2010; and Boeing Alert Service Bulletin 737–31Al332, Revision 2, dated August 18, 2011.

However, airplanes having variable numbers YA001 through YA008, YA251, YA501 through YA508, and YC321 through YC325, were allowed to take credit for actions as specified in paragraph (i)(2) and (i)(3) of AD 2012–19–11, Amendment 39–17206 (77 FR 60296, October 3, 2012). Airplanes having variable numbers YA001 through YA008, YA251, YA501 through YA508, and YC321 through YC325 are now excluded from the credit for doing certain actions given in paragraphs (j)(2) and (j)(3) of this proposed AD; therefore, we have provided a new compliance time for those airplanes in paragraph (i) of this AD.

Relevant Service Information

We reviewed the following service information:

- Boeing Special Attention Service Bulletin 737–21–1164, Revision 2, dated August 23, 2013.
- Boeing Alert Service Bulletin 737–31A1325, Revision 1, dated July 5, 2012.
- Boeing Alert Service Bulletin 737–31A1332, Revision 4, dated October 31, 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–2014–0487.

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 retain all requirements of AD 2012–19–11, Amendment 39–17206 (77 FR 60296, October 3, 2012). This proposed AD would add, for certain airplanes, a requirement to incorporate related design changes. This proposed AD also, for certain airplanes, no longer gives credit for accomplishing certain previous actions.

Differences Between This Proposed AD and the Service Information

Boeing Special Attention Service Bulletin 737–21–1164, Revision 2, dated August 23, 2013; and Boeing Alert Service Bulletin 737–31A1325, Revision 1, dated July 5, 2012; specify to contact the manufacturer for instructions on how to repair certain conditions, but this proposed AD would require repairing those conditions in one of the following ways:

- In accordance with a method that we approve; or
- Using data that meet the certification basis of the airplane, and that have been approved by the Boeing Commercial Airplanes Organization Designation Authorization (ODA) whom we have authorized to make those findings.

Costs of Compliance

We estimate that this proposed AD affects 1,618 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
Install a redundant cabin altitude pressure switch, replace the AWM with a new or reworked AWM, change certain wire bundles or connect certain capped and stowed wires [retained actions from AD 2012–19–11, Amendment 39–17206 (77 FR 60296, October 3, 2012), for 1,618 airplanes].	Up to 62 work–hours × $85 per hour = up to $5,270.	$33,576	Up to $38,846.	Up to $62,852,828.
Modify the instrument panels, install light assemblies, modify the wire bundles, and install a new circuit breaker (concurrent requirements) [retained actions from AD 2012–19–11, Amendment 39–17206 (77 FR 60296, October 3, 2012), for 1,596 airplanes].	Up to 92 work–hours × $85 per hour = up to $7,820.	5,292	Up to $13,112.	Up to $20,926,752.
Modify the instrument panels, install light assemblies, modify the wire bundles, and install a new circuit breaker (concurrent requirements) [new actions for 22 airplanes].	Up to 92 work–hours × $85 per hour = up to $7,820.	5,292	Up to $13,112.	Up to $288,464.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, Section 106, describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701, ''General requirements.'' Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

We have determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify that the proposed regulation:

(1) Is not a ''significant regulatory action'' under Executive Order 12866,

(2) Is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979),

(3) Will not affect intrastate aviation in Alaska, and

(4) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA proposes to amend 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

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

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing Airworthiness Directive (AD) 2012–19–11, Amendment 39–17206 (77 FR 60296, October 3, 2012), and adding the following new AD:

The Boeing Company: Docket No. FAA–2014–0487; Directorate Identifier 2014–NM–026–AD.

(a) Comments Due Date

The FAA must receive comments on this AD action by September 12, 2014.

(b) Affected ADs

This AD replaces AD 2012–19–11, Amendment 39–17206 (77 FR 60296, October 3, 2012).

(c) Applicability

This AD applies to The Boeing Company airplanes, certificated in any category, as identified in paragraphs (c)(1) and (c)(2) of this AD.

(1) Model 737–100, –200, –200C, –300, –400, and –500 series airplanes, as identified in Boeing Special Attention Service Bulletin 737–21–1164, Revision 2, dated August 23, 2013.

(2) Model 737–600, –700, –700C, –800, –900, and –900ER series airplanes, as identified in Boeing Special Attention Service Bulletin 737–21–1165, Revision 1, dated July 16, 2010, as revised by Boeing Special Attention Service Bulletin 737–21–1165, Revision 2, dated April 30, 2012.

(d) Subject

Air Transport Association (ATA) of America Code 21, Air Conditioning.

(e) Unsafe Condition

This AD was prompted by the report of a flightcrew not receiving an aural warning during a lack of cabin pressurization event. We are issuing this AD to prevent the loss of cabin altitude warning, which could delay flightcrew recognition of a lack of cabin pressurization, and could result in incapacitation of the flightcrew due to hypoxia (a lack of oxygen in the body), and consequent loss of control of the airplane.

(f) Compliance

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

(g) Retained Installation

This paragraph restates the actions required by paragraph (g) of AD 2012–19–11, Amendment 39–17206 (77 FR 60296, October 3, 2012), with revised service information. Within 72 months after November 7, 2012 (the effective date of AD 2012–19–11), install a redundant cabin altitude pressure switch, replace the aural warning module (AWM) with a new or reworked AWM, and change certain wire bundles or connect certain capped and stowed wires, as applicable, in accordance with the Accomplishment Instructions of the applicable service information in paragraphs (g)(1) and (g)(2) of this AD; except as provided by paragraph (k)(1) of this AD.

(1) Boeing Special Attention Service Bulletin 737–21–1164, Revision 1, dated May 17, 2012; or Boeing Special Attention Service Bulletin 737–21–1164, Revision 2, dated August 23, 2013 (for Model 737–100, –200, –200C, –300, –400, and –500 series airplanes). As of the effective date of this AD, use Boeing Special Attention Service Bulletin 737–21–1164, Revision 2, dated August 23, 2013, for the actions specified in paragraph (g) of this AD.

(2) Boeing Special Attention Service Bulletin 737–21–1165, Revision 1, dated July 16, 2010, as revised by Boeing Special Attention Service Bulletin 737–21–1165, Revision 2, dated April 30, 2012 (for Model 737–600, –700, –700C, –800, –900, and –900ER series airplanes).

(h) Retained Concurrent Actions

This paragraph restates the concurrent actions required by paragraph (h) of AD 2012–19–11, Amendment 39–17206 (77 FR 60296, October 3, 2012), with revised service information. For airplanes identified in Boeing Alert Service Bulletin 737–31A1325, dated January 11, 2010 (for Model 737–100, –200, –200C, –300, –400, and –500 series airplanes); and Boeing Alert Service Bulletin 737–31A1332, Revision 3, dated March 28, 2012 (for Model 737–600, –700, –700C, –800, –900, and –900ER series airplanes); except as provided by paragraph (i) of this AD: Before or concurrently with accomplishment of the actions specified in paragraph (g) of this AD, as applicable, modify the instrument panels, install light assemblies, modify the wire bundles, and install a new circuit breaker, in accordance with the Accomplishment Instructions of the applicable service information in paragraphs (h)(1) and (h)(2) of this AD; except as provided by paragraph (k)(2) of this AD.

(1) Boeing Alert Service Bulletin 737–31A1325, dated January 11, 2010, or Boeing Alert Service Bulletin 737–31A1325, Revision 1, dated July 5, 2012 (for Model 737–100, –200, –200C, –300, –400, and –500 series airplanes). As of the effective date of this AD, use Boeing Alert Service Bulletin 737–31A1325, Revision 1, dated July 5, 2012 (for Model 737–100, –200, –200C, –300, –400, and –500 series airplanes), for the actions specified in paragraph (h) of this AD.

(2) Boeing Alert Service Bulletin 737–31A1332, Revision 3, dated March 28, 2012; or Boeing Alert Service Bulletin 737–31A1332, Revision 4, dated October 31, 2013 (for Model 737–600, –700, –700C, –800, –900, and –900ER series airplanes). As of the effective date of this AD, use Boeing Alert Service Bulletin 737–31A1332, Revision 4, dated October 31, 2013 (for Model 737–600, –700, –700C, –800, –900, and –900ER series airplanes), for the actions specified in paragraph (h) of this AD.

(i) New Concurrent Requirement

For airplanes having variable numbers YA001 through YA008 inclusive, YA251, YA501 through YA508 inclusive, and YC321 through YC325 inclusive: Before or concurrently with accomplishment of the actions specified in paragraph (g) of this AD, or within 18 months after the effective date of this AD, whichever occurs later, modify the instrument panels, install light assemblies, modify the wire bundles, and install a new circuit breaker, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 737–31A1332, Revision 4, dated October 31, 2013.

(j) Credit for Previous Actions

This paragraph restates the credit for previous actions stated in paragraph (i) of AD 2012–19–11, Amendment 39–17206 (77 FR 60296, October 3, 2012), with correct paragraph reference and revised exempted airplanes.

(1) This paragraph provides credit for the actions required by paragraph (g) of this AD, if those actions were performed before November 7, 2012 (the effective date of AD 2012–19–11, Amendment 39–17206 (77 FR 60296, October 3, 2012)), using Boeing Special Attention Service Bulletin 737–21–1165, Revision 1, dated July 16, 2010.

(2) For airplanes identified in Boeing Alert Service Bulletin 737–31A1332, Revision 1, dated June 24, 2010; except airplanes having variable numbers YA001 through YA019 inclusive, YA201 through YA203 inclusive, YA231 through YA242 inclusive, YA251, YA252, YA271, YA272, YA301, YA302, YA311, YA312, YA501 through YA508 inclusive, YA541, YA701, YA702, YC001 through YC007 inclusive, YC051, YC052, YC101, YC102, YC111, YC121, YC301, YC302, YC321 through YC330 inclusive, YC381, YC401 through YC403 inclusive, YC501, YC502, and YE001 through YE003 inclusive: This paragraph provides credit for the actions required by paragraph (h) of this AD, if those actions were performed before the effective date of this AD using Boeing Alert Service Bulletin 737–31A1332, Revision 1, dated June 24, 2010.

(3) For airplanes identified in Boeing Alert Service Bulletin 737–31A1332, Revision 2, dated August 18, 2011; except airplanes identified in paragraph (j)(4) of this AD and airplanes having variable numbers YA001 through YA019 inclusive, YA201 through YA203 inclusive, YA231through YA242 inclusive, YA251, YA252, YA271, YA272, YA301, YA302, YA311, YA312, YA501 through YA508 inclusive, YA541, YA701, YA702, YC001 through YC007 inclusive, YC051, YC052, YC101, YC102, YC111,

YC121, YC301, YC302, YC321 through YC330 inclusive, YC381, YC401 through YC403 inclusive, YC501, YC502, and YE001 through YE003 inclusive: This paragraph provides credit for the actions required by paragraph (h) of this AD, if those actions were performed before the effective date of this AD using Boeing Alert Service Bulletin 737–31A1332, Revision 2, dated August 18, 2011.

(4) For Group 21, Configuration 2 airplanes identified in Boeing Alert Service Bulletin 737–31A1332, Revision 3, dated March 28, 2012: This paragraph provides credit for the actions required by paragraph (h) of this AD, if those actions were performed before the effective date of this AD using Boeing Alert Service Bulletin 737–31A1332, Revision 2, dated August 18, 2011, and provided that the actions specified in Boeing Service Bulletin 737–21–1171, dated February 12, 2009, were accomplished prior to or concurrently with the actions specified in Boeing Alert Service Bulletin 737–31A1332, Revision 2, dated August 18, 2011.

(k) New Requirements to This AD: Exceptions to the Service Information

(1) Where Boeing Special Attention Service Bulletin 737–21–1164, Revision 2, dated August 23, 2013, specifies to contact Boeing for instructions: Before further flight, repair using a method approved in accordance with the procedures specified in paragraph (l) of this AD.

(2) Where Boeing Alert Service Bulletin 737–31A1325, Revision 1, dated July 5, 2012, specifies to contact Boeing for instructions: Before further flight, repair using a method approved in accordance with the procedures specified in paragraph (l) of this AD.

(l) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Seattle Aircraft Certification Office (ACO), FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the ACO, send it to the attention of the person identified in paragraph (m)(1) of this AD. Information may be emailed to: *9-ANM-Seattle-ACO-AMOC-Requests@faa.gov.*

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

(3) An AMOC that provides an acceptable level of safety may be used for any repair required by this AD if it is approved by the Boeing Commercial Airplanes Organization Designation Authorization (ODA) that has been authorized by the Manager, Seattle ACO, to make those findings. For a repair method to be approved, the repair must meet the certification basis of the airplane, and the approval must specifically refer to this AD.

(4) AMOCs approved for AD 2012–19–11, Amendment 39–17206 (77 FR 60296, October 3, 2012), are approved as AMOCs for the corresponding provisions of this AD.

(m) Related Information

(1) For more information about this AD, contact Francis Smith, Aerospace Engineer, Cabin Safety and Environmental Systems Branch, ANM–150S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: 425–917–6596; fax: 425–917–6590; email: *Francis.Smith@faa.gov.*

(2) For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, P.O. Box 3707, MC 2H–65, Seattle, WA 98124–2207; telephone 206–544–5000, extension 1; fax 206–766–5680; Internet *https://www.myboeingfleet.com.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington. For information on the availability of this material at the FAA, call 425–227–1221.

Issued in Renton, Washington, on July 16, 2014.

John P. Piccola,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2014–17781 Filed 7–28–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 40

[Docket No. RM14–8–000]

Protection System Maintenance Reliability Standard

AGENCY: Federal Energy Regulatory Commission, Energy.

ACTION: Notice of proposed rulemaking.

SUMMARY: Pursuant to the section regarding Electric Reliability of the Federal Power Act, the Commission proposes to approve a revised Reliability Standard, PRC–005–3 (Protection System and Automatic Reclosing Maintenance). In addition, the Commission proposes to approve one new definition and six revised definitions referenced in the proposed Reliability Standard, the assigned violation risk factors and violation severity levels, and NERC's proposed implementation plan. Consistent with Order No. 758, the proposed Reliability Standard requires applicable entities to test and maintain certain autoreclosing relays as part of a protection system maintenance program. The Commission also proposes to direct NERC to submit a report based on actual performance data, and simulated system conditions from planning assessments, two years after the effective date of the proposed standard, which addresses whether the proposed Reliability Standard applies to an appropriate set of autoreclosing relays that can affect Bulk-Power System reliability. Further, the Commission proposes to direct NERC to modify the proposed Reliability Standard to include maintenance and testing of supervisory relays, as discussed below.

DATES: Comments are due September 29, 2014.

ADDRESSES: Comments, identified by docket number, may be filed in the following ways:

- Electronic Filing through *http://www.ferc.gov.* Documents created electronically using word processing software should be filed in native applications or print-to-PDF format and not in a scanned format.
- Mail/Hand Delivery: Those unable to file electronically may mail or hand-deliver comments to: Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE., Washington, DC 20426.

Instructions: For detailed instructions on submitting comments and additional information on the rulemaking process, see the Comment Procedures Section of this document.

FOR FURTHER INFORMATION CONTACT:

Tom Bradish (Technical Information), Office of Electric Reliability, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, (301) 665–1391, *Tom.Bradish@ferc.gov.*

Julie Greenisen (Legal Information), Office of the General Counsel, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, (202) 502–6362, *julie.greenisen@ferc.gov.*

SUPPLEMENTARY INFORMATION:

1. Pursuant to section 215 of the Federal Power Act (FPA),[1] the Commission proposes to approve a revised Reliability Standard, PRC–005–3 (Protection System and Automatic Reclosing Maintenance). In addition, the Commission proposes to approve one new definition and six revised definitions referenced in the proposed Reliability Standard, the assigned violation risk factors and violation severity levels, and NERC's proposed implementation plan. Consistent with Order No. 758,[2] the proposed Reliability Standard requires applicable entities to test and maintain certain autoreclosing relays as part of a protection system maintenance program. The Commission

[1] 16 U.S.C. 824o (2012).

[2] *Interpretation of Protection System Reliability Standard,* Order No. 758, 138 FERC ¶ 61,094, *clarification denied,* 139 FERC ¶ 61,227 (2012).

also proposes to direct NERC to submit a report based on actual performance data, and simulated system conditions from planning assessments, two years after the effective date of the proposed standard, which addresses whether the proposed Reliability Standard applies to an appropriate set of autoreclosing relays that can affect Bulk-Power System reliability. Further, the Commission proposes to direct NERC to modify the proposed Reliability Standard to include maintenance and testing of supervisory relays, as discussed below.

I. Background

A. Regulatory Background

2. Section 215 of the FPA requires a Commission-certified Electric Reliability Organization (ERO) to develop mandatory and enforceable Reliability Standards, subject to Commission review and approval.[3] Once approved, the Reliability Standards may be enforced by the ERO subject to Commission oversight, or by the Commission independently.[4] In 2006, the Commission certified NERC as the ERO pursuant to FPA section 215.[5]

3. In 2007, in Order No. 693, the Commission approved an initial set of Reliability Standards submitted by NERC, including initial versions of four protection system and load-shedding-related maintenance standards: PRC–005–1, PRC–008–0, PRC–011–0, and PRC–017–0.[6] In addition, the Commission directed NERC to develop a revision to PRC–005–1 incorporating a maximum time interval during which to conduct maintenance and testing of protection systems, and to consider combining into one standard the various maintenance and testing requirements for all of the maintenance and testing-related Reliability Standards for protection systems, underfrequency load shedding (UFLS) equipment and undervoltage load shedding (UVLS) equipment.

4. The Commission issued Order No. 758 in February 2012, in response to NERC's request for approval of its interpretation of Requirement R1 of the then-current version of protection system maintenance standard, PRC–005–1. The Commission accepted NERC's proposed interpretation of PRC–005–1, which identified the types of protection system equipment to which the Reliability Standard applied. In addition, the Commission directed NERC to develop modifications to the standard to address gaps highlighted by the proposed interpretation, including the need to address reclosing relays that may affect the reliability of the Bulk-Power System.[7]

5. In the discussion surrounding that directive, the Commission described certain scenarios where reclosing relays might impact reliability,[8] but recognized that it may not be appropriate to include all applications of autoreclosing relays in the protection system maintenance standard:

> The NOPR raised a concern that excluding the maintenance and testing of reclosing relays that can exacerbate fault conditions when not properly maintained and coordinated will result in a gap affecting Bulk-Power System reliability. We agree with MidAmerican that while there are only limited circumstances when a reclosing relay can actually affect the reliability of the Bulk-Power System, there are some reclosing relays, e.g., whose failure to operate or that misoperate during an event due to lack of maintenance and testing, may negatively impact the reliability of the Bulk-Power System.
>
> . . .
>
> In the NOPR we stated that a misoperating or miscoordinated reclosing relay may result in the reclosure of a Bulk-Power System element back onto a fault or that a misoperating or miscoordinated reclosing relay may fail to operate after a fault has been cleared, thus failing to restore the element to service. As a result, the reliability of the Bulk-Power System would be affected. In addition, misoperated or miscoordinated relays may result in damage to the Bulk-Power System. For example, a misoperation or miscoordination of a reclosing relay causing the reclosing of Bulk-Power System facilities into a permanent fault can subject generators to excessive shaft torques and winding stresses and expose circuit breakers to systems conditions less than optimal for correct operation, potentially damaging the circuit breaker.[9]

6. Prior to issuance of Order No. 758, NERC had begun development of revisions to its initial maintenance standards for protection systems and underfrequency and undervoltage load shedding equipment in response to the Order No. 693 directives. Those revisions, reflected in a consolidated Reliability Standard, PRC–005–2, were approved by the Commission on December 24, 2013.[10] In the order approving PRC–005–2, the Commission found that the revised standard represented an improvement over the four standards it would replace because it incorporated specific, required minimum maintenance activities and maximum time intervals for maintenance of individual components of the protection systems and load shedding equipment affecting the bulk electric system.[11]

B. NERC Petition and Proposed Standard PRC–005–3

7. On February 14, 2014, NERC submitted a petition seeking approval of proposed Reliability Standard PRC–005–3, developed in response to the Order No. 758 directive to include maintenance and testing of reclosing relays that can affect the reliable operation of the Bulk-Power System.[12] In its petition, NERC maintains that the proposed standard promotes reliability by making certain reclosing relays subject to a mandatory maintenance program, including adding detailed tables of minimum maintenance activities and maximum maintenance intervals for the reclosing relays. NERC explains that the purpose of PRC–005–3 is to ''document and implement programs for the maintenance of all Protection Systems and Automatic Reclosing affecting the reliability of the Bulk Electric System so that they are kept in working order.'' [13]

8. NERC explains that the subset of reclosing applications included in proposed PRC–005–3 is based on the findings of a technical study performed, in response to Order No. 758, by NERC's System Analysis and Modeling Subcommittee (SAMS) and System Protection and Control Subcommittee (SPCS). The resulting study (the Joint Committee Report) is attached to NERC's petition as Exhibit D, and examines both the scope of reclosing relays that could affect the reliable operation of the Bulk-Power System and appropriate maintenance intervals and activities for those relays.[14]

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[3] 16 U.S.C. 824o(c) and (d).

[4] *See id.* 824o(e).

[5] *North American Electric Reliability Corp.,* 116 FERC ¶ 61,062, *order on reh'g & compliance,* 117 FERC ¶ 61,126 (2006), *aff'd sub nom. Alcoa, Inc.* v. *FERC,* 564 F.3d 1342 (D.C. Cir. 2009).

[6] *Mandatory Reliability Standards for the Bulk-Power System,* Order No. 693, FERC Stats. & Regs. ¶ 31,242 at PP 1474, 1492, 1497, and 1514, *order on reh'g,* Order No. 693–A, 120 FERC ¶ 61,053 (2007).

[7] The approved interpretation stated:

Request R3: Does R1 require maintenance and testing of transmission line re-closing relays?

Response: No. 'Protective Relays' refer to devices that detect and take action for abnormal conditions. Automatic restoration of transmission lines is not a 'protective' function.

Order No. 758, 138 FERC ¶ 61,094 at P 7.

[8] The Commission referred to one incident involving the misoperation or poor coordination of reclosing relays that ultimately resulted in the loss of over 4,000 MW of generation and multiple 765 kV lines, to illustrate the effect reclosing relays can have on the reliability of the Bulk-Power System. *See* Order No. 758, 138 FERC ¶ 61,094 at P 23 and n.32.

[9] *Id.* PP 23–24 (footnotes excluded).

[10] *Protection System Maintenance Reliability Standard,* Order No. 793, 145 FERC ¶ 61,253 (2013).

[11] *Id.* P 2.

[12] *See* NERC Petition at 2, 7.

[13] *Id.* at 8.

[14] *See id.* at 3.

9. In its petition, NERC explains that reclosing relays are ''utilized on transmission systems to restore elements to service following automatic circuit breaker tripping,'' and are ''typically installed to lessen the burden on Transmission operators of manually restoring transmission lines.''[15] NERC explains that ''while more efficient restoration of transmission lines following temporary faults does provide an inherent reliability benefit, certain applications of reclosing relays can result in undesired relay operation or operation not consistent with relay design, leading to adverse reliability impacts.''[16] After examining these potential reliability impacts, the Joint Committee Report recommended that the revised standard should:

(1) Explicitly address maintenance and testing of reclosing relays applied as an integral part of a Special Protection System; and (2) include maintenance and testing of reclosing relays at or in proximity to generating plants at which the total installed capacity is greater than the capacity of the largest generating unit within the Balancing Authority Area.[17]

In addition, NERC explains that the Joint Committee Report recommended that ''proximity'' to these large generators be defined as ''substations one bus away if the substation is within 10 miles of the plant.'' [18]

10. The Joint Committee Report recommendations are reflected in proposed Reliability Standard PRC–005–3, which now includes the following among the applicable facilities:

4.2.6.1 Automatic Reclosing applied on terminals of Elements connected to the BES bus located at generating plant substations where the total installed gross generating plant capacity is greater than the gross capacity of the largest BES generating unit within the Balancing Authority Area.

4.2.6.2 Automatic Reclosing applied on the terminals of all BES Elements at substations one bus away from generating plants specified in Section 4.2.6.1 when the substation is less than 10 circuit-miles from the generating plant substation.

4.2.6.3 Automatic Reclosing applied as an integral part of an SPS specified in Section 4.2.4.[19]

11. NERC explains that the Joint Committee Report examined two areas of concern, based on the Commission's statements in Order No. 758. Specifically, the Joint Committee examined (1) situations in which reclosing relays fail to operate when required to maintain Bulk-Power System reliability, and (2) situations in which reclosing relays operate in a manner not consistent with design, adversely affecting reliability.[20] As for the first category, NERC explains the Joint Committee Report recognized that ''[b]ecause the potential for permanent power system faults exists for any application, it is not possible to depend on successful reclosing relay operation as a sole means to guarantee reliability or satisfy the Requirements contained in Reliability Standards.'' [21] However, the Joint Committee Report recognized one exception, where reclosing relays are included as an integral part of a Special Protection System. Accordingly, NERC proposes to include reclosing relays of Special Protection Systems under the revised standard's maintenance requirements, under Applicability section 4.2.6.3.

12. With respect to the second category examined by the committees, i.e., situations in which reclosing relays operate in a manner not consistent with design, NERC notes that the Joint Committee Report found that ''premature reclosing has the potential to cause generating unit or plant instability,'' and that there could be an impact on the reliable operation of the Bulk-Power System if the loss of generating resources exceeds the largest unit within the Balancing Authority Area.[22] NERC explains that reclosing at transmission substations may affect the stability of generating units when applied in proximity to a generating plant, and that the Joint Committee Report therefore recommended including reclosing relays applied one bus away from these same generating stations when the substation is less than 10 circuit-miles from the applicable generating plant substation. The Joint Committee Report indicated that generating units generally exhibit a stable response to a bus fault at the high-side of the generator step-up transformer if the fault location is on the order of one mile, but recommended a 10-mile threshold in order to incorporate a significant safety factor.[23]

13. As NERC explains in its petition, NERC staff conducted its own analysis of this definition of ''proximity,'' ''to verify that the 10-mile threshold provides adequate margin to ensure maintenance and testing of all reclosing relays where failure could result in generating station instability.'' [24] According to NERC, it performed tests at the high-voltage switchyard for 145 lines at 50 generating stations, using a sampling of generating stations and simulating a three-phase fault on each line. In addition, faults were simulated for a duration that NERC maintains ''conservatively represents'' two times the normal clearing time for a three-phase fault.[25] NERC states that this test ''approximates the response if a transmission line circuit breaker is reclosed into a fault without any time delay due to a reclosing relay failure.'' [26]

14. NERC found that the generating unit response was stable for 110 of the close-in faults; stable for faults at one mile from the generation station for 22 of the remaining 35 lines; and stable for faults five miles from the station for 10 of the remaining 13 lines. For the three remaining cases, two were associated with two transmission lines of approximately 120 miles leaving the same generating station. NERC indicates that it repeated its analysis at each remote bus at the remote terminal of those lines, and found that the generating units were stable for close-in three-phase faults on each line. The third case involved a two-mile line, and resulted in instability of the generating units for faults anywhere on the line. On further testing, NERC found that the generating units remained stable for close-in faults on each of the lines terminating at the remote bus of the two-mile line, ''confirming that the criterion is conservative.'' [27]

15. NERC proposes modifications to the language of Requirements R1, R3 and R4 of PRC–005–2 to reflect the inclusion of automatic reclosing relays.[28] NERC also proposes to include a new definition as part of the revised standard, as follows:

Automatic Reclosing—Includes the following Components:

- Reclosing relay.
- Control circuitry associated with the reclosing relay.

NERC states that the definition is intended for use within the proposed Reliability Standard only, and would not be incorporated into the NERC

[15] *Id.* at 9 (citations to Joint Committee Report omitted).

[16] *Id.*

[17] *Id.* at 10.

[18] *Id.*

[19] *Id.*, Ex. A at 1–2. In addition, relays that would otherwise be subject to the proposed standard under sections 4.2.6.1 and 4.2.6.2 ''may be excluded if the equipment owner can demonstrate that a close-in three-phase fault present for twice the normal clearing time . . . does not result in a total loss of gross generation in the Interconnection exceeding the gross capacity of the largest BES generating unit within the Balancing Authority Area.''

[20] *See* NERC Petition at 10.

[21] *Id.* at 11.

[22] *Id.* at 15.

[23] *Id.* at 17.

[24] *Id.* at 20.

[25] *Id.*

[26] *Id.*

[27] *Id.* at 21.

[28] *Id.*

Glossary of Terms.[29] In addition, NERC proposes modifications to four defined terms referenced in PRC–005–2, Protection System Maintenance Plan, Component Type, Component, and Countable Event, to reflect the inclusion of automatic reclosing components. Finally, NERC proposes to revise the definitions of Unresolved Maintenance Issue and Segment, also currently referenced in PRC–005–2, to capitalize the reference to the defined term ''Component.''

16. NERC's proposed implementation plan for PRC–005–3 incorporates the phased-in implementation period approved for PRC–005–2, with the addition of compliance dates for the new requirements for automatic reclosing components. Accordingly, retirement of the legacy Reliability Standards (PRC–005–1b, PRC–008–0, PRC–011–0, PRC–017–0) will continue to ''key off'' the regulatory approval date for PRC–005–2, although PRC–005–2 itself will be retired in the United States immediately prior to the effective date of PRC–005–3, on the first day of the first calendar quarter twelve months following regulatory approval.[30] According to NERC, applicable entities will continue to calculate compliance dates for Protection System Components by counting forward from the applicable regulatory approval date of PRC–005–2, and for Automatic Reclosing Components by counting forward from the effective date of Commission approval of PRC–005–3. Finally, for any newly identified Automatic Reclosing Components (e.g., resulting from the addition or retirement of generating units), compliance would be required by the end of the third calendar year following identification of those Components.

17. NERC states that the violation risk factors proposed in PRC–005–3 track those in the currently approved standard PRC–005–2, and that the violation severity levels now include the additional component (Automatic Reclosing) in a manner consistent with the approach taken for PRC–005–2.

C. NERC Supplemental Filings

18. On June 4, 2014, NERC submitted two additional filings in this docket: (1) proposed revisions to a violation severity level assigned to Requirement R1 in approved Reliability Standard PRC–005–2 and in proposed Reliability Standard PRC–005–3; [31] and (2) an errata to NERC's petition in this docket to reflect proper capitalization of defined terms as used in the proposed standard. NERC explains that the violation severity level revision reflects the change directed by the Commission when it approved PRC–005–2, in Order No. 793, regarding the failure to include station batteries in a time-based maintenance program. In accordance with that directive NERC has now assigned a ''severe'' violation severity level to that failure for both PRC–005–2– and PRC–005–3.

II. Discussion

19. Pursuant to section 215(d)(2) of the FPA, the Commission proposes to approve Reliability Standard PRC–005–3, one new definition and six revised definitions referenced in the proposed standard, the assigned violation risk factors and violation severity levels, and NERC's proposed implementation plan. Generally, the proposed Reliability Standard appears to adequately address the Commission directives from Order No. 758 with respect to the inclusion of reclosing relays in an adequate protection system maintenance program, and will enhance reliability by reducing the risk of autoreclosing relay misoperations by imposing minimum maintenance activities and maximum maintenance intervals for these relays.

20. However, to further validate the scope of the proposed applicability, we propose to direct that NERC submit a report based on actual performance data and simulated system conditions from planning assessments, two years after the effective date of the proposed standard, which addresses whether the proposed Reliability Standard applies to an appropriate set of autoreclosing relays that can affect Bulk-Power System reliability. In addition, as discussed below, we propose to direct NERC to modify the proposed standard to include supervisory devices such as synchronism check (sync-check) and voltage relays.

A. Proposed Reporting on Effectiveness of PRC–005–3

21. Consistent with the Commission's directive in Order No. 758,[32] proposed Reliability Standard PRC–005–3 would expand the scope of the protection system maintenance standard requirements to apply to a limited subset of autoreclosing relays. As discussed above, the proposed Reliability Standard includes thresholds that are intended to limit the applicable set of reclosing relays to those that affect the reliable operation of the Bulk-Power System. For example, the proposed standard would mandate testing and maintenance of only those autoreclosing relays located within ten miles of a generation plant that has a greater gross capacity than the largest single generating unit in the Balancing Authority Area. NERC provides technical support for the applicability thresholds, both in the Joint Committee Report and the NERC study of the ten-mile threshold.[33]

22. While NERC provides support for the proposed thresholds, we nonetheless have concerns whether the thresholds are too narrow and that the standard therefore does not encompass a comprehensive set of autoreclosing relays that could affect the reliable operation of the Bulk-Power System. Thus, while we propose to approve the proposed Reliability Standard, we also propose that NERC submit a report, two years after the effective date of the standard, addressing the effectiveness of the autoreclosing provisions based on (1) actual operations data, and (2) simulated system conditions from planning assessments.

23. With regard to actual operations data, we note that NERC has an ongoing effort that collects and analyses performance data regarding actual misoperations events, requiring the submission of data according to a set of specifications that includes misoperation categories and cause codes.[34] We propose that NERC enhance the granularity of this database to gather relevant information regarding events that involve autoreclosing relays, such as distance from the fault, whether the relay reclosed into the fault, and whether that reclosure caused or exacerbated an event. Relevant information collected in this database could then be analyzed and submitted in the proposed report. We seek comment on this proposal, including whether this is the right/meaningful data for the type of analysis we seek, and whether other types of granular data would be useful to analyze the impact of autoreclosing relays in system events. While we propose to have NERC

[29] *Id.* at 12.

[30] *See id.* at 22–24.

[31] The proposed violation severity level revision was also submitted in Docket No. RM13–7–000.

[32] *See* Order No. 758, 138 FERC ¶ 61,094 at P 23.

[33] *See* NERC Petition at 15–21 and Exh. D (Joint Committee Report) at 2–7.

[34] *See http://www.nerc.com/pa/RAPA/Pages/Misoperations.aspx.* Protection system misoperations are reported by transmission owners and generator owners via regional procedures based on the PRC–003–1 standard requirements. Using a common template developed by the eight Regional Entities and NERC, misoperations of facilities operated at 100 kV and above are collected NERC-wide. NERC is proposing to continue collection of the data through the NERC ROP Section 1600 process immediately upon the retirement of the data reporting obligation in Reliability Standard PRC–004–2a. *See http://www.nerc.com/pa/RAPA/ProctectionSystemMisoperations/Misoperations_Data_Request_for_Public_Comment.pdf.*

include this data in the report to be filed two years after this standard takes effect, we also propose to have NERC continue this enhancement of its data collection subsequently.

24. Further, we believe that simulated contingency analyses, generated as part of required planning assessments, could serve as an appropriate benchmark or metric to assess whether the right set of autoreclosing relays is included in the proposed Reliability Standard, or whether further enhancements or modifications are appropriate to include those autoreclosing relays that affect reliable operation of the Bulk-Power System. As one possible approach, we believe it could be useful to be able to compare the set of reclosing relays identified by the thresholds set forth in proposed PRC–005–3 with the set of reclosing relays studied pursuant to approved Reliability Standard TPL–001–4.[35]

25. Requirement R4 of TPL–001–4 requires transmission planners and planning coordinators to perform contingency analyses that explicitly include an examination of the impact of high speed reclosing into a fault (both successful and unsuccessful), to ensure that system performance criteria can still be met (including ensuring no loss of generators outside of the protection zone). Specifically, Requirement R4 of TPL–001–4 states in relevant part that ''[e]ach Transmission Planner and Planning Coordinator shall perform the Contingency analyses listed in Table 1,'' and the sub-requirements of Requirement R4 require that the analysis include the following:

> The analyses shall include the impact of subsequent . . . [s]uccessful high speed (less than one second) reclosing and unsuccessful high speed reclosing into a Fault where high speed reclosing is utilized.[36]

26. While there may be valid reasons to differentiate between what should be studied under TPL–001–4 versus what must be maintained in the prescribed fashion under PRC–005–3, we believe the TPL–001–4 contingency analysis could provide a meaningful check or benchmark to examine the validity of the applicability thresholds proposed in PRC–005–3. Accordingly, we propose to require NERC to submit a report two years after the effective date of Reliability Standard PRC–005–3, comparing the set of reclosing relays identified as having an impact on reliability using the contingency analyses generated under TPL–001–4, versus the set of relays covered by PRC–005–3.

27. We request that NERC and other commenters address whether the information expected to be generated pursuant to the contingency analyses required by Requirement R4 of TPL–001–4 could provide a meaningful metric or benchmark in analyzing the scope of PRC–005–3, i.e., whether PRC–005–3's thresholds include an appropriate set of autoreclosing relays that could affect the reliable operation of the Bulk-Power System. We seek comment on this proposal, including whether there are refinements that could improve this benchmark. Likewise, we seek comment whether NERC or other interested entities believe there is a more appropriate or more accurate benchmark or metric to achieve the purpose discussed above. We further seek comment on the potential burden associated with collecting and evaluating the information expected to be generated under TPL–001–4. While transmission planners will, in any case, be responsible for conducting the studies required under Requirement R4 of TPL–001–4, we seek to understand the incremental burden of collecting and analyzing this data for purposes of the proposed benchmarking and reporting. Likewise, commenters suggesting an alternative analysis that could serve as an appropriate benchmark or metric should include a discussion on the potential burden of the suggested alternative.

B. Supervisory Devices

28. Proposed Reliability Standard PRC–005–3 defines the components of an ''Automatic Reclosing'' device to include both the reclosing relay and its associated control circuitry. The proposed Reliability Standard does not include supervisory devices such as sync-check and/or voltage relays that may be critical to the operation of an autoreclosing scheme.[37] In general, supervisory devices, like sync-check relays, are applied to monitor voltages on both sides of a circuit breaker to allow autoreclosing for desirable conditions (e.g., proper phase angle and voltage) or block autoreclosing for undesirable conditions.

29. The Joint Committee Report states that the NERC subcommittees dismissed the need to consider supervision failures because the committee believed supervisory device failure to be a small subset of autoreclosing failures.[38] While, according to NERC, premature or undesired autoreclosing due to the failure of a supervisory element may in fact be a relatively small subset of autoreclosing failures, we are not persuaded to exclude such devices from the maintenance and testing requirements of proposed PRC–005–3. Notably, the Commission rejected almost identical arguments in Order No. 733, when it directed NERC to include supervisory relays as part of its Transmission Relay Loadability (TRL) standard:

> Exelon asserts that the TRL Reliability Standard's goal is to address protective relays that have a history of contributing to cascades, and that relays enabled only when other relays or associated systems fail are extremely unlikely to be a factor in a disturbance because they are enabled so infrequently.
>
> . . .
>
> [W]e disagree with those commenters that suggest that the Commission should approve section 3.1 because it excludes from the Reliability Standard's scope relays and protection systems that rarely operate. These commenters appear to suggest that protection systems that rarely operate do not pose a risk to the reliability of the Bulk-Power System. We disagree. A protective relay, as an integral part of the Bulk-Power System, must be dependable and secure; it must operate correctly when required to clear a fault and refrain from operating unnecessarily, i.e., during non-fault conditions or for faults outside of its zone of protection, regardless of how many times the relay must actually operate.[39]

30. As we explained previously, supervisory devices essentially ''supervise'' the actions of an autoreclosing scheme; i.e., allow autoreclosing for desirable conditions or block autoreclosing for undesirable conditions.[40] The Joint Committee Report explains that, ''failure of a synchronism check function may allow a close when static system angles are greater than designed, or inhibit a close when static system angles are less than designed.'' [41] While we agree with the Joint Committee Report that a failure of a sync-check relay would not send a

[35] *Transmission Planning Reliability Standards,* Order No. 786, 145 FERC ¶ 61,051 (2013).

[36] Reliability Standard TPL–001–4, Requirement R4, R4.3.1 and R4.3.1.1.

[37] While NERC does not directly address this issue in its petition, in response to one commenter's requests for clarification during development of the standard, the standard drafting team noted that ''supervisory capability such as sync-check and line switch status are not included.'' NERC Petition, Exh. H (Summary of Development History and Complete Development Record) at 507.

[38] *See, e.g.,* NERC Petition, Exh. D (Joint Committee Report) at 6 (noting that premature autoreclosing has the potential to cause generating unit loss of life due to shaft fatigue, but concluding that supervisory failures need not be considered because ''[p]remature autoreclosing due to a supervision failure is a small subset of autoreclosing failures'').

[39] *Transmission Relay Loadability Reliability Standard,* Order No. 733, 130 FERC ¶ 61,221, at PP 257, 269 (2010).

[40] *See supra* P 28.

[41] NERC Petition, Exh. D (Joint Committee Report) at 4.

signal to reclose into a fault, NERC has not explained in its petition how a failure of a sync-check relay for *undesirable conditions,* such as when static system angles are greater than designed, would not allow autoreclosing and consequently, the reliability concern that we discussed in Order No. 758.[42]

31. Moreover, the proposed exclusion of supervisory devices in PRC–005–3 is inconsistent with other aspects of the Joint Committee Report regarding the overall function of autoreclosing relays, which explicitly recognized that ''there are a few main characteristics shared by most autoreclosing relays,'' and identified these as supervision functions, timing functions, and output functions.[43] The Joint Committee Report also concluded that ''when analyzing autoreclosing relay failure modes, the functions described above are one of the most likely to lead to failure.'' [44]

32. Accordingly, to address the concerns set forth here, we propose to direct that NERC develop modifications to PRC–005–3 that address our concerns regarding the appropriateness of including supervisory relays under the mandatory maintenance and testing provisions of the Reliability Standard.

III. Information Collection Statement

33. The proposed Version 3 Reliability Standard, PRC–005–3, retains the same evidence retention requirements approved in the Version 2 standard, PRC–005–2, requiring entities to maintain documentation of maintenance activities for the longer of (1) the two most recent performances of each distinct maintenance activity for the component; or (2) all performances of each distinct maintenance activity for the component since the previous scheduled audit date. Because the largest maintenance interval prescribed for certain kinds of components is twelve years, an entity may be required to retain its maintenance records up to 24 years (two maintenance cycles). Thus, the potential data retention requirement exceeds the three-year period that is routinely allowed for regulations requiring record retention, under the Office of Management and Budget (OMB) regulations implementing the Paperwork Reduction Act (PRA).[45]

34. However, the PRA regulations allow the Commission to approve a standard that requires record retention for more than three years if necessary to satisfy statutory requirements (e.g. of FPA section 215) or based on other ''substantial need:'' (d)(2) Unless the agency is able to demonstrate, in its submission for OMB clearance, that such characteristic of the collection of information is necessary to satisfy statutory requirements or other substantial need, OMB will not approve a collection of information— . . . (iv) Requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records, for more than three years).[46]

35. In its petition, NERC explains that the two maintenance cycle evidence retention period ''assures that documentation is available to show that the time between maintenance cycles correctly meets the maintenance interval limits.'' [47] In addition, NERC maintains that the data that must be retained are ''the usual and customary documents maintained by these entities today to document maintenance internally.'' [48] Moreover, NERC explains that ''shortening the time period for retention would require that the maintenance intervals be reduced as well, which would significantly increase capital maintenance costs since entities would need to maintain Components under tighter time constraints.'' [49] Because of these factors, NERC concludes that the burden of evidence retention under the proposed standard would be ''minimal compared to the increased capital costs that would result from shortening the intervals to create a shorter maximum retention time.'' [50]

36. We agree with NERC that the data retention obligations appear to be negligible as compared to the benefit and reduced cost of a longer maintenance interval for the highly reliable components that are subject to such lengthy data retention requirements, and note that the data retention provisions were developed by industry experts and subject to approval by stakeholder vote. However, we seek comment regarding the reasonableness of the proposed data retention obligations. Specifically, for relays with a 12-year maintenance cycle, the Commission seeks comment from NERC and other interested entities whether: (a) there is substantial need to keep the maintenance records for two cycles, and (b) retaining these types of records for 24 years is overly burdensome or costly. In addition, we seek comment as to whether entities would keep maintenance records for a similar time frame even if it were not required under PRC–005–3. Finally, we seek comment on any alternatives to the two maintenance cycle/24 year record retention approach which could prove to be less costly and burdensome, or more effective. To the extent such alternatives are identified, we seek information on the associated costs and benefits of the alternative approach.

37. The following collection of information contained in this Notice of Proposed Rulemaking is subject to review by the Office of Management and Budget (OMB) under section 3507(d) of the Paperwork Reduction Act of 1995.[51] OMB's regulations require approval of certain information collection requirements imposed by agency rules.[52] Upon approval of a collection(s) of information, OMB will assign an OMB control number and an expiration date. Respondents subject to the filing requirements of a rule will not be penalized for failing to respond to these collections of information unless the collections of information display a valid OMB control number.

38. We solicit comments on the Commission's need for this information, whether the information will have practical utility, the accuracy of the burden estimates, ways to enhance the quality, utility, and clarity of the information to be collected or retained, and any suggested methods for minimizing respondents' burden, including the use of automated information techniques. Specifically, the Commission asks that any revised burden or cost estimates submitted by commenters be supported by sufficient detail to understand how the estimates are generated.

39. The Commission proposes to approve Reliability Standard PRC–005–3, which will replace PRC–005–2 (Protection System Maintenance). The proposed Reliability Standard expands the existing standard to cover reclosing schemes that meet certain criteria, imposing mandatory minimum maintenance activities and maximum maintenance intervals for the various reclosing scheme components. Because the specific requirements were designed to reflect common industry practice, entities are not expected to experience a meaningful change in actual

[42] *See* Order No. 758, 138 FERC ¶ 61,094 at P 24.

[43] NERC Petition, Exh. D (Joint Committee Report) at 3–4.

[44] *Id.* at 4.

[45] *See* 5 CFR 1320.5(d)(2)(iv).

[46] *Id.*

[47] NERC Petition at 25, & n. 45 (citing to Exh. E (Supplementary Reference and FAQ Document) at 39).

[48] *Id.* at 25–26.

[49] *Id.* at 26.

[50] *Id.* NERC notes that it has requested that the standard drafting team currently working on another revision to the PRC–005 standard consider possible alternatives to the evidence retention period of at least two maintenance cycles.

[51] 44 U.S.C. 3507(d) (2006).

[52] 5 CFR 1320.11 (2012).

maintenance and documentation practices. However, applicable entities will have to perform a one-time review of their reclosing schemes to determine which ones fall under PRC–005–3, and, if they have applicable reclosing schemes, review current reclosing scheme maintenance programs to ensure that they meet the requirements of the proposed standard PRC–005–3. Accordingly, all information collection costs are expected to be limited to the first year of implementation of the revised standard.

40. *Public Reporting Burden:* Our estimate below regarding the number of respondents is based on an analysis of the generating plants within the footprint of the PJM Interconnection, LLC (PJM) that meet the inclusion criteria of the proposed standard. There are an estimated 23 generating plants in PJM that meet these criteria. These generating plants represent approximately 47,000 MW's of the approximately 184,000 MWs within PJM. Based on 2012 data, total installed capacity in the continental United States is 1,153,000 MWs.[53] Applying the PJM ratio to this total results in 144 plant sites nationwide to which PRC–005–3 would be applicable. We also assume that a substation will be located within 10 miles of each plant site, resulting in an estimated total number of entities that meet the inclusion criteria of 288.[54] Finally, we assume that all generator owners (GOs) and transmission owners (TOs) must review their existing plant and substation sites to determine applicability under the proposed standard.

41. Affected entities must perform a one-time review of their existing reclosing scheme maintenance program to ensure that it contains at a minimum the activities listed in Table 4 in Reliability Standard PRC–005–3, and that the activities are performed within the applicable maximum interval listed in Table 4. If the existing reclosing scheme maintenance program does not meet the criteria in Reliability Standard PRC–005–3, the entity will have to make certain adjustments to the program.

Requirement	Number of affected entities (1)	Average number of hours per review (2)	Total burden hours (3) (1)*(2)	Total cost (5) (3)*$73[55]
One-time review of existing plant and substation sites to determine which ones fall under PRC–005–3.	937 (GOs and TOs)[56]	2	1,874	$136,802
One-time review and adjustment of existing program	288 (subset of GOs and TOs)	8	2,304	168,192

Title: FERC–725P, Mandatory Reliability Standards: Reliability Standard PRC–005–3.

Action: Proposed Collection of Information.

OMB Control No: 1902–0269.

Respondents: Business or other for-profit and not-for-profit institutions.

Frequency of Responses: One time.

Necessity of the Information: The proposed Reliability Standard PRC–005–3, if adopted, would implement the Congressional mandate of the Energy Policy Act of 2005 to develop mandatory and enforceable Reliability Standards to better ensure the reliability of the nation's Bulk-Power System. Specifically, the proposal would ensure that transmission and generation protection systems affecting the reliability of the bulk electric system are maintained and tested.

42. *Internal review:* The Commission has reviewed revised Reliability Standard PRC–005–3 and made a determination that approval of this standard is necessary to implement section 215 of the FPA. The Commission has assured itself, by means of its internal review, that there is specific, objective support for the burden estimates associated with the information requirements.

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

44. Comments concerning the information collections proposed in this NOPR and the associated burden estimates, should be sent to the Commission in this docket and may also be sent to the Office of Management and Budget, Office of Information and Regulatory Affairs [Attention: Desk Officer for the Federal Energy Regulatory Commission]. For security reasons, comments should be sent by email to OMB at the following email address: *oira_submission@omb.eop.gov.* Please reference the docket number of this Notice of Proposed Rulemaking (Docket No. RM14–8–000) in your submission.

IV. Regulatory Flexibility Act Analysis

45. The Regulatory Flexibility Act of 1980 (RFA)[57] generally requires a description and analysis of Proposed Rules that will have significant economic impact on a substantial number of small entities. The Small Business Administration's (SBA) Office of Size Standards develops the numerical definition of a small business.[58] The SBA recently revised its size standard for electric utilities (effective January 22, 2014) to a standard based on the number of employees, including affiliates (from a standard based on megawatt hours).[59] Under SBA's new size standards, generator owners and transmission owners are likely included in one of the following categories (with the associated size thresholds noted for each):[60]

[53] *See http://search.usa.gov/search?utf8=%E2%9C%93&affiliate=eia.doe.gov&query=generation+capacity+all+states&search=Submit* and *http://www.eia.gov/electricity/annual/html/epa_08_07_a.html.*

[54] This estimate conservatively assumes that the proximate substation would be owned by a different entity than the generating plant.

[55] This figure is the average of the salary plus benefits for a manager and an engineer (rounded to the nearest dollar). The figures are taken from the Bureau of Labor Statistics at (*http://bls.gov/oes/current/naics3_221000.htm*).

[56] Based on the NERC Compliance Registry as of May 28, 2014.

[57] 5 U.S.C. 601–12.

[58] 13 CFR 121.101 (2013).

[59] SBA Final Rule on ''Small Business Size Standards: Utilities,'' 78 FR 77343 (Dec. 23, 2013).

[60] 13 CFR 121.201, Sector 22, Utilities.

- Hydroelectric power generation, at 500 employees
- Fossil fuel electric power generation, at 750 employees
- Nuclear electric power generation, at 750 employees
- Other electric power generation (e.g., solar, wind, geothermal, biomass, and other), at 250 employees
- Electric bulk power transmission and control, at 500 employees

46. Based on U.S. economic census data,[61] the approximate percentages of small firms in these categories vary from 24 percent to 84 percent. However, currently FERC does not have information on how the economic census data compare with the specific entities affected by this proposed rule using the new SBA definitions.[62] Regardless, FERC recognizes that the rule will likely impact some small entities and estimates the economic impact below.

47. As discussed above, proposed Reliability Standard PRC–005–3 would apply to 144 generating plant sites and 144 sub-stations that are located within 10 miles of the plant site. In addition, we estimate that all GOs and TOs will initially review plant and substation sites to determine applicability with the proposed standard.

48. On average, each small entity affected may have a one-time cost of $730 per site, representing a one-time review of the program for each entity, consisting of 10 man-hours at $73/hour as explained above in the information collection statement. We do not consider this cost to be a significant economic impact for small entities. Accordingly, the Commission certifies that proposed Reliability Standard PRC–005–3 will not have a significant economic impact on a substantial number of small entities. The Commission seeks comment on this certification.

V. Environmental Analysis

49. The Commission is required to prepare an Environmental Assessment or an Environmental Impact Statement for any action that may have a significant adverse effect on the human environment.[63] The Commission has categorically excluded certain actions from this requirement as not having a significant effect on the human environment. Included in the exclusion are rules that are clarifying, corrective, or procedural or that do not substantially change the effect of the regulations being amended.[64] The actions proposed herein fall within this categorical exclusion in the Commission's regulations.

VI. Comment Procedures

50. The Commission invites interested persons to submit comments on the matters and issues proposed in this notice to be adopted, including any related matters or alternative proposals that commenters may wish to discuss. Comments are due September 29, 2014. Comments must refer to Docket No. RM14–8–000, and must include the commenter's name, the organization they represent, if applicable, and address.

51. The Commission encourages comments to be filed electronically via the eFiling link on the Commission's Web site at *http://www.ferc.gov.* The Commission accepts most standard word processing formats. Documents created electronically using word processing software should be filed in native applications or print-to-PDF format and not in a scanned format. Commenters filing electronically do not need to make a paper filing.

52. Commenters that are not able to file comments electronically must send an original of their comments to: Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE., Washington, DC 20426.

53. All comments will be placed in the Commission's public files and may be viewed, printed, or downloaded remotely as described in the Document Availability section below. Commenters on this proposal are not required to serve copies of their comments on other commenters.

VII. Document Availability

54. In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the Internet through the Commission's Home Page (*http://www.ferc.gov*) and in the Commission's Public Reference Room during normal business hours (8:30 a.m. to 5:00 p.m. Eastern time) at 888 First Street NE., Room 2A, Washington, DC 20426.

55. From the Commission's Home Page on the Internet, this information is available on eLibrary. The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field.

56. User assistance is available for eLibrary and the Commission's Web site during normal business hours from the Commission's Online Support at 202–502–6652 (toll free at 1–866–208–3676) or email at *ferconlinesupport@ferc.gov,* or the Public Reference Room at (202) 502–8371, TTY (202) 502–8659. Email the Public Reference Room at *public.referenceroom@ferc.gov.*

By direction of the Commission.

Issued: July 17, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–17230 Filed 7–28–14; 8:45 am]

BILLING CODE 6717–01–P

[61] Data and further information are available from SBA at *http://www.sba.gov/advocacy/849/12162.*

[62] For utilities in the SBA's subsector 221, the previous SBA definition stated that ''[a] firm is small if, including its affiliates, it is primarily engaged in the generation, transmission, and/or distribution of electric energy for sale and its total electric output for the preceding fiscal year did not exceed 4 million megawatt hours.''

[63] *Regulations Implementing the National Environmental Policy Act of 1969,* Order No. 486, FERC Stats. & Regs. ¶ 30,783 (1987).

[64] 18 CFR 380.4(a)(2)(ii).

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 154

[Docket No. RM14–21–000]

Natural Gas Act Pipeline Maps

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Energy Regulatory Commission (Commission or FERC) is proposing to amend the filing requirements for natural gas pipeline system maps. Under current regulations, natural gas pipelines must include a system map as part of their tariff on file with the Commission, and file an updated map by the following April for any year that there is a major change in the pipeline's system. Additionally, this map must be posted on the pipeline's own Web site. In order to reduce regulatory burden on these pipelines, the Commission proposes to eliminate the requirement to file a map as part of the tariff, leaving only the requirement to maintain a map on the pipeline's own Web site.

Furthermore, in order to promote transparency, the Commission proposes to change the deadline for updating system maps. Currently, if a pipeline experiences a major change that renders its existing map obsolete, it must make a tariff filing no later than April 30 of the subsequent calendar year. The Commission proposes a quarterly deadline for updating pipeline maps.

DATES: Comments are due September 29, 2014.

ADDRESSES: Comments, identified by docket number, may be filed in the following ways:

- *Electronic Filing through http://www.ferc.gov.* Documents created electronically using word processing software should be filed in native applications or print-to-PDF format and not in a scanned format.
- *Mail/Hand Delivery:* Those unable to file electronically may mail or hand-deliver comments to: Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE., Washington, DC 20426.

Instructions: For detailed instructions on submitting comments and additional information on the rulemaking process, see the Comment Procedures Section of this document.

FOR FURTHER INFORMATION CONTACT: Damien Gaul (Technical Issues), 888 First Street NE., Washington, DC 20426, (202) 502–8008, *Damien.Gaul@ferc.gov.* Vince Mareino (Legal Issues), 888 First Street NE., Washington, DC 20426, (202) 502–6167, *Vince.Mareino@ferc.gov.*

SUPPLEMENTARY INFORMATION:

Table of Contents

1. The Federal Energy Regulatory Commission (Commission or FERC) is proposing to revise its regulations regarding the requirement that interstate natural gas pipelines subject to our jurisdiction under the Natural Gas Act (NGA) [1] file the system maps as part of their tariffs. Currently, pursuant to sections 154.103 and 154.106 of our regulations,[2] natural gas pipelines must have a system map in their tariffs on file with the Commission and, pursuant to section 284.12(a)(1)(v),[3] on the tariff section of their Web sites. In order to reduce regulatory burden on these pipelines, the Commission proposes to eliminate the requirement that natural gas pipelines have a system map on file with the Commission but retain the requirement to post the system map on their Web sites. Furthermore, in order to promote transparency, the Commission is also proposing to change the deadline for updating maps. Natural gas pipeline companies would be required to update the map on their Web site within the calendar quarter of any major system change instead of annually by April 30.

I. Background

2. The Commission has required natural gas pipelines to include system maps in their tariffs since 1948.[4] The Commission made clarifying modifications to the original regulation in 1995,[5] and edits to accommodate electronic tariff filing (eTariff) in 2008.[6] The current-day map publication regulation, 18 CFR 154.106, states: a. The map must show the general geographic location of the company's principal pipeline facilities and of the points at which service is rendered under the tariff. The boundaries of any rate zones or rate areas must be shown and the areas or zones identified. The entire system should be displayed on a single map. In addition, a separate map should be provided for each zone. b. [Reserved]. c. The map must be revised to reflect any major changes. The revised map must be filed no later than April 30 of the calendar year after the major change.[7]

3. As with other parts of tariffs, pipeline system maps must be filed with the Commission solely in electronic format. Order No. 714 required that all natural gas pipeline tariffs and tariff revisions, including those concerning system maps, be filed electronically according to a set of standards developed in conjunction with the North American Energy Standards Board (NAESB).[8] Moreover, under NAESB Wholesale Gas Quadrant Standard 4.3.23, and as incorporated by reference in section 284.12(a)(1)(v) of the Commission's regulations,[9] each pipeline must display its entire tariff (including the map) on its Web site. Pipeline system maps, however, are often created using specialized software, and can be densely populated with data. These factors have created constraints in the ability of pipelines to file maps as part of their electronically filed tariffs. For example, eTariff limits the size of all individual tariff records to 10 megabytes.[10] Further, system maps may only be filed in one of two electronic formats, RTF or PDF.[11] In practice, it is technically difficult to create and file a map in RTF. Further, pipelines have informed Commission Staff that converting their maps to a small-size PDF often compels them to reduce the quality of the maps.

4. As noted, the current regulation requires the filing of an updated map only if there is a major change, and thus not all pipelines have major changes requiring such a filing every year. Over the past three years, the Commission received an average of 21 filings per year that were exclusively pursuant to section 154.106. Additionally, pipelines sometimes file system maps intermittently throughout the year as part of more general tariff filings.

II. Discussion

A. Proposed Changes

5. The Commission proposes two changes to the gas pipeline map

[1] 15 U.S.C. 717.

[2] 18 CFR 154.103 and 154.106 (2013).

[3] 18 CFR 284.12(a)(1)(v) (2013).

[4] *Amendment of Regulations and Approved Forms Under the Natural Gas Act, to Prescribe Revised Rules Governing the Form, Composition, Filing, and Posting of Rate Schedules and Tariffs for the Transportation or Sale of Natural Gas Subject to the Jurisdiction of the Commission, Order No. 144,* 13 FR 6371, 6374 (issued Oct. 28, 1948, published Oct. 30, 1948, corrected Nov. 12, 1948).

[5] *Filing and Reporting Requirements for Interstate Natural Gas Company Rate Schedules and Tariffs,* Order No. 582, 60 FR 52,960, FERC Stats. & Regs. ¶ 31,025 (1995).

[6] *Electronic Tariff Filings,* Order No. 714, 73 FR 57,515, FERC Stats. & Regs. ¶ 31,276 (2008) *clarified,* Order No. 714–A, 147 FERC ¶ 61,115 (2014).

[7] 18 CFR 154.106.

[8] Order No. 714, FERC Stats. & Regs. ¶ 31,276 at P 1.

[9] 18 CFR 284.12(a)(1)(v).

[10] *See Implementation Guide for Electronic Filing of Parts 35, 154, 284, 300, and 341 Tariff Filings* (April 29, 2014) Data Dictionary, Record Binary Data, *available at <http://www.ferc.gov/docs-filing/etariff/implementation-guide.pdf>.*

[11] *Id.* at Data Dictionary, Record Content Type Code. RTF refers to Rich Text Format which is a standardized textual format that can be produced by a number of word processors. PDF refers to Portable Document Format, which is a format used for representing documents that closely resembles the original formatting of the document.

regulations with the aim of promoting transparency and reducing regulatory burden. In an effort to reduce regulatory burden, the Commission proposes to eliminate the requirement that system maps be filed in as part of natural gas pipeline tariffs. In the place of system maps, the Commission proposes to require that pipelines provide a tariff record that contains a Web site address, or uniform resource locator (URL) reference, to the pipeline's publicly available Web site where maps may be accessed. The Commission proposes that natural gas pipelines post their system maps on the Informational Postings portion of their respective Web sites in accordance with applicable NAESB standards. Upon the adoption of this rule, NAESB should also consider whether additional standards are needed to assure accessibility and uniformity in the presentation of the maps.

6. The proposal to eliminate the map filing requirement effectively renders the April 30 regulatory deadline obsolete. Thus, in order to ensure a higher level of transparency, the Commission proposes to require pipelines to update system maps more promptly, so that customers and potential customers can obtain a realistic picture of the pipeline's configuration, its zone boundaries, and the areas to which its rates apply. While zone boundaries do not often change, the markets pipelines serve do change more frequently as pipelines add laterals, extend mainlines, abandon plant or change operations. Requiring pipelines to update their maps in the calendar quarter that they implement a major system change will enhance transparency by ensuring that shippers have an accurate depiction of the pipeline in a timelier manner.

7. Pursuant to the Commission's current regulatory structure, pipelines must already provide new tariff language or maps in advance.[12] While we continue to encourage such promptness, for the purposes of section 154.106, the Commission proposes to reduce the current lag period to a calendar quarter.[13] Because it is relatively rare for pipelines to engage in major changes that require new maps more than once a year, this change should only slightly increase the number of Web site map updates but it will increase the public's confidence that a pipeline's map is up-to-date and relevant. Furthermore, connecting map update deadlines to the calendar quarter will assist those pipelines that prefer specified calendar dates for their compliance obligations. Accordingly, the Commission proposes to define the new deadline as follows (new language in bold): ''The map must be revised to reflect any major change *no later* than the end of the calendar quarter of the major change.''

8. Furthermore, just as all tariff records, including tariff maps, must have an effective date under the current regulations, the Commission will also require Web site maps to display an effective date. Pipelines are also permitted to display maps showing past, future, or hypothetical operations, so long as these maps are clearly labeled as such.

9. The Commission is taking this action as part of our commitment to continually review our regulations and eliminate those requirements that impose an unnecessary burden on regulated entities. We find that our proposal to have pipelines incorporate the system map by reference to a location on their Web sites will retain all of the transparency and consumer safeguards embodied in the Commission's existing regulations. However, it will eliminate approximately 21 filings each year, and the concomitant technical burdens of conforming maps to the eTariff requirements, thereby reducing the regulatory burden on the pipelines and the Commission.

B. Scope

10. The Commission emphasizes that the only change contemplated by this Proposed Rule is to the filing requirements for system maps in the eTariff system, sections 154.103 and 154.106 of the Commission's regulations. Other filing requirements, including the system flow diagrams and maps in Form 567,[14] Exhibits F and G,[15] and Exhibits V and Z,[16] are unchanged and are not the subject of this proceeding.

11. Additionally, this Proposed Rule does not affect the substantive content of the map, as defined in the existing regulation (e.g., ''general geographic location'' and ''the boundaries of any rate zones or rate areas must be shown''). Nor does it affect the triggering event for filing a new map (i.e., ''major change''). By freeing pipelines of the need to convert their maps into small-sized RTF or PDF files, the Commission predicts that the overall quality of pipeline maps will improve without the need for prescriptive regulation.

12. The Commission proposes that, on the first day of the calendar quarter that starts 90 days after the Final Rule is published in the **Federal Register**, all pipelines would file a compliance tariff filing. This compliance filing would revise their respective tariffs to remove their system maps and provide the Web site address or URL reference. Assuming that pipelines do not change their URL reference, all future map updates should be able to be made without need for making any filing with the Commission.

III. Information Collection Statement

13. The following collections of information contained in this proposed rule are being submitted to the Office of Management and Budget (OMB) for review under section 3507(d) of the Paperwork Reduction Act of 1995, 44 U.S.C. 3507(d).

14. The Commission solicits comments on the Commission's need for this information, whether the information will have practical utility, the accuracy of the provided burden estimates, ways to enhance the quality, utility, and clarity of the information to be collected, and any suggested methods for minimizing respondents' burden, including the use of automated information techniques.

15. The following burden estimates reflect the time necessary for respondents to update their tariffs according to this proposed rule, as well as the burden reduction as respondents will no longer have to file system map adjustments. Also, there is a small burden increase to account for the proposed requirement that pipelines update their system maps on a more frequent basis than annually. The Commission bases the estimated number of respondents on the number of Natural Gas Act jurisdictional companies with tariffs on file, accounting for companies that have waivers. The Commission assumes that in the first year the only difference in burden for respondents is to make the one time tariff changes estimated at eight hours per respondent. In each year, starting in the second, the Commission estimates that approximately 21 respondents per year will experience a four hour reduction in

[12] Currently, section 4 of the Natural Gas Act obligates pipelines to announce the proposed tariff changes to terms, conditions, and rates at least 30 days *before* the change goes into effect. Pipelines often include maps with these filings in order to meet the burden of demonstrating justness and reasonableness. Most filings under section 7 of the Natural Gas Act expressly require a map, as per Commission regulations. *E.g.,* 18 CFR 157.208, 157.211, 157.213, 157.214, 157.215, 157.216 (2013).

[13] ''Calendar quarter'' has its standard meaning, as used, *e.g.,* in 18 CFR 141.400 and 284.126 (2013): January 1 through March 31, April 1 through June 30, July 1 through September 30, and October 1 through December 31.

[14] 18 CFR 260.8 (2013).

[15] 18 CFR 157.14(a)(6) through (9) (2013).

[16] 18 CFR 157.18(c) and (g) (2013).

burden from no longer filing system map adjustments with the Commission. Also starting in the second year, the Commission estimates that approximately four respondents will see an increase of four hours per year in order to update their maps more frequently. The following table shows the proposed rule burden hour impact.

	Total number of responses (A)	Burden hours per response (B)	Total annual burden hours (C) = (A)*(B)	Total annual cost [17] =(C)*($/hour)
One-time tariff filing (year 1)	165	8	1,320	$168,960 ($128/hr)
Burden Reduction (year 2 and beyond)	21	4	−84	−$5,124 ($61/hr)
Additional burden for more frequent map updates (year 2 and beyond)	4	4	16	$976 ($61/hr)
Total—Year 1	165	8	1,320	$168,960
Total—Year 2 and beyond	−17	4	−68	−$4,148

Title: FERC–545, Gas Pipeline Rates: Non Formal.

Action: One-time filing and reduced future filings.

OMB Control Number: 1902–0154.

Respondents: Natural Gas Pipelines.

Frequency of Responses: One-time implementation and future reduction in number of responses. Responses are mandatory.

Necessity of Information: The proposals in this Proposed Rule would, if implemented, reduce the burden of interstate natural gas pipelines resulting from compliance with the Commission's regulations.

Internal Review: The Commission has reviewed the requirements pertaining to proposed modification of the Commission's regulations and made a preliminary determination that the proposed revisions are necessary to reduce the burden imposed by the Commission on the natural gas industry. The Commission has assured itself, by means of its internal review, that there is specific, objective support for the burden estimates associated with the information requirements.

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

17. Comments concerning the collection of information and the associated burden estimate, should be sent to the Commission in this docket and to the Office of Management and Budget, Office of Information and Regulatory Affairs, Washington, DC 20503 [Attention: Desk Officer for the Federal Energy Regulatory Commission, telephone: (202) 395–4638, fax: (202) 395–4718].

IV. Environmental Analysis

18. The Commission is required to prepare an Environmental Assessment or an Environmental Impact Statement for any action that may have a significant adverse effect on the human environment.[18] The Commission has categorically excluded certain actions from these requirements as not having a significant effect on the human environment.[19] The actions proposed here fall within categorical exclusions in the Commission's regulations for rules that are clarifying, corrective, or procedural, for information gathering, analysis, and dissemination, and for sales, exchange, and transportation of natural gas that requires no construction of facilities.[20] Therefore, an environmental assessment is unnecessary and has not been prepared as part of this NOPR.

V. Regulatory Flexibility Act

19. The Regulatory Flexibility Act of 1980 (RFA) [21] generally requires a description and analysis of final rules that will have significant economic impact on a substantial number of small entities. The RFA mandates consideration of regulatory alternatives that accomplish the stated objectives of a proposed rule and that minimize any significant economic impact on a substantial number of small entities. The Small Business Administration's (SBA) Office of Size Standards develops the numerical definition of a small business.[22] The SBA has established a size standard for pipelines transporting natural gas, stating that a firm is small if its annual receipts are less than $25.5 million.[23]

20. The changes proposed here only impact interstate pipelines. Approximately 165 entities would be potential respondents subject to data collection FERC–545 reporting requirements. More than half of these entities are large entities. Using 2013 revenue data from the Form 2 and 2A, the Commission estimates that 19 percent or 26 total pipelines not affiliated with larger companies had annual revenues of less than $25.5 million. Moreover, these changes are designed to benefit all customers, including small businesses. The Commission estimates that the one-time cost per small entity is $1,024.[24] In the future, small entities should see a cost savings related to avoiding filing requirements related to system maps. The Commission does not consider the estimated $1,024 impact per entity to be significant. Accordingly, pursuant to § 605(b) of the RFA, the Commission certifies that this proposed rule should not have a significant economic impact on a substantial number of small entities.

VI. Comment Procedures

21. The Commission invites interested persons to submit written comments on the proposed regulation modifications promulgated in this NOPR, as well as

[17] The estimates for Total Annual Cost are derived using the following formula: Total Annual Burden Hours * $ per Hour = Total Annual Cost. For the one-time tariff filing the hourly loaded (wage plus benefits) wage is $128 and is based on the loaded wage of an attorney. For the burden reduction and additional updates the hourly loaded wage is $61 and is based on the loaded wage of a civil engineer and a computer/math specialist. The hourly wage figures come from the Bureau of Labor Statistics (BLS) at <*http://www.bls.gov/oes/current/naics2_22.htm*> and the benefits are calculated using BLS information at <*http://www.bls.gov/news.release/ecec.nr0.htm*>. Each response to the proposed regulation in Column A is expected to correspond to a unique respondent. As a result, total number of responses equals the expected total number of respondents.

[18] *Regulations Implementing the National Environmental Policy Act of 1969,* Order No. 486, FERC Stats. & Regs. ¶ 30,783 (1987).

[19] 18 CFR 380.4 (2013).

[20] *See* 18 CFR 380.4(a)(2)(ii), 380.4(a)(5), 380.4(a)(27) (2013).

[21] 5 U.S.C. 601–612.

[22] 13 CFR 121.101 (2013).

[23] 13 CFR 121.201, subsection 486.

[24] *See* the Information Collection section for further explanation.

any related matters or alternative proposals that commenters may wish to discuss. Comments are due September 29, 2014. Comments must refer to Docket No. RM14–21–000, and must include the commenter's name, the organization they represent, if applicable, and their address. Comments may be filed either in electronic or paper format.

22. The Commission encourages comments to be filed electronically via the eFiling link on the Commission's Web site at <*http://www.ferc.gov*>. The Commission accepts most standard word processing formats. Documents created electronically using word processing software should be filed in native applications or print-to-PDF format and not in a scanned format. Commenters filing electronically do not need to make a paper filing.

23. Commenters that are not able to file comments electronically must send an original of their comments to: Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE., Washington, DC 20426.

24. All comments will be placed in the Commission's public files and may be viewed, printed, or downloaded remotely as described in the Document Availability Section below. Commenters on this proposal are not required to serve copies of their comments on other commenters.

VII. Document Availability

25. In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the Internet through the Commission's Home Page <*http://www.ferc.gov*> and in the Commission's Public Reference Room during normal business hours (8:30 a.m. to 5:00 p.m. Eastern time) at 888 First Street NE., Room 2A, Washington, DC 20426.

26. From the Commission's Home Page on the Internet, this information is available on eLibrary. The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field.

27. User assistance is available for eLibrary and the Commission's Web site during normal business hours from the Commission's Online Support at (202) 502–6652 (toll free at 1–866–208–3676) or email at *ferconlinesupport@ferc.gov,* or the Public Reference Room at (202) 502–8371, TTY (202) 502–8659. Email the Public Reference Room at *public.referenceroom@ferc.gov.*

List of Subjects in 18 CFR Part 154

Natural Gas, Pipelines, Reporting and recordkeeping requirements.

By direction of the Commission.

Issued: July 17, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

In consideration of the foregoing, the Commission proposes to amend Part 154, Chapter I, Title 18, *Code of Federal Regulations,* as follows:

PART 154—RATE SCHEDULES AND TARIFFS

■ 1. The authority citation for part 154 continues to read as follows:

Authority: 15 U.S.C. 717–717w; 31 U.S.C. 9701; 42 U.S.C. 7102–7352.

■ 2. Revise § 154.103(a) to read as follows:

§ 154.103 Composition of tariff.

(a) The tariff must contain sections, in the following order: A table of contents, a preliminary statement, a uniform resource locator for the Internet address of a map of the system, currently effective rates, composition of rate schedules, general terms and conditions, form of service agreement, and an index of customers.

* * * * *

■ 3. Revise § 154.106 to read as follows:

§ 154.106 Map.

(a) The tariff must state a uniform resource locator on the pipeline's Internet Web site, at which the general public may display and download system map(s).

(b) The map must show the general geographic location of the company's principal pipeline facilities and of the points at which service is rendered under the tariff. The boundaries of any rate zones or rate areas must be shown and the areas or zones identified. The entire system should be displayed on a single map. In addition, a separate map should be provided for each zone.

(c) The map must be revised to reflect any major change no later than the end of the calendar quarter of the major change.

[FR Doc. 2014–17232 Filed 7–28–14; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R02–OAR–2014–0238; FRL–9913–74–Region–2]

Approval and Promulgation of Air Quality Implementation Plans; New York State; Transportation Conformity Regulations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) proposes to approve the State Implementation Plan (SIP) revision submitted by New York State to establish transportation conformity regulations. In the Final Rules section of this **Federal Register**, EPA is approving the State's SIP submittal as a direct final rule without prior proposal 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 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. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time.

DATES: Comments must be received in writing by August 28, 2014.

ADDRESSES: Submit your comments, identified by Docket ID Number EPA–R02–OAR–2014–0238 by one of the following methods:

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

B. *Email: Ruvo.Richard@epa.gov*.

C. *Mail:* EPA–R02–OAR–2014–0238, Richard Ruvo, Branch Chief, Air Programs, U.S. Environmental Protection Agency, Region II, 290 Broadway, New York, NY 10007.

D. *Hand Delivery:* At the previously-listed EPA Region II address. 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–R02–OAR–2014–0238. EPA's policy is that all comments received will be included in the public docket without change, and may be made available online at *www.regulations.gov,* including any personal information provided, unless

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

Docket: All documents in the electronic 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, is not placed on the Internet and 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 during normal business hours at the Air Programs Branch, U.S. Environmental Protection Agency, Region II, 290 Broadway, New York, NY 10007. Copies of the State submittal are available at the New York State Department of the Environmental Conservation, Division of Air Resources, 625 Broadway, Albany, NY 12233.

FOR FURTHER INFORMATION CONTACT: Melanie Zeman, (212) 637–4022, or by email at *zeman.melanie@epa.gov*.

SUPPLEMENTARY INFORMATION: For further information, please see the information provided in the direct final action, with the same title, that is located in the Rules and Regulations section of this **Federal Register** publication. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment.

Dated: June 25, 2014.

Judith A. Enck,

Regional Administrator, Region 2.

[FR Doc. 2014–16546 Filed 7–28–14; 8:45 am]

BILLING CODE 6560–50–P

Notices

Federal Register
Vol. 79, No. 145
Tuesday, July 29, 2014

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

July 23, 2014.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments regarding (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), *OIRA_Submission@omb.eop.gov* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Comments regarding these information collections are best assured of having their full effect if received within 30 days of this notification. Copies of the submission(s) may be obtained by calling (202) 720–8958.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

30-day Federal Register Notice

Food and Nutrition Service

Title: The Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) Nutrition Education Study

OMB Control Number: 0584–NEW

Summary of Collection: The Healthy, Hunger-Free Kids Act of 2010 (Pub. L. 111–296, Sect 305) mandates programs under it authorization to cooperate with U.S. Department of Agriculture program research and evaluation activities. The mandate applies to Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) agencies. Through Federal grants to States, WIC provides supplemental foods, health care referrals, and nutrition education to low-income pregnant, breastfeeding, and nonbreastfeeding postpartum women and to infants and children who are found to be at nutritional risk. By Federal directive, all WIC participants have the opportunity to participate in nutrition education at least two times during a 6-month period of eligibility or quarterly for a 12-month period. The Food and Nutrition Service (FNS) is conducting the WIC Nutrition Education Study to provide a nationally representative description of how nutrition education is currently being provided to WIC recipients across the country.

Need and Use of the Information: FNS will conduct a study of the impact of nutrition education on WIC participants' nutrition and physical activity behaviors. The study will provide FNS with a better understanding of nutrition education practices and methods used by WIC and of the effectiveness of current WIC nutrition education services. The objectives of the study are to (1) provide a comprehensive nationally representative description of WIC nutrition education and (2) conduct a pilot study in six WIC sites to demonstrate and refine an evaluation of the impact of WIC nutrition education on participants' nutrition and physical activity behaviors.

Description of Respondents: Individuals or household; State, Local or Tribal Government

Number of Respondents: 3,366

Frequency of Responses: Reporting: Other (one time)

Total Burden Hours: 1,201

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2014–17765 Filed 7–28–14; 8:45 am]

BILLING CODE 3410–30–P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

July 23, 2014.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments regarding (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments regarding this information collection received by August 28, 2014 will be considered. Written comments should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), New Executive Office Building, 725—17th Street NW., Washington, DC 20502. Commenters are encouraged to submit their comments to OMB via email to: *OIRA_Submission@OMB.EOP.GOV* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Copies of the submission(s) may be obtained by calling (202) 720–8958.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs

potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

National Institute of Food and Agriculture

Title: Research Education Extension Project Online Reporting Tool (REEport).

OMB Control Number: 0524–New.

Summary of Collection: The United States Department of Agriculture (USDA), National Institute of Food and Agriculture (NIFA) administer several competitive, peer-reviewed research, education, and extension programs, under which awards of high-priority are made. These programs are authorized pursuant to the authorities contained in the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended (7 U.S.C. 3101), the Smith-Lever Act of 1914, as amended (Pub. L. 107–293, 2002) and other legislative authorities. NIFA also administers several formula funded research programs. The programs are authorized pursuant to the authorities contained in the McIntire-Stennis Cooperative Forestry Research Act of October 10, 1962 (16 U.S.C. 582a–582a–7) (McIntire-Stennis Act); the Hatch Act of 1887, as amended (7 U.S.C. 361a–i) (Hatch Act); Section 1445 of Public Law 95–113, the Food and Agriculture Act of 1977, as amended (7 U.S.C. 3222) (Pub. L. No. 95–113); Section 1433 of Subtitle E (Sections 1429–1439); Title XIV of Public Law 95–113, as amended (7 U.S.C. 3191–3201) (Pub. L. No. 95–113); the Smith-Lever Act; and the Renewable Resources Extension Act. Each formula funded program is also subject to requirements, which were revised in March 2000, and set forth in the Administrative Manual for the McIntire-Stennis Cooperative Forestry Research Program, the Administrative Manual for the Hatch Research Program, the Administrative Manual for the Evans-Allen Cooperative Agricultural Research Program, and the Administrative Manual for the Continuing Animal Health and Disease Research Program. NIFA is developing administrative regulations for the formula funded programs it administers. NIFA plans to deploy REEport as NIFA's singular non-formula (including competitive grants) and formula grant project reporting system, building on and replacing the existing Current Research Information System (CRIS) Web forms system.

Need and Use of the Information: The collection of information is necessary in order to provide descriptive information regarding individual research, education, and integrated activities, to document expenditures and staff support for the activities, and to monitor the progress and impact of such activities. The information is collected primarily via the Internet through a Web site that may be accessed via the NIFS Reporting Portal. The information provided helps users to keep abreast of the latest developments in utilization in specific target areas, plan for future activities; plan for resource allocation to research and education programs; avoid costly duplication of effort; aid in coordination of research and education efforts addressing similar problems in different location; and aid researchers and project directors in establishing valuable contacts with the agricultural community.

Description of Respondents: Business or other for-profit; Federal Government; State, Local or Tribal Government.

Number of Respondents: 5,235.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 60,249.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2014–17766 Filed 7–28–14; 8:45 am]

BILLING CODE 3410–09–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2014–0016]

Notice of Request for Revision to and Extension of Approval of an Information Collection; Commercial Transportation of Equines for Slaughter

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Revision to and extension of approval of an information collection; comment request.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Animal and Plant Health Inspection Service's intention to request a revision to and extension of approval of an information collection associated with the regulations for the commercial transportation of equines to slaughtering facilities.

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

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

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2014-0016.*
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2014–0016, 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-2014-0016* or in our reading room, which is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

FOR FURTHER INFORMATION CONTACT: For information on the regulations for the commercial transportation of equines for slaughter, contact Dr. Rory Carolan, Equine Specialist, Surveillance, Preparedness, and Response Services, VS, APHIS, 4700 River Road Unit 46, Riverdale, MD 20737; (301) 851–3558. For copies of more detailed information on the information collection, contact Mrs. Celeste Sickles, APHIS' Information Collection Coordinator, at (301) 851–2908.

SUPPLEMENTARY INFORMATION:

Title: Commercial Transportation of Equines for Slaughter.

OMB Control Number: 0579–0332.

Type of Request: Revision to and extension of approval of an information collection.

Abstract: Under the Federal Agriculture Improvement and Reform Act of 1996 (''the Farm Bill''), Congress gave responsibility to the Secretary of Agriculture to regulate the commercial transportation within the United States of equines for slaughter. Sections 901–905 of the Farm Bill (7 U.S.C. 1901 note) authorized the Secretary to issue guidelines for the regulation of commercial transportation of equines for slaughter by persons regularly engaged in that activity within the United States. As a result of that authority, the U.S. Department of Agriculture (USDA), Animal and Plant Health Inspection Service (APHIS) established regulations in 9 CFR part 88, ''Commercial Transportation of Equines for Slaughter.''

The minimum standards cover, among other things, the food, water, and rest provided to such equines prior to transportation. The regulations also require the owner/shipper of the

equines to take certain actions in loading and transporting the equines and to certify that the commercial transportation meets certain requirements. In addition, the regulations prohibit the commercial transportation for slaughter of equines considered to be unfit for travel, the use of electric prods on such animals in commercial transportation for slaughter, and the use of double-deck trailers for commercial transportation of equines for slaughter.

These regulations require information collection activities, including a USDA–APHIS Owner/Shipper Certificate Fitness to Travel to a Slaughter Facility Form/Continuation Sheet (Veterinary Services-VS Forms 10–13/10–13A), maintaining copies of the signed VS Forms 10–13/10–13A, and the collection of business information from any individual or other entity found to be transporting horses for slaughter.

This notice includes the information collection requirements currently approved by the Office of Management and Budget (OMB) for the commercial transportation of equines for slaughter under OMB control numbers 0579–0332 and 0579–0160. These collection activities are collecting the same information; therefore, we are combining them. As a result, we have adjusted the values in the burden summary to reflect the values listed in the most recent renewal of OMB control number 0579–0160. After OMB approves and combines the burden for both collections under one collection (0579–0332), the USDA will retire OMB control number 0579–0160.

We are asking OMB to approve our use of these information collection activities, as described, for an additional 3 years.

The purpose of this notice is to solicit comments from the public (as well as affected agencies) concerning our information collection. These comments will help us:

(1) Evaluate whether the collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of our estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, through use, as appropriate, of automated, electronic, mechanical, and other collection technologies; e.g., permitting electronic submission of responses.

Estimate of burden: The public reporting burden for this collection of information is estimated to average 0.7483 hours per response.

Respondents: Owners and shippers of slaughter horses, owners or operators of slaughtering facilities, and drivers of the transport vehicles.

Estimated annual number of respondents: 300.

Estimated annual number of responses per respondent: 43.666.

Estimated annual number of responses: 13,100.

Estimated total annual burden on respondents: 9,803 hours. (Due to averaging, the total annual burden hours may not equal the product of the annual number of responses multiplied by the reporting burden per response.)

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

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

Kevin Shea,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2014–17884 Filed 7–28–14; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Order Renewing Order Temporarily Denying Export Privileges

Mahan Airways, Mahan Tower, No. 21, Azadegan St., M.A. Jenah Exp. Way, Tehran, Iran

Gatewick LLC, a/k/a Gatewick Freight & Cargo Services, a/k/a/Gatewick Aviation Services, G#22 Dubai Airport Free Zone, P.O. Box 393754, Dubai, United Arab Emirates, and P.O. Box 52404, Dubai, United Arab Emirates, and, Mohamed Abdulla Alqaz Building, Al Maktoum Street, Al Rigga, Dubai, United Arab Emirates

Pejman Mahmood Kosarayanifard, a/k/a Kosarian Fard, P.O. Box 52404, Dubai, United Arab Emirates

Mahmoud Amini, G#22 Dubai Airport Free Zone, P.O. Box 393754, Dubai, United Arab Emirates, and P.O. Box 52404, Dubai, United Arab Emirates, and Mohamed Abdulla Alqaz Building, Al Maktoum Street, Al Rigga, Dubai, United Arab Emirates

Kerman Aviation, a/k/a GIE Kerman Aviation, 42 Avenue Montaigne 75008, Paris, France

Sirjanco Trading LLC, P.O. Box 8709, Dubai, United Arab Emirates

Ali Eslamian, 4th Floor, 33 Cavendish Square, London, W1G0PW, United Kingdom, and 2 Bentinck Close, Prince Albert Road St. Johns Wood, London NW87RY, United Kingdom

Mahan Air General Trading LLC, 19th Floor Al Moosa Tower One, Sheik Zayed Road, Dubai 40594, United Arab Emirates

Skyco (UK) Ltd., 4th Floor, 33 Cavendish Square, London, W1G 0PV, United Kingdom

Equipco (UK) Ltd., 2 Bentinck Close, Prince Albert Road, London, NW8 7RY, United Kingdom

Mehdi Bahrami, Mahan Airways-Istanbul Office, Cumhuriye Cad. Sibil Apt No: 101 D:6, 34374 Emadad, Sisli Istanbul, Turkey

Pursuant to Section 766.24 of the Export Administration Regulations, 15 CFR Parts 730–774 (2014) (''EAR'' or the ''Regulations''), I hereby grant the request of the Office of Export Enforcement (''OEE'') to renew the January 24, 2014 Order Temporarily Denying the Export Privileges of Mahan Airways, Gatewick LLC, Pejman Mahmood Kosarayanifard, Mahmoud Amini, Kerman Aviation, Sirjanco Trading LLC, Ali Eslamian, Mahan Air General Trading LLC, Skyco (UK) Ltd., Equipco (UK) Ltd., and Mehdi Bahrami.[1] I find that renewal of the Temporary Denial Order (''TDO'') is necessary in the public interest to prevent an imminent violation of the EAR.

I. Procedural History

On March 17, 2008, Darryl W. Jackson, the then-Assistant Secretary of Commerce for Export Enforcement (''Assistant Secretary''), signed a TDO denying Mahan Airways' export privileges for a period of 180 days on the grounds that its issuance was necessary in the public interest to prevent an imminent violation of the Regulations. The TDO also named as denied persons Blue Airways, of Yerevan, Armenia (''Blue Airways of Armenia''), as well as the ''Balli Group Respondents,'' namely, Balli Group PLC, Balli Aviation, Balli Holdings, Vahid Alaghband, Hassan Alaghband, Blue Sky One Ltd., Blue Sky Two Ltd., Blue Sky Three Ltd., Blue Sky Four Ltd., Blue Sky Five Ltd., and Blue Sky Six Ltd., all of the United Kingdom. The TDO was issued *ex parte* pursuant to Section 766.24(a), and went into effect on March 21, 2008, the date it was published in the **Federal Register**.

The TDO subsequently has been renewed in accordance with Section 766.24(d), including most recently on

[1] See note 3, *infra.*

January 24, 2014.[2] As of March 9, 2010, the Balli Group Respondents and Blue Airways were no longer subject to the TDO. As part of the February 25, 2011 TDO renewal, Gatewick LLC, Mahmoud Amini, and Pejman Mahmood Kosarayanifard (''Kosarian Fard'') were added as related persons in accordance with Section 766.23 of the Regulations. On July 1, 2011, the TDO was modified by adding Zarand Aviation as a respondent in order to prevent an imminent violation. As part of the August 24, 2011 renewal, Kerman Aviation, Sirjanco Trading LLC, and Ali Eslamian were added to the TDO as related persons. Mahan Air General Trading LLC, Skyco (UK) Ltd., and Equipco (UK) Ltd. were added as related persons on April 9, 2012. Mehdi Bahrami was added to the TDO as a related person as part of the February 4, 2013 renewal order.

On July 1, 2014, BIS, through its Office of Export Enforcement (''OEE''), submitted a written request for renewal of the TDO.[3] The current TDO dated January 24, 2014, will expire on July 22, 2014, unless renewed on or before that date. Notice of the renewal request was provided to Mahan Airways in accordance with Sections 766.5 and 766.24(d) of the Regulations. No opposition to the renewal of the TDO has been received from Mahan. Furthermore, no appeal of the related person determinations I made as part of the September 3, 2010, February 25, 2011, August 24, 2011, April 9, 2012, and February 4, 2013 renewal or modification orders has been made by Gatewick LLC, Kosarian Fard, Mahmoud Amini, Kerman Aviation, Sirjanco Trading LLC, Ali Eslamian, Mahan Air General Trading LLC, Skyco (UK) Ltd., Equipco (UK) Ltd., or Mehdi Bahrami.[4]

[2] The January 24, 2014 Order was published in the **Federal Register** on January 30, 2014. 79 FR 4871 (Jan. 30, 2014). The TDO previously had been renewed on September 17, 2008, March 16, 2009, September 11, 2009, March 9, 2010, September 3, 2010, February 25, 2011, August 24, 2011, February 15, 2012, August 9, 2012, February 4, 2013, and July 31, 2013. The August 24, 2011 renewal followed the modification of the TDO on July 1, 2011, which added Zarand Aviation as a respondent. Each renewal or modification order was published in the **Federal Register**.

[3] The July 1, 2014 renewal request sought renewal as to all parties subject to the January 24, 2014 Order, including Zarand Aviation. Upon further review and consideration, OEE has withdrawn its request that the TDO be renewed as to Zarand Aviation. No other aspect of the renewal request is affected by the withdrawal as to Zarand.

[4] A party named or added as a related person may not oppose the issuance or renewal of the underlying temporary denial order, but may file an appeal of the related person determination in accordance with Section 766.23(c).

II. Renewal of the TDO

A. Legal Standard

Pursuant to Section 766.24, BIS may issue or renew an order temporarily denying a respondent's export privileges upon a showing that the order is necessary in the public interest to prevent an ''imminent violation'' of the Regulations. 15 CFR §§ 766.24(b)(1) and 776.24(d). ''A violation may be 'imminent' either in time or degree of likelihood.'' 15 CFR § 766.24(b)(3). BIS may show ''either that a violation is about to occur, or that the general circumstances of the matter under investigation or case under criminal or administrative charges demonstrate a likelihood of future violations.'' *Id.* As to the likelihood of future violations, BIS may show that the violation under investigation or charge ''is significant, deliberate, covert and/or likely to occur again, rather than technical or negligent[.]'' *Id.* A ''lack of information establishing the precise time a violation may occur does not preclude a finding that a violation is imminent, so long as there is sufficient reason to believe the likelihood of a violation.'' *Id.*

B. The TDO and BIS's Request for Renewal

OEE's request for renewal is based upon the facts underlying the issuance of the initial TDO and the TDO renewals in this matter and the evidence developed over the course of this investigation indicating a blatant disregard of U.S. export controls and the TDO. The initial TDO was issued as a result of evidence that showed that Mahan Airways and other parties engaged in conduct prohibited by the EAR by knowingly re-exporting to Iran three U.S.-origin aircraft, specifically Boeing 747s (''Aircraft 1–3''), items subject to the EAR and classified under Export Control Classification Number (''ECCN'') 9A991.b, without the required U.S. Government authorization. Further evidence submitted by BIS indicated that Mahan Airways was involved in the attempted re-export of three additional U.S.-origin Boeing 747s (''Aircraft 4–6'') to Iran.

As discussed in the September 17, 2008 renewal order, evidence presented by BIS indicated that Aircraft 1–3 continued to be flown on Mahan Airways' routes after issuance of the TDO, in violation of the Regulations and the TDO itself.[5] It also showed that Aircraft 1–3 had been flown in further violation of the Regulations and the TDO on the routes of Iran Air, an Iranian Government airline. Moreover, as discussed in the March 16, 2009, September 11, 2009 and March 9, 2010 Renewal Orders, Mahan Airways registered Aircraft 1–3 in Iran, obtained Iranian tail numbers for them (including EP–MNA and EP–MNB), and continued to operate at least two of them in violation of the Regulations and the TDO,[6] while also committing an additional knowing and willful violation of the Regulations and the TDO when it negotiated for and acquired an additional U.S.-origin aircraft. The additional acquired aircraft was an MD–82 aircraft, which subsequently was painted in Mahan Airways' livery and flown on multiple Mahan Airways' routes under tail number TC–TUA.

The March 9, 2010 Renewal Order also noted that a court in the United Kingdom (''U.K.'') had found Mahan Airways in contempt of court on February 1, 2010, for failing to comply with that court's December 21, 2009 and January 12, 2010 orders compelling Mahan Airways to remove the Boeing 747s from Iran and ground them in the Netherlands. Mahan Airways and the Balli Group Respondents had been litigating before the U.K. court concerning ownership and control of Aircraft 1–3. In a letter to the U.K. court dated January 12, 2010, Mahan Airways' Chairman indicated, *inter alia,* that Mahan Airways opposes U.S. Government actions against Iran, that it continued to operate the aircraft on its routes in and out of Tehran (and had 158,000 ''forward bookings'' for these aircraft), and that it wished to continue to do so and would pay damages if required by that court, rather than ground the aircraft.

The September 3, 2010 renewal order discussed the fact that Mahan Airways' violations of the TDO extended beyond operating U.S.-origin aircraft in violation of the TDO and attempting to acquire additional U.S.-origin aircraft. In February 2009, while subject to the TDO, Mahan Airways participated in the export of computer motherboards, items subject to the Regulations and designated as EAR99, from the United States to Iran, via the United Arab Emirates (''UAE''), in violation of both the TDO and the Regulations, by transporting and/or forwarding the computer motherboards from the UAE to Iran. Mahan Airways' violations were facilitated by Gatewick LLC, which not

[5] Engaging in conduct prohibited by a denial order violates the Regulations. 15 CFR §§ 764.2(a) and (k).

[6] The third Boeing 747 appeared to have undergone significant service maintenance and may not have been operational at the time of the March 9, 2010 renewal order.

only participated in the transaction, but also has stated to BIS that it acts as Mahan Airways' sole booking agent for cargo and freight forwarding services in the UAE.

Moreover, in a January 24, 2011 filing in the U.K. court, Mahan Airways asserted that Aircraft 1–3 were not being used, but stated in pertinent part that the aircraft were being maintained in Iran especially ''in an airworthy condition'' and that, depending on the outcome of its U.K. court appeal, the aircraft ''could immediately go back into service . . . on international routes into and out of Iran.'' Mahan Airways' January 24, 2011 submission to U.K. Court of Appeal, at p. 25, ¶¶ 108, 110. This clearly stated intent, both on its own and in conjunction with Mahan Airways' prior misconduct and statements, demonstrated the need to renew the TDO in order to prevent imminent future violations. Two of these three 747s subsequently were removed from Iran and are no longer in Mahan Airway's possession. The third of these 747s, with Manufacturer's Serial Number (''MSN'') 23480 and Iranian tail number EP–MNE, remains in Iran under Mahan's control. Pursuant to Executive Order 13324, it was designated a Specially Designated Global Terrorist (''SDGT'') by the U.S. Department of the Treasury's Office of Foreign Assets Control (''OFAC'') on September 19, 2012.[7] Furthermore, as discussed in the February 4, 2013 Order, open source information indicated that this 747, which is painted in the livery and logo of Mahan Airways, has been flown between Iran and Syria, and was suspected of ferrying weapons and/or other equipment to the Syrian Government from Iran's Islamic Revolutionary Guard Corps. Open source information showed that this aircraft remained in active operation in Mahan Airways' fleet and had flown from Iran to Syria as recently as June 30, 2013.

In addition, as first detailed in the July 1, 2011 and August 24, 2011 orders, and discussed in subsequent renewal orders in this matter, Mahan Airways also continued to evade U.S. export control laws by operating two Airbus A310 aircraft, bearing Mahan Airways' livery, colors and logo, on flights into and out of Iran.[8] At the time of the July 1, 2011 and August 24, 2011 Orders, these Airbus A310s were registered in France, with tail numbers F–OJHH and F–OJHI, respectively.[9]

The August 2012 renewal order also found that Mahan Airways had acquired another Airbus A310 aircraft subject to the Regulations,[10] with MSN 499 and Iranian tail number EP–VIP, in violation of the TDO and the Regulations. On September 19, 2012, all three Airbus A310 aircraft (tail numbers F–OJHH, F–OJHI, and EP–VIP) were designated as SDGTs.[11]

The February 4, 2013 Order laid out further evidence of continued and additional efforts by Mahan Airways and other persons acting in concert with Mahan, including Kral Aviation and another Turkish company, to procure U.S.-origin engines (MSNs 517621 and 517738) and other aircraft parts in violation of the TDO and the Regulations.[12] The February 4, 2013 renewal order also added Mehdi Bahrami as a related person in accordance with Section 766.23 of the Regulations. Bahrami, a Mahan Vice-President and the head of Mahan's Istanbul Office, also was involved in Mahan's acquisition of the original three Boeing 747s (Aircraft 1–3) that resulted in the original TDO, and has had a business relationship with Mahan dating back to 1997.

The July 31, 2013 Order detailed additional evidence obtained by OEE showing efforts by Mahan Airways to obtain another GE CF6–50C2 aircraft engine (MSN 528350) from the United States via Turkey. Multiple Mahan employees, including Mehdi Bahrami, were involved in or aware of matters related to the engine's arrival in Turkey from the United States, plans to visually inspect the engine, and prepare it for shipment from Turkey.

Mahan sought to obtain this U.S.-origin engine through Pioneer Logistics Havacilik Turizm Yonetim Danismanlik (''Pioneer Logistics''), an aircraft parts supplier located in Turkey, and its director/operator, Gulnihal Yegane, a Turkish national who previously has conducted Mahan related business with Mehdi Bahrami and Ali Eslamian. Moreover, as referenced in the July 31, 2013 Order, a sworn affidavit by Kosol Surinanda, also known as Kosol Surinandha, Managing Director of Mahan's General Sales Agent in Thailand, stated that the shares of Pioneer Logistics for which he is the listed owner are ''actually the property of and owned by Mahan.'' He further stated that he held ''legal title to the shares until otherwise required by Mahan'' but would ''exercise the rights granted to [him] exactly and only as instructed by Mahan and [his] vote and/or decisions [would] only and exclusively reflect the wills and demands of Mahan[.]'' [13]

The January 24, 2014 Order outlines OEE's continued investigation of Mahan Airways' activities and detailed an attempt by Mahan, which OEE thwarted, to obtain, via an Indonesian aircraft parts supplier, two U.S.-origin Honeywell ALF–502R–5 aircraft engines (MSNs LF5660 and LF5325), items subject to the Regulations, from a U.S. company located in Texas. An invoice of the Indonesian aircraft parts supplier dated March 27, 2013, listed Mahan Airways as the purchaser of the engines and included a Mahan ship-to address. OEE also obtained a Mahan air waybill dated March 12, 2013, listing numerous U.S.-origin aircraft parts, including, but not limited to, a vertical navigation gyroscope, a transmitter, and a power control unit, items subject to the

[7] See *http://www.treasury.gov/resource-center/sanctions/OFAC-Enforcement/pages/20120919.aspx.*

[8] The Airbus A310s are powered with U.S.-origin engines. The engines are subject to the EAR and classified under Export Control Classification (''ECCN'') 9A991.d. The Airbus A310s contain controlled U.S.-origin items valued at more than 10 percent of the total value of the aircraft and as a result are subject to the EAR. They are classified under ECCN 9A991.b. The reexport of these aircraft to Iran requires U.S. Government authorization pursuant to Section 746.7 of the Regulations.

[9] OEE subsequently presented evidence that after the August 24, 2011 renewal, Mahan Airways worked along with Kerman Aviation and others to de-register the two Airbus A310 aircraft in France and to register both aircraft in Iran (with, respectively, Iranian tail numbers EP–MHH and EP–MHI). It was determined subsequent to the February 15, 2012 renewal order that the registration switch for these A310s was cancelled and that Mahan Airways then continued to fly the aircraft under the original French tail numbers (F–OJHH and F–OJHI, respectively).

[10] See note 8, *supra.*

[11] See *http://www.treasury.gov/resource-center/sanctions/OFAC-Enforcement/pages/20120919.aspx.* Mahan Airways was previously designated by OFAC as a SDGT on October 18, 2011. 77 FR 64,427 (October 18, 2011).

[12] Kral Aviation was referenced in the February 4, 2013 Order as ''Turkish Company No. 1.'' Kral Aviation purchased a GE CF6–50C2 aircraft engine (MSN517621) from the United States in July 2012, on behalf of Mahan Airways. OEE was able to prevent this engine from reaching Mahan by issuing a redelivery order to the freight forwarder in accordance with Section 758.8 of the Regulations. OEE also issued Kral Aviation a redelivery order for the second CF6–50C2 engine (MSN 517738) on July 30, 2012. The owner of the second engine subsequently cancelled the item's sale to Kral Aviation. In September 2012, OEE was alerted by a U.S. exporter that another Turkish company (''Turkish Company No. 2'') was attempting to purchase aircraft spare parts intended for re-export by Turkish Company No. 2 to Mahan Airways. *See* February 4, 2013 Order.

On December 31, 2013, Kral Aviation was added to BIS's Entity List, Supplement No. 4 to Part 744 of the Regulations. *See* 78 FR75458 (Dec. 12, 2013). Companies and individuals are added to the Entity List for engaging in activities contrary to the national security or foreign policy interests of the United States. *See* 15 CFR § 744.11.

[13] Pioneer Logistics, Gulnihal Yegane, and Kosol Surinanda also were added to the Entity List on December 12, 2013. *See* 78 FR 75458 (Dec. 12, 2013).

Regulations, being transported by Mahan from Turkey to Iran in violation of the TDO.

OEE's on-going investigation and current renewal request include evidence discovered or obtained after the January 24, 2014 Order was issued that further establishes Mahan Airways' efforts to obtain and operate aircraft subject to the EAR in violation of the TDO and the Regulations. Open source evidence from the March-June 2014 time period shows two BAE regional jets painted in the livery and logo of Mahan Airways and operating under Iranian tail numbers EP–MOK and EP–MOI, respectively. In addition, aviation industry resources indicate that these aircraft were obtained by Mahan Airways in late November 2013 and June 2014, from Ukrainian Mediterranean Airline, a Ukrainian airline that was added to BIS's Entity List on August 15, 2011, for acting contrary to the national security and foreign policy interests of the United States.[14] These BAE jets are subject to the EAR and their acquisition and/or operation by Mahan Airways violates the TDO.[15]

Open source evidence from the April–June 2014 time period likewise shows two Airbus 320 aircraft painted in the livery and logo of Mahan Airways and operating under Iranian tail numbers EP–MMK and EP–MML, respectively. OEE's investigation also shows that Mahan obtained these aircraft in November 2013, from Khors Air Company, another Ukrainian airline that like, Ukrainian Mediterranean Airlines, was added to BIS's Entity List on August 15, 2011, for acting contrary to the national security and foreign policy interests of the United States.[16] These Airbus 320 aircraft are also subject to the EAR.[17]

This evidence shows that Mahan Airways has continued its pattern of acquiring and attempting to acquire, via third countries, both U.S.-origin jet aircraft and other jet aircraft subject to the Regulations with the intent to own, control and/or operate the aircraft in violation of both the TDO and Regulations. Mahan Airways similarly continues to publically list a number of other such aircraft including at least one Boeing 747 and Airbus 310s in its active fleet.

C. Findings

Under the applicable standard set forth in Section 766.24 of the Regulations and my review of the entire record, I find that the evidence presented by BIS convincingly demonstrates that Mahan Airways has continually violated the EAR and the TDO, that such knowing violations have been significant, deliberate and covert, and that there is a likelihood of future violations. OEE's on-going investigation continues to reveal or discover additional attempts by Mahan to acquire items subject to the Regulations through its extensive network of agents and affiliates in third countries. Therefore, renewal of the TDO is necessary to prevent imminent violation of the EAR and to give notice to companies and individuals in the United States and abroad that they should continue to cease dealing with Mahan Airways and the other denied persons under the TDO in export transactions involving items subject to the EAR.

IV. ORDER

It is therefore ordered: First, that MAHAN AIRWAYS, Mahan Tower, No. 21, Azadegan St., M.A. Jenah Exp. Way, Tehran, Iran; GATEWICK LLC, A/K/A GATEWICK FREIGHT & CARGO SERVICES, A/K/A GATEWICK AVIATION SERVICE, G#22 Dubai Airport Free Zone, P.O. Box 393754, Dubai, United Arab Emirates, and P.O. Box 52404, Dubai, United Arab Emirates, and Mohamed Abdulla Alqaz Building, Al Maktoum Street, Al Rigga, Dubai, United Arab Emirates; PEJMAN MAHMOOD KOSARAYANIFARD A/K/A KOSARIAN FARD, P.O. Box 52404, Dubai, United Arab Emirates; MAHMOUD AMINI, G#22 Dubai Airport Free Zone, P.O. Box 393754, Dubai, United Arab Emirates, and P.O. Box 52404, Dubai, United Arab Emirates, and Mohamed Abdulla Alqaz Building, Al Maktoum Street, Al Rigga, Dubai, United Arab Emirates; KERMAN AVIATION A/K/A GIE KERMAN AVIATION, 42 Avenue Montaigne 75008, Paris, France; SIRJANCO TRADING LLC, P.O. Box 8709, Dubai, United Arab Emirates; ALI ESLAMIAN, 4th Floor, 33 Cavendish Square, London W1G0PW, United Kingdom, and 2 Bentinck Close, Prince Albert Road St. Johns Wood, London NW87RY, United Kingdom; MAHAN AIR GENERAL TRADING LLC, 19th Floor Al Moosa Tower One, Sheik Zayed Road, Dubai 40594, United Arab Emirates; SKYCO (UK) LTD., 4th Floor, 33 Cavendish Square, London, W1G 0PV, United Kingdom; EQUIPCO (UK) LTD., 2 Bentinck Close, Prince Albert Road, London, NW8 7RY, United Kingdom; and MEHDI BAHRAMI, Mahan Airways—Istanbul Office, Cumhuriye Cad. Sibil Apt No: 101 D:6, 34374 Emadad, Sisli Istanbul, Turkey; and when acting for or on their behalf, any successors or assigns, agents, or employees (each a ''Denied Person'' and collectively the ''Denied Persons'') may not, directly or indirectly, participate in any way in any transaction involving any commodity, software or technology (hereinafter collectively referred to as ''item'') exported or to be exported from the United States that is subject to the Export Administration Regulations (''EAR''), or in any other activity subject to the EAR including, but not limited to:

A. Applying for, obtaining, or using any license, License Exception, or export control document;

B. Carrying on negotiations concerning, or ordering, buying, receiving, using, selling, delivering, storing, disposing of, forwarding, transporting, financing, or otherwise servicing in any way, any transaction involving any item exported or to be exported from the United States that is subject to the EAR, or in any other activity subject to the EAR; or

C. Benefitting in any way from any transaction involving any item exported or to be exported from the United States that is subject to the EAR, or in any other activity subject to the EAR.

Second, that no person may, directly or indirectly, do any of the following:

A. Export or reexport to or on behalf of a Denied Person any item subject to the EAR;

B. Take any action that facilitates the acquisition or attempted acquisition by a Denied Person of the ownership, possession, or control of any item subject to the EAR that has been or will be exported from the United States, including financing or other support activities related to a transaction whereby a Denied Person acquires or attempts to acquire such ownership, possession or control;

C. Take any action to acquire from or to facilitate the acquisition or attempted acquisition from a Denied Person of any

[14] Supplement No. 4 to Part 744 of the Regulations. *See* 76 FR 50407 (Aug. 15, 2011).

[15] The BAE regional jets are powered with U.S.-origin engines. The engines are subject to the EAR and classified under ECCN 9A991.d. These aircraft contain controlled U.S.-origin items valued at more than 10 percent of the total value of the aircraft and as a result are subject to the EAR. They are classified under ECCN 9A991.b. The reexport of these aircraft to Iran requires U.S. Government authorization pursuant to Section 746.7 of the Regulations.

[16] Supplement No. 4 to Part 744 of the Regulations. *See* 76 FR 50407 (Aug. 15, 2011).

[17] The Airbus A320s are powered with U.S.-origin engines. The engines are subject to the EAR and classified under ECCN 9A991.d. These aircraft contain controlled U.S.-origin items valued at more than 10 percent of the total value of the aircraft and as a result are subject to the EAR. They are classified under ECCN 9A991.b. The reexport of these aircraft to Iran requires U.S. Government authorization pursuant to Section 746.7 of the Regulations.

item subject to the EAR that has been exported from the United States;

D. Obtain from a Denied Person in the United States any item subject to the EAR with knowledge or reason to know that the item will be, or is intended to be, exported from the United States; or

E. Engage in any transaction to service any item subject to the EAR that has been or will be exported from the United States and which is owned, possessed or controlled by a Denied Person, or service any item, of whatever origin, that is owned, possessed or controlled by a Denied Person if such service involves the use of any item subject to the EAR that has been or will be exported from the United States. For purposes of this paragraph, servicing means installation, maintenance, repair, modification or testing.

Third, that, after notice and opportunity for comment as provided in section 766.23 of the EAR, any other person, firm, corporation, or business organization related to a Denied Person by affiliation, ownership, control, or position of responsibility in the conduct of trade or related services may also be made subject to the provisions of this Order.

Fourth, that this Order does not prohibit any export, reexport, or other transaction subject to the EAR where the only items involved that are subject to the EAR are the foreign-produced direct product of U.S.-origin technology.

In accordance with the provisions of Sections 766.24(e) of the EAR, Mahan Airways may, at any time, appeal this Order by filing a full written statement in support of the appeal with the Office of the Administrative Law Judge, U.S. Coast Guard ALJ Docketing Center, 40 South Gay Street, Baltimore, Maryland 21202–4022. In accordance with the provisions of Sections 766.23(c)(2) and 766.24(e)(3) of the EAR, Gatewick LLC, Mahmoud Amini, Pejman Mahmood Kosarayanifard, Kerman Aviation, Sirjanco Trading LLC, Ali Eslamian, Mahan Air General Trading LLC, Skyco (UK) Ltd., Equipco (UK) Ltd., and/or Mehdi Bahrami may, at any time, appeal their inclusion as a related person by filing a full written statement in support of the appeal with the Office of the Administrative Law Judge, U.S. Coast Guard ALJ Docketing Center, 40 South Gay Street, Baltimore, Maryland 21202–4022.

In accordance with the provisions of Section 766.24(d) of the EAR, BIS may seek renewal of this Order by filing a written request not later than 20 days before the expiration date. A renewal request may be opposed by Mahan Airways as provided in Section 766.24(d), by filing a written submission with the Assistant Secretary of Commerce for Export Enforcement, which must be received not later than seven days before the expiration date of the Order.

A copy of this Order shall be provided to Mahan Airways and each related person, and shall be published in the **Federal Register**. This Order is effective immediately and shall remain in effect for 180 days.

Dated: July 22, 2014.

David W. Mills,

Assistant Secretary of Commerce for Export Enforcement.

[FR Doc. 2014–17798 Filed 7–28–14; 8:45 a.m.]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–520–803]

Polyethylene Terephthalate Film, Sheet, and Strip From the United Arab Emirates: Initiation of Anti-Circumvention Inquiry on Antidumping Duty Order

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

SUMMARY: In response to a request from Polyplex USA LLC and Flex USA, Inc., (collectively Domestic Producers), the Department of Commerce (the Department) is initiating an anti-circumvention inquiry pursuant to section 781(b) of the Tariff Act of 1930, as amended (the Act), to determine whether certain imports of polyethylene terephthalate film, sheet, and strip (PET Film) are circumventing the antidumping duty (AD) order on PET Film from the United Arab Emirates (UAE).[1]

DATES: *Effective Date:* July 29, 2014.

FOR FURTHER INFORMATION CONTACT: Andrew Huston, 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) 482–4261.

SUPPLEMENTARY INFORMATION:

Background

On September 28, 2007, DuPont Teijin Films; Mitsubishi Polyester Film of America; SKC, Inc.; and Toray Plastics (America), Inc., (collectively Petitioners) filed a petition seeking the imposition of antidumping duties on imports of PET film from Brazil, the People's Republic of China (China), Thailand, and the UAE. Following the Department's affirmative finding of dumping and the U.S. International Trade Commission (ITC) finding of threat of injury, the Department issued AD orders on imports of the subject merchandise. In the first administrative review of the *Order,* Petitioners requested a review of JBF RAK LLC (JBF RAK), and JBF RAK also requested a review of itself. On December 23, 2009, the Department initiated an administrative review of JBF RAK.[2] The company has also been reviewed in each subsequent administrative review. JBF RAK's current cash deposit rate is 1.41 percent.[3]

On May 27, 2014, pursuant to section 781(b) of the Act and section 19 CFR 351.225(h), Domestic Producers submitted a request for the Department to initiate an anti-circumvention inquiry to determine whether JBF RAK is circumventing the *Order* on PET Film from the UAE by exporting to the United States products completed or assembled in its Bahrain facility, JBF Bahrain S.P.C. (JBF Bahrain), from inputs sourced from the subject countries India and the UAE.

Scope of the Order

The products covered by the order are all gauges of raw, pre-treated, or primed polyethylene terephthalate film, whether extruded or co-extruded. Excluded are metallized films and other finished films that have had at least one of their surfaces modified by the application of a performance-enhancing resinous or inorganic layer more than 0.00001 inches thick. Also excluded is roller transport cleaning film which has at least one of its surfaces modified by application of 0.5 micrometers of SBR latex. Tracing and drafting film is also excluded. Polyethylene terephthalate film is classifiable under subheading 3920.62.00.90 of the Harmonized Tariff Schedule of the United States (HTSUS). While HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope of the order is dispositive.

[1] *See Polyethylene Terephthalate Film, Sheet, and Strip From Brazil, the People's Republic of China and the United Arab Emirates: Antidumping Duty Orders and Amended Final Determination of Sales at Less Than Fair Value for the United Arab Emirates,* 73 FR 66595 (November 10, 2008) (*Order*).

[2] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews and Request for Revocation in Part,* 74 FR 68229, 68232 (December 23, 2009).

[3] *See Polyethylene Terephthalate Film, Sheet, and Strip from the United Arab Emirates: Final Results of Antidumping Duty Administrative Review; 2011–2012,* 79 FR 24401 (April 30, 2014).

Merchandise Subject to the Anti-Circumvention Proceeding

This anti-circumvention proceeding covers PET film exported or produced by JBF Bahrain. If, within sufficient time, the Department receives a supported allegation from an interested party regarding potential circumvention of the *Order* by other companies in Bahrain, we will consider conducting any additional inquiry concurrently with this inquiry.

Initiation of Anti-Circumvention Proceeding

Section 781(b)(1) of the Act provides that the Department may find circumvention of an AD order when merchandise of the same class or kind subject to the order is completed or assembled in a foreign country other than the country to which the order applies. In conducting anti-circumvention inquiries, under section 781(b)(1) of the Act, the Department will also evaluate whether: (1) The process of assembly or completion in the other foreign country is minor or insignificant; (2) the value of the merchandise produced in the foreign country to which the AD order applies is a significant portion of the total value of the merchandise exported to the United States; and (3) action is appropriate to prevent evasion of such an order or finding. As discussed below, Domestic Producers provided evidence with respect to these criteria.

A. Merchandise of the Same Class or Kind

Domestic Producers claim that the merchandise exported to the United States by JBF Bahrain is the same class or kind as that covered by the *Order* in this proceeding.[4] Domestic Producers contend that ITC data show that the merchandise from Bahrain enters the United States under the same tariff heading as subject merchandise, and that JBF Bahrain is the only producer of PET Film in Bahrain. Domestic Producers also presented evidence that JBF Bahrain is sourcing inputs from JBF RAK, and JBF RAK's parent company in India that are used in the production of subject merchandise.[5]

B. Completion of Merchandise in a Foreign Country

Domestic Producers note that the Act requires that ''before importation into the United States, such imported merchandise is completed or assembled in another foreign country from merchandise which . . . is produced in the foreign country with respect to which such order or finding applies . . .'' [6] Domestic Producers presented evidence that JBF sourced inputs from India and the UAE, which both have AD orders on PET Film.

C. Minor or Insignificant Process

Under section 781(b)(2) of the Act, the Department is required to consider five factors to determine whether the process of assembly or completion is minor or insignificant. Domestic Producers allege that the production of resins, which JBF Bahrain sourced from affiliates in India and the UAE, comprises the majority of the value associated with the subject merchandise, and that the processing of PET resins into PET Film, completed by JBF Bahrain, adds relatively little value.

(1) Level of Investment

Domestic Producers submitted documentation that JBF Bahrain has a functioning line that produces PET film, and two additional lines planned to start production of PET film in the ''near future,'' with each of these lines having an estimated production of 30,000 metric tons per year.[7] Domestic Producers claim that the level of investment is minimal compared to the volume of film that can be produced.

(2) Level of Research and Development

Domestic Producers are not aware of any research and development taking place in Bahrain, and note that production of PET film involves mature technologies and processes.[8]

(3) Nature of Production Process

According to Domestic Producers, the production process undertaken by JBF Bahrain involves the simple processing of resins sourced from its affiliates in India and the UAE.[9]

(4) Extent of Production in Bahrain

Domestic Producers argue that, when compared to the volume of film that can be produced, the investment in JBF Bahrain's processing operation is not significant.[10]

(5) Value of Processing in Bahrain

Domestic Producers assert that producing PET resin accounts for more than 70 percent of the value added of PET film.[11] Domestic Producers estimate that that local content is unlikely to exceed 20 of the cost of merchandise.[12] As JBF Bahrain sources its PET resin from affiliates in India and the UAE, the processing performed by JBF Bahrain represents a small portion of the value of finished PET film.

D. Value of Merchandise Produced in India and the UAE

As Domestic Producers argued previously, the value of processing, at issue in Bahrain, is a minor part of the cost, unlikely to exceed 20 percent of cost.

E. Additional Factors To Consider in Determining Whether Action Is Necessary

Section 781(b)(3) of the Act directs the Department to consider additional factors in determining whether to include merchandise assembled or completed in a foreign country within the scope of the *Order,* such as: ''(A) the pattern of trade, including sourcing patterns, (B) whether the manufacturer or exporter of the merchandise . . . is affiliated with the person who uses the merchandise . . . to assemble or complete in the foreign country the merchandise that is subsequently imported into the United States, and (C) whether imports into the foreign country of the merchandise . . . have increased after the initiation of the investigation which resulted in the issuance of such order or finding.''

(1) Pattern of Trade

Domestic Producers note that at the time the petition was filed for the original investigation of PET Film from the UAE, Bahrain was not a source of U.S. PET Film imports.[13] ITC data show that Bahrain first exported PET Film to the United States in December 2013, and that Bahrain has had exports of PET Film to the United States every month thereafter.[14] During the same time period exports of PET film from the UAE declined.[15] Domestic Producers further argue that there is no economic rationale for adding a new production facility in Bahrain, as there is no local market in Bahrain for the product, and the regional market is insignificant.[16] To increase production, it would have been more efficient to add production lines to the JBF RAK facility in the UAE, rather than build a new facility in Bahrain.

(2) Affiliation

Domestic Producers note that JBF Bahrain, JBF India, and JBF RAK, are

[4] *See* Domestic Producers' ''Request for Anti-circumvention Inquiry'' (Request) May 27, 2014, at 5.

[5] *Id.,* at 6.

[6] *See* section 781(b)(1)(B) of the Act.

[7] *See* Request, at 7.

[8] *Id.,* at 8.

[9] *Id.*

[10] *Id.,* at 9.

[11] *Id.,* at 9 and Exhibit 7.

[12] *Id.*

[13] *Id.,* at 12.

[14] *Id.,* at 12 and Exhibit 10.

[15] *Id.*

[16] *Id.,* at 13.

indisputably affiliated, as shown by the JBF Group Web site.[17] Domestic Producers further argue that it is ''clear that JBF Bahrain is merely taking PET resins produced by its affiliates and performing the same operations using these resins that the affiliate was doing in the UAE.'' [18]

(3) Increase of Subject Imports From UAE to Bahrain After Investigation Initiation

While unable to access comprehensive import data of the PET Film inputs, bright and silica resin chips, into Bahrain for the period between initiation of the investigation until the present, Domestic Producers believe there were no such imports entered previously, as there were no production facilities producing PET film in Bahrain at this time.[19] Domestic Producers presented evidence of shipments of silica resin chips from JBF India to JBF Bahrain which coincide with the start-up of the JBF Bahrain PET Film plant, and that JBF Bahrain is sourcing PET resin from JBF RAK.[20]

Analysis of the Request

Based on our analysis of Petitioner's anti-circumvention inquiry request, the Department determines that Domestic Producers satisfied the criteria under section 781(b)(1) of the Act to warrant an initiation of an anti-circumvention inquiry. In accordance with 19 CFR 351.225(e), the Department finds that the issue of whether a product is included within the scope of an order cannot be determined based solely upon the application and the descriptions of the merchandise. Accordingly, the Department will notify by mail all parties on the Department's scope service list of the initiation of an anti-circumvention inquiry. In addition, in accordance with 19 CFR 351.225(f)(1)(i) and (ii), a notice of the initiation of an anti-circumvention inquiry issued under 19 CFR 351.225(e) includes a description of the product that is the subject of the anti-circumvention inquiry, PET Film that contains the characteristics as provided in the scope of the *Order,* and an explanation of the reasons for the Department's decision to initiate an anti-circumvention inquiry, as provided below.

With regard to whether the merchandise from the Bahrain is of the same class or kind as the merchandise produced in the UAE, Domestic Producers presented information to the Department indicating that, pursuant to section 781(b)(1)(A) of the Act, the merchandise being produced in and/or exported from Bahrain by JBF Bahrain may be of the same class or kind as PET Film produced in the UAE, which is subject to the *Order.*[21] Consequently, the Department finds that Domestic Producers provided sufficient information in its request regarding the class or kind of merchandise to support the initiation of an anti-circumvention inquiry.

With regard to completion or assembly of merchandise in a foreign country, pursuant to section 781(b)(1)(B) of the Act, Domestic Producers also presented information to the Department indicating that the PET Film exported from Bahrain to the United States are produced by JBF Bahrain in Bahrain using key components from the UAE that account for a significant portion of the total costs related to the production of PET Film. We find that the information presented by Domestic Producers regarding this criterion supports its request to initiate an anti-circumvention inquiry.

The Department finds that Domestic Producers sufficiently addressed the factors described in section 781(b)(1)(C) and 781(b)(2) of the Act regarding whether the assembly or completion of PET Film in Bahrain is minor or insignificant. In particular, Domestic Producers' submission asserts that: (1) The level of investment is minimal when compared with the volume of film that can be produced; (2) there is no evidence of research and development taking place in Bahrain; (3) the production processes undertaken by JBF Bahrain involve the simple processing of resins in countries subject to the *Order;* (4) the investment in JBF Bahrain's processing operations is not significant in the context of production capacity; and (5) the value of the processing performed in Bahrain is minimal, as the production of PET resin outside Bahrain accounts for over 70 percent of the value of finished PET Film.[22]

With respect to the value of the merchandise produced in the UAE, pursuant to section 781(b)(1)(D) of the Act, Domestic Producers relied on published sources, a simulated cost structure for producing PET Film in Bahrain, and arguments in the ''minor or insignificant process'' portion of its anti-circumvention request to indicate that the value of the key components produced in the UAE may be significant relative to the total value of the PET Film exported to the United States.[23] We find that this information adequately meets the requirements of this factor, as discussed above, for the purposes of initiating an anti-circumvention inquiry.

Finally, with respect to the additional factors listed under section 781(b)(3) of the Act, we find that Domestic Producers presented evidence indicating that imports of PET Film from Bahrain to the U.S. increased since the imposition of the *Order* and that imports of bright resin chips from the UAE to Bahrain also increased since the *Order* took effect, further supporting initiation of this anti-circumvention inquiry.[24]

In accordance with 19 CFR 351.225(l)(2), if the Department issues a preliminary affirmative determination, we will then instruct U.S. Customs and Border Protection to suspend liquidation and require a cash deposit of estimated duties on the merchandise. The Department will establish a schedule for questionnaires and comments on the issues. In accordance with section 781(f) of the Act and 19 CFR 351.225(f)(5), the Department intends to issue its final determination within 300 days of the date of publication of this initiation. This notice is published in accordance with 19 CFR 351.225(f).

Dated: July 18, 2014.

Christian Marsh,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2014–17492 Filed 7–28–14; 8:45 am]

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[17] *Id.,* at 13 and Exhibit 2.

[18] *Id.,* at 13.

[19] *Id.,* at 14, Exhibit 3.

[20] *Id.,* at 14, Exhibit 4.

[21] *Id.,* at 5 and Exhibit 10.

[22] See discussion of these five factors above.

[23] *See* ''Request'' at 7, 9 and Exhibit 7.

[24] *Id.,* at 12 and Exhibit 10.

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–891]

Hand Trucks and Certain Parts Thereof From the People's Republic of China: Final Results of Antidumping Duty Administrative Review; 2011–2012

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

SUMMARY: On January 23, 2014, the Department of Commerce (the Department) published in the **Federal Register** the preliminary results of the administrative review of the antidumping duty order [1] on hand trucks and certain parts thereof (hand

[1] *See Notice of Antidumping Duty Order: Hand Trucks and Certain Parts Thereof From the People's Republic of China,* 69 FR 70122 (December 2, 2004).

trucks) from the People's Republic of China (PRC).[2] The period of review (POR) is December 1, 2011, through November 30, 2012. This review covers two exporters of the subject merchandise, New-Tec Integration (Xiamen) Co., Ltd. (New-Tec) and Yangjiang Shunhe Industrial Co., Ltd. (Shunhe). We gave interested parties an opportunity to comment on the *Preliminary Results.* Based upon our analysis of the comments and information received, we made changes to the margin calculations for these final results. The final dumping margin is listed below in the ''Final Results of the Review'' section of this notice. In addition, we continue to find that Shunhe had no shipments during the POR (*see* ''Final Determination of No Shipments,'' *infra*).

FOR FURTHER INFORMATION CONTACT: Scott Hoefke, or Robert James, 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) 482–4947 or (202) 482–0649, respectively.

DATES: *Effective Date:* July 29, 2014.

SUPPLEMENTARY INFORMATION:

Background

On January 23, 2014, the Department published in the **Federal Register** the *Preliminary Results* of the 2011–2012 administrative review of the antidumping duty order on hand trucks from the PRC. In accordance with 19 CFR 351.309(c)(1)(ii), we invited parties to comment on our *Preliminary Results.* On February 12, 2014, Gleason Industrial Products, Inc., and Precision Products, Inc. (collectively, petitioners) and Cosco Home and Office Products (Cosco) submitted surrogate value (SV) comments. On February 24, 2014, Cosco submitted SV rebuttal comments. On February 24, 2014, petitioners and Cosco submitted case briefs. On March 3, 2014 and March 4, 2014, petitioners and Cosco submitted rebuttal briefs, respectively.

Scope of the Order

The merchandise subject to the order consists of hand trucks manufactured from any material, whether assembled or unassembled, complete or incomplete, suitable for any use, and certain parts thereof, namely the vertical frame, the handling area and the projecting edges or toe plate, and any combination thereof. They are typically imported under heading 8716.80.50.10 of the Harmonized Tariff Schedule of the United States (HTSUS), although they may also be imported under heading 8716.80.50.90 and 8716.90.50.60. Although the HTSUS subheadings are provided for convenience and customs purposes, the written product description remains dispositive. A full description of the scope of the order is contained in the Final Issues and Decision Memorandum dated concurrently with and hereby adopted by this notice.[3]

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties in this administrative review are listed in the Appendix to this notice and addressed in the Issues and Decision Memorandum. Parties can find a complete discussion of all issues raised in this review and the corresponding recommendations in this public memorandum, which is electronically available 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 on the Internet at *http://enforcement.trade.gov/frn/.* The signed and electronic versions of the Issues and Decision Memorandum are identical in content.

Final Determination of No Shipments

For these final results of review, we continue to find that Shunhe had no shipments during the POR.[4] Consistent with the Department's refinement to its assessment practice in non-market economy (NME) cases regarding no shipment claims, we are completing the administrative review with respect to Shunhe and will issue appropriate instructions to U.S. Customs and Border Protection (CBP) based on the final results of the administrative review.[5]

Changes Since the Preliminary Results

Based on a review of the record and comments received from interested parties regarding our *Preliminary Results,* we made certain revisions to the margin calculations for New-Tec. Specifically, the Department used financial statements of Jenbunjerd Co. Ltd. and Office Thai Online Co. Ltd. for 2012; valued a factor of production that had been omitted during the *Preliminary Results;* changed the Thai Harmonized Tariff Schedule heading for the surrogate value of labels; and we adjusted the calculation of the surrogate value for inland freight, and brokerage and handling.[6]

Separate Rates Determination

In our *Preliminary Results,* we determined that New-Tec met the criteria for separate rate status. We have not received any information since issuance of the *Preliminary Results* that provides a basis for reconsidering this preliminary determination. Therefore, the Department continues to find that New-Tec meets the criteria for a separate rate.

Final Results of the Review

The Department determines that the following final dumping margin exists for the period December 1, 2011, through November 30, 2012:

Exporter	Weighted-average margin (percent)
New-Tec Integration (Xiamen) Co., Ltd.	0.00

Assessment Rate

Pursuant to section 751(a)(2)(C) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.212(b), the Department determines, and CBP shall assess, antidumping duties on all appropriate entries of subject merchandise and deposits of estimated duties, where applicable, in accordance with the final results of this review. The Department intends to issue appropriate assessment instructions to CBP 15 days after the date of publication of the final results of this review.

For each individually examined respondent in this review whose weighted-average dumping margin is above *de minimis* (*i.e.,* 0.05 percent) in

[2] *See Hand Trucks and Certain Parts Thereof From the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review; 2011–2012,* 79 FR 3779 (January 23, 2014) (*Preliminary Results*).

[3] *See* Memorandum to Paul Piquado, ''Issues and Decision Memorandum for the Final Results of the Antidumping Duty Administrative Review of Hand Trucks and Certain Parts Thereof from the People's Republic of China'' (July 22, 2014) (Issues and Decision Memorandum), dated concurrent with and adopted by this notice, for a complete description of the Scope of the Order.

[4] *See id.*

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

[6] *See* Issues and Decisions Memorandum; *see also* Memorandum to the File, ''Analysis for the Final Results of Hand Trucks and Certain Parts Thereof from the People's Republic of China: New-Tec'' (July 22, 2014).

the final results of this review the Department will calculate importer-specific assessment rates on the basis of the ratio of the total amount of dumping calculated for the importer's examined sales to the total entered value of those sales, in accordance with 19 CFR 351.212(b)(1).[7] Where an importer-(or customer-specific per-unit rate is greater than *de minimis,* the Department will instruct CBP to collect the appropriate duties at the time of liquidation. Where either a respondent's weighted average dumping margin is zero or *de minimis,* the Department will instruct CBP to liquidate appropriate entries without regard to antidumping duties.[8]

In 2011, the Department announced a refinement to its assessment practice in NME cases.[9] Pursuant to this refinement in practice, for entries that were not reported in the U.S. sales databases submitted by companies individually examined during this review, the Department will instruct CBP to liquidate such entries at the NME-wide rate. In addition, if the Department determines that an exporter under review had no shipments of the subject merchandise, any suspended entries that entered under that exporter's case number (*i.e.,* at that exporter's rate) will be liquidated at the NME-wide rate.[10]

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this administrative review for all shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided for by section 751(a)(2)(C) of the Act: (1) for subject merchandise exported by New-Tec, which has a separate rate, the cash deposit rate will be that established in the final results of this review, except, if the rate is zero or *de minimis,* then zero cash deposit will be required; (2) for any previously reviewed or investigated PRC and non-PRC exporter not listed above that received a separate rate in a previous segment of this proceeding, the cash deposit rate will continue to be the existing exporter-specific rate; (3) for all PRC exporters that have not been found to be entitled to a separate rate, the cash deposit rate will be that for the PRC-wide entity (*i.e.,* 383.60 percent); and (4) for all non-PRC exporters of subject merchandise which have not received their own rate, the cash deposit rate will be the rate applicable to the PRC exporter that supplied the non-PRC exporter. These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

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

Administrative Protective Order

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return/destruction of APO materials, or conversion to judicial protective order, is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

Disclosure

The Department 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). We are issuing and publishing this administrative review and notice in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: July 22, 2014.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

Appendix

List of Comments Discussed in the Accompanying Final Issues and Decision Memorandum:

Summary
Scope of the Order
List of Comments
Discussion of Issues
- Comment 1: Whether To Value Certain Inputs Using Purchases from Market-Economy Suppliers
- Comment 2: Surrogate Country
- Comment 3: Whether To Use Thai Trolley's Financial Statement
- Comment 4: Whether To Use 2012 Thai Financial Statements
- Comment 5: Use of Jenbunjerd's Financial Statement
- Comment 6: Omitted Factor of Production value
- Comment 7: Alternative Surrogate Values for Factors of Production
- Comment 8: Alternative Surrogate Freight and Brokerage Methodologies Recommendation

[FR Doc. 2014–17872 Filed 7–28–14; 8:45 am]

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

[8] *See id.*

[9] *See Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties,* 76 FR 65694 (October 24, 2011).

[10] *See id.*

DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Submission for OMB Review; Comment Request

AGENCY: United States Patent and Trademark Office (USPTO), Department of Commerce.

SUMMARY: The United States Patent and Trademark Office (USPTO) will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Title: Patent Petitions Related to Application and Reexamination Processing Fees.

Form Number(s): PTO/SB/17P, PTO/SB/23, PTO/SB/24a, PTO/SB/28 (EFS-Web only), and PTO/SB/140 (EFS-Web only).

Agency Approval Number: 0651–0059.

Type of Request: Revision of a currently approved collection.

Burden: 35,596 hours annually.

Number of Respondents: 33,119 responses per year.

Avg. Hours per Response: The USPTO estimates that it takes the public approximately 5 minutes (0.08 hours) to 12 hours to complete items in this collection, depending on the petition. This includes the time to gather the necessary information, prepare the petitions and petition fee transmittals, and submit them to the USPTO. The USPTO estimates that it takes the same amount of time (and possibly less time) to gather the necessary information, prepare the submission, and submit it electronically as it does to submit the information in paper form.

Needs and Uses: The public uses the information in this collection to petition for various actions under 37 CFR 1.17(f), (g), and (h), such as petitioning for a suspension of the rules, requesting access to an assignment record, or requesting the withdrawal of an

application from issue either before or after paying the issue fee. In addition, the public uses these petitions to obtain copies of documents that have been submitted in a form other than that provided by the rules of practice, to request accelerated examination, to request abandonment of an application to avoid publication of said application, and to request an extension of time. The public uses the transmittal form to remit the required fees for the various petitions. The USPTO uses the information collected from the petitions and transmittal form to determine whether to grant the various requests and to ensure that the proper fees have been remitted and are processed accordingly.

Affected Public: Businesses or other for-profits.

Frequency: On occasion.

Respondent's Obligation: Required to obtain or retain benefits.

OMB Desk Officer: Nicholas A. Fraser, email: *Nicholas_A._Fraser@omb.eop.gov.*

Once submitted, the request will be publicly available in electronic format through the Information Collection Review page at *www.reginfo.gov.*

Paper copies can be obtained by:

• *Email:InformationCollection@uspto.gov.* Include ''0651–0059 copy request'' in the subject line of the message.

• *Mail:* Margaret McElrath, Deputy Director, Office of Information Management Services, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450.

Written comments and recommendations for the proposed information collection should be sent on or before August 28, 2014 to Nicholas A. Fraser, OMB Desk Officer, via email to *Nicholas_A._Fraser@omb.eop.gov,* or by fax to 202–395–5167, marked to the attention of Nicholas A. Fraser.

Dated: July 22, 2014.

Margaret McElrath,

Deputy Director, Office of Information Management Services, United States Patent and Trademark Office.

[FR Doc. 2014–17790 Filed 7–28–14; 8:45 am]

BILLING CODE 3510–16–P

DEPARTMENT OF COMMERCE

Patent and Trademark Office

Submission for OMB Review

AGENCY: United States Patent and Trademark Office.

ACTION: Notice and comment request.

SUMMARY: The United States Patent and Trademark Office (USPTO) will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: United States Patent and Trademark Office (USPTO).

Title: Submissions Regarding Correspondence and Regarding Attorney Representation (Trademarks).

Form Number(s): PTO Forms 2196 and 2201.

Agency Approval Number: 0651–0056.

Type of Request: Revision of a currently approved collection.

Burden: 10,540 hours annually.

Number of Respondents: 108,940 responses per year. Of this total, the USPTO estimates that 103,751 responses will be submitted through TEAS.

Avg. Hours per Response: The USPTO estimates that it takes the public approximately 5 to 30 minutes (0.084 to 0.50 hours) to complete this information, depending on the document being submitted. This includes the time to gather the necessary information, prepare the requests, and submit them to the USPTO. The time estimates shown for the electronic forms in this collection are based on the average amount of time needed to complete and electronically file the associated form.

Needs and Uses: The public uses the information in this collection to appoint attorneys and domestic representatives to act on their behalf in the prosecution of their applications, to revoke those same appointments, to request permission to withdraw as the attorney of record or domestic representative, and to request replacement of the attorney of record with another already-appointed attorney. The USPTO uses the collected information to process the requests.

Affected Public: Businesses or other for-profit organizations.

Frequency: On occasion.

Respondent's Obligation: Required to obtain or retain benefits.

OMB Desk Officer: Nicholas A. Fraser, email: *Nicholas_A._Fraser@omb.eop.gov.*

Once submitted, the request will be publicly available in electronic format through the Information Collection Review page at *www.reginfo.gov.*

Paper copies can be obtained by:

• Email: *InformationCollection@uspto.gov.* Include ''0651–0056 copy request'' in the subject line of the message.

• Mail: Margaret McElrath, Deputy Director, Office of Information Management Services, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450.

Written comments and recommendations for the proposed information collection should be sent on or before August 28, 2014 to Nicholas A. Fraser, OMB Desk Officer, via email to *Nicholas_A._Fraser@omb.eop.gov,* or by fax to 202–395–5167, marked to the attention of Nicholas A. Fraser.

Dated: July 23, 2014.

Margaret McElrath,

Deputy Director, Office of Information Management Services, United States Patent and Trademark Office.

[FR Doc. 2014–17870 Filed 7–28–14; 8:45 am]

BILLING CODE 3510–16–P

CONSUMER PRODUCT SAFETY COMMISSION

[Docket No. CPSC–2010–0056]

Agency Information Collection Activities; Submission for OMB Review; Comment Request—Safety Standard for Bicycle Helmets

AGENCY: Consumer Product Safety Commission.

ACTION: Notice.

SUMMARY: In accordance with the requirements of the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. chapter 35), the Consumer Product Safety Commission (Commission or CPSC) announces that the Commission has submitted to the Office of Management and Budget (OMB), a request for extension of approval of a collection of information associated with the CPSC's Safety Standard for Bicycle Helmets (OMB No. 3041–0127). In the **Federal Register** of May 8, 2014 (78 FR 26416), the CPSC published a notice to announce the agency's intention to seek extension of approval of the collection of information. The Commission received one comment. The commenter supported the record keeping requirements for ensuring the safety of bicycle helmets. The commenter also stated that two revisions to the test method (impact ceiling and positional stability) should be made to the standard. The request to revise the test method of the standard is outside the scope of the proposed renewal request. The renewal request sought comments on the burden hours associated with recordkeeping requirements in the safety standard. However, the comment has been forwarded to the CPSC's Office of Hazard Identification and Reduction. Therefore, by publication of this notice, the Commission announces that CPSC

has submitted to the OMB a request for extension of approval of that collection of information, without change.

DATES: Written comments on this request for extension of approval of information collection requirements should be submitted by August 28, 2014.

ADDRESSES: Submit comments about this request by email: *OIRA_submission@omb.eop.gov* or fax: 202–395–6881. Comments by mail should be sent to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for the CPSC, Office of Management and Budget, Room 10235, 725 17th Street NW., Washington, DC 20503. In addition, written comments that are sent to OMB also should be submitted electronically at *http://www.regulations.gov,* under Docket No. CPSC–2010–0056.

FOR FURTHER INFORMATION CONTACT: For further information contact: Robert H. Squibb, Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814; (301) 504–7815, or by email to: *rsquibb@cpsc.gov.*

SUPPLEMENTARY INFORMATION: CPSC has submitted the following currently approved collection of information to OMB for extension:

Title: Safety Standard for Bicycle Helmets.

OMB Number: 3041–0127.

Type of Review: Renewal of collection.

Frequency of Response: On occasion.

Affected Public: Manufacturers and importers of bicycle helmets.

Estimated Number of Respondents: 30 manufacturers and importers will maintain test records of an estimated 200 models total annually, including older models and new models. Testing on bicycle helmets must be conducted for each new production lot and the test records must be maintained for 3 years.

Estimated Time Per Response: 200 hours/model to test 40 models (including new prototypes), plus 4 hours for recordkeeping for 200 models annually.

Total Estimated Annual Burden: 8,800 hours (8,000 hours for testing and 800 hours for recordkeeping).

General Description of Collection: In 1998, the Commission issued a safety standard for bicycle helmets (16 CFR part 1203). The standard includes requirements for labeling and instructions. The standard also requires that manufacturers and importers of bicycle helmets subject to the standard issue certificates of compliance based on a reasonable testing program. Every person issuing certificates of compliance must maintain certain records. Respondents must comply with the requirements in 16 CFR part 1203 for labeling and instructions, testing, certification, and recordkeeping.

Todd A. Stevenson,

Secretary, Consumer Product Safety Commission.

[FR Doc. 2014–17784 Filed 7–28–14; 8:45 am]

BILLING CODE 6355–01–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID DoD–2013–OS–0169]

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.

DATES: Consideration will be given to all comments received by August 28, 2014.

FOR FURTHER INFORMATION CONTACT: Fred Licari, 571–372–0493.

SUPPLEMENTARY INFORMATION:

Title, Associated Form and OMB Number: Research Performance Progress Report (RPPR); OMB Number: 0704–TBD.

Type of Request: New.

Number of Respondents: 2,000.

Responses per Respondent: 2.

Annual Responses: 4,000.

Average Burden per Response: 6 hours.

Annual Burden Hours: 24,000.

Needs and Uses: DoD research grants and cooperative agreements require recipients to periodically report on progress made towards achieving the objectives of their awards, and to document accomplishments and identify reasons for failure to meet planned objectives. This periodic reporting is required by section 32.51 of 32 CFR part 32, the DoD implementation of OMB Circular A–110. In April 2010, the Office of Management and Budget (OMB) and Office of Science and Technology (OSTP) issued a policy memorandum to the heads of Executive Departments and Agencies on usage of a new format—the Research Performance Progress Report (RPPR)—for doing interim progress reporting (e.g., annual reports during the award performance period, other than the final report that is due after the end of that period). The information collection requirement under this Notice is part of the Department's implementation of the RPPR, usage of which will consolidate interim progress reporting requirements of the multiple DoD offices that award research grants and cooperative agreements. DoD's implementation of the RPPR will:

- Make DoD research offices' requirements for grants and cooperative agreements more uniform with each other, as each office has historically specified its reporting requirements separately from other awarding offices.
- Make DoD offices' reporting requirements more common with those of other Federal agencies that make research awards, as each of them implements the guidance from OMB and OSTP.
- Enable broadening of RPPR usage to basic research contracts awarded by DoD offices, any of which may adopt the RPPR format for basic research contract progress reporting in lieu of their existing basic research contract reporting requirements. This will benefit entities having both research grant and contract awards, and is consistent with the joint OMB and OSTP policy memorandum.

Affected Public: Colleges and universities, nonprofit organizations, business and industry.

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 24, 2014.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2014–17795 Filed 7–28–14; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

[Docket ID: DoD–2013–OS–0211]

Submission for OMB Review; Comment Request

AGENCY: Office of the Secretary, Department of Defense

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.

DATES: Consideration will be given to all comments received by August 28, 2014.

FOR FURTHER INFORMATION CONTACT: Fred Licari, 571–372–0493.

SUPPLEMENTARY INFORMATION:

Title, Associated Form and OMB Number: Automated Repatriation Reporting System; DD Form 2585; OMB Control Number 0704–0334.

Type of Request: Revision.

Number of Respondents: 100.

Responses per Respondent: 1.

Annual Responses: 100.

Average Burden per Response: 20 minutes.

Annual Burden Hours: 33.

Needs and Uses: The information collection requirement is necessary for personnel accountability of all evacuees, regardless of nationality, who are processed through designated Repatriation Centers throughout the United States. The information obtained from the DD Form 2585 is entered into an automated system; a series of reports is accessible to DoD Components, Federal and State agencies and Red Cross as required.

Affected Public: Individuals or households; Federal government.

Frequency: One time.

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 24, 2014.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2014–17829 Filed 7–28–14; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

[Docket ID: DoD–2013–OS–0026]

Agency Information Collection Activities: Proposed Collection; Comment Request; Fast Track Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery

AGENCY: DoD, Office of the Secretary, Washington Headquarters Service (WHS), Enterprise Management.

ACTION: 30-Day notice of submission of information collection approval from the Office of Management and Budget and request for comments.

SUMMARY: As part of an effort to streamline the process to seek feedback from the public on service delivery, WHS has submitted a Generic Information Collection Request (Generic ICR): ''Fast Track Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery—the Interactive Customer Evaluation (ICE) System'' to OMB for approval under the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 et seq.).

DATES: Comments must be submitted August 28, 2014.

FOR FURTHER INFORMATION CONTACT: Fred Licari, 571–372–0493.

SUPPLEMENTARY INFORMATION:

Title: Fast Track Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery—the Interactive Customer Evaluation (ICE) System.

Abstract: The information collection activity will garner qualitative customer and stakeholder feedback in an efficient, timely manner, in accordance with the Administration's commitment to improving service delivery. By qualitative feedback we mean information that provides useful insights on perceptions and opinions, but are not statistical surveys that yield quantitative results that can be generalized to the population of study. This feedback will provide insights into customer or stakeholder perceptions, experiences and expectations, provide an early warning of issues with service, or focus attention on areas where communication, training or changes in operations might improve delivery of products or services. These collections will allow for ongoing, collaborative and actionable communications between the Agency and its customers and stakeholders. It will also allow feedback to contribute directly to the improvement of program management.

Feedback collected under this generic clearance will provide useful information, but it will not yield data that can be generalized to the overall population. This type of generic clearance for qualitative information will not be used for quantitative information collections that are designed to yield reliably actionable results, such as monitoring trends over time or documenting program performance. Such data uses require more rigorous designs that address: the target population to which generalizations will be made, the sampling frame, the sample design (including stratification and clustering), the precision requirements or power calculations that justify the proposed sample size, the expected response rate, methods for assessing potential non-response bias, the protocols for data collection, and any testing procedures that were or will be undertaken prior fielding the study. Depending on the degree of influence the results are likely to have, such collections may still be eligible for submission for other generic mechanisms that are designed to yield quantitative results.

The Agency did not receive any comments in response to the 60-day notice published in the **Federal Register** on May 28, 2014 (79 FR 30562).

Current Actions: Processing Revision as Fast Track Generic.

Type of Review: Revision.

Affected Public: Individuals or Households.

Respondent's Obligation: Voluntary.

Annual Estimates

Average Expected Annual Number of Activities/Collections: 29,250.

Annual Number of Responses per Respondent: 2.

Annual Number of Responses: 58,500.

Frequency of Response: On Occasion.

Average Burden per Response: 3 minutes.

Annual Burden Hours: 2,925.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid Office of Management and Budget Control Number.

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.

To request additional information please contact Ms. Toppings, DoD Clearance Officer, at WHS/ESD Information Management Division, 4800 Mark Center Drive, East Tower, Suite 02G09, Alexandria, VA 22350–3100.

Dated: July 24, 2014.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2014–17828 Filed 7–28–14; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Science Board; Notice of Advisory Committee Meetings

AGENCY: Department of Defense.

ACTION: Notice of Advisory Committee Meetings.

SUMMARY: The Defense Science Board 2014 Summer Study on Strategic Surprise will meet in closed session on August 18–22, 2014, from 8:00 a.m. to 5:00 p.m. at the Charles Stark Draper Laboratory, 555 Technology Square, Room 7137, Cambridge, MA.

DATES: August 18–22, 2014, from 8:00 a.m. to 5:00 p.m.

ADDRESSES: Charles Stark Draper Laboratory, 555 Technology Square, Room 7137, Cambridge, MA.

FOR FURTHER INFORMATION CONTACT: Ms. Debra Rose, Executive Officer, Defense Science Board, 3140 Defense Pentagon, Room 3B888A, Washington, DC 20301–3140, via email at *debra.a.rose20.civ@mail.mil,* or via phone at (703) 571–0084.

SUPPLEMENTARY INFORMATION: This meeting is being held under the provisions of the Federal Advisory Committee Act of 1972 (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102–3.150.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Acquisition, Technology & Logistics on scientific and technical matters as they affect the perceived needs of the Department of Defense. At this meeting, the Board will discuss interim finding and recommendations resulting from ongoing Task Force activities. The Board will also discuss plans for future consideration of scientific and technical aspects of specific strategies, tactics, and policies as they may affect the U.S. national defense posture and homeland security.

In accordance with section 10(d) of the Federal Advisory Committee Act, Public Law 92–463, as amended (5 U.S.C. App. 2) and 41 CFR 102–3.155, the Department of Defense has determined that the Defense Science Board meeting for August 18–22, 2014, will be closed to the public. Specifically, the Under Secretary of Defense (Acquisition, Technology, and Logistics), in consultation with the DoD Office of General Counsel, has determined in writing that all sessions of meeting for August 18–22, 2014, will be closed to the public because it will consider matters covered by 5 U.S.C. 552b(c)(1) and (4).

In accordance with 41 CFR 102–3.140 and section 10(a)(3) of the Federal Advisory Committee Act, interested persons may submit a written statement for consideration by the Defense Science Board. Individuals submitting a written statement must submit their statement to the Designated Federal Official at the address detailed in **FOR FURTHER INFORMATION CONTACT**; at any point, however, if a written statement is not received at least 10 calendar days prior to the meeting, which is the subject of this notice, then it may not be provided to or considered by the Defense Science Board. The Designated Federal Official will review all timely submissions with the Defense Science Board Chairperson, and ensure they are provided to members of the Defense Science Board before the meeting that is the subject of this notice.

Dated: July 24, 2014.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2014–17783 Filed 7–28–14; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

Implementation of the Water Resources Reform and Development Act of 2014; Public Meetings

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

ACTION: Notice of public meetings

SUMMARY: The Department of the Army, Headquarters, U.S. Army Corps of Engineers, announces a series of listening sessions by webinar for public input to inform the agency's implementation of the Water Resources Reform and Development Act of 2014. Each meeting will focus on implementation of a specific collection of provisions in the Act.

DATES: The public meetings will take place via webinar on August 13, 2014; August 27, 2014; September 10, 2014; and September 24, 2014. Each webinar will commence at 14:00 Eastern Daylight Time.

ADDRESSES: Headquarters, U.S. Army Corps of Engineers, 441 G Street NW., Washington, DC 20314.

FOR FURTHER INFORMATION CONTACT: Mr. Bruce Carlson, Acting Chief, Planning and Policy, HQUSACE at *WRRDA@usace.army.mil* or (202) 761–4703 or visit the U.S. Army Corps of Engineer Web site at *http://www.usace.army.mil/Missions/CivilWorks/ProjectPlanning/legislativelinks.aspx.*

SUPPLEMENTARY INFORMATION:

Background: The Water Resources Reform and Development Act of 2014 (Pub. L. 113–121) became law on June 10, 2014. This Act establishes new laws governing the water resources programs

and projects of the U.S. Army Corps of Engineers and authorizes the implementation of various projects. The Act may be found at *https://beta.congress.gov/113/bills/hr3080/BILLS-113hr3080enr.pdf*. In coordination with the Secretary of the Army, the U.S. Army Corps of Engineers will prepare guidance establishing policies and procedures to implement this legislation. The U.S. Army Corps of Engineers will hold several listening sessions by webinar for public input to inform the agency's implementation of the Water Resources Reform and Development Act of 2014. Each meeting will focus on implementation of a specific collection of provisions in the Act:

- **Category/Session I (August 13, 2014)**
  - Deauthorizations & Backlog Prevention
  - Project Development and Delivery (Including Planning)
- **Category/Session II (August 27, 2014)**
  - Alternative Financing—Contributions
  - Alternative Financing—Title V
  - Credits
- **Category/Session III (September 10, 2014)**
  - Levee Safety
  - Dam Safety
  - Regulatory (including 408)
- **Category/Session IV (September 24, 2014)**
  - Non-Federal Implementation
  - Water Supply and Reservoir
  - Navigation

The specific provisions to be considered for each session will be enumerated on the U.S. Army Corps of Engineer Web site at *http://www.usace.army.mil/Missions/CivilWorks/ProjectPlanning/legislativelinks.aspx*.

Agenda: The agenda for each webinar will include: (1) Welcome and introductions; (2) overview of the meeting format; (3) remarks from the Senior Corps presiding officer; (4) Explanation of the rules for making comments at the meeting by the meeting facilitator; (5) Comments by the public as presided over by the meeting facilitator and (5) adjournment.

Public Participation: Members of the public can participate in the meetings by web connection or by telephone. Detailed instructions, including the meeting phone number and web link for each meeting, will be available on the U.S. Army Corps of Engineer Web site at: *http://www.usace.army.mil/Missions/CivilWorks/ProjectPlanning/legislativelinks.aspx*.

Written comments: In addition to presenting comments at this public meeting webinar, the public may also make written suggestions or recommendations for implementation of the Sections of the Act enumerated above. Members of the public who wish to submit written suggestions or recommendations for consideration by the Corps in preparing implementation guidance must email *wrrda@usace.army.mil* or send them to Mr. Bruce Carlson, HQUSACE, 441 G Street NW., Washington, DC 20314 by September 30, 2014 to provide sufficient time for review. Written comments are optional.

Dated: July 24, 2014.

Bruce D. Carlson,

Acting Chief, Planning and Policy, Directorate of Civil Works, HQUSACE.

[FR Doc. 2014–17874 Filed 7–28–14; 8:45 am]

BILLING CODE 3720–58–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2014–ICCD–0111]

Agency Information Collection Activities; Comment Request; High School Reform Study

AGENCY: Office of Planning, Evaluation and Policy Development (OPEPD), 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 new information collection.

DATES: Interested persons are invited to submit comments on or before September 29, 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–0111 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 Joanne Bogart, 202–205–7855.

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: High School Reform Study.

OMB Control Number: 1875–NEW.

Type of Review: A new information collection.

Respondents/Affected Public: Individuals or households.

Total Estimated Number of Annual Responses: 1,566.

Total Estimated Number of Annual Burden Hours: 783.

Abstract: This request for OMB clearance is to collect data through a nationally representative survey of high schools during the 2014–15 school year. Data from the National High School Reform Study will inform a descriptive report on the strategies that high schools are using to help students graduate from high school, especially students at risk for dropping out and students in high schools with low graduation rates. Information from the survey will fill critical information gaps about the use and prevalence of high school reform strategies to support at-risk youth. The

survey will be administered to a nationally representative sample of approximately 2,000 public high school administrators.

Dated: July 24, 2014.

Stephanie Valentine,

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

[FR Doc. 2014–17822 Filed 7–28–14; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 13753–002, 13771–002, 13763–002, 13766–002, 13767–002]

FFP Missouri 16, LLC; FFP Missouri 15, LLC; Solia 8 Hydroelectric, LLC; FFP Missouri 13, LLC; Solia 5 Hydroelectric, LLC; Solia 4 Hydroelectric, LLC: Notice of Application Accepted for Filing and Soliciting Motions To Intervene and Protests

Take notice that the following hydroelectric applications have been filed with the Commission and are available for public inspection.

a. *Type of Application:* Original Major License.

b. *Project Nos.:* 13753–002; 13762–002; 13771–002; 13763–002; 13766–002; 13767–002.

c. *Date filed:* February 27, 2014.

d. *Applicant:* FFP Missouri 16, LLC; FFP Missouri 15, LLC; Solia 8 Hydroelectric, LLC; FFP Missouri 13, LLC; Solia 5 Hydroelectric, LLC; Solia 4 Hydroelectric, LLC. All applicants are subsidiaries of Free Flow Power Corporation.

e. *Name of Projects:* Opekiska Lock and Dam Hydroelectric Project; Morgantown Lock and Dam Hydroelectric Project; Point Marion Lock and Dam Hydroelectric Project; Grays Landing Lock and Dam Hydroelectric Project; Maxwell Lock and Dam Hydroelectric Project; and Monongahela Lock and Dam Number Four Hydroelectric Project.

f. *Location:* The proposed projects would be located at U.S. Army Corps of Engineers' (Corps) dams on the Monongahela River in Monongalia County, West Virginia and Fayette, Greene, and Washington counties, Pennsylvania (see table below for specific locations). The projects would occupy 39.75 acres of federal land managed by the Corps.

Project No.	Projects	County and state	City/town	Federal land used by project [1] (acres)
P–13753	Opekiska Lock and Dam	Monongalia, WV	Between Fairmont and Morgantown	10.1
P–13762	Morgantown Lock and Dam	Monongalia, WV	Morgantown	0.99
P–13771	Point Marion Lock and Dam	Fayette, PA	Point Marion	1.44
P–13763	Grays Landing Lock and Dam	Greene, PA	Near Masontown	15.5
P–13766	Maxwell Lock and Dam	Washington, PA	Downstream of Fredericktown	10.4
P–13767	Monongahela Lock and Dam Number Four.	Washington, PA	Charleroi	1.32

[1] The federal lands are managed by the Corps.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791(a)—825(r).

h. *Applicant Contact:* Thomas Feldman, Vice President of Project Development, Free Flow Power Corporation, 239 Causeway Street, Suite 300, Boston, MA 02114; or at (978) 283–2822.

Ramya Swaminathan, Chief Operating Officer, Free Flow Power Corporation, 239 Causeway Street, Suite 300, Boston, MA 02114; or at (978) 283–2822.

Daniel Lissner, General Counsel, Free Flow Power Corporation, 239 Causeway Street, Suite 300, Boston, MA 02114; or at (978) 283–2822.

i. *FERC Contact:* Nicholas Ettema, (202) 502–6565 or *nicholas.ettema@ferc.gov*.

j. *Deadline for filing motions to intervene and protests and requests for cooperating agency status:* 60 days from the issuance date of this notice.

The Commission strongly encourages electronic filing. Please file motions to intervene and protests and requests for cooperating agency status using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp*. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. The first page of any filing should include the applicable project name(s) and docket number(s) (e.g., Opekiska Lock and Dam P–13753–002).

The Commission's Rules of Practice and Procedures require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. These applications have been accepted for filing, but are not ready for environmental analysis at this time.

l. The proposed Opekiska Lock and Dam Hydroelectric Project would be the most upstream project at river mile (RM) 115.4 and would consist of the following new facilities: (1) A 180-foot-long, 95-foot-wide intake channel directing flow to a 30-foot-long, 50-foot-high, 70-foot-wide intake structure with 3-inch bar spacing trashracks; (2) a 120-foot-long, 60-foot-high, 70-foot-wide reinforced concrete powerhouse on the west bank of the river; (3) two turbine-generator units with a combined capacity of 6.0 megawatts (MW); (4) a 280-foot-long, 64-foot-wide tailrace; (5) a 40-foot-long by 40-foot-wide substation; (6) a 3,511-foot-long, 12.5-kilovolt (kV), overhead transmission line to connect the project substation to an existing distribution line; and (7) appurtenant facilities. The average annual generation would be 25,300 megawatt-hours (MWh).

The proposed Morgantown Lock and Dam Hydroelectric Project would be located at RM 102.0 and consist of the following new facilities: (1) A 280-foot-long, 80-foot-wide intake channel directing flow to a 30-foot-long, 50-foot-high, 70-foot-wide intake structure with 3-inch bar spacing trashracks; (2) a 120-foot-long, 60-foot-high, 70-foot-wide reinforced concrete powerhouse on the east bank of the river; (3) two turbine-generator units with a combined capacity of 5.0 MW; (4) a 200-foot-long, 70-foot-wide tailrace; (5) a 40-foot-long by 40-foot-wide substation; (6) a 2,600-foot-long, 12.5-kV, overhead transmission line to connect the project substation to an existing distribution line; and (7) appurtenant facilities. The average annual generation would be 18,900 MWh.

The proposed Point Marion Lock and Dam Hydroelectric Project would be located at RM 90.8 and consist of the following new facilities: (1) A 280-foot-long, 90-foot-wide intake channel directing flow to a 30-foot-long, 50-foot-high, 70-foot-wide intake structure with 3-inch bar spacing trashracks; (2) a 120-foot-long, 60-foot-high, 70-foot-wide reinforced concrete powerhouse on the east bank of the river; (3) two turbine-generator units with a combined capacity of 5.0 MW; (4) a 215-foot-long, 90-foot-wide tailrace; (5) a 40-foot-long by 40-foot-wide substation; (6) a 3,320-foot-long, 69-kV, overhead transmission line to connect the project substation to an existing substation; and (7) appurtenant facilities. The average annual generation would be 16,500 MWh.

The proposed Grays Landing Lock and Dam Hydroelectric Project would be located at RM 82.0 and consist of the following new facilities: (1) A 300-foot-long, 130-foot-wide intake channel directing flow to a 100-foot-long, 84-foot-wide intake structure with 3-inch bar spacing trashracks; (2) a 576-foot-long, 2.5-foot-high adjustable crest gate on top of the existing dam crest; (3) a 150-foot-long, 75-foot-high, 90-foot-wide reinforced concrete powerhouse on the west bank of the river; (4) two turbine-generator units with a combined capacity of 12.0 MW; (5) a 250-foot-long, 84-foot-wide tailrace; (6) a 40-foot-long by 40-foot-wide substation; (7) a 9,965-foot-long, 69-kV, overhead transmission line to connect the project substation to an existing distribution line; and (8) appurtenant facilities. The average annual generation would be 47,300 MWh.

The proposed Maxwell Lock and Dam Hydroelectric Project would be located at RM 61.2 and consist of the following new facilities: (1) A 130-foot-long, 85-foot-wide intake channel located immediately downstream of the Corps' 5th spillway gate on the east side of the river; (2) a pair of spill gates totaling 84 feet wide located within the proposed intake channel; (3) a 100-foot-long, 70-foot-high, 85-foot-wide intake structure with 3-inch bar spacing trashracks; (4) a 150-foot-long, 70-foot-high, 90-foot-wide reinforced concrete powerhouse; (5) two turbine-generator units with a combined capacity of 13.0 MW; (6) a 160-foot-long, 120-foot-wide tailrace; (7) a 40-foot-long by 40-foot-wide substation; (8) a 350-foot-long, 69/138 kV, overhead transmission line to connect the project substation to an existing distribution line; and (9) appurtenant facilities. The average annual generation would be 56,800 MWh.

The proposed Monongahela Lock and Dam Number Four Hydroelectric Project would be located at RM 41.5 and consist of the following new facilities: (1) A 140-foot-long, 90-foot-wide intake channel located immediately downstream of the Corps' 5th spillway gate on the west side of the river; (2) a pair of spill gates totaling 84 feet wide located within the proposed intake channel; (3) a 100-foot-long, 64-foot-high, 90-foot-wide intake structure with 3-inch bar spacing trashracks; (4) a 150-foot-long, 70-foot-high, 90-foot-wide reinforced concrete powerhouse; (5) two turbine-generator units with a combined capacity of 12.0 MW; (6) a 210-foot-long, 130-foot-wide tailrace; (7) a 40-foot-long by 40-foot-wide substation; (8) a 45-foot-long, 69-kV, overhead transmission line to connect the project substation to an existing distribution line; and (9) appurtenant facilities. The average annual generation would be 48,500 MWh.

Free Flow Power proposes to operate all six projects in a ''run-of-river'' mode using flows made available by the Corps. The proposed projects would not change existing flow releases or water surface elevations upstream or downstream of the proposed projects.

m. A copy of each application is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support. Copies are also available for inspection and reproduction at the address in item h above.

You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to these or other pending projects. For assistance, contact FERC Online Support.

n. Any qualified applicant desiring to file a competing application must submit to the Commission, on or before the specified intervention deadline date, a competing development application, or a notice of intent to file such an application. Submission of a timely notice of intent allows an interested person to file the competing development application no later than 120 days after the specified intervention deadline date. Applications for preliminary permits will not be accepted in response to this notice.

A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit a development application. A notice of intent must be served on the applicant(s) named in this public notice.

Anyone may submit a protest or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, 385.211, and 385.214. In determining the appropriate action to take, the Commission will consider all protests filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any protests or motions to intervene must be received on or before the specified deadline for the particular application.

When the applications are ready for environmental analysis, the Commission will issue a public notice requesting comments, recommendations, terms and conditions, or prescriptions.

All filings must (1) bear in all capital letters the title ''PROTEST'' or ''MOTION TO INTERVENE,'' ''NOTICE OF INTENT TO FILE COMPETING APPLICATION,'' or ''COMPETING APPLICATION;'' (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. Agencies may obtain copies of the applications directly from the applicant. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application.

Dated: July 18, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–17758 Filed 7–28–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 13757–002; Project No. 13761–002; Project No. 13768–002]

FFP Missouri 5, LLC et al.; Notice of Application Accepted for Filing and Soliciting Motions to Intervene and Protests

FFP Missouri 5, LLC Project No. 13757–002
FFP Missouri 6, LLC Project No. 13761–002
Solia 6 Hydroelectric, LLC Project No. 13768–002

Take notice that the following hydroelectric applications have been filed with the Commission and are available for public inspection.

a. *Type of Application:* Original Major License.

b. *Project Nos.:* 13757–002; 13761–002; 13768–002.

c. *Date Filed:* March 14, 2014.

d. *Applicant:* FFP Missouri 5, LLC; FFP Missouri 6, LLC; Solia 6 Hydroelectric, LLC. All applicants are subsidiaries of Free Flow Power Corporation.

e. *Name of Projects:* Emsworth Locks and Dam Hydroelectric Project; Emsworth Back Channel Dam Hydroelectric Project; Montgomery Locks and Dam Hydroelectric Project.

f. *Location:* The proposed projects would be located at U.S. Army Corps of Engineers' (Corps) dams on the Ohio River in Allegheny and Beaver counties, Pennsylvania (see table below for specific locations).

Project No.	Project	County and state	City/Town	Federal land used by project [1] (acres)
P–13757	Emsworth Locks and Dam	Allegheny, PA	Emsworth	9.5
P–13761	Emsworth Back Channel Dam	Allegheny, PA	Emsworth	9.0
P–13768	Montgomery Locks & Dam	Beaver, PA	Borough of Industry	5.0

[1] The federal lands are managed by the Corps.

g. *Filed Pursuant to:* Federal Power Act, 16 USC 791 (a)–825(r).

h. *Applicant Contact:* Thomas Feldman, Vice President, Free Flow Power Corporation, 239 Causeway Street, Suite 300, Boston, MA 02114; or at (978) 283–2822.

Ramya Swaminathan, Chief Operating Officer, Free Flow Power Corporation, 239 Causeway Street, Suite 300, Boston, MA 02114; or at (978)–283–2822.

Daniel Lissner, General Counsel, Free Flow Power Corporation, 239 Causeway Street, Suite 300, Boston, MA 02114; or at (978) 283–2822.

i. *FERC Contact:* Brandi Sangunett, (202) 502–8393 or *brandi.sangunett@ferc.gov.*

j. *Deadline for filing motions to intervene and protests and requests for cooperating agency status:* 60 days from the date of this notice.

The Commission strongly encourages electronic filing. Please file additional study requests and requests for cooperating agency status using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. The first page of any filing should include the applicable project name(s) and docket number(s) (e.g., Emsworth Lock and Dams P–13757–002).

The Commission's Rules of Practice and Procedures require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. These applications have been accepted for filing, but are not ready for environmental analysis at this time.

l. The proposed Emsworth Locks and Dam Hydroelectric Project would be located at river mile (RM) 6.2 and would consist of the following new facilities: (1) A 205-foot-long, 180-foot-wide intake channel directing flow to a 30-foot-long, 63.5-foot-high, 180-foot-wide intake structure with 5-inch bar spacing trashracks; (2) a 180-foot-long by 180-foot-wide reinforced concrete powerhouse on the south bank of the river; (3) four turbine-generator units with a combined capacity of 24 megawatts (MW); (4) a 380-foot-long, 280-foot-wide tailrace; (5) a 50-foot-long by 60-foot-wide substation; (6) a 1,893-foot-long, 69-kilovolt (kV), overhead transmission line to connect the project substation to an existing substation; and (7) appurtenant facilities. The average annual generation would be 101,300 megawatt-hours (MWh).

The proposed Emsworth Back Channel Dam Hydroelectric Project would be located at RM 6.8 and consist of the following new facilities: (1) A 100-foot-long, 165-foot-wide intake channel directing flow to 32-foot-long, 63.5-foot-high, 90-foot-wide intake structure with 5-inch bar spacing trashracks; (2) a 150-foot-long by 90-foot-wide reinforced concrete powerhouse on the north bank of the river; (3) two turbine-generator units with a combined capacity of 12.0 MW; (4) a 190-foot-long, 105-foot-wide tailrace; (5) a 50-foot-long by 60-foot-wide substation; (6) a 3,758-foot-long, 69-kV, overhead transmission line to connect the project substation to an existing substation; and (7) appurtenant facilities. The average annual generation would be 53,500 MWh.

The proposed Montgomery Locks and Dam Hydroelectric Project would be located at RM 31.7 and consist of the following new facilities: (1) A 340-foot-long, 205-foot-wide intake channel directing flow to a 150-foot-long, 90-foot-high, 205-foot-wide intake structure with 5-inch bar spacing trashracks; (2) a 315-foot-long by 205-foot-wide reinforced concrete powerhouse on the north bank of the river; (3) three turbine-generator units with a combined capacity of 42 MW; (4) a 280-foot-long, 210-foot-wide tailrace; (5) a 50-foot-long by 60-foot-wide substation; (6) a 392-

foot-long, 69-kV, overhead transmission line to connect the project substation to an existing distribution line; and (7) appurtenant facilities. The average annual generation would be 194,370 MWh.

Free Flow Power proposes to operate all three projects in a ''run-of-river'' mode using flows made available by the Corps. The proposed projects would not change existing flow releases or water surface elevations upstream or downstream of the proposed projects.

m. A copy of each application is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support. Copies are also available for inspection and reproduction at the address in item h above.

You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

n. Any qualified applicant desiring to file a competing application must submit to the Commission, on or before the specified intervention deadline date, a competing development application, or a notice of intent to file such an application. Submission of a timely notice of intent allows an interested person to file the competing development application no later than 120 days after the specified intervention deadline date. Applications for preliminary permits will not be accepted in response to this notice.

A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit a development application. A notice of intent must be served on the applicant(s) named in this public notice.

Anyone may submit a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 85.210, 385.211, and 385.214. In determining the appropriate action to take, the Commission will consider all protests filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any protests or motions to intervene must be received on or before the specified deadline for the particular application.

When the applications are ready for environmental analysis, the Commission will issue a public notice requesting comments, recommendations, terms and conditions, or prescriptions.

All filings must (1) bear in all capital letters the title ''PROTEST'' or ''MOTION TO INTERVENE,'' ''NOTICE OF INTENT TO FILE COMPETING APPLICATION,'' or ''COMPETING APPLICATION;'' (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR §§ 385.2001 through 385.2005. Agencies may obtain copies of the applications directly from the applicant. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–17755 Filed 7–28–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 13755–002]

FFP Missouri 12, LLC; Notice of Application Accepted for Filing and Soliciting Motions To Intervene and Protests

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* Original Major License.

b. *Project No.:* 13755–002.

c. *Date Filed:* February 3, 2014.

d. *Applicant:* FFP Missouri 12, LLC.

e. *Name of Project:* Allegheny Lock and Dam Number 2.

f. *Location:* The proposed project would be located at the U.S. Army Corps of Engineers' (Corps) Allegheny Lock and Dam Number 2 on the Allegheny River in Allegheny County, Pennsylvania. The project would occupy 37.5 acres of federal land managed by the Corps.

g. *Filed Pursuant to:* Federal Power Act, 16 USC 791 (a)–825(r).

h. *Applicant Contact:* Thomas Feldman, Vice President, Free Flow Power Corporation, 239 Causeway Street, Suite 300, Boston, MA 02114; or at (978) 283–2822.

Ramya Swaminathan, Chief Operating Officer, Free Flow Power Corporation, 239 Causeway Street, Suite 300, Boston, MA 02114; or at (978) 283–2822.

Daniel Lissner, General Counsel, Free Flow Power Corporation, 239 Causeway Street, Suite 300, Boston, MA 02114; or at (978) 283–2822.

i. *FERC Contact:* Allyson Conner, (202) 502–6082 or *allyson.conner@ferc.gov.*

j. *Deadline for filing motions to intervene and protests and requests for cooperating agency status:* 60 days from the date of this notice.

The Commission strongly encourages electronic filing. Please file additional study requests and requests for cooperating agency status using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. The first page of any filing should include docket number P–13755–002.

The Commission's Rules of Practice and Procedures require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. This application has been accepted for filing, but is not ready for environmental analysis at this time.

l. The proposed project would utilize the existing Corps' Allegheny Lock and Dam Number 2, and would consist of the following new facilities: (1) A 170-foot-wide, 120-foot-long, 70-foot-high intake structure with two 5-inch clear bar spacing trash racks; (2) two 45-foot-wide, 40-foot-high spillway bays; (3) an 1,100-foot-long, 2.5-foot-high adjustable crest gate on top of the existing dam crest; (4) a 170-foot-wide by 180-foot-long powerhouse along the east side of the river; (5) three Kaplan turbine-generator units with a combined installed capacity of 17,000 kilowatts; (6) a 50-foot-wide by 60-foot-long substation; (7) a 1,265-foot-long, single overhead, 69-kilovolt transmission line to connect the project substation to an existing distribution line owned by Duquesne Light Company; and (8) appurtenant facilities. The project is

estimated to generate an average of 81,950 megawatt-hours annually.

Free Flow Power proposes to operate the project in a ''run-of-river'' mode using flows made available by the Corps. The proposed project would not change existing flow releases or water surface elevations upstream or downstream of the proposed project.

m. A copy of the application is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support. A copy is also available for inspection and reproduction at the address in item h above.

You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

n. Any qualified applicant desiring to file a competing application must submit to the Commission, on or before the specified intervention deadline date, a competing development application, or a notice of intent to file such an application. Submission of a timely notice of intent allows an interested person to file the competing development application no later than 120 days after the specified intervention deadline date. Applications for preliminary permits will not be accepted in response to this notice.

A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit a development application. A notice of intent must be served on the applicant named in this public notice.

Anyone may submit a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, 385.211, and 385.214. In determining the appropriate action to take, the Commission will consider all protests filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any protests or motions to intervene must be received on or before the specified deadline for the particular application.

When the application is ready for environmental analysis, the Commission will issue a public notice requesting comments, recommendations, terms and conditions, or prescriptions.

All filings must (1) bear in all capital letters the title ''PROTEST'' or ''MOTION TO INTERVENE,'' ''NOTICE OF INTENT TO FILE COMPETING APPLICATION,'' or ''COMPETING APPLICATION;'' (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. Agencies may obtain copies of the applications directly from the applicant. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application.

Dated: July 18, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–17759 Filed 7–28–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. CP14–517–000; CP14–518–000 and PF13–14–000]

Golden Pass Products, LLC and Golden Pass Pipeline, LLC; Notice of Applications

Take notice that on July 7, 2014, Golden Pass Products, LLC (GP Products), Three Allen Center, 333 Clay Street, Houston, Texas 77002, filed in Docket No. CP14–517–000, an application pursuant to section 3(a) of the Natural Gas Act (NGA) and Part 157 for authority to site, construct and operate its Golden Pass Terminal Expansion Project (GPX Terminal Project), for liquefaction and export of liquefied natural gas (LNG). The proposed facilities are to be constructed contiguous to and integrated with the existing Golden Pass LNG Terminal LLC (GPLNG Terminal) LNG import facilities located in Sabine Pass, Texas. Upon completion, the Golden Pass Terminal Complex will include both LNG import and export facilities.

GP Products proposes to construct and operate three liquefaction trains with a total production capacity system to produce 15.6 million metric tonnes per annum of LNG. GPP also proposes modifications to the existing GPLNG Terminal facilities to provide for optimization of existing facilities and equipment, as well as minimization of the overall project footprint. GP Products further proposes construction and operation of feed gas treatment facilities, including systems for removal of mercury, carbon dioxide, hydrogen sulfide and heavy hydrocarbons; and the installation of a 200–250 megawatt self-generation power plant.

Take further notice that contemporaneously with GP Product's application, Golden Pass Pipeline, LLC (Golden Pass PL) filed in Docket No. CP14–518–000 a related application pursuant to section 7(c) of the Natural Gas Act and Part 157 of the Commission's regulations for a certificate of public convenience and necessity authorizing Golden Pass PL to construct and operate the Golden Pass Pipeline Expansion Project (GPX Pipeline Project) located in Texas and Louisiana. Authorization of the GPX Pipeline Project, which will enable GP Pipeline to provide firm and interruptible gas transportation service on the proposed facilities under a new rate schedule, will permit shippers to have domestic-source natural gas shipped to the proposed GP Products export facilities. GP Products will receive gas for export from GP Pipeline's facilities, which are interconnected with the existing GPLNG Terminal.

The GPX Pipeline Project would comprise 2.55 miles of 24-inch pipeline; 11 compressors of various horsepower (HP) rating at three locations totaling 121,750 HP; modifications to piping and valves at five pipeline interconnects to provide for bi-directional capability; and modification to various taps and valves, and a pig trap.

Further information on the GPX Terminal Project and the GPX Pipeline Project are more fully set forth in the applications which are on file with the Commission and open to public inspection. These filings may also be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number, excluding the last three digits, in the docket number field to access the document. 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, call (202) 502–8659 or TTY, (202) 208–3676.

Any questions regarding these applications should be directed Robert T. Tomlinson, Senior Manager Regulatory Affairs for GP Products and GP Pipeline, Three Allen Center, Suite 802, 333 Clay Street, Houston, Texas 77002, phone: (713) 860–6348, fax: (713) 860–6344, or email: *bob.tomlinson@gpterminal.com.*

On March 20, 2013, the Commission staff granted the Golden Pass Product and Golden Pass Pipeline's request to utilize the Pre-Filing Process and assigned Docket No. PF13–14–000 to staff activities involved the GPX Terminal and GPX Pipeline Projects. Now as of filing the July 7, 2014 applications, the Pre-Filing Process for this project has ended. From this time forward, this proceeding will be conducted in Docket Nos. CP14–517–000 and CP14–518–000 as noted in the caption of this Notice.

Pursuant to section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice, the Commission staff will issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) for this proposal. The issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the below listed comment date, file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 7 copies of filings made with the Commission and must mail a copy to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenters will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commenters will not be required to serve copies of filed documents on all other parties. However, the non-party commenters will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

Motions to intervene, protests and comments may be filed electronically via the internet in lieu of paper; see, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link. The Commission strongly encourages electronic filings.

Comment Date: 5:00 p.m. Eastern Time on August 11, 2014.

Dated: July 21, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–17753 Filed 7–28–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC14–114–000.

Applicants: Gila River Power LLC, Union Power Partners, L.P., Entegra Power Services LLC, Wayzata Investment Partners LLC, Luminus Management, LLC.

Description: Errata to July 18, 2014 Joint Application for Authorization Under Section 203 of Gila River Power LLC, et al.

Filed Date: 7/21/14.

Accession Number: 20140721–5157.

Comments Due: 5 p.m. ET 8/8/14.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–2253–011; *ER10–3319–014.*

Applicants: Astoria Energy LLC, Astoria Energy II LLC.

Description: Supplement to June 30, 2014 Order No. 697 Triennial Compliance Filing of Astoria Energy LLC and Astoria Energy II, LLC.

Filed Date: 7/16/14.

Accession Number: 20140716–5185.

Comments Due: 5 p.m. ET 8/6/14.

Docket Numbers: ER13–2452–002.

Applicants: California Independent System Operator Corporation.

Description: 2014–07–21_RIMPR1_SecondCompliance to be effective N/A.

Filed Date: 7/21/14.

Accession Number: 20140721–5112.

Comments Due: 5 p.m. ET 8/11/14.

Docket Numbers: ER14–486–002.

Applicants: UNS Electric, Inc.

Description: UNSE Order No. 784 Correction Filing 2 to be effective 1/27/2014.

Filed Date: 7/22/14.

Accession Number: 20140722–5074.

Comments Due: 5 p.m. ET 8/12/14.

Docket Numbers: ER14–2455–001.

Applicants: Hawks Nest Hydro LLC.

Description: Hawks Nest Hydro Amended Filing to be effective 7/23/2014.

Filed Date: 7/22/14.

Accession Number: 20140722–5051.

Comments Due: 5 p.m. ET 8/12/14.

Docket Numbers: ER14–2471–000.

Applicants: PJM Interconnection, L.L.C.

Description: Revisions to OATT Att K Sec 3.2 and OA Sch 1 Sec 3.2—Shoulder Hour Opp Cost to be effective 9/22/2014.

Filed Date: 7/21/14.

Accession Number: 20140721–5111.

Comments Due: 5 p.m. ET 8/11/14.

Docket Numbers: ER14–2472–000.

Applicants: Agera Energy LLC.

Description: Baseline new to be effective 7/23/2014.

Filed Date: 7/21/14.

Accession Number: 20140721–5122.

Comments Due: 5 p.m. ET 8/11/14.

Docket Numbers: ER14–2473–000.

Applicants: Duke Energy Carolinas, LLC.

Description: Cancellation of Rate Schedule 342 Cargill-DEC to be effective 9/22/2014.

Filed Date: 7/22/14.

Accession Number: 20140722–5025.

Comments Due: 5 p.m. ET 8/12/14.

Docket Numbers: ER14–2474–000.
Applicants: CleanLight Power + Energy, LLC, Gloucester Solar Farm, LLC.
Description: Request for Waiver of CleanLight Power + Energy, LLC, et. al.
Filed Date: 7/22/14.
Accession Number: 20140722–5060.
Comments Due: 5 p.m. ET 8/12/14.
Docket Numbers: ER14–2475–000.
Applicants: AEP Texas North Company.
Description: CSW Operating Companies MBR Concurrence ER14–869 to be effective 7/25/2014.
Filed Date: 7/22/14.
Accession Number: 20140722–5075.
Comments Due: 5 p.m. ET 8/12/14.
Docket Numbers: ER14–2476–000.
Applicants: Public Service Company of Oklahoma.
Description: CSW Operating Companies MBR Concurrence ER14–869 to be effective 7/25/2014.
Filed Date: 7/22/14.
Accession Number: 20140722–5076.
Comments Due: 5 p.m. ET 8/12/14.
Docket Numbers: ER14–2477–000.
Applicants: Southwestern Electric Power Company.
Description: CSW Operating Companies MBR Concurrence ER14–869 to be effective 7/25/2014.
Filed Date: 7/22/14.
Accession Number: 20140722–5077.
Comments Due: 5 p.m. ET 8/12/14.

Take notice that the Commission received the following electric securities filings:

Docket Numbers: ES14–45–000.
Applicants: Northern Pass Transmission LLC.
Description: Amendment to July 2, 2014 Application for Authority to Issue Debt Securities of Northern Pass Transmission LLC.
Filed Date: 7/22/14.
Accession Number: 20140722–5018.
Comments Due: 5 p.m. ET 8/1/14.

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 22, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–17811 Filed 7–28–14; 8:45 am].

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP14–1114–000.
Applicants: Energy West Development, Inc.
Description: Compliance.
Filed Date: 7/21/14.
Accession Number: 20140721–5031.
Comments Due: 5 p.m. ET 8/4/14.
Docket Numbers: RP14–1115–000.
Applicants: Dominion Transmission, Inc.
Description: DTI—Volume 1 & 1B Administrative Changes to be effective 8/21/2014.
Filed Date: 7/21/14.
Accession Number: 20140721–5070.
Comments Due: 5 p.m. ET 8/4/14.

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 22, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–17791 Filed 7–28–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP14–1116–000.
Applicants: Transwestern Pipeline Company, LLC.
Description: New Volume with Housekeeping to be effective 8/22/2014.
Filed Date: 7/22/14.
Accession Number: 20140722–5022.
Comments Due: 5 p.m. ET 8/4/14.
Docket Numbers: RP14–1117–000.
Applicants: Transwestern Pipeline Company, LLC.
Description: Cancel entire Fourth Revised Volume No. 1 to be effective 8/22/2014.
Filed Date: 7/22/14.
Accession Number: 20140722–5052.
Comments Due: 5 p.m. ET 8/4/14.
Docket Numbers: RP14–1118–000.
Applicants: East Tennessee Natural Gas, LLC.
Description: Statements of Rates Cleanup Filing to be effective 8/25/2014.
Filed Date: 7/22/14.
Accession Number: 20140722–5055.
Comments Due: 5 p.m. ET 8/4/14.

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 23, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–17792 Filed 7–28–14; 8:45 am].

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Commission Staff Attendance

The Federal Energy Regulatory Commission hereby gives notice that members of the Commission's staff will attend the following meeting related to the Midcontinent Independent System Operator, Inc. (MISO)—PJM Interconnection, L.L.C. (PJM) Joint and Common Market Initiative (Docket No. AD14–3–000): MISO/PJM Joint Stakeholder Meeting—July 24, 2014.

The above-referenced meeting will be held at: MISO Headquarters, 720 City Center Drive, Carmel, IN 46032–7574.

The above-referenced meeting is open to the public.

Further information may be found at *www.misoenergy.org.*

The discussions at the meeting described above may address matters at issue in the following proceedings:

Docket No. EL13–47, FirstEnergy Solutions Corp. and Allegheny Energy Supply Company, LLC v. *PJM Interconnection, L.L.C.*
Docket No. EL13–75, Indicated Load Serving Entities v. *Midcontinent Independent System Operator, Inc. and PJM Interconnection, L.L.C.*
Docket No. ER14–503, PJM Interconnection, L.L.C.
Docket No. EL13–88, Northern Indiana Public Service Company v. *Midcontinent Independent System Operator, Inc. and PJM Interconnection, L.L.C.*
Docket No. ER13–2233, Midcontinent Independent System Operator, Inc.
Docket No. ER14–381, PJM Interconnection, L.L.C.
Docket No. EL11–34, Midcontinent Independent System Operator, Inc.
Docket No. EL14–21, Southwest Power Pool, Inc. v. *Midcontinent Independent System Operator, Inc.*
Docket No. EL14–30, Midcontinent Independent System Operator, Inc. v. *Southwest Power Pool, Inc.*
Docket No. ER11–1844, Midwest Independent Transmission System Operator, Inc.
Docket No. ER13–1864, Southwest Power Pool, Inc.
Docket Nos. ER13–1923, ER13–1938, ER13–1943, ER13–1945, Midcontinent Independent System Operator, Inc.
Docket Nos. ER13–1924, ER13–1926, ER13–1927, ER13–1936, ER13–1944, ER13–1947, PJM Interconnection, L.L.C.
Docket Nos. ER13–1937, ER13–1939, Southwest Power Pool, Inc.
Docket No. ER14–1174, Southwest Power Pool, Inc.
Docket No. ER14–1713, Midcontinent Independent System Operator, Inc.
Docket No. ER14–1736, Midcontinent Independent System Operator, Inc.
Docket No. ER14–2059, Midcontinent Independent System Operator, Inc.
Docket No. ER14–2062, Southwest Power Pool, Inc.
Docket No. ER14–2367, PJM Interconnection, L.L.C.
Docket No. ER14–2368, Midcontinent Independent System Operator, Inc.
Docket No. ER14–1405, PJM Interconnection, L.L.C.
Docket No. ER14–1406, Midcontinent Independent System Operator, Inc.
Docket No. ER14–1407, Southwest Power Pool, Inc.

For more information, contact Mary Cain, Office of Energy Policy and Innovation, Federal Energy Regulatory Commission at (202) 502–6337 or *mary.cain@ferc.gov.*

Dated: July 18, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–17754 Filed 7–28–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. PF14–8–000]

Transcontinental Gas Pipeline Company, LLC; Notice of Intent To Prepare an Environmental Impact Statement for the Planned Atlantic Sunrise Expansion Project Request for Comments on Environmental Issues, and Notice of Public Scoping Meetings

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental impact statement (EIS) that will address the environmental impacts of the Atlantic Sunrise Expansion Project (Project). This planned Project would involve construction and operation of facilities by Transcontinental Gas Pipeline Company, LLC (Transco), a subsidiary of Williams Partners L.P. (Williams), in Pennsylvania, Virginia, Maryland, North Carolina, and South Carolina. The Commission will use this EIS in its decision-making process to determine whether the project is in the public convenience and necessity.

This notice announces the opening of the scoping process that the Commission will use to gather input from the public and interested agencies on the Project. Your input will help the Commission staff determine what issues need to be evaluated in the EIS. Please note that the scoping period will close on August 18, 2014.

You may submit comments in written form or verbally. Further details on how to submit written comments are in the Public Participation section of this notice. In lieu of or in addition to sending written comments, the Commission invites you to attend the public scoping meetings scheduled as follows:

Date and time	Location
August 4, 2014, 7 to 10 PM	Millersville University, Student Memorial Center, 21 South George Street, Millersville, PA 17551.
August 5, 2014, 7 to 10 PM	Lebanon Valley College, Arnold Sports Center, 101 North College Ave., Anneville, PA 17003.
August 6, 2014, 7 to 10 PM	Bloomsburg University, Haas Center for the Arts, 400 East Second Street, Bloomsburg, PA 17815.
August 7, 2014, 7 to 10 PM	Lake Lehmon High School, 1128 Old Route 115, Dallas, PA 18612.

Williams staff will be available for an open house from 6:00 to 7:00 p.m., prior to the public scoping meetings at the listed locations.

This notice is being sent to the Commission's current environmental mailing list for this Project. State and local government representatives are asked to notify their constituents of this planned Project and encourage them to comment on their areas of concern.

If you are a landowner receiving this notice, a pipeline company representative may contact you about the acquisition of an easement to construct, operate, and maintain the planned facilities. The company would seek to negotiate a mutually acceptable agreement. However, if the Commission approves the Project, that approval conveys with it the right of eminent

domain. Therefore, if easement negotiations fail to produce an agreement, the pipeline company could initiate condemnation proceedings where compensation would be determined in accordance with state law.

A fact sheet prepared by the FERC entitled ''An Interstate Natural Gas Facility on My Land? What Do I Need To Know?'' is available for viewing on the FERC Web site (*www.ferc.gov*). This fact sheet addresses a number of typically-asked questions, including the use of eminent domain and how to participate in the Commission's proceedings.

Summary of the Planned Project

Transco plans to construct and operate certain facilities in Pennsylvania, Maryland, Virginia, North Carolina, and South Carolina which would provide about 1,700,000 dekatherms per day of natural gas transportation service from various receipt points in Pennsylvania to various delivery points along Transco's existing interstate pipeline system.

The planned Project would consist of the following components:

- Construction of approximately 177.3 miles of new 30- and 42-inch-diameter pipelines in Columbia, Lancaster, Lebanon, Luzerne, Northumberland, Schuylkill, Susquehanna, and Wyoming Counties, Pennsylvania;
- construction of approximately 12 miles of new 36- and 42-inch-diameter pipeline loops [1] in Clinton and Lycoming Counties, Pennsylvania;
- replacement of 2.5 miles of 30-inch-diameter pipeline in Prince William County, Virginia;
- construction of two new compressor stations:
  - *Compressor Station 605*—installation of two electric-driven Solar Mars 100S 15,000-horsepower compressors in Susquehanna, Pennsylvania; and
  - *Compressor Station 610*—installation of one electric-driven Solar Titan 250S 30,000-horsepower compressor and one electric-driven Solar Titan 130S 20,500-horsepower compressor in Columbia County, Pennsylvania;
- installation of additional compression at three existing compressor stations:
  - *Compressor Station 520*—installation of one 16,000-horsepower Solar Mars 100S gas turbine in Lycoming County, Pennsylvania;
  - *Compressor Station 517*—installation of one 16,000-horsepower Solar Mars 100S gas turbine in Columbia County, Pennsylvania; and
  - *Compressor Station 190*—installation of one 25,000-horsepower electric-driven compressor in Howard County, Maryland;
- modifications at six existing compressor stations in Virginia and North Carolina to allow bi-directional flow and/or installation of supplemental odorization, odor detection, and odor masking/deodorization equipment;
- construction of two meter stations and three regulator stations:
  - *Zick Meter Station*—a new receipt meter station and pig [2] launcher in Susquehanna, Pennsylvania;
  - *Oswego Meter Station*—a new receipt meter station in Susquehanna, Pennsylvania;
  - *Regulator Station*—a new regulator station at milepost (MP) L92.7 along the Transco Leidy Line system;
  - *Regulator Station*—a new regulator station and pig launcher/receiver at MP L113.8 along the Transco Leidy Line system; and
  - *Regulator Station*—a new regulator station and pig receiver at MP 1682.7 along the Transco Mainline system;
- installation of mainline valve assemblies at multiple locations along the planned pipeline segments; and
- installation of supplemental odorization, odor detection, and odor masking/deodorization equipment at various meter stations and valve sites in North Carolina and South Carolina.

The general location of the planned project facilities is shown in Appendix 1.[3]

Land Requirements for Construction

Transco is still in the planning phase of the Project and workspace requirements have not been finalized. However, Transco is planning on using a 100-foot-wide construction right-of-way for the 42-inch-diameter pipeline segments and a 90-foot-wide construction right-of-way for the 30- and 36-inch-diameter pipeline segments. Following construction, Transco would retain a 50-foot-wide easement for operation of the pipelines. Transco would also require land for additional workspaces at road, railroad, waterbody, and wetland crossings; topsoil storage; access roads; storage or pipeyards; and other purposes during construction.

The EIS Process

The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental impacts that could result from an action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. NEPA also requires us [4] to discover and address concerns the public may have about proposals. This process is referred to as scoping. The main goal of the scoping process is to focus the analysis in the EIS on important environmental issues. By this notice, the Commission requests public comments on the scope of issues to address in the EIS. We will consider all filed comments during the preparation of the EIS.

In the EIS, we will discuss impacts that could occur as a result of the construction and operation of the planned Project under these general headings:

- Geology;
- soils;
- water resources and wetlands;
- vegetation and wildlife;
- fisheries and aquatic resources;
- threatened, endangered, and other special-status species;
- land use, recreation, special interest areas, and visual resources;
- socioeconomics;
- cultural resources;
- air quality;
- noise;
- reliability and safety; and
- cumulative environmental impacts.

We will also evaluate possible alternatives to the planned Project or portions of the Project, and make recommendations on how to lessen or avoid impacts on the various resource areas.

Although no formal application has been filed, we have already initiated our NEPA review under the Commission's Pre-filing Process. The purpose of the Pre-filing Process is to encourage early involvement of interested stakeholders and to identify and resolve issues before the FERC receives an application. As part of our pre-filing review, we

[1] A pipeline loop is a segment of pipe constructed parallel to an existing pipeline to increase capacity.

[2] A pig is a tool that can be used to clean and dry a pipeline and/or to inspect it for damage or corrosion.

[3] The appendices referenced in this notice are not being printed in the **Federal Register**. Copies of appendices were sent to all those receiving this notice in the mail and are available at *www.ferc.gov* using the link called ''eLibrary'' or from the Commission's Public Reference Room, 888 First Street NE., Washington, DC 20426, or call (202) 502–8371. For instructions on connecting to eLibrary, refer to the last page of this notice.

[4] ''We,'' ''us,'' and ''our'' refer to the environmental staff of the Commission's Office of Energy Projects.

participated in public Open House meetings sponsored by Transco in the project area in May and June 2014 to explain the environmental review process to interested stakeholders. We have also begun to contact federal and state agencies to discuss their involvement in the scoping process and the preparation of the EIS.

The EIS will present our independent analysis of the issues. We will publish and distribute the draft EIS for public comment. After the comment period, we will consider all timely comments and revise the document, as necessary, before issuing a final EIS. To ensure we have the opportunity to consider and address your comments, please follow the instructions in the Public Participation section beginning on page 7.

With this notice, we are asking agencies with jurisdiction and/or special expertise with respect to environmental issues related to this Project to formally cooperate with us in the preparation of the EIS [5]. Agencies that would like to request cooperating agency status should follow the instructions for filing comments provided under the Public Participation section of this notice. Currently, the U.S. Army Corps of Engineers has expressed its intention to participate as a cooperating agency in the preparation of the EIS to satisfy its NEPA responsibilities related to this Project.

Consultations Under Section 106 of the National Historic Preservation Act

In accordance with the Advisory Council on Historic Preservation's implementing regulations for section 106 of the National Historic Preservation Act, we are using this notice to initiate consultation with the applicable State Historic Preservation Offices and to solicit their views and those of other government agencies, interested Indian tribes, and the public on the Project's potential effects on historic properties.[6] We will define the project-specific Area of Potential Effects (APE) in consultation with the SHPOs as the project develops. On natural gas facility projects, the APE at a minimum encompasses all areas subject to ground disturbance (examples include the construction right-of-way, contractor/pipe storage yards, compressor stations, and access roads). Our EIS for this Project will document our findings on the impacts on historic properties and summarize the status of consultations under section 106.

Currently Identified Environmental Issues

We have already identified several issues that we think deserve attention based on a preliminary review of the planned facilities, comments filed with the FERC, comments made to us at Transco's open houses, preliminary consultations with other agencies, and the environmental information provided by Transco. This preliminary list of issues may be changed based on your comments and our analysis:

- Impacts on forested areas including fragmentation;
- impacts on agricultural areas including impacts to soils;
- impacts on residential areas;
- impacts on property values;
- impacts on recreational areas including parks and nature preserves;
- impacts on the Appalachian Trail;
- impacts on surface water including the Chesapeake Bay;
- impacts on groundwater including wells and springs;
- impacts on wildlife and vegetation;
- impacts on federal and state-listed threatened, endangered, and sensitive species;
- impacts on quarries or mining;
- geologic hazards including karst and seismic areas;
- impacts on air quality due to construction and operation;
- impacts related to noise during construction and operation;
- assessment of alternatives including the no action alternative and system alternatives consisting of various combinations of looping Transco's existing system and/or replacing existing pipeline with larger diameter pipeline and adding compression;
- assessment of alternative pipeline routes and compressor station locations;
- visual and other impacts from forest clearing;
- eminent domain; and
- cumulative impacts.

Public Participation

You can make a difference by providing us with your specific comments or concerns about the Project. Your comments should focus on the potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. The more specific your comments, the more useful they will be. To ensure that your comments are timely and properly recorded, please send your comments so that the Commission receives them in Washington, DC on or before August 18, 2014.

For your convenience, there are three methods you can use to submit your comments to the Commission. In all instances, please reference the project docket number (PF14–8–000) with your submission. The Commission encourages electronic filing of comments and has expert staff available to assist you at (202) 502–8258 or *efiling@ferc.gov.*

(1) You can file your comments electronically using the *eComment* feature located on the Commission's Web site (*www.ferc.gov*) under the link to *Documents and Filings.* This is an easy method for interested persons to submit brief, text-only comments on a project;

(2) You can file your comments electronically using the *eFiling* feature located on the Commission's Web site (*www.ferc.gov*) under the link to *Documents and Filings.* With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on ''*eRegister.''* You must select the type of filing you are making. If you are filing a comment on a particular project, please select ''Comment on a Filing''; or

(3) You can file a paper copy of your comments by mailing them to the following address: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Room 1A, Washington, DC 20426.

Environmental Mailing List

The environmental mailing list includes federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American Tribes; other interested parties; and local libraries and newspapers. This list also includes all affected landowners (as defined by the Commission's regulations) who are potential right-of-way grantors, whose property may be used temporarily for project purposes, or who own homes within certain distances of aboveground facilities, and anyone who submits comments on the Project. We will update the environmental mailing list as the analysis proceeds to ensure that we send the information related to this environmental review to all individuals, organizations, and government entities

[5] The Council on Environmental Quality regulations addressing cooperating agency responsibilities are at Title 40, Code of Federal Regulations, Part 1501.6.

[6] The Advisory Council on Historic Preservation's regulations are at Title 36, Code of Federal Regulations, Part 800. Historic properties are defined in those regulations as any prehistoric or historic district, site, building, structure, or object included in or eligible for inclusion in the National Register of Historic Places.

interested in and/or potentially affected by the planned Project.

Copies of the completed draft EIS will be sent to the environmental mailing list for public review and comment. If you would prefer to receive a paper copy of the document instead of a CD version or would like to remove your name from the mailing list, please return the attached Information Request (appendix 2).

Becoming an Intervenor

Once Transco files its application with the Commission, you may want to become an ''intervenor'' which is an official party to the Commission's proceeding. Intervenors play a more formal role in the process and are able to file briefs, appear at hearings, and be heard by the courts if they choose to appeal the Commission's final ruling. An intervenor formally participates in the proceeding by filing a request to intervene. Instructions for becoming an intervenor are in the User's Guide under the ''e-filing'' link on the Commission's Web site. Please note that the Commission will not accept requests for intervenor status at this time. You must wait until the Commission receives a formal application for the project.

Additional Information

Additional information about the Project is available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC Web site (*www.ferc.gov*) using the eLibrary link. Click on the eLibrary link, click on ''General Search'' and enter the docket number, excluding the last three digits in the Docket Number field (i.e., PF14–8). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659. The eLibrary link also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. Go to *www.ferc.gov/docs-filing/esubscription.asp.*

Public meetings or site visits will be posted on the Commission's calendar located at *www.ferc.gov/EventCalendar/EventsList.aspx* along with other related information.

Finally, Transco has established a toll-free phone number (1–844–785–0455) and an email support address (*AtlanticSunrise@Williams.com*) so that parties can contact it directly with questions about the Project.

Dated: July 18, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–17756 Filed 7–28–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP14–638–000, Docket No. CP14–125–000 and Docket No. CP14–126–000]

Atmos Energy Corporation v. American Midstream (Midla) LLC, American Midstream (Midla) LLC, American Midstream (Midla) LLC; Notice of Informal Settlement Conference

On March 24, 2014, in Docket No. RP14–638–000, Atmos Energy Corporation (Atmos) filed a complaint against American Midstream (Midla) LLC (Midla) alleging, among other things, that Midla's open season notice and process violate the requirements of section 7(b) of the Natural Gas Act. On March 28, 2014, in Docket No. CP14–125–000, Midla filed an application under section 7(b) of the NGA to abandon segments of its jurisdictional pipeline that are currently used to provide service to Atmos, as well as other shippers. Concurrently, Midla filed a prior notice filing in Docket No. CP14–126–000 requesting to abandon the remainder of its jurisdictional pipeline by sale to an affiliate.

The parties met with the Director of the Dispute Resolution and agreed upon a mediation process to attempt to resolve issues in the above complaints. Another mediation session is scheduled for July 24 and July 25, 2014 beginning on July 24 at 1:30 p.m. in Hearing Room 5, and on July 25 at a time to be determined in Conference Room 3M–3 at the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC. The parties will continue to work toward resolution of the issues through the mediation efforts. At the conclusion of the ADR process, if successful, the parties will submit a settlement agreement for Commission review and approval. If a party has any questions and for access to the building, please contact Dispute Resolution Division, Support Specialist, Sara Klynsma, at (202) 502–8259.

FERC conferences are accessible under section 508 of the Rehabilitation Act of 1973. For accessibility accommodations please send an email to *accessibility@ferc.gov* or call toll free 1–866–208–3372 (voice) or 202–208–8659 (TTY), or send a FAX to 202–208–2106 with the required accommodations.

Dated: July 18, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–17757 Filed 7–28–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER14–2472–000]

Agera Energy LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Agera Energy LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR Part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR Part 34, of future issuances of securities and assumptions of liability, is August 12, 2014.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies

of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also 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.

Dated: July 23, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–17815 Filed 7–28–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER14–2466–000]

RE Camelot LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of RE Camelot LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is August 12, 2014.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also 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.

Dated: July 23, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–17814 Filed 7–28–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER14–2465–000]

RE Columbia Two LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of RE Columbia Two LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR Part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR Part 34, of future issuances of securities and assumptions of liability, is August 12, 2014.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also 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.

Dated: July 23, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–17813 Filed 7–28–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 14624–000]

Alamo Dam Hydro Partners: Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions to Intervene, and Competing Applications

On May 6, 2014, Alamo Dam Hydro Partners filed an application for a preliminary permit, pursuant to section 4(f) of the Federal Power Act (FPA), proposing to study the feasibility of the Alamo Dam Hydroelectric Project (Alamo Dam Project or project) to be

located on Bill Williams River, near the town of Weldon, La Paz County, Arizona. The project would be located at the existing Army Corps of Engineers' Alamo Dam. The sole purpose of a preliminary permit, if issued, is to grant the permit holder priority to file a license application during the permit term. A preliminary permit does not authorize the permit holder to perform any land-disturbing activities or otherwise enter upon lands or waters owned by others without the owners' express permission.

The proposed project would consist of the following: (1) An intake structure consisting of a concrete box with screens and a 90 degree bend with a bell fitting; (2) a 36-inch-diameter, 1,400-foot-long, underground penstock; (3) a powerhouse containing two turbine generators with a combined power generation of 950 kilowatts with an operating head of 125 feet; (4) a new approximately 500-foot-long transmission line; and (5) appurtenant facilities. The estimated annual generation of the project would be 2,200 megawatt-hours.

Applicant Contact: Mr. Justin Rundle, PE, Alamo Dam Hydro Partners, 6514 S. 41st Lane, Phoenix, Arizona 85041; phone: (602) 300–7242.

FERC Contact: Adam Beeco; phone: (202) 502–8655.

Deadline for filing comments, motions to intervene, competing applications (without notices of intent), or notices of intent to file competing applications: 60 days from the issuance of this notice. Competing applications and notices of intent must meet the requirements of 18 CFR 4.36.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, notices of intent, and competing applications using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. The first page of any filing should include docket number P–14624–000.

More information about this project, including a copy of the application, can be viewed or printed on the ''eLibrary'' link of Commission's Web site at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number (P–14624) in the docket number field to access the document. For assistance, contact FERC Online Support.

Dated: July 21, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–17760 Filed 7–28–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL14–53–000]

Midcontinent Independent System Operator, Inc.; Notice of Institution of Section 206 Proceeding and Refund Effective Date

On July 22, 2014, the Commission issued an order in Docket No. EL14–53–000, pursuant to section 206 of the Federal Power Act (FPA), 16 U.S.C. 824e (2012), instituting an investigation into the justness and reasonableness of Midcontinent Independent System Operator Inc.'s (MISO) Open Access Transmission, Energy, and Operating Reserve Markets Tariff. *Midcontinent Indep. Sys. Operator, Inc.,* 148 FERC ¶ 61,057 (2014).

The refund effective date in Docket No. EL14–53–000, established pursuant to section 206(b) of the FPA, will be the date of publication of this notice in the **Federal Register**.

Dated: July 23, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–17812 Filed 7–28–14; 8:45 am]

BILLING CODE 6717–01–P

FEDERAL COMMUNICATIONS COMMISSION

Information Collections Being Submitted for Review and Approval to the Office of Management and Budget

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the Federal Communication Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written comments should be submitted on or before August 28, 2014. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contacts below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicholas A. Fraser, OMB, via email *Nicholas_A._Fraser@omb.eop.gov;* and to Cathy Williams, FCC, via email *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov.* Include in the comments the OMB control number as shown in the ''**SUPPLEMENTARY INFORMATION**'' section below.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection, contact Cathy Williams at (202) 418–2918. To view a copy of this information collection request (ICR) submitted to OMB: (1) Go to the Web page *http://www.reginfo.gov/public/do/PRAMain*>, (2) look for the section of the Web page called ''Currently Under Review,'' (3) click on the downward-pointing arrow in the ''Select Agency'' box below the ''Currently Under Review'' heading, (4) select ''Federal Communications Commission'' from the list of agencies presented in the ''Select Agency'' box, (5) click the ''Submit'' button to the right of the ''Select Agency'' box, (6) when the list of FCC ICRs currently under review appears, look for the OMB control number of this ICR and then click on the ICR Reference Number. A copy of the FCC submission to OMB will be displayed.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0501.

Title: Section 73.1942 Candidates Rates; Section 76.206 Candidate Rates; Section 76.1611 Political Cable Rates and Classes of Time.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents and Responses: 17,561 respondents; 403,610 responses.

Estimated Time per Response: 0.5 hours to 20 hours.

Frequency of Response: Recordkeeping requirement; On occasion reporting requirement; Semi-annual requirement; Third party disclosure requirement.

Obligation To Respond: Required to obtain or retain benefits. The statutory authority for this collection of information is contained in Sections 154(i) and 315 of the Communications Act of 1934, as amended.

Total Annual Burden: 927,269 hours.

Total Annual Cost: None.

Privacy Act Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: There is no need for confidentiality with this collection of information.

Needs and Uses: Section 315 of the Communications Act directs broadcast stations and cable operators to charge political candidates the ''lowest unit charge of the station'' for the same class and amount of time for the same period, during the 45 days preceding a primary or runoff election and the 60 days preceding a general or special election.

47 CFR 73.1942 requires broadcast licensees and 47 CFR 76.206 requires cable television systems to disclose any station practices offered to commercial advertisers that enhance the value of advertising spots and different classes of time (immediately preemptible, preemptible with notice, fixed, fire sale, and make good). These rule sections also require licensees and cable TV systems to calculate the lowest unit charge. Broadcast stations and cable systems are also required to review their advertising records throughout the election period to determine whether compliance with these rule sections require that candidates receive rebates or credits.

47 CFR 76.1611 requires cable systems to disclose to candidates information about rates, terms, conditions and all value-enhancing discount privileges offered to commercial advertisers.

OMB Approval Number: 3060–0896.

Title: Broadcast Auction Form Exhibits.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

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

Number of Respondents and Responses: 3,000 respondents and 7,605 responses.

Estimated Hours per Response: 0.5 hours—2 hours.

Frequency of Response: On occasion reporting requirement.

Obligation To Respond: Required to obtain or retain benefits. The statutory authority for this collection of information is contained in Sections 154(i) and 309 of the Communications Act of 1934, as amended.

Annual Hour Burden: 8,628 hours.

Annual Cost Burden: $16,735,750.

Nature and Extent of Confidentiality: There is no need for confidentiality with this collection of information.

Privacy Impact Assessment(s): No impact(s).

Needs and Uses: The Commission's rules require that broadcast auction participants submit exhibits disclosing ownership, bidding agreements, bidding credit eligibility and engineering data. These data are used by Commission staff to ensure that applicants are qualified to participate in Commission auctions and to ensure that license winners are entitled to receive the new entrant bidding credit, if applicable. Exhibits regarding joint bidding agreements are designed to prevent collusion. Submission of engineering exhibits for non-table services enables the Commission to determine which applications are mutually exclusive.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 2014–17809 Filed 7–28–14; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Information Collection Requirement Being Submitted to the Office of Management and Budget for Emergency Review and Approval

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the Federal Communications Commission invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: whether the collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid Office of Management and Budget (OMB) control number.

DATES: Written PRA comments should be submitted on or before August 19, 2014.

ADDRESSES: Direct all PRA comments to Nicholas A. Fraser, OMB, via email *Nicholas_A._Fraser@omb.eop.gov;* and to Cathy Williams, FCC, via email *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov.* Include in the comments the Title as shown in the ''Supplementary Information'' section below.

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Cathy Williams at (202) 418–2918.

SUPPLEMENTARY INFORMATION: The Commission is requesting emergency OMB processing of the information collection requirement(s) contained in this notice and has requested OMB approval no later than 26 days after the collection is received at OMB. To view a copy of this information collection request (ICR) submitted to OMB: (1) go to the Web page *http://www.reginfo.gov/public/do/PRAMain,* (2) look for the section of the Web page called ''Currently Under Review,'' (3) click on the downward-pointing arrow in the ''Select Agency'' box below the ''Currently Under Review'' heading, (4) select ''Federal Communications Commission'' from the list of agencies presented in the ''Select Agency'' box, (5) click the ''Submit'' button to the right of the ''Select Agency'' box, (6) when the list of FCC ICRs currently under review appears, look for the Title

of this ICR and then click on the ICR Reference Number. A copy of the FCC submission to OMB will be displayed.

OMB Control Number: 3060–0600.

Title: Application to Participate in an FCC Auction, FCC Form 175.

Form Number: FCC Form 175.

Type of Review: Revision of a currently approved collection.

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

Estimated Number of Respondents and Responses: 500 respondents and 500 responses.

Estimated Time Per Response: 90 minutes.

Frequency of Response: On occasion reporting requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for the currently approved information collection is contained in sections 154(i) and 309(j)(5) of the Communications Act, as amended, 47 U.S.C. 4(i), 309(j)(5), and sections 1.2105, 1.2110, 1.2112 of the Commission's rules, 47 CFR 1.2105, 1.2110, 1.2112. Authority for the revised information collection is contained in US note 91 in section 2.106 of the Commission's rules, 47 CFR 2.106, US note 91, and section 27.1134(f) of the Commission's rules, 47 CFR 27.1134(f).

Estimated Total Annual Burden: 750 hours.

Total Annual Costs: None.

Nature and Extent of Confidentiality: Information collected on FCC Form 175 is made available for public inspection, and the Commission is not requesting that respondents submit confidential information on FCC Form 175. Respondents seeking to have information collected on FCC Form 175 withheld from public inspection may request confidential treatment of such information pursuant to section 0.459 of the Commission's rules, 47 CFR 0.459.

Privacy Act Impact Assessment: No impact(s).

Needs and Uses: The Commission is submitting this revised information collection to OMB under its emergency processing procedures. The Commission is seeking emergency OMB approval no later than 26 days after the collection is received at OMB. The Commission is revising the currently approved information collection to require the submission of a signed acknowledgment with FCC Form 175 to implement US note 91 in section 2.106 of the Commission's rules, 47 CFR 2.106, US note 91, and section 27.1134(f) of the Commission's rules, 47 CFR 27.1134(f). The Commission's auction rules and requirements are designed to ensure that the competitive bidding process is limited to serious qualified applicants, deter possible abuse of the bidding and licensing process, and enhance the use of competitive bidding to assign Commission licenses in furtherance of the public interest. The information collected on FCC Form 175 is used by the Commission to determine if an applicant is legally, technically, and financially qualified to participate in a Commission auction. Additionally, if an applicant applies for status as a particular type of auction participant pursuant to Commission rules, the Commission uses information collected on Form 175 to determine whether the applicant is eligible for the status requested. Commission staff reviews the information collected on FCC Form 175 for a particular auction as part of the pre-auction process, prior to the auction being held. Staff determines whether each applicant satisfies the Commission's requirements to participate in the auction and, if applicable, is eligible for the status as a particular type of auction participant it requested. The revised collection will enable the Commission to confirm that an auction applicant understands its specific obligations with respect to Federal incumbent users and systems in the 1755–1780 MHz frequency band should it ultimately become licensed in this band by requiring that applicant to submit a signed acknowledgement with its FCC Form 175 stating that (1) the applicant acknowledges that under 47 CFR 27.1134(f) it must accept any interference from incumbent federal operations in 1755–1780 MHz identified in an approved Transition Plan until such time as these operations vacate the 1755–1780 MHz band in accordance with 47 CFR part 301; (2) the applicant acknowledges that under 47 U.S.C. 2.106, US note 91 it must accept harmful interference from certain incumbent federal systems, including federal earth stations at 25 sites; (3) the applicant accepts the risk that this may pose to any base station or associated equipment that it may deploy; any services it may offer; and any of its other business arrangements; (4) the applicant acknowledges that it understands these risks could potentially affect the value of any licenses in 1755–1780 MHz band and that it has considered these risks before submitting any bids for applicable licenses; and (5) this acknowledgement does not supersede the licensee's rights and obligations specified by law, rule, or other Commission action with respect to these frequencies. The Commission plans to continue to use the FCC Form 175 for all upcoming spectrum auctions, including those required or authorized to be conducted pursuant to the 2012 Spectrum Act, collecting only the information necessary for each particular auction. Thus, the signed acknowledgement that is the subject of this revised collection will not be required for all auctions, and will only be used in auctions of licenses in the 1755–1780 MHz band.

Federal Communications Commission.

Marlene J. Dortch,

Secretary. Office of the Secretary, Office of the Managing Director.

[FR Doc. 2014–17794 Filed 7–28–14; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL TRADE COMMISSION

[File No. 141 0036]

Mr. Jacob J. Alifraghis, Also Doing Business As InstantUPCCodes.com, and 680 Digital, Inc., Also Doing Business As Nationwide Barcode, and Philip B. Peretz; Analysis to Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreements.

SUMMARY: The consent agreements in this matter settle alleged violations of federal law prohibiting unfair methods of competition. The attached Analysis to Aid Public Comment describes both the allegations in the draft complaints and the terms of the consent orders—embodied in the consent agreements—that would settle these allegations.

DATES: Comments must be received on or before August 18, 2014.

ADDRESSES: For InstantUPCCodes.com, interested parties may file a comment at *https://ftcpublic.commentworks.com/ftc/instantupccodesconsent* online or on paper, by following the instructions in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below. Write ''InstantUPCCodes.com—Consent Agreement; File No. 141 0036'' on your comment and file your comment online at *https://ftcpublic.commentworks.com/ftc/instantupccodesconsent* by following the instructions on the web-based form. For Nationwide Barcode, interested parties may file a comment at *https://ftcpublic.commentworks.com/ftc/barcodeconsent* online or on paper, by following the instructions in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below. Write ''Barcode Resellers Release—Consent Agreement; File No. 141 0036'' on your comment and file your comment online at *https://ftcpublic.commentworks.com/ftc/*

barcodeconsent by following the instructions on the web-based form. If you prefer to file your comment on paper, mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW., Suite CC–5610 (Annex D), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW., 5th Floor, Suite 5610 (Annex D), Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: Matthew Accornero, Bureau of Competition, (202–326–3102), 600 Pennsylvania Avenue NW., Washington, DC 20580.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 15 U.S.C. 46(f), and FTC Rule 2.34, 16 CFR 2.34, notice is hereby given that the above-captioned consent agreements containing consent orders to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, have been placed on the public record for a period of thirty (30) days. The following Analysis to Aid Public Comment describes the terms of the consent agreements, and the allegations in the complaints. An electronic copy of the full text of the consent agreement packages can be obtained from the FTC Home Page (for July 21, 2014), on the World Wide Web, at *http://www.ftc.gov/os/actions.shtm.*

You can file a comment online or on paper. For the Commission to consider your comment, we must receive it on or before August 18, 2014. Write ''InstantUPCCodes.com—Consent Agreement; File No. 141 0036'' or ''Barcode Resellers Release—Consent Agreement; File No. 141 0036'' on your comment. Your comment—including your name and your state—will be placed on the public record of this proceeding, including, to the extent practicable, on the public Commission Web site, at *http://www.ftc.gov/os/publiccomments.shtm.* As a matter of discretion, the Commission tries to remove individuals' home contact information from comments before placing them on the Commission Web site.

Because your comment will be made public, you are solely responsible for making sure that your comment does not include any sensitive personal information, like anyone's Social Security number, date of birth, driver's license number or other state identification number or foreign country equivalent, passport number, financial account number, or credit or debit card number. You are also solely responsible for making sure that your comment does not include any sensitive health information, like medical records or other individually identifiable health information. In addition, do not include any ''[t]rade secret or any commercial or financial information which . . . is privileged or confidential,'' as discussed in Section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2). In particular, do not include competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

If you want the Commission to give your comment confidential treatment, you must file it in paper form, with a request for confidential treatment, and you have to follow the procedure explained in FTC Rule 4.9(c), 16 CFR 4.9(c).[1] Your comment will be kept confidential only if the FTC General Counsel, in his or her sole discretion, grants your request in accordance with the law and the public interest.

Postal mail addressed to the Commission is subject to delay due to heightened security screening. As a result, we encourage you to submit your comments online. To make sure that the Commission considers your online comment, you must file it at *https://ftcpublic.commentworks.com/ftc/instantupccodesconsent* or *https://ftcpublic.commentworks.com/ftc/barcodeconsent* by following the instructions on the web-based forms. If this Notice appears at *http://www.regulations.gov/#!home,* you also may file a comment through that Web site.

If you file your comment on paper, write ''InstantUPCCodes.com—Consent Agreement; File No. 141 0036'' or ''Barcode Resellers Release—Consent Agreement; File No. 141 0036'' on your comment and on the envelope, and mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW., Suite CC–5610 (Annex D), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW., 5th Floor, Suite 5610 (Annex D), Washington, DC 20024. If possible, submit your paper comment to the Commission by courier or overnight service.

Visit the Commission Web site at *http://www.ftc.gov* to read this Notice and the news release describing it. The FTC Act and other laws that the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. The Commission will consider all timely and responsive public comments that it receives on or before August 18, 2014. You can find more information, including routine uses permitted by the Privacy Act, in the Commission's privacy policy, at *http://www.ftc.gov/ftc/privacy.htm.*

Analysis To Aid Public Comment

The Federal Trade Commission (''Commission'') has accepted, subject to final approval, an agreement containing consent order (''Consent Agreement'') from Mr. Jacob J. Alifraghis, who operates InstantUPCCodes.com (''Instant''), and a separate Agreement from Philip B. Peretz and 680 Digital, Inc., also d/b/a Nationwide Barcode (''Nationwide''). These individuals and entities are collectively referred to as ''Respondents.'' The Commission's complaints (''Complaints'') allege that each Respondent violated Section 5 of the Federal Trade Commission Act, as amended, 15 U.S.C. 45, by inviting certain competitors in the sale of barcodes to join together in a collusive scheme to raise prices.

Under the terms of the proposed Consent Agreements, Respondents are required to cease and desist from communicating with their competitors about rates or prices. They are also barred from entering into, participating in, inviting, or soliciting an agreement with any competitor to divide markets, to allocate customers, or to fix prices.

The Commission anticipates that the competitive issues described in the Complaints will be resolved by accepting the Proposed Orders, subject to final approval, contained in the Consent Agreements. The Consent Agreements have been placed on the public record for 30 days for receipt of comments from interested members of the public. Comments received during this period will become part of the public record. After 30 days, the Commission will review the Consent Agreements again and the comments received, and will decide whether it should withdraw from the Consent Agreements or make final the accompanying Decisions and Orders (''Proposed Orders'').

The purpose of this Analysis to Aid Public Comment is to invite and facilitate public comment. It is not

[1] In particular, the written request for confidential treatment that accompanies the comment must include the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. *See* FTC Rule 4.9(c), 16 CFR 4.9(c).

intended to constitute an official interpretation of the proposed Consent Agreements and the accompanying Proposed Orders or in any way to modify their terms.

The Consent Agreements are for settlement purposes only and do not constitute an admission by Respondents that the law has been violated as alleged in the Complaints or that the facts alleged in the Complaints, other than jurisdictional facts, are true.

I. The Complaints

The allegations of the Complaints are summarized below:

Instant, Nationwide, and a firm we refer to as Competitor A sell barcodes over the Internet. A firm we refer to as Competitor B also sells barcodes over the Internet, but at higher prices than Instant, Nationwide, and Competitor A. Price competition among these firms caused the price of barcodes to decrease over time.

Prior to August 2013, Instant had never communicated with Nationwide or Competitor A. On the evening of August 4, 2013, Mr. Alifraghis of Instant sent a message to Mr. Peretz of Nationwide proposing that all three competitors raise their prices to meet the higher prices charged by Competitor B:

> Hello Phil, Our company name is InstantUPCCodes.com, as you may be aware, we are one of your competitors within the same direct industry that you are in. . . . Here's the deal Phil, I'm your friend, not your enemy. . . .
>
> Here's what I'd like to do: All 3 of us—US, YOU and [Competitor A] need to match the price that [Competitor B] has. . . . I'd say that 48 hours would be an acceptable amount of time to get these price changes completed for all 3 of us. The thing is though, we all need to agree to do this or it won't work. . . . Reply and let me know if you are willing to do this or not.

Mr. Alifraghis then sent a similar email message to Competitor A. The next day, on August 5, Mr. Peretz forwarded Mr. Alifraghis' message to Competitor A, asking for Competitor A's thoughts on the proposal to raise and fix prices.

On August 6, Mr. Peretz emailed Mr. Alifraghis and Competitor A. He stated that, rather than raise price within the next 48 hours as proposed by Mr. Alifraghis, he would prefer to wait until Sunday, August 11, to raise his prices. Mr. Peretz added a second condition: he wanted Instant to raise its prices first:

> We are open to what you suggest . . . and are willing to pull the trigger on this at midnight Sunday, August 11th.

Competitor A did not respond to this email or to any emails in the series. Not having heard from Competitor A, Mr. Alifraghis emailed Mr. Peretz stating that he would have to hear from Competitor A directly before any price increase could take place.

On August 7, Mr. Peretz sent an email to Mr. Alifraghis and Competitor A, trying to overcome the lack of lack of trust that he perceived as impeding efforts to coordinate a price increase.

On August 11, the price increase discussed by the barcode competitors in multiple email messages failed to materialize. Two days later, on August 13, Mr. Peretz wrote again to Mr. Alifraghis and Competitor A. Mr. Peretz urged his competitors to continue their dialogue and to take the opportunity presented to raise prices:

> This is a dialog [. . .] a dialog is a very good thing and it seems, regardless of how I feel about each of you and how you feel about each other or me, this is an opportunity to increase profitability. All it takes is conversation and a leap of faith.
>
> This is the opportunity that we have all wanted [. . .] to be able to increase our prices and to make some money.

In their correspondence, Mr. Alifraghis and Mr. Peretz also threatened to lower their own prices if the other parties did not cede to their demands to collectively increase pricing. For example, on August 19, Mr. Peretz stated in an email to Instant and Competitor A:

> Gentlemen,
>
> Have we given up on this conversation?
>
> This is the busiest time of year . . . and I am considering meeting and/or beating your prices. Would like to see what your thoughts are before I screw up our industry even more.

Mr. Peretz and Mr. Alifraghis continued to exchange communications about price levels into January 2014, until they learned of the FTC's investigation.

II. Analysis

The term ''invitation to collude'' describes an improper communication from a firm to an actual or potential competitor that the firm is ready and willing to coordinate on price or output or other important terms of competition. Mr. Alifraghis' August 4 email to his competitors outlining a mechanism by which the three companies can and should fix the price of barcodes is a clear example of an invitation to collude. The ensuing private communications among barcode sellers outlined in the Complaints establish a series of subsequent invitations, with each Respondent repeatedly communicating its willingness to raise and fix prices for barcodes, contingent on other competitors doing so, and soliciting rivals to participate in a common scheme.

For 20 years, the Commission has held that an invitation to collude may violate Section 5 of the FTC Act.[2] Several legal and economic justifications support the imposition of liability upon a firm that communicates an invitation to collude, even where there is no proof of acceptance. First, difficulties exist in determining whether a competitor has or has not accepted a particular solicitation. Second, even an unaccepted solicitation may facilitate coordinated interaction by disclosing the solicitor's intentions or preferences. Third, the anti-solicitation doctrine serves as a useful deterrent against potentially harmful conduct that serves no legitimate business purpose.[3]

If the invitation is accepted and the competitors reach an agreement, the Commission will refer the matter to the Department of Justice for a criminal investigation. In this case, the complaint does not allege that Nationwide, Instant, and Competitor A reached an agreement.

An invitation to collude, which, if accepted, would constitute a *per se* violation of the Sherman Act, is a violation of Section 5. Although this case involves particularly egregious conduct, less egregious conduct may also result in Section 5 liability. It is not essential that the Commission find such explicit invitations to increase prices. Nor must the Commission find repeated misconduct attributable to the principals of firms.

III. The Proposed Consent Orders

The Proposed Orders have the following substantive provisions:

Section II, Paragraph A of the Proposed Orders enjoin Respondents

[2] *See, e.g., In re Quality Trailer Prods.,* 115 F.T.C. 944 (1992); *In re AE Clevite,* 116 F.T.C. 389 (1993); *In re Precision Moulding,* 122 F.T.C. 104 (1996); *In re Stone Container,* 125 F.T.C. 853 (1998); *In re MacDermid,* 129 F.T.C (C–3911) (2000); *see also In re McWane, Inc.,* Docket No. 9351, *Opinion of the Commission on Motions for Summary Decision* at 20–21 (F.T.C. Aug. 9, 2012) (''an invitation to collude is 'the quintessential example of the kind of conduct that should be . . . challenged as a violation of Section 5'''') (citing the Statement of Chairman Leibowitz and Commissioners Kovacic and Rosch, *In re U-Haul Int'l, Inc.,* 150 F.T.C. 1, 53 (2010). This conclusion has been affirmed by leading antitrust scholars. *See,* P. Areeda & H. Hovenkamp, VI ANTITRUST LAW ¶ 1419 (2003); Stephen Calkins, *Counterpoint: The Legal Foundation of the Commission's Use of Section 5 to Challenge Invitations to Collude is Secure,* ANTITRUST Spring 2000, at 69. In a case brought under a state's version of Section 5, the First Circuit expressed support for the Commission's application of Section 5 to invitations to collude. *Liu* v. *Amerco,* 677 F.3d 489 (1st Cir. 2012).

[3] *Valassis Communications, Inc.,* Analysis of Agreement Containing Consent Order to Aid Public Comment, 71 FR 13976, 13978–79 (Mar. 20, 2006).

from communicating with their competitors about rates or prices, with a proviso permitting public posting of rates and a second proviso that permits Respondents to buy or sell barcodes.

Section II, Paragraph B prohibits Respondents from entering into, participating in, maintaining, organizing, implementing, enforcing, inviting, offering, or soliciting an agreement with any competitor to divide markets, to allocate customers, or to fix prices.

Section II, Paragraph C bars Respondents from urging any competitor to raise, fix or maintain its price or rate levels or to limit or reduce service terms or levels.

Sections III–VI of the Proposed Orders impose certain standard reporting and compliance requirements on Respondents.

The Proposed Orders will expire in 20 years.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 2014–17785 Filed 7–28–14; 8:45 am]

BILLING CODE 6750–01–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: ''Phase II of a Longitudinal Program Evaluation of Health and Human Services (HHS) Healthcare Associated Infections (HAI) National Action Plan (NAP).'' In accordance with the Paperwork Reduction Act, 44 U.S.C. 3501–3521, AHRQ invites the public to comment on this proposed information collection.

This proposed information collection was previously published in the **Federal Register** on April 23rd and allowed 60 days for public comment. No comments were received. The purpose of this notice is to allow an additional 30 days for public comment.

DATES: Comments on this notice must be received by August 28, 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

Phase II of a Longitudinal Program Evaluation of Health and Human Services (HHS) Healthcare Associated Infections (HAI) National Action Plan (NAP)

This evaluation of HHS' Healthcare Associated Infections National Action Plan will assess the efficacy, efficiency and coordination of federal efforts to mitigate and prevent Healthcare Associated Infections (HAIs). As such, the evaluation represents a critical component of AHRQ's mission to promote health care quality improvement.

HAIs are infections that patients acquire while receiving treatment for other conditions while in a health care setting. They affect care in hospitals, -hereafter referred to as ''acute care-,'' ambulatory care settings, and long-term care facilities, and represent a significant cause of illness and death in the United States. Over one million HAIs occur across health care settings every year.

In 2008, amidst growing demands on the health care system, rising health care costs, and increasing concerns about antimicrobial-resistant pathogens, HHS established a senior-level Steering Committee for the Prevention of HAIs. Charged with improving coordination and maximizing the efficiency of prevention efforts across HHS, the Steering Committee released the first ''National Action Plan to Prevent Health Care-Associated Infections'' (HAI NAP) in 2009. This plan outlined a systematic and phased approach to reducing HAIs and associated morbidity, mortality, and costs. Phase One of HAI NAP, which concluded in 2012, focused on HAI prevention in acute care hospitals, where data on prevention and the capacity to measure improvement were most complete. Additionally, the plan set specific targets for reducing rates of six high priority HAIs or specific causative organisms: Surgical site infection (SSI), central-line associated bloodstream infection (CLABSI), ventilator-associated pneumonia (VAP), catheter-associated urinary tract infection (CAUTI), Clostridium difficile infection, and methicillin-resistant Staphylococcus aureus infection (MRSA).

Phase II of the Action Plan, entitled National Action Plan to Prevent Healthcare-Associated Infections: Roadmap to Elimination was released in April 2012. Phase 11 expanded the Action Plan to include prevention of HAIs in ambulatory surgical centers (ASCs) and end-stage renal disease (ESRD) facilities, and increasing influenza vaccination coverage of health care personnel. Phase III of the HAI NAP, released for public comment in April 2013, further expanded the Action Plan to include prevention of HAIs in long-term care facilities.

Evaluation of HAI NAP. In 2009, AHRQ funded an independent, outside evaluation of HHS' HAI prevention efforts, as guided by the Action Plan. The goals of this evaluation were to: (1) Record the content and scope of the Action Plan, its current design, its progress, and impact on the future; (2) establish baseline data and provide additional information on the HAT landscape prior to and following the initiation of the Action Plan effort; and (3) provide strategic insights from ongoing processes for reducing HAIs and outcomes of these processes.

The current evaluation will expand upon this initial effort, encompassing the additional health care settings outlined in Phases H and III of the HAI NAP.

The goals of this Phase II evaluation are to:

1. Identify commonalities, gaps, themes, and opportunities for collaboration across six Federal quality improvement and patient safety efforts to eliminate HAIs; and

2. highlight actionable opportunities across HHS to collaborate and efficiently utilize resources in these quality improvement and patient safety efforts; and

3. assess the unique and aggregate contributions of each quality improvement and patient safety effort to the mitigation and prevention of HAIs.

This study is being conducted by AHRQ through its contractor, Insight Policy Research, Inc. and its subcontractors, IMPAQ International and RAND Corporation, pursuant to AHRQ's statutory authority to conduct and support research and evaluations on health care and on systems for the delivery of such care, including activities with respect to the quality, effectiveness, efficiency, appropriateness and value of health care

services and with respect to quality measurement and improvement. 42 U.S.C. 299a(a)(1) and (2).

Method of Collection

To achieve the goals of the HAI NAP evaluation, the following data collections will be implemented:

Semi-structured interviews. Key informant interviews with stakeholders of the HAI National Action Plan or the Quality Improvement (QI) initiatives that the Action Plan seeks to coordinate and align. These stakeholders will have knowledge of the QI initiatives as implemented in acute care, ambulatory care, long-term care or ESRD facilities. AHRQ plans to conduct 33 interviews each year, over the course of two years. The semi-structured interviews will inform the process evaluation.

AHRQ will use the interview data to assess the processes and methods used, results achieved, and lessons learned from patient quality and safety programs that are directed at reducing the incidence of HAIs. This information will enable AHRQ to identify redundancies in program efforts and provide effective approaches for coordinating and aligning Federal efforts to prevent the incidence of HAIs. Finally, collecting data from these stakeholders will allow AHRQ to detect gaps in the HAI science base and opportunities for funding additional projects focused on generating and implementing knowledge on preventing HAIs.

The information gathered through the key informant interviews will be presented to members of a Federal Action Working Group (FAWG), comprising representatives from the various Federal agencies and operating divisions of MIS who are actively involved in the HAI NAP. Presentations to the FAWG will provide continual and rapid-cycle feedback on evaluation findings. This feedback will accomplish several goals—namely, it will apprise the FAWG members of the study's formative findings, provide a medium to obtain feedback from the FAWG regarding the unique and aggregate impact of the national programs, and engage the FAWG in a discussion about gaps and future requirements.

Ultimately, the information gathered through this data collection effort will appear in annual reports, along with results of secondary data analyses. These reports will provide AHRQ and HHS with comprehensive, evaluative findings across and within individual patient safety programs as well as findings specific to the HAI NAP, and the extent to which the goals outlined in the plan have been achieved.

Estimated Annual Respondent Burden

Exhibit 1 shows the estimated annualized burden hours for the respondents' time to participate in this evaluation. The total burden hours are estimated to be 66, which covers two years of interviews. The exhibits below indicate annualized burden hours in one year.

In-Depth Interviews with Stakeholders: AHRQ plans to conduct 33 semi-structured interviews each year for two years, totaling 66 semi-structured interviews during the course of the evaluation. These interviews will be conducted with key HAI NAP stakeholders with expertise in one or more of the four targeted health care settings. These health care settings include: acute care hospital settings, ambulatory surgical centers, ESRD facilities, and long-term care settings. Respondents will be interviewed by telephone. Participant recruitment should take no longer than five minutes. Scheduling will take place through email and will include an attached letter of support from AHRQ. Interviews will last up to one hour.

EXHIBIT 1—ESTIMATED ANNUALIZED BURDEN HOURS

Data collection activity	Number of respondents per year	Number of responses per respondent	Hours per response	Total burden hours
In-depth Interviews with HAI NAP Stakeholders with expertise pertaining to:	9	.....	.....	.....
• Acute Care Hospital Settings	8	1	1	9
• Ambulatory Surgical Centers	8	1	1	8
• ESRD facilities	8	1	1	8
• Long-Term Care Settings	.....	1	1	8
Total	33	1	1	33

EXHIBIT 2—ESTIMATED ANNUALIZED COST BURDEN

Data collection activity	Number of respondents	Total burden hours	Average hourly wage rate	Total cost burden
In-depth Interviews with external stakeholders:				
• Acute Care Hospital Settings	9	9	*$34.33	$309.00
• Ambulatory Surgical Centers	8	8	*34.33	275.00
• ESRD facilities	8	8	*34.33	275.00
• Long-Term Care Settings	8	8	*34.33	275.00
Total	33	na	na	1,134.00

*Based upon May 2012 National Occupational Employment and Wage Estimates for Epidemiologists, retrieved from *http://www.bls.gov/oes/current/oesnat.htm#19–0000* on February 20, 2014.

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 15, 2014.

Richard Kronick,

AHRQ Director.

[FR Doc. 2014–17660 Filed 7–28–14; 8:45 am]

BILLING CODE 4160–90–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Advisory Committee to the Director (ACD), Centers for Disease Control and Prevention—Health Disparities Subcommittee (HDS)

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the following meeting of the aforementioned subcommittee:

Time and Date

10:00 a.m.–11:30 a.m. EDT, August 19, 2014.

PLACE: Teleconference.

STATUS: This meeting is open to the public, limited only by the availability of telephone ports. The public is welcome to participate during the public comment period, which is tentatively scheduled from 11:20 to 11:30 a.m. To participate on the teleconference, please dial (866) 763–0273 and enter code 6158968.

PURPOSE: The Subcommittee will provide advice to the CDC Director through the ACD on strategic and other health disparities and health equity issues and provide guidance on opportunities for CDC.

MATTERS FOR DISCUSSION: The Health Disparities Subcommittee (HDS) members will discuss progress to date on the recommendations approved by the CDC ACD in April 2014 and review updates on previously established priorities of the HDS.

The agenda is subject to change as priorities dictate.

CONTACT PERSON FOR MORE INFORMATION: Leandris Liburd, Ph.D., M.P.H., M.A., Designated Federal Officer, Health Disparities Subcommittee, Advisory Committee to the Director, CDC, 1600 Clifton Road NE., M/S K–77, Atlanta, Georgia 30333. Telephone (770) 488–8182, Email: *LEL1@cdc.gov.* The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Elaine L. Baker,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2014–17737 Filed 7–28–14; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): Initial Review

The meeting announced below concerns the NIOSH Assessment of Elastomeric Respirators in Healthcare Environments, RFA–OH–14–009, initial review.

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the aforementioned meeting:

Time and Date

1:00 p.m.–4:00 p.m., August 20, 2014 (Closed)

PLACE: Teleconference

STATUS: The meeting will be closed to the public in accordance with provisions set forth in Section 552b(c) (4) and (6), Title 5 U.S.C., and the Determination of the Director, Management Analysis and Services Office, CDC, pursuant to Public Law 92–463.

MATTERS FOR DISCUSSION: The meeting will include the initial review, discussion, and evaluation of applications received in response to the ''NIOSH Assessment of Elastomeric Respirators in Healthcare Environments, RFA–OH–14–009.''

CONTACT PERSON FOR MORE INFORMATION: Donald Blackman, Ph.D., Scientific Review Officer, CDC, 2400 Century Center Parkway, Atlanta, Georgia 30345, Telephone: (404) 498–6185.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Gary Johnson,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2014–17804 Filed 7–28–14; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Meetings; Board of Scientific Counselors, Office of Infectious Diseases (BSC, OID)

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC), announces the following meeting of the aforementioned committee:

Time and Date

1:00–3:00 p.m. EDT, August 19, 2014

Place: Teleconference.

Status: The meeting is open to the public; the toll free dial in number is 1–877–951–7311 with a pass code of 7634914.

Purpose: The BSC, OID, provides advice and guidance to the Secretary, Department of Health and Human Services; the Director, CDC; the Director, OID; and the Directors of the National Center for Immunization and Respiratory Diseases, the National Center for Emerging and Zoonotic Infectious Diseases, and the National Center for HIV/AIDS, Viral Hepatitis, STD, and TB Prevention, CDC, in the following areas: strategies, goals, and priorities for programs; research within the national centers; and overall strategic direction and focus of OID and the national centers.

Matters for Discussion: The following topics will be discussed: (1) reports back from the May 2014 BSC, OID, working group meetings and (2) an update from OID on recent outbreak responses and national center priorities.

The agenda and any supplemental material will be available at *www.cdc.gov/oid/BSC.html* after August 10.

Agenda items are subject to change as priorities dictate.

Contact Person for More Information: Robin Moseley, M.A.T., Designated Federal Officer, OID, CDC, 1600 Clifton Road NE., Mailstop D10, Atlanta, Georgia 30333, Telephone: (404) 639–4461.

The Director, Management Analysis and Services Office has been delegated the authority to sign Federal Register notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Elaine L. Baker,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2014–17739 Filed 7–28–14; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Request for Nominations of Candidates To Serve on the Advisory Committee to the Director, Centers for Disease Control and Prevention

The Centers for Disease Control and Prevention (CDC) is soliciting nominations for possible membership on the Advisory Committee to the Director, Centers for Disease Control and Prevention (ACD, CDC). This committee consists of 15 experts in fields related to health policy, public health, global health, preparedness, preventive medicine, the faith-based and community-based sector, and allied fields who are selected by the Secretary of the U.S. Department of Health and Human Services (HHS). The committee advises the HHS Secretary and the CDC Director concerning policy and broad strategies that will enable CDC to fulfill its mission of protecting health through health promotion, prevention, and preparedness. The committee recommends ways to prioritize CDC's activities, improve results, and address health disparities. It also provides guidance to help CDC work more effectively with its various private and public sector constituents to make health protection a practical reality.

Nominations are being sought for individuals who have expertise and qualifications necessary to contribute to the accomplishment of the committee's mission. Nominees will be selected by the HHS Secretary or designee from authorities knowledgeable in the fields of public health as well as from the general public. Members may be invited to serve for terms of up to four years.

The U.S. Department of Health and Human Services policy stipulates that committee membership shall be balanced in terms of professional training and background, points of view represented, and the committee's function. In addition to a broad range of expertise, consideration is given to a broad representation of geographic areas within the U.S., with diverse representation of both genders, ethnic and racial minorities, lesbian, gay, bisexual, and transgender and persons with disabilities. Nominees must be U.S. citizens, and cannot be full-time employees of the U.S. Government.

Candidates should submit the following items:

- Current *curriculum vitae,* including complete contact information (name, affiliation, mailing address, telephone number, email address);
- A letter of recommendation stating the qualifications of the candidate.

Nomination materials must be postmarked by August 31, 2014, and sent to: Gayle Hickman, Office of the Chief of Staff, Centers for Disease Control and Prevention, 1600 Clifton Road, NE., Mailstop D14, Atlanta, Georgia 30333, telephone (404) 639–7158.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities for both the Centers for Disease Control and Prevention, and the Agency for Toxic Substances and Disease Registry.

Elaine L. Baker,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2014–17736 Filed 7–28–14; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

Notice of Hearing: Reconsideration of Disapproval; Louisiana Medicaid State Plan Amendments (SPAs) 13–23, 13–25 and 13–28

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Notice of Hearing: Reconsideration of Disapproval.

SUMMARY: This notice announces an administrative hearing to be held on September 9, 2014, at the Department of Health and Human Services, Centers for Medicare & Medicaid Services, Division of Medicaid & Children's Health, Dallas Regional Office, 1301 Young Street, Room #801, 8th Floor Dallas, Texas 75202 to reconsider CMS' decision to disapprove Louisiana's Medicaid SPAs 13–23, 13–25 and 13–28.

Closing Date: Requests to participate in the hearing as a party must be received by the presiding officer by August 13, 2014.

FOR FURTHER INFORMATION CONTACT: Benjamin R. Cohen, Presiding Officer, CMS, 2520 Lord Baltimore Drive, Suite L, Baltimore, Maryland 21244, Telephone: (410) 786–3169.

SUPPLEMENTARY INFORMATION: This notice announces an administrative hearing to reconsider CMS' decision to disapprove the Louisiana Medicaid SPAs 13–23, 13–25 and 13–28. CMS received Louisiana SPAs 13–23 and 13–25 on June 27, 2013, and 13–28 on July 12, 2013 with proposed effective dates of June 24, 2013 and October 1, 2013, respectively. The amendments propose to provide for supplemental Medicaid inpatient hospital payments and disproportionate share hospital (DSH) payments to private hospitals participating in public-private partnerships. These SPAs were disapproved on May 2, 2014.

The issues to be considered at the hearing are:

- Whether the state established that Louisiana SPAs 13–23, 13–25 and 13–28 comply with section 1903(w) of the Social Security Act (the Act) which generally provides that state expenditures are not allowable to the extent that the state receives certain provider-related donations and taxes As set forth in implementing regulations at 42 Code of the **Federal Register** (CFR) 433.54, expenditures are not allowable, and federal financial participation (FFP) is not available, to the extent that the state receives provider-related donations and there is a ''hold harmless arrangement'' under which providers (or the provider class) could be effectively repaid for a provider-related tax or donation through any direct or indirect payment, offset, or waiver.

○ Specifically, at issue is whether (1) the state established that certain payments from providers to the state (characterized by the state as advance lease payments) were not provider donations, when the state did not document such payments to be consistent with ordinary market business practices for leasing property;

(2) whether the state established that the supplemental and DSH payments made under the SPAs were not linked to Cooperative Endeavor Agreements that provide, among other things, for of the advance lease payments from privately owned hospitals that are at issue when such agreements were entered into with entities qualifying for increased Medicaid payments under the SPA; and (3) whether the state established that there was no hold harmless arrangement despite the apparent return of donated funds back to the private hospitals in the form of increased Medicaid payments.

As noted in this statement of the issues set forth above, the burden is on the state to demonstrate that the ''advance lease payments'' were not a donation, were not linked to Medicaid payments, and that there is no hold harmless arrangement. CMS is authorized under section 1902(b) of the Act, as implemented by 42 CFR Part 430, Subpart B, to approve state plan amendments only based on a determination that the amendments comply with the requirements of relevant federal statutes and regulations and can serve as a basis for FFP.

- Whether Louisiana SPAs 13–23, 13–25 and 13–28 comply with the requirements of 1902(a)(2) and 1902(a)(4) of the Act which requires that the state plan provide for the non-federal share of expenditures under the state plan, from either state or local funding. Because the SPAs at issue propose to claim for FFP without adjustment to reflect unallowable expenditures resulting from the provider related donation and hold harmless arrangement discussed above, they would result in a non-federal share that would be insufficient to meet the requirements of section 1902(a)(2). Moreover, section 1902(a)(4) of the Act requires that the state plan comply with methods of administration as are found necessary by the Secretary for the proper and efficient operation of the plan. Among the implementing regulations for section 1902(a)(4) of the Act is the requirement at 42 CFR 430.10 that a state plan contain all information necessary for CMS to determine that the plan can be approved to serve as a basis for FFP in the state program. Because the state has not established that the supplemental payments are not part of a hold harmless arrangement that would result in a reduction in FFP, the state has not established that the SPAs are consistent with section 1902(a)(4) and the implementing regulations at 42 CFR 430.10.
- Whether the state has established that the supplemental payments set forth in Louisiana SPA 13–23, 13–25, and 13.28 are consistent with the statutory requirement at section 1902(a)(30)(A) of the Act that payments must be ''consistent with efficiency, economy, and quality of care''.
- Whether Louisiana SPAs 13–23, 13–25 and 13–28 comport with the broad principles of the federal-state partnership embodied in section 1903(a) of the Act, because they indicate circumstances in which the federal government would pay more than its share of the net expenditures, after accounting for claimed expenditures that are effectively repaid by the provider-related donations.

Section 1116 of the Act and federal regulations at 42 CFR Part 430, establish Department procedures that provide an administrative hearing for reconsideration of a disapproval of a state plan or plan amendment. CMS is required to publish a copy of the notice to a state Medicaid agency that informs the agency of the time and place of the hearing, and the issues to be considered. If we subsequently notify the agency of additional issues that will be considered at the hearing, we will also publish that notice.

Any individual or group that wants to participate in the hearing as a party must petition the presiding officer within 15 days after publication of this notice, in accordance with the requirements contained at 42 CFR 430.76(b)(2). Any interested person or organization that wants to participate as *amicus curiae* must petition the presiding officer before the hearing begins in accordance with the requirements contained at 42 CFR 430.76(c). If the hearing is later rescheduled, the presiding officer will notify all participants.

The notice to Louisiana announcing an administrative hearing to reconsider the disapproval of its SPAs reads as follows:

Ms. J. Ruth Kennedy, Medicaid Director, Department of Health and Hospitals, 628 North 4th Street, P.O. Box 91030, Baton Rouge, LA 70821–9030.

Dear Ms. Kennedy: I am responding to your request for reconsideration of the decision to disapprove Louisiana State Plan Amendments (SPAs) 13–23, 13–25 and 13–28. The Centers for Medicare & Medicaid Services (CMS) received SPAs 13–23 and 13–25 on June 27, 2013, and 13–28 on July 12, 2013 with proposed effective dates of June 24, 2013 and October 1, 2013, respectively. The amendments propose to provide for supplemental Medicaid inpatient hospital payments and disproportionate share hospital (DSH) payments to private hospitals participating in public-private partnerships. These SPAs were disapproved on May 2, 2014.

I am scheduling a hearing on your request for reconsideration to be held on September 9, 2014, at the Department of Health and Human Services, Centers for Medicare & Medicaid Services, Division of Medicaid & Children's Health, Dallas Regional Office, 1301 Young Street, Room #801, Dallas, Texas 75202. The issues to be considered at the hearing are:

- Whether the state established that Louisiana SPAs 13–23, 13–25 and 13–28 comply with section 1903(w) of the Social Security Act (the Act) which generally provides that state expenditures are not allowable to the extent that the state receives provider-related donations and taxes. As set forth in implementing regulations at 42 Code of the Federal Register (CFR) 433.54, expenditures are not allowable, and federal financial participation (FFP) is not available, to the extent that the state receives provider-related donations and there is a ''hold harmless arrangement'' under which providers (or the provider class) could be effectively repaid for a provider-related tax or donation through any direct or indirect payment, offset, or waiver.
  - Specifically, at issue is whether (1) the state established that certain payments from providers to the state (characterized by the state as advance lease payments) were not provider donations, when the state did not document such payments to be consistent with ordinary market business practices for leasing property; (2) whether the state established that the supplemental and DSH payments made under the SPAs were not linked to Cooperative Endeavor Agreements that provide, among other things, for the advance lease payments from privately owned hospitals that are at issue when such agreements were entered into with entities qualifying for increased Medicaid payments under the SPAs; and (3) whether the state established that there was no hold harmless arrangement despite the apparent return of donated funds back to the private hospitals in the form of increased Medicaid payments.
  - As noted in this statement of the issues set forth above, the burden is on the state to demonstrate that the ''advance lease payments'' were not a donation, were not linked to Medicaid payments, and that there is no hold harmless arrangement. CMS is authorized under section 1902(b) of the Act, as implemented by 42 CFR Part 430, Subpart B, to approve state plan

amendments only based on a determination that the amendments comply the requirements of relevant federal statutes and regulations and can serve as a basis for FFP.

• Whether Louisiana SPAs 13–23, 13–25 and 13–28 comply with the requirements of 1902(a)(2) and 1902(a)(4) of the Act which requires that the state plan provide for the non-federal share of expenditures under the state plan, from either state or local funding. Because the SPAs at issue propose to claim for FFP without adjustment to reflect unallowable expenditures resulting from the provider related donation and hold harmless arrangement discussed above, they would result in a non-federal share that would be insufficient to meet the requirements of section 1902(a)(2). Moreover, section 1902(a)(4) of the Act requires that the state plan comply with methods of administration as are found necessary by the Secretary for the proper and efficient operation of the plan. Among the implementing regulations for section 1902(a)(4) of the Act is the requirement at 42 CFR 430.10 that a state plan contain all information necessary for CMS to determine that the plan can be approved to serve as a basis for FFP in the state program. Because the state has not established that the supplemental payments are not part of a hold harmless arrangement that would result in a reduction in FFP, t the state has not established that the SPAs are consistent with section 1902(a)(4) and the implementing regulations at 42 CFR 430.10.

• Whether the state has established that the supplemental payments set forth in Louisiana SPAs 13–23, 13–25, and 13–28 are consistent with the statutory requirement at section 1902(a)(30)(A) of the Act that payments must be ''consistent with efficiency, economy, and quality of care''.

• Whether Louisiana SPAs 13–23, 13–25 and 13–28 comport with the broad principles of the federal-state partnership embodied in section 1903(a) of the Act, because they indicate circumstances in which the federal government would pay more than its share of the net expenditures, after accounting for claimed expenditures that are effectively repaid by the provider-related donations.

If the hearing date is not acceptable, I would be glad to set another date that is mutually agreeable to the parties. The hearing will be governed by the procedures prescribed by federal regulations at 42 CFR Part 430.

I am designating Mr. Benjamin R. Cohen as the presiding officer. If these arrangements present any problems, please contact Mr. Cohen at (410) 786 3169. In order to facilitate any communication that may be necessary between the parties prior to the hearing, please notify the presiding officer to indicate acceptability of the hearing date that has been scheduled and provide names of the individuals who will represent the state at the hearing.

Sincerely,

Marilyn Tavenner

cc: Benjamin R. Cohen

Section 1116 of the Social Security Act (42 U.S.C. section 1316; 42 CFR section 430.18)

(Catalog of Federal Domestic Assistance program No. 13.714, Medicaid Assistance Program.)

Dated: July 23, 2014.

Marilyn Tavenner,

Administrator, Centers for Medicare & Medicaid Services.

[FR Doc. 2014–17871 Filed 7–28–14; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS–6057–N]

Medicare Program; Expanded Medicare Prior Authorization for Power Mobility Devices (PMDs) Demonstration

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Notice.

SUMMARY: This notice announces the expansion of the Medicare Prior Authorization for Power Mobility Devices (PMDs) Demonstration to 12 additional states.

DATES: This expanded demonstration begins on October 1, 2014.

FOR FURTHER INFORMATION CONTACT: Doris M. Jackson, (410) 786–4459.

Questions regarding the Medicare Prior Authorization for Power Mobility Device Demonstration should be sent to *pademo@cms.hhs.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

Section 402(a)(1)(J) of the Social Security Amendments of 1967 (42 U.S.C. 1395b–1(a)(1)(J)), authorizes the Secretary to conduct demonstrations designed to develop or demonstrate improved methods for the investigation and prosecution of fraud in the provision of care or services provided under the Medicare program. On September 1, 2012, we implemented the Medicare Prior Authorization for Power Mobility Devices (PMDs) Demonstration that would operate for a period of 3 years (September 1, 2012 through August 31, 2015). The demonstration was initially implemented in California, Florida, Illinois, Michigan, New York, North Carolina, and Texas. These states were selected for the demonstrations based upon their history of having high levels of improper payments and incidents of fraud related to PMDs. The objective of the demonstration is to develop improved methods for the investigation and prosecution of fraud in order to protect the Medicare Trust Fund from fraudulent actions and any resulting improper payments. This demonstration is providing the agency with valuable data through which the agency, working with its partners, can develop new avenues for combating the submission of fraudulent claims to the Medicare program for PMDs and improving methods for the investigation and prosecution of PMD fraud. We will share demonstration data within the agency, with our contractors, and with law enforcement partners for further analysis and investigation. We believe that data evidencing changes in physician ordering and supplier billing practices that coincide with this demonstration could provide investigators and law enforcement with important information for determining how and where to focus their investigations concerning fraud in the provision of PMDs. For instance, results from this demonstration could potentially indicate collaboration between ordering physicians and suppliers in submitting fraudulent claims for PMDs. This data could assist investigators and law enforcement in targeting their investigations in this area. Additionally, changes in billing practices that result from this demonstration could provide specific leads for investigators and law enforcement personnel. For instance, where a supplier that frequently submitted claims prior to the demonstration stops submitting claims during the demonstration, law enforcement may determine it prudent to investigate that supplier.

Data we will analyze will include the following:

• Suppliers who no longer bill or have a significant decrease in billing.

• Physicians/treating practitioners with a high volume of submissions.

• Codes that show a dramatic increase in use.

Based on preliminary data collected, spending per month on PMDs in the

seven demonstration states decreased after September 2012, indicating that physicians ordering and supplier billing practices have changed as a result of the demonstration. In addition, spending per month on PMDs decreased in the non-demonstration states. National suppliers have adjusted their billing practices nationwide and appear to have increased compliance with our policies in all locations, not just their offices in the demonstration states.

II. Provisions of the Notice

Because of the initial success of the demonstration in reducing spending on PMDs, we are expanding the demonstration to 12 additional states (Pennsylvania, Ohio, Louisiana, Missouri, Washington, New Jersey, Maryland, Indiana, Kentucky, Georgia, Tennessee, and Arizona) which have high expenditures and improper payments for PMDs based on 2012 billing data. The 19 states selected for the demonstration, which include the 7 current and 12 additional states account for 71 percent of expenditures for PMDs in 2012. The remaining states and territories would be the control group for the demonstration.

Prior to the start of the expanded demonstration, contractors and the public will be notified about the expansion. This notice will serve as notification in addition to Web site postings and tweets.

CMS or its agents will continue to conduct outreach and education including webinars, in-state meetings, and other educational sessions in the additional states as appropriate. Updated information will be posted to the CMS Web site (*http://go.cms.gov/PADemo*). We will also work to limit the impact on Medicare beneficiaries by educating the Medicare beneficiaries about their protections. In addition, physicians, treating practitioners, and suppliers who have recently ordered a PMD for a beneficiary residing in a demonstration state will be notified via letter about the expanded demonstration prior to the start date of the demonstration.

Under the expanded demonstration, we will continue to follow the policies and procedures that are currently in place for the demonstration. In accordance with current demonstration policy, a request for prior authorization and all relevant documentation to support the medical necessity along with the written order for the covered item must be submitted when one of the following Healthcare Common Procedures Coding System (HCPCS) codes for a PMD is ordered:

- Group 1 Power Operated Vehicles (K0800 through K0802 and K0812).
- All standard power wheelchairs (K0813 through K0829).
- All Group 2 complex rehabilitative power wheelchairs (K0835 through K0843).
- All Group 3 complex rehabilitative power wheelchairs without power options (K0848 through K0855).
- Pediatric power wheelchairs (K0890 and K0891).
- Miscellaneous power wheelchairs (K0898).

Under this demonstration, a physician, treating practitioner or supplier may submit the prior authorization request and all relevant documentation to support Medicare coverage of the PMD item along with the written order for the covered item to their Durable Medical Equipment (DME) Medicare Administrative Contractor (MAC). The physician, treating practitioner or supplier who submits the request is referred to as the ''submitter.''

In order to be affirmed, the request for prior authorization must meet all applicable rules, policies, and National Coverage Determination (NCD)/Local Coverage Determination (LCD) requirements for PMD claims. The LCD documentation requirement mandates that the physician or treating practitioner shall complete the seven element order, face-to-face encounter, and whatever other clinical documentation that is necessary to determine medical necessity regardless of which entity is functioning as the submitter. The supplier completes the detailed product description (DPD) regardless of which entity is functioning as the submitter.

After receipt of all relevant documentation, CMS or its agents will make every effort to conduct a complex medical review and postmark the notification of their decision with the prior authorization number within 10 business days. Notification is provided to the physician/treating practitioner, supplier, and the Medicare beneficiary for the initial submission. If a subsequent prior authorization request is submitted after a non-affirmative decision on a prior authorization request, CMS or its agents will make every effort to conduct a review and postmark the notification of decision with the prior authorization number within 20 business days.

If the prior authorization request is not affirmed, and the claim is submitted by the supplier, the claim will be denied. Medicare beneficiaries may use existing appeal rights to contest claim denials. Suppliers must issue an Advance Beneficiary Notice to the beneficiary per CMS policy, prior to delivery of the item for the beneficiary to be held financially liable when a Medicare payment denial is expected for a PMD.

Submitters may also request expedited reviews in emergency situations where a practitioner indicates clearly, with supporting rationale, that the standard (routine) timeframe for a prior authorization decision (10 days) could seriously jeopardize the beneficiary's life or health. The expedited request must be accompanied by the required supporting documentation for this request to be considered complete thus commencing the 48-hour review. Inappropriate expedited requests may be downgraded to standard requests. After conducting an expedited review, CMS or its agents will communicate a decision for the prior authorization request to the submitter within 48 hours of the complete submission.

The following explains the various prior authorization scenarios:

- *Scenario 1:* A submitter sends a prior authorization request to the DME MAC with appropriate documentation and all relevant Medicare coverage and documentation requirements are met for the PMD. The DME MAC then sends an affirmative prior authorization decision to the physician or treating practitioner, supplier, and Medicare beneficiary. The supplier submits the claim to the DME MAC and the claim is linked to the prior authorization via the claims processing system. Provided all requirements in the applicable NCD/LCD are met, the claim is paid.
- *Scenario 2:* A submitter sends a prior authorization request, but all relevant Medicare coverage and documentation requirements are not met for the PMD. The DME MAC sends a non-affirmative prior authorization decision to the physician or treating practitioner, supplier, and Medicare beneficiary advising them that Medicare will not pay for the item. If the supplier delivers the PMD and submits a claim with a non-affirmative prior authorization decision, the DME MAC would deny the claim. The supplier and/or the Medicare beneficiary would then have the Medicare denial for secondary insurance purposes and would have full appeal rights. Existing liability provisions with respect to delivery of a valid Advance Beneficiary Notice of Noncoverage (ABN) apply.

If an applicable PMD claim is submitted without a prior authorization decision it will be stopped and documentation will be requested to conduct medical review. As with the

initial states in the demonstration, after the first 3 months of the expanded demonstration, we will assess a payment reduction in the new states for claims that, after review, are deemed payable, but did not first receive a prior authorization decision. As evidence of compliance, the supplier must submit the prior authorization number on the claim in order to not be subject to the 25-percent payment reduction. The 25-percent payment reduction is non-transferrable to the Medicare beneficiary and not subject to appeal. In the case of capped rental items, the payment reduction will be applied to all claims in the series.

The 25-percent reduction in the Medicare payment is for each payable base claim not preceded by a prior authorization request except in competitive bidding areas. If a competitive bid contract supplier submits a payable claim for a Medicare beneficiary with a permanent residence in a competitive bidding area that is included in the supplier's contract, without first receiving a prior authorization decision, that competitive bid contract supplier would receive the applicable single payment amount under the competitive bid program, and would not be subject to the 25 percent reduction. These suppliers must still adhere to all other requirements of the demonstration.

• *Scenario 3:* A submitter sends a prior authorization request where documentation is incomplete. The DME MAC sends back the prior authorization request to the submitter with an explanation about what information is missing and notifies the physician or treating practitioner, supplier, and Medicare beneficiary. The submitter may resubmit the prior authorization request.

• *Scenario 4:* The DME supplier fails to submit a prior authorization request, but nonetheless delivers the item to the Medicare beneficiary and submits the claim to the DME MAC for payment. The PMD claim is reviewed under normal medical review processing timeframes and if approved the 25-percent payment reduction would apply.

++ If the claim is determined to be not medically necessary, or insufficiently documented the claim will be denied. The supplier or Medicare beneficiary can appeal the claim denial. If the claim, after review, is deemed not payable, then all current Medicare beneficiary/supplier liability policies and procedures and appeal rights remain in effect.

++ If the claim is determined to be payable, it will be paid. However, the 25-percent reduction in the Medicare payment will be applied for failure to receive a prior authorization decision before the submission of a claim. This payment reduction will not be applied to competitive bidding program contract suppliers submitting claims for Medicare beneficiaries who maintain a permanent residence in a Competitive Bidding Area (CBA) according to the Common Working File (CWF). These contract suppliers will continue to receive the applicable single payment amount as determined in their contract. The 25-percent payment reduction is non-transferrable to the Medicare beneficiary for claims that are deemed payable. This payment reduction amount will begin 3 months after the start of the expanded demonstration and is not subject to appeal. In the case of capped rental items the payment reduction will be applied to all claims in the series. After a claim is submitted and processed, appeal rights are available if necessary.

If the prior authorization request is not affirmed, and the claim is submitted by the supplier, the claim will be denied. Medicare beneficiaries may use existing appeal rights to contest claim denials. Suppliers must issue an ABN to the beneficiary per CMS policy, prior to delivery of the item in order for the beneficiary to be held financially liable when a Medicare payment denial is expected for a PMD.

Additional information is available on the CMS Web site (*http://go.cms.gov/PADemo*).

III. Collection of Information Requirements

In the February 7, 2012 **Federal Register** (77 FR 6124) and the May 29, 2012 **Federal Register** (77 FR 31616), we published a 60-day and a 30-day notice, respectively, announcing and soliciting comments concerning the information collection requirements associated with the Medicare Prior Authorization for PMDs Demonstration implemented on September 1, 2012. The information collection request for the demonstration was approved under OMB control number 0938–1169. Subsequent to the initial approval, we published an additional **Federal Register** notice (79 FR 18913) announcing that we were seeking emergency review and approval from OMB regarding the expansion of the demonstration; specifically, we revised the information collection request to account for the addition of 12 new states to the program. The emergency revised information collection request was approved on June 13, 2014, and is still approved under OMB control number 0938–1169 with an expiration date of December 31, 2014.

Dated: June 27, 2014.

Marilyn Tavenner,

Administrator, Centers for Medicare & Medicaid Services.

[FR Doc. 2014–17805 Filed 7–28–14; 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: Evaluation of the Transitional Living Program (TLP)

Title: Evaluation of the Transitional Living Program (TLP)

OMB No.: 0970–0383

Description: The Runaway and Homeless Youth Act (RHYA), as amended by Public Law 106–71 (42 U.S.C. 5701 et seq.), provides for the Transitional Living Program (TLP), a residential program lasting up to 18 months designed to prepare older homeless youth ages 16–21 for a healthy and self-sufficient adulthood. Section 119 of RHYA requires a study on the long-term housing outcomes of youth after exiting the program.

The proposed collection is being carried out in two steps:

1. Interviews with TLP grantee administrators and front line staff about program structure, implementation, and approaches to service delivery.

2. A set of surveys to be administered to run away and homeless youth to measure their short-term and longer-term outcomes such as demographic characteristics, receipt of TLP or ''TLP-like'' services, housing, employment, education, social connections (e.g., social relationships, civic engagement), psychosocial well-being (e.g., depressive symptoms, traumatic stress, risky behavior, history of abuse), and other measures related to self-sufficiency and well-being (exposure to violence, financial competence).

This information will be used to better understand the most effective practices that improve the long-term outcomes for runaway and homeless youth and reduce future episodes of homelessness.

Respondents: (1) Youth ages 16–21 participating in Transitional Living Programs and (2) the Executive Director and front line staff representing TLP grantees.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Site Visit Interviews:				
Program Overview Survey: Executive Director Interview Guide (1 Executive Director respondent per grantee)	14	1	1.00	14.00
Program Overview Survey: Program Staff Interview Guide (4 Program Staff respondents per grantee)	56	1	2.00	112.00
Youth Development Survey Interview Guide (1 Executive Director and 1 Program Staff respondent per grantee)	28	1	0.50	14.00
Young Adult Surveys:				
Young Adult Baseline Survey	1250	1	0.75	937.50
Young Adult 3-Month Follow Up Survey	1250	1	0.54	675.00
Young Adult 6-Month Tracking Survey	1250	1	0.17	212.50
Young Adult 9-Month Tracking Survey	1250	1	0.17	212.50
Young Adult 12-Month Follow Up Survey	1250	1	0.25	312.50
Young Adult 15-Month Tracking Survey	1250	1	0.17	212.50
Young Adult 18-Month Follow Up Survey	1250	1	0.75	937.50

Estimated Total Annual Burden Hours: 3640.

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. 2014–17725 Filed 7–28–14; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2014–N–0001]

Nonprescription Drugs Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). The meeting will be open to the public.

Name of Committee: Nonprescription Drugs Advisory Committee.

General Function of the Committee: To provide advice and recommendations to the Agency on FDA's regulatory issues.

Date and Time: The meeting will be held on September 4, 2014, from 8 a.m. to 5 p.m. and September 5, 2014, from 8 a.m. to 12 noon.

Location: FDA White Oak Campus, 10903 New Hampshire Ave., Building 31 Conference Center, the Great Room (Rm. 1503), Silver Spring, MD 20993–0002. Information regarding special accommodations due to a disability, visitor parking, and transportation may be accessed at: *http://www.fda.gov/AdvisoryCommittees/default.htm;* under the heading ''Resources for You,'' click on ''Public Meetings at the FDA White Oak Campus.'' Please note that visitors to the White Oak Campus must enter through Building 1.

Contact Person: Cindy Hong, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 31, Rm. 2417, Silver Spring, MD 20993–0002, 301–796–9001, FAX: 301–847–8533, email: *NDAC@fda.hhs.gov,* or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area). A notice in the **Federal Register** about last minute modifications that impact a previously announced advisory committee meeting cannot always be published quickly enough to provide timely notice. Therefore, you should always check the Agency's Web site at *http://www.fda.gov/AdvisoryCommittees/default.htm* and scroll down to the appropriate advisory committee meeting link, or call the advisory committee information line to learn about possible modifications before coming to the meeting.

Agenda: The committee will discuss the scope of safety testing that should be required for sunscreen active ingredients to be marketed in U.S. over-the-counter (OTC) sunscreen products. This discussion will take into consideration that sunscreens are typically used chronically in individuals over the age of 6 months to help prevent skin cancer and skin aging. The need for various types of safety data, including clinical data and nonclinical data, will be discussed.

FDA intends to make background material available to the public no later than 2 business days before the meeting. If FDA is unable to post the background material on its Web site prior to the meeting, the background material will be made publicly available at the location of the advisory committee meeting, and the background material will be posted on FDA's Web site after the meeting. Background material is available at *http://www.fda.gov/AdvisoryCommittees/Calendar/default.htm.* Scroll down to the

appropriate advisory committee meeting link.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person on or before August 19, 2014. Oral presentations from the public will be scheduled between approximately 3:25 p.m. and 5 p.m. on September 4, 2014. Those individuals interested in making formal oral presentations should notify the contact person and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation on or before August 11, 2014. Time allotted for each presentation may be limited. If the number of registrants requesting to speak is greater than can be reasonably accommodated during the scheduled open public hearing session, FDA may conduct a lottery to determine the speakers for the scheduled open public hearing session. The contact person will notify interested persons regarding their request to speak by August 12, 2014.

Persons attending FDA's advisory committee meetings are advised that the Agency is not responsible for providing access to electrical outlets.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Cindy Hong at least 7 days in advance of the meeting.

FDA is committed to the orderly conduct of its advisory committee meetings. Please visit our Web site at *http://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm111462.htm* for procedures on public conduct during advisory committee meetings.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: July 23, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–17710 Filed 7–28–14; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2014–N–0001]

Nonprescription Drugs Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). The meeting will be open to the public.

Name of Committee: Nonprescription Drugs Advisory Committee.

General Function of the Committee: To provide advice and recommendations to the Agency on FDA's regulatory issues.

Date and Time: The meeting will be held on September 3, 2014, from 8 a.m. to 5 p.m.

Location: FDA White Oak Campus, 10903 New Hampshire Ave., Building 31 Conference Center, the Great Room (Rm. 1503), Silver Spring, MD 20993–0002. Information regarding special accommodations due to a disability, visitor parking, and transportation may be accessed at: *http://www.fda.gov/AdvisoryCommittees/default.htm;* under the heading ''Resources for You,'' click on ''Public Meetings at the FDA White Oak Campus.'' Please note that visitors to the White Oak Campus must enter through Building 1.

Contact Person: Jennifer Shepherd, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 31, Rm. 2417, Silver Spring, MD 20993–0002, 301–796–9001, FAX: 301–847–8533, email: *NDAC@fda.hhs.gov,* or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area). A notice in the **Federal Register** about last minute modifications that impact a previously announced advisory committee meeting cannot always be published quickly enough to provide timely notice. Therefore, you should always check the Agency's Web site at *http://www.fda.gov/AdvisoryCommittees/default.htm* and scroll down to the appropriate advisory committee meeting link, or call the advisory committee information line to learn about possible modifications before coming to the meeting.

Agenda: The committee will discuss the standards used to demonstrate that over-the-counter (OTC) topical antiseptics used in healthcare settings are generally recognized as safe and effective. The discussion will focus on antiseptic active ingredients marketed under the OTC Drug Review (also known as the OTC Drug Monograph) for the following healthcare antiseptic uses: Healthcare personnel hand washes and rubs, surgical hand scrubs and rubs, and patient preoperative and preinjection skin preparations.

FDA intends to make background material available to the public no later than 2 business days before the meeting. If FDA is unable to post background material on its Web site prior to the meeting, the background material will be made publicly available at the location of the advisory committee meeting, and background material will be posted on FDA's Web site after the meeting. Background material is available at *http://www.fda.gov/AdvisoryCommittees/Calendar/default.htm.* Scroll down to the appropriate advisory committee meeting link.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person on or before August 19, 2014. Oral presentations from the public will be scheduled between approximately 1 p.m. and 2 p.m. Those individuals interested in making formal oral presentations should notify the contact person and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation on or before August 11, 2014. Time allotted for each presentation may be limited. If the number of registrants requesting to speak is greater than can be reasonably accommodated during the scheduled open public hearing session, FDA may conduct a lottery to determine the speakers for the scheduled open public hearing session. The contact person will notify interested persons regarding their request to speak by August 12, 2014.

Persons attending FDA's advisory committee meetings are advised that the Agency is not responsible for providing access to electrical outlets.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Jennifer Shepherd at least 7 days in advance of the meeting.

FDA is committed to the orderly conduct of its advisory committee meetings. Please visit our Web site at *http://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm111462.htm* for procedures on public conduct during advisory committee meetings.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: July 23, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–17711 Filed 7–28–14; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Indian Health Service

Office of Tribal Self-Governance Program; Planning Cooperative Agreement

Announcement Type: New—Limited Competition.

Funding Announcement Number: HHS–2014–IHS–TSGP–0001.

Catalog of Federal Domestic Assistance Number: 93.444.

Key Dates

Application Deadline Date: August 29, 2014.

Review Date: September 8, 2014.

Earliest Anticipated Start Date: September 15, 2014.

Signed Tribal Resolutions Due Date: August 29, 2014.

I. Funding Opportunity Description

Statutory Authority

The Indian Health Service (IHS) Office of Tribal Self-Governance (OTSG) is accepting limited competition Planning Cooperative Agreement applications for the Tribal Self-Governance Program (TSGP). This program is authorized under Title V of the Indian Self-Determination and Education Assistance Act (ISDEAA), 25 U.S.C. 458aaa–2(e). This program is described in the Catalog of Federal Domestic Assistance (CFDA), available at *https://www.cfda.gov/,* under 93.444.

Background

The TSGP is more than an IHS program; it is an expression of the government-to-government relationship between the United States and Indian Tribes. Through the TSGP, Tribes negotiate with the IHS to assume Programs, Services, Functions and Activities (PSFAs), or portions thereof, which gives Tribes the authority to manage and tailor health care programs in a manner that best fits the needs of their communities.

Participation in the TSGP is one of three ways that Tribes can choose to obtain health care from the Federal Government for their members. Specifically, Tribes can choose to: (1) Receive health care services directly from the IHS, (2) contract with the IHS to administer individual PSFAs that the IHS would otherwise provide (referred to as Title I Self-Determination Contracting), or (3) compact with the IHS to assume control over healthcare PSFAs that the IHS would otherwise provide (referred to as Title V Self-Governance Compacting or the TSGP). These options are not exclusive and Tribes may choose to combine options based on their individual needs and circumstances. Participation in the TSGP affords Tribes the most flexibility to tailor health care PSFAs to the needs of their communities.

The TSGP is a Tribally-driven initiative and strong Tribal/Federal partnerships are essential for program success. The IHS established the OTSG to implement Tribal Self-Governance authorities. The OTSG: (1) serves as the primary liaison and advocate for Tribes participating in the TSGP, (2) develops, directs, and implements Tribal Self-Governance policies and procedures, (3) provides information and technical assistance to Self-Governance Tribes, and (4) advises the IHS Director on compliance with TSGP policies, regulations, and guidelines. Each IHS Area has an Agency Lead Negotiator (ALN), designated by the IHS Director, who has the authority to negotiate Self-Governance Compacts and Funding Agreements. A Tribe should contact the respective ALN to begin the Self-Governance planning process or, if currently an existing Self-Governance Tribe, discuss methods to expand current PSFAs. The ALN shall provide an overview of the TSGP and provide technical assistance on the planning process or expanding current PSFAs.

Purpose

The purpose of this Planning Cooperative Agreement is to provide resources to Tribes interested in entering the TSGP and to existing Self-Governance Tribes interested in assuming new or expanded PSFAs. Title V of the ISDEAA requires a Tribe or Tribal organization to complete a planning phase to the satisfaction of the Tribe. The planning phase must include legal and budgetary research and internal Tribal government planning and organization preparation relating to the administration of health care programs. *See* 25 U.S.C. 458aaa–2(d).

The planning phase helps Tribes make informed decisions about which PSFAs to assume and what organizational changes or modifications are necessary to successfully support those PSFAs. A thorough planning phase improves timeliness and efficiency of negotiations and ensures that the Tribe is fully prepared to assume the transfer of IHS PSFAs to the Tribal health program.

A Planning Cooperative Agreement is not a prerequisite to enter the TSGP and a Tribe may use other resources to meet the planning requirements. Tribes that receive a Planning Cooperative Agreement are not obligated to participate in the TSGP and may choose to delay or decline participation based on the outcome of their planning activities. This also applies to existing Self-Governance Tribes exploring the option to expand their current PSFAs or assume additional PSFAs.

Limited Competition Justification

There is limited competition under this announcement because the authorizing legislation restricts eligibility to Tribes that meet specific criteria. *See* 25 U.S.C. 458aaa–2(e); 42 CFR 137.24–26; *see* also 42 CFR 137.10.

II. Award Information

Type of Award

Cooperative Agreement.

Estimated Funds Available

The total amount of funding identified for fiscal year (FY) 2014 is approximately $360,000. Individual award amounts are anticipated to be $120,000. The amount of funding available for competing awards issued under this announcement is subject to the availability of appropriations and budgetary priorities of the Agency. The IHS is under no obligation to make awards that are selected for funding under this announcement.

Anticipated Number of Awards

Approximately three awards will be issued under this program announcement.

Project Period

The project period is for 12 months and runs from September 1, 2014 to August 31, 2015.

Cooperative Agreement

Cooperative Agreements awarded by the Department of Health and Human Services (HHS) are administered under the same policies as a grant. The funding agency (IHS) is required to have

substantial programmatic involvement in the project during the entire award. Below is a detailed description of the level of involvement required for both IHS and the grantee. The IHS will be responsible for activities listed under section A and the grantee will be responsible for activities listed under section B as stated:

Substantial Involvement Description for the TSGP Planning Cooperative Agreement

A. IHS Programmatic Involvement

(1) Provide descriptions of PSFAs and associated funding at all organizational levels (Service Unit, Area, and Headquarters), including funding formulas and methodologies related to determining Tribal shares.

(2) Meet with Planning Cooperative Agreement recipient to provide program information and discuss methods currently used to manage and deliver health care.

(3) Identify and provide statutes, regulations, and policies that provide authority for administering IHS programs.

(4) Provide technical assistance on the IHS budget, Tribal shares, and other topics as needed.

B. Grantee Planning Cooperative Agreement Award Activities

(1) Research and analyze the complex IHS budget to gain a thorough understanding of funding distribution at all organizational levels and to determine which PSFAs the Tribe may elect to assume or expand.

(2) Establish a process by which Tribes may approach the IHS to identify PSFAs and associated funding that may be incorporated into their current programs.

(3) Determine the Tribe's share of each PSFA and evaluate the current level of healthcare services being provided to make an informed decision on new or expanded program assumption(s).

III. Eligibility Information

1. Eligibility

To be eligible for this Limited Competition Planning Cooperative Agreement under this announcement, an applicant must:

A. Be an ''Indian Tribe'' as defined in 25 U.S.C. 450b(e); a ''Tribal Organization'' as defined in 25 U.S.C. 450b(l); or an ''Inter-Tribal Consortium'' as defined at 42 CFR 137.10. However, Alaska Native Villages or Alaska Native Village Corporations are not eligible if they are located within the area served by an Alaska Native regional health entity. *See* Consolidated Appropriations Act, 2014, Public Law 113–76. By statute, the Native Village of Eyak, Eastern Aleutian Tribes, and the Council for Athabascan Tribal Governments have also been deemed Alaska Native regional health entities and therefore are eligible to apply. Those Alaska Tribes not represented by a Self-Governance Tribal consortium Funding Agreement within their area may still be considered to participate in the TSGP.

B. Submit a Tribal resolution from the appropriate governing body of each Indian Tribe to be served by the ISDEAA Compact authorizing the submission of the Planning Cooperative Agreement application. Tribal consortia applying for a TSGP Planning Cooperative Agreement shall submit Tribal Council resolutions from each Tribe in the consortium. Tribal resolutions can be attached to the electronic online application. Applications by Tribal organizations will not require a specific Tribal resolution if the current Tribal resolution(s) under which they operate would encompass the proposed grant activities.

Draft Tribal resolutions are acceptable in lieu of official signed resolutions and can be submitted along with the electronic application. However, an official signed Tribal resolution must be received by the Division of Grants Management (DGM) prior to the beginning of the Objective Review. If the DGM does not receive an official signed resolution by the Review Date listed under the Key Dates section on page one of this announcement, then the application shall be considered incomplete and ineligible for review or further consideration.

Officially signed Tribal resolutions can be mailed to the DGM, Attn: Mr. John Hoffman, 801 Thompson Avenue, TMP Suite 360, Rockville, MD 20852. Applicants submitting Tribal resolutions after or aside from the online electronic application submission must ensure that the information is received by the IHS, DGM. It is highly recommended that the documentation be sent by a delivery method that includes delivery confirmation and tracking. Please contact Mr. Hoffman by telephone at (301) 443–5204 prior to the Review Date regarding submission questions.

C. Demonstrate, for three fiscal years, financial stability and financial management capability. The Indian Tribe must provide evidence that, for the three years prior to participation in Self-Governance, the Indian Tribe has had no uncorrected significant and material audit exceptions in the required annual audit of the Indian Tribe's Self-Determination Contracts or Self-Governance Funding Agreements with any Federal agency. *See* 25 U.S.C. 458aaa–2; 42 CFR 137.15–23.

For Tribes or Tribal organizations that expended $300,000 or more ($500,000 for FYs ending after December 31, 2003) in Federal awards, the OTSG shall retrieve the audits directly from the Federal Audit Clearinghouse database.

For Tribes or Tribal organizations that expended less than $300,000 ($500,000 for FYs ending after December 31, 2003) in Federal awards, the Tribe or Tribal organization must provide evidence of the program review correspondence from IHS or Bureau of Indian Affairs officials. *See* 42 CFR 137.21–23.

Meeting the eligibility criteria for a Planning Cooperative Agreement does not mean that a Tribe or Tribal organization is eligible for participation in the IHS TSGP under Title V of the ISDEAA. *See* 25 U.S.C. 458aaa–2; 42 CFR 137.15–23. For additional information on eligibility for the IHS TSGP, please visit the Eligibility and Funding page on the OTSG Web site, located at: *http://www.ihs.gov/SelfGovernance*.

Note: Please refer to Section IV.2 (Application and Submission Information/Subsection 2, Content and Form of Application Submission) for additional proof of applicant status documents required such as Tribal resolutions, proof of non-profit status, etc.

2. Cost Sharing or Matching

The IHS does not require matching funds or cost sharing for grants or cooperative agreements.

3. Other Requirements

If application budgets exceed the highest dollar amount outlined under the ''Estimated Funds Available'' section within this funding announcement, the application will be considered ineligible and will not be reviewed for further consideration. If deemed ineligible, the IHS will not return the application. The applicant will be notified via email by the DGM of this decision.

IV. Application and Submission Information

1. Obtaining Application Materials

The full application package and detailed instructions for this announcement can be found at *http://www.Grants.gov* or *https://www.ihs.gov/dgm/index.cfm?module=dsp_dgm_funding*.

Questions regarding the electronic application process may be directed to Mr. Paul Gettys at (301) 443–2114.

2. Content and Form Application Submission

The applicant must include the project narrative as an attachment to the application package. Mandatory documents for all applicants include:

- Table of contents.
- Abstract (one page) summarizing the project.
- Application forms:
  - SF–424, Application for Federal Assistance.
  - SF–424A, Budget Information—Non-Construction Programs.
  - SF–424B, Assurances—Non-Construction Programs.
- Budget Justification and Narrative (must be single spaced and not exceed five pages).
- Project Narrative (must be single spaced and not exceed ten pages).
  - Background information on the Tribe or Tribal organization.
  - Proposed scope of work, objectives, and activities that provide a description of what will be accomplished, including a one-page Timeframe Chart.
- Tribal Resolution(s).
- 501(c)(3) Certificate (if applicable).
- Biographical sketches for all Key Personnel.
- Contractor/Consultant resumes or qualifications and scope of work.
- Disclosure of Lobbying Activities (SF–LLL).
- Certification Regarding Lobbying (GG-Lobbying Form).
- Copy of current Negotiated Indirect Cost rate (IDC) agreement (required) in order to receive IDC.
- Organizational Chart (optional).

Public Policy Requirements

All Federal-wide public policies apply to IHS grants and cooperative agreements with exception of the Discrimination policy.

Requirements for Project and Budget Narratives

A. *Project Narrative:* This narrative should be a separate Word document that is no longer than ten pages and must: be single-spaced, be type written, have consecutively numbered pages, use black type not smaller than 12 characters per one inch, and be printed on one side only of standard size 8½″ × 11″ paper. Be sure to succinctly address and answer all questions listed under the evaluation criteria (refer to Section V.I, Evaluation criteria in this announcement) and place all responses and required information in the correct section (noted below), or it will not be considered or scored. These narratives will assist the Objective Review Committee (ORC) in becoming familiar with the applicant's activities and accomplishments prior to the cooperative agreement award. If the narrative exceeds the page limit, only the first ten pages will be reviewed. The 10-page limit for the narrative does not include the work plan, standard forms, Tribal resolutions, table of contents, budget and budget justifications/narratives, and/or other appendix items.

There are three parts to the narrative, including: (1) Part A—Program Information; (2) Part B—Program Planning and Evaluation; and (3) Part C—Program Report. See below for additional details about what must be included in the narrative.

Part A: Program Information (4 Page Limitation)

Section 1: Needs

Introduction and Need for Assistance

Describe the Tribe's current health program activities, including: how long it has been operating, the programs or services currently being provided, and if the applicant is currently administering any ISDEAA Title I Self-Determination Contracts or Title V Self-Governance Compacts. Identify the need for assistance and how the Planning Cooperative Agreement would benefit the health activities the Tribe is currently administering.

Part B: Program Planning and Evaluation (4 Page Limitation)

Section 1: Program Plans

Project Objective(s), Work Plan and Approach

State in measurable terms the objectives and appropriate activities to achieve the following Cooperative Agreement Recipient Award Activities:

(a) Research and analyze the complex IHS budget to gain a thorough understanding of funding distribution at all organizational levels and determine which PSFAs the Tribe may elect to assume or expand.

(b) Establish a process to identify PSFAs and associated funding that may be incorporated into current programs.

(c) Determine the Tribe's share of each PSFA and evaluate the current level of health care services being provided to make an informed decision on new program assumption(s).

Describe how the objectives are consistent with the purpose of the program, the needs of the people to be served, and how they will be achieved within the proposed time frame. Identify the expected results, benefits, and outcomes or products to be derived from each objective of the project.

Organizational Capabilities, Key Personnel and Qualifications

Describe the organizational structure of the Tribe and its ability to manage the proposed project. Include resumes or position descriptions of key staff showing requisite experience and expertise. If applicable, include resumes and scope of work for consultants that demonstrate experience and expertise relevant to the project.

Section 2: Program Evaluation

Define the criteria to be used to evaluate planning activities. Describe fully and clearly the methodology that will be used to determine if the needs identified are being met and if the outcomes are being achieved. This section must address the following questions:

(a) Are the goals and objectives measurable and consistent with the purpose of the program and the needs of the people to be served?

(b) Are they achievable within the proposed time frame?

Part C: Program Report (2 Page Limitation)

Section 1: Describe major accomplishments over the last 24 months. Please identify and describe significant health related accomplishments associated with the delivery of quality health services. This section should highlight major program achievements over the last 24 months.

Section 2: Describe major activities over the last 24 months. Please provide an overview of significant program activities associated with the delivery of quality health services over the last 24 months. This section should address significant program activities including those related to the accomplishments listed in the previous section.

B. Budget Narrative: This narrative must include a line item budget with a narrative justification for all expenditures identifying reasonable and allowable costs necessary to accomplish the goals and objectives as outlined in the project narrative. Budget should match the scope of work described in the project narrative. The page limitation should not exceed five pages.

3. Submission Dates and Times

Applications must be submitted electronically through Grants.gov by 12:00 a.m., midnight Eastern Daylight Time (EDT) on the Application Deadline Date listed in the Key Dates section on page one of this announcement. Any application received after the

application deadline will not be accepted for processing, nor will it be given further consideration for funding. Grants.gov will notify the applicant via email if the application is rejected.

If technical challenges arise and assistance is required with the electronic application process, contact Grants.gov Customer Support via email to *support@grants.gov* or at (800) 518–4726. Customer Support is available to address questions 24 hours a day, 7 days a week (except on Federal holidays). If problems persist, contact Mr. Paul Gettys (*Paul.Gettys@ihs.gov*), DGM Grants Systems Coordinator, by telephone at (301) 443–2114. Please be sure to contact Mr. Gettys at least ten days prior to the application deadline. Please do not contact the DGM until you have received a Grants.gov tracking number. In the event you are not able to obtain a tracking number, call the DGM as soon as possible.

If the applicant needs to submit a paper application instead of submitting electronically via Grants.gov a waiver must be requested. Prior approval must be requested and obtained from Ms. Tammy Bagley, Acting Director of DGM, (see Section IV.6 below for additional information). The waiver must: (1) Be documented in writing (emails are acceptable), *before* submitting a paper application and (2) include clear justification for the need to deviate from the required electronic grants submission process. A written waiver request can be sent to *GrantsPolicy@ihs.gov* with a copy to *Tammy.Bagley@ihs.gov.* Once the waiver request has been approved, the applicant will receive a confirmation of approval and the mailing address to submit the application. A copy of the written approval *must* be submitted along with the hardcopy that is mailed to DGM. Paper applications that are submitted without a copy of the signed waiver from the Acting Director of the DGM will not be reviewed or considered for funding. The applicant will be notified via email of this decision by the Grants Management Officer of the DGM. Paper applications must be received by the DGM no later than 5:00 p.m., EDT, on the Application Deadline Date listed in the Key Dates section on page one of this announcement. Late applications will not be accepted for processing or considered for funding.

4. Intergovernmental Review

Executive Order 12372 requiring intergovernmental review is not applicable to this program.

5. Funding Restrictions

- Pre-award costs are not allowable.
- The available funds are inclusive of direct and appropriate indirect costs.
- Only one grant/cooperative agreement will be awarded per applicant per grant cycle. Tribes cannot apply for both the Planning Cooperative Agreement and the Negotiation Cooperative Agreement within the same grant cycle (new rule).
- IHS will not acknowledge receipt of applications.

6. Electronic Submission Requirements

All applications must be submitted electronically. Please use the *http://www.Grants.gov* Web site to submit an application electronically and select the ''Find Grant Opportunities'' link on the homepage. Download a copy of the application package, complete it offline, and then upload and submit the completed application via the *http://www.Grants.gov* Web site. Electronic copies of the application may not be submitted as attachments to email messages addressed to IHS employees or offices.

If the applicant receives a waiver to submit paper application documents, they must follow the rules and timelines that are noted below. The applicant must seek assistance at least ten days prior to the Application Deadline Date listed in the Key Dates section on page one of this announcement.

Applicants that do not adhere to the timelines for System for Award Management (SAM) and/or *http://www.Grants.gov* registration or that fail to request timely assistance with technical issues will not be considered for a waiver to submit a paper application.

Please be aware of the following:

- Please search for the application package in *http://www.Grants.gov* by entering the CFDA number or the Funding Opportunity Number. Both numbers are located in the header of this announcement.
- If you experience technical challenges while submitting your application electronically, please contact Grants.gov Support directly at: *support@grants.gov* or (800) 518–4726. Customer Support is available to address questions 24 hours a day, 7 days a week (except on Federal holidays).
- Upon contacting Grants.gov, obtain a tracking number as proof of contact. The tracking number is helpful if there are technical issues that cannot be resolved and a waiver from the agency must be obtained.
- If it is determined that a waiver is needed, the applicant must submit a request in writing (emails are acceptable) to *GrantsPolicy@ihs.gov* with a copy to *Tammy.Bagley@ihs.gov.* Please include a clear justification for the need to deviate from the standard electronic submission process.
- If the waiver is approved, the application should be sent directly to the DGM by the Application Deadline Date listed in the Key Dates section on page one of this announcement.
- Applicants are strongly encouraged not to wait until the deadline date to begin the application process through Grants.gov as the registration process for SAM and Grants.gov could take up to fifteen working days.
- Please use the optional attachment feature in Grants.gov to attach additional documentation that may be requested by the DGM.
- All applicants must comply with any page limitation requirements described in this Funding Announcement.
- After electronically submitting the application, the applicant will receive an automatic acknowledgment from Grants.gov that contains a Grants.gov tracking number. The DGM will download the application from Grants.gov and provide necessary copies to the appropriate agency officials. Neither the DGM nor the OTSG will notify the applicant that the application has been received.
- Email applications will not be accepted under this announcement.

Dun and Bradstreet (D&B) Data Universal Numbering System (DUNS)

All IHS applicants and grantee organizations are required to obtain a DUNS number and maintain an active registration in the SAM database. The DUNS number is a unique 9-digit identification number provided by D&B which uniquely identifies each entity. The DUNS number is site specific; therefore, each distinct performance site may be assigned a DUNS number. Obtaining a DUNS number is easy, and there is no charge. To obtain a DUNS number, please access it through *http://fedgov.dnb.com/webform,* or to expedite the process, call (866) 705–5711.

All HHS recipients are required by the Federal Funding Accountability and Transparency Act of 2006, as amended (''Transparency Act''), to report information on subawards. Accordingly, all IHS grantees must notify potential first-tier subrecipients that no entity may receive a first-tier subaward unless the entity has provided its DUNS number to the prime grantee organization. This requirement ensures the use of a universal identifier to enhance the quality of information available to the public pursuant to the Transparency Act.

System for Award Management (SAM)

Organizations that were not registered with Central Contractor Registration (CCR) and have not registered with SAM will need to obtain a DUNS number first and then access the SAM online registration through the SAM home page at *https://www.sam.gov* (U.S. organizations will also need to provide an Employer Identification Number from the Internal Revenue Service that may take an additional 2–5 weeks to become active). Completing and submitting the registration takes approximately one hour to complete and SAM registration will take 3–5 business days to process. Registration with the SAM is free of charge. Applicants may register online at *https://www.sam.gov*.

Additional information on implementing the Transparency Act, including the specific requirements for DUNS and SAM, can be found on the IHS Grants Management, Grants Policy Web site: *https://www.ihs.gov/dgm/index.cfm?module=dsp_dgm_policy_topics.*

V. Application Review Information

The instructions for preparing the application narrative also constitute the evaluation criteria for reviewing and scoring the application. Weights assigned to each section are noted in parentheses. The 10 page narrative section should be written in a manner that is clear and concise to outside reviewers unfamiliar with prior related activities of the applicant. It should be well organized, succinct, and contain all information necessary for reviewers to understand the project fully. Points will be assigned to each evaluation criteria adding up to a total of 100 points. A minimum score of 60 points is required for funding. Points are assigned as follows:

1. Criteria

A. Introduction and Need for Assistance (25 Points)

Describe the Tribe's current health program activities, including: how long it has been operating, programs or services currently being provided and if the applicant is currently administering any ISDEAA Title I Self-Determination Contracts or Title V Self-Governance Compacts. Identify the need for assistance and how the Planning Cooperative Agreement would benefit the health activities the Tribe is currently administering.

B. Project Objective(s), Work Plan and Approach (25 Points)

State in measurable terms the objectives and appropriate activities to achieve the following Cooperative Agreement Recipient Award Activities:

(1) Research and analyze the complex IHS budget to gain a thorough understanding of funding distribution at all organizational levels and to determine which PSFAs the Tribe may elect to assume or expand.

(2) Establish a process to identify PSFAs and associated funding that may be incorporated into current programs.

(3) Determine the Tribe's share of each PSFA and evaluate the current level of health care services being provided to make an informed decision on new program assumption(s).

Describe how the objectives are consistent with the purpose of the program, the needs of the people to be served, and how the objectives will be achieved within the proposed time frame. Identify the expected results, benefits, and outcomes or products to be derived from each objective of the project.

C. Program Evaluation (25 Points)

Define the criteria to be used to evaluate planning activities. Clearly describe the methodologies and parameters that will be used to determine if the needs identified are being met and if the outcomes identified are being achieved. Are the goals and objectives measurable and consistent with the purpose of the program and meet the needs of the people to be served? Are they achievable within the proposed time frame? Describe how the assumption of PSFAs enhances sustainable health delivery. Ensure the measurement includes activities that will lead to sustainability.

D. Organizational Capabilities, Key Personnel and Qualifications (15 Points)

Describe the organizational structure of the Tribe and its ability to manage the proposed project. Include resumes or position descriptions of key staff showing requisite experience and expertise. If applicable, include resumes and scope of work for consultants that demonstrate experience and expertise relevant to the project.

E. Categorical Budget and Budget Justification (10 Points)

Submit a budget with a narrative describing the budget request and matching the scope of work described in the project narrative. Justify all expenditures identifying reasonable and allowable costs necessary to accomplish the goals and objectives as outlined in the project narrative.

Additional Documents Can Be Uploaded as Appendix Items in Grants.gov

- Work plan, logic model and/or time line for proposed objectives.
- Position descriptions for key staff.
- Resumes of key staff that reflect current duties.
- Consultant or contractor proposed scope of work and letter of commitment (if applicable).
- Current Indirect Cost Agreement.
- Organizational chart.
- Map of area identifying project location(s).
- Additional documents to support narrative (i.e. data tables, key news articles, etc.).

2. Review and Selection

Each application will be prescreened by the DGM staff for eligibility and completeness as outlined in the funding announcement. Applications that meet the eligibility criteria shall be reviewed for merit by the ORC based on evaluation criteria in this funding announcement. The ORC could be composed of both Tribal and Federal reviewers appointed by the OTSG to review and make recommendations on these applications. The technical review process ensures selection of quality projects in a national competition for limited funding. Incomplete applications and applications that are non-responsive to the eligibility criteria will not be referred to the ORC. Applicants will be notified by DGM, via email, to outline minor missing components (i.e., budget narratives, audit documentation, key contact form) needed for an otherwise complete application. All missing documents must be sent to DGM on or before the due date listed in the email of notification of missing documents required.

To obtain a minimum score for funding by the ORC, applicants must address all program requirements and provide all required documentation.

VI. Award Administration Information

1. Award Notices

The Notice of Award (NoA) is a legally binding document signed by the Grants Management Officer and serves as the official notification of the grant award. The NoA will be initiated by the DGM in our grant system, GrantSolutions (*https://www.grantsolutions.gov*). Each entity that is approved for funding under this announcement will need to request or have a user account in GrantSolutions

in order to retrieve their NoA. The NoA is the authorizing document for which funds are dispersed to the approved entities and reflects the amount of Federal funds awarded, the purpose of the grant, the terms and conditions of the award, the effective date of the award, and the budget/project period.

Disapproved Applicants

Applicants who received a score less than the recommended funding level for approval, 60 points and were deemed to be disapproved by the ORC, will receive an Executive Summary Statement from the OTSG within 30 days of the conclusion of the ORC outlining the strengths and weaknesses of their application submitted. The OTSG will also provide additional contact information as needed to address questions and concerns as well as provide technical assistance if desired.

Approved But Unfunded Applicants

Approved but unfunded applicants that met the minimum scoring range and were deemed by the ORC to be ''Approved,'' but were not funded due to lack of funding, will have their applications held by DGM for a period of one year. If additional funding becomes available during the course of FY 2014, the approved application may be re-considered by the OTSG for possible funding. The applicant will also receive an Executive Summary Statement from the OTSG within 30 days of the conclusion of the ORC.

Note: Any correspondence other than the official NoA signed by an IHS Grants Management Official announcing to the Project Director that an award has been made to their organization is not an authorization to implement their program on behalf of IHS.

2. Administrative Requirements

Cooperative agreements are administered in accordance with the following regulations, policies, and OMB cost principles:

A. The criteria as outlined in this Program Announcement.

B. Administrative Regulations for Grants:

- 45 CFR Part 92, Uniform Administrative Requirements for Grants and Cooperative Agreements to State, Local and Tribal Governments.
- 45 CFR Part 74, Uniform Administrative Requirements for Awards and Subawards to Institutions of Higher Education, Hospitals, and other Non-profit Organizations.

C. Grants Policy:

- HHS Grants Policy Statement, Revised 01/07.

D. Cost Principles:

- 2 CFR Part 225—Cost Principles for State, Local, and Indian Tribal Governments (OMB Circular A–87).
- 2 CFR Part 230—Cost Principles for Non-Profit Organizations (OMB Circular A–122).

E. Audit Requirements:

- OMB Circular A–133, Audits of States, Local Governments, and Non-profit Organizations.

3. Indirect Costs

This section applies to all grant recipients that request reimbursement of indirect costs (IDC) in their grant application. In accordance with HHS Grants Policy Statement, Part II–27, IHS requires applicants to obtain a current IDC rate agreement prior to award. The rate agreement must be prepared in accordance with the applicable cost principles and guidance as provided by the cognizant agency or office. A current rate covers the applicable grant activities under the current award's budget period. If the current rate is not on file with the DGM at the time of award, the IDC portion of the budget will be restricted. The restrictions remain in place until the current rate is provided to the DGM.

Generally, IDC rates for IHS grantees are negotiated with the Division of Cost Allocation (DCA) *https://rates.psc.gov/* and the Department of Interior (Interior Business Center) *http://www.doi.gov/ibc/services/Indirect_Cost_Services/index.cfm*. For questions regarding the indirect cost policy, please call the DGM staff to request assistance at (301) 443–5204.

4. Reporting Requirements

The grantee must submit required reports consistent with the applicable deadlines. Failure to submit required reports within the time allowed may result in suspension or termination of an active grant, withholding of additional awards for the project, or other enforcement actions such as withholding of payments or converting to the reimbursement method of payment. Continued failure to submit required reports may result in one or both of the following: (1) The imposition of special award provisions; and (2) the non-funding or non-award of other eligible projects or activities. This requirement applies whether the delinquency is attributable to the failure of the grantee organization or the individual responsible for preparation of the reports. Reports must be submitted electronically via GrantSolutions. Personnel responsible for submitting reports will be required to obtain a login and password for GrantSolutions. Please see the Agency Contacts list in section VII for the systems contact information.

The reporting requirements for this program are noted below.

A. Progress Reports

Program progress reports are required semi-annually, within 30 days after the budget period ends. These reports must include a brief comparison of actual accomplishments to the goals established for the period, or, if applicable, provide sound justification for the lack of progress, and other pertinent information as required. A final report must be submitted within 90 days of expiration of the budget/project period.

B. Financial Reports

Federal Financial Report FFR (SF–425), Cash Transaction Reports are due 30 days after the close of every calendar quarter to the Payment Management Services, HHS at: *http://www.dpm.psc.gov.* It is recommended that the applicant also send a copy of the FFR (SF–425) report to the Grants Management Specialist. Failure to submit timely reports may cause a disruption in timely payments to the organization.

Grantees are responsible and accountable for accurate information being reported on all required reports: the Progress Reports and Federal Financial Report.

C. Federal Subaward Reporting System (FSRS)

This award may be subject to the Transparency Act subaward and executive compensation reporting requirements of 2 CFR Part 170.

The Transparency Act requires the OMB to establish a single searchable database, accessible to the public, with information on financial assistance awards made by Federal agencies. The Transparency Act also includes a requirement for recipients of Federal grants to report information about first-tier subawards and executive compensation under Federal assistance awards.

IHS has implemented a Term of Award into all IHS Standard Terms and Conditions, NoAs and funding announcements regarding the FSRS reporting requirement. This IHS Term of Award is applicable to all IHS grant and cooperative agreements issued on or after October 1, 2010, with a $25,000 subaward obligation dollar threshold met for any specific reporting period. Additionally, all new (discretionary) IHS awards (where the project period is made up of more than one budget period) and where: (1) The project

period start date was October 1, 2010 or after; and (2) the primary awardee will have a $25,000 subaward obligation dollar threshold during any specific reporting period will be required to address the FSRS reporting. For the full IHS award term implementing this requirement and additional award applicability information, visit the DGM Grants Policy Web site at: *https://www.ihs.gov/dgm/index.cfm?module=dsp_dgm_policy_topics.*

Telecommunication for the hearing impaired is available at: TTY (301) 443–6394.

VII. Agency Contacts

1. Questions on the programmatic issues may be directed to: Jeremy Marshall, Program Official, Office of Tribal Self-Governance, 80 Thompson Avenue, Suite 240, Rockville, MD 20852, Phone: (301) 443–7821, Fax: (301) 443–1050, Email: *Jeremy.Marshall@ihs.gov,* Web site: *www.ihs.gov/selfgovernance.*

2. Questions on grants management and fiscal matters may be directed to: John Hoffman, Grants Management Specialist, Division of Grants Management, 801 Thompson Avenue, TMP Suite 360, Rockville, MD 20852, Phone: (301) 443–5204, Fax: (301) 443–9602, Email: *John.Hoffman@ihs.gov.*

3. Questions on systems matters may be directed to: Paul Gettys, Grant Systems Coordinator, 801 Thompson Avenue, TMP Suite 360, Rockville, MD 20852, Phone: 301) 443–2114; or the DGM main line (301) 443–5204, Fax: (301) 443–9602, E-Mail: *Paul.Gettys@ihs.gov*.

VIII. Other Information

The Public Health Service strongly encourages all cooperative agreement and contract recipients to provide a smoke-free workplace and promote the non-use of all tobacco products. In addition, Public Law 103–227, the Pro-Children Act of 1994, prohibits smoking in certain facilities (or in some cases, any portion of the facility) in which regular or routine education, library, day care, health care, or early childhood development services are provided to children. This is consistent with the HHS mission to protect and advance the physical and mental health of the American people.

Dated: July 19, 2014.

Yvette Roubideaux,

Acting Director, Indian Health Service.

[FR Doc. 2014–17801 Filed 7–28–14; 8:45 am]

BILLING CODE 4160–16–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Indian Health Service

Office of Tribal Self-Governance Program, Negotiation Cooperative Agreement

Announcement Type: New—Limited Competition.

Funding Announcement Number: HHS–2014–IHS–TSGN–0001.

Catalog of Federal Domestic Assistance Number: 93.444.

Key Dates

Application Deadline Date: August 29, 2014.

Review Date: September 8, 2014.

Earliest Anticipated Start Date: September 15, 2014.

Signed Tribal Resolutions Due Date: August 29, 2014.

I. Funding Opportunity Description

Statutory Authority

The Indian Health Service (IHS) Office of Tribal Self-Governance (OTSG) is accepting limited competition Negotiation Cooperative Agreement applications for the Tribal Self-Governance Program (TSGP). This program is authorized under Title V of the Indian Self-Determination and Education Assistance Act (ISDEAA), 25 U.S.C. § 458aaa-2(e). The program is described in the Catalog of Federal Domestic Assistance (CFDA), available at *https://www.cfda.gov/,* under 93.444.

Background

The TSGP is more than an IHS program; it is an expression of the government-to-government relationship between the United States and Indian Tribes. Through the TSGP, Tribes negotiate with the IHS to assume Programs, Services, Functions and Activities (PSFAs), or portions thereof, which gives Tribes the authority to manage and tailor health care programs in a manner that best fits the needs of their communities.

Participation in the TSGP is one of three ways that Tribes can choose to obtain health care from the Federal Government for their members. Specifically, Tribes can choose to: (1) Receive health care services directly from the IHS, (2) contract with the IHS to administer individual PSFAs that the IHS would otherwise provide (referred to as Title I Self-Determination Contracting), or (3) compact with the IHS to assume control over healthcare PSFAs that the IHS would otherwise provide (referred to as Title V Self-Governance Compacting or the TSGP). These options are not exclusive and Tribes may choose to combine options based on their individual needs and circumstances. Participation in the TSGP affords Tribes the most flexibility to tailor health care PSFAs to the needs of their communities.

The TSGP is a Tribally-driven initiative and strong Tribal/Federal partnerships are essential for program success. The IHS established the OTSG to implement Tribal Self-Governance authorities. The OTSG: (1) Serves as the primary liaison and advocate for Tribes participating in the TSGP, (2) develops, directs, and implements Tribal Self-Governance policies and procedures, (3) provides information and technical assistance to Self-Governance Tribes, and (4) advises the IHS Director on compliance with TSGP policies, regulations, and guidelines. Each IHS Area has an Agency Lead Negotiator (ALN), designated by the IHS Director, who has the authority to negotiate Self-Governance Compacts and Funding Agreements. A Tribe should contact the respective ALN to begin the Self-Governance planning process or, if currently an existing Self-Governance Tribe, discuss methods to expand current PSFAs. The ALN shall provide an overview of the TSGP negotiations process and will provide technical assistance as the Tribe prepares to participate in the TSGP.

Purpose

The purpose of this Negotiation Cooperative Agreement is to provide Tribes with resources to help defray costs related to preparing for and conducting TSGP negotiations. TSGP negotiations are a dynamic, evolving, and Tribally-driven process that requires careful planning and preparation by both Tribal and Federal parties, including the sharing of precise, up-to-date information. The design of the negotiations process: (1) Enables a Tribe to set its own priorities when assuming responsibility for IHS PSFAs, (2) observes the government-to-government relationship between the United States and each Tribe, and (3) involves the active participation of both Tribal and IHS representatives, including the OTSG. Because each Tribal situation is unique, a Tribe's successful transition into the TSGP, or expansion of their current program, requires focused discussions between the Federal and Tribal negotiation teams about the Tribe's specific health care concerns and plans.

The negotiations process has four major stages, including: (1) Planning, (2) pre-negotiations, (3) negotiations, and (4) post-negotiations. Title V of the

ISDEAA requires that a Tribe or Tribal organization complete a planning phase to the satisfaction of the Tribe. The planning phase must include legal and budgetary research and internal Tribal government planning and organizational preparation relating to the administration of health care programs. During pre-negotiations, the Tribal and Federal negotiation teams review and discuss issues identified during the planning phase. A draft Compact, Funding Agreement, and funding tables are developed, typically by the Tribe, and distributed to both the Tribal and Federal negotiation teams. These draft documents are used as the basis for pre- and final negotiations. Pre-negotiations provide an opportunity for the Tribe and the IHS to identify and discuss issues directly related to the Tribe's Compact, Funding Agreement, and Tribal shares. At final negotiations, Tribal and Federal negotiation teams come together to determine and agree upon the terms and provisions of the Tribe's Compact and Funding Agreement.

The Tribal negotiation team must include a Tribal leader from the governing body. This representative may be a Tribal leader or a designee, like the Tribal Health Director. The Tribal negotiation team may also include technical and program staff, legal counsel, and other consultants. The Federal negotiations team is led by the ALN and generally includes an OTSG Program Analyst and a member of the Office of the General Counsel. It may also include other IHS staff and subject matter experts as needed. The ALN is the only member of the Federal negotiation team with delegated authority to negotiate on behalf of the IHS Director.

Negotiations provide an opportunity for the Tribal and Federal negotiation teams to work together in good faith to enhance each self-governance agreement. Negotiations are not an allocation process; they provide an opportunity to mutually review and discuss budget and program issues. As issues arise, both negotiation teams work through the issues to reach agreement on the final documents. After the negotiations are complete, the Compact and Funding Agreement are signed by the authorizing Tribal official and submitted to the ALN who then reviews the final package to ensure each document accurately reflects what was negotiated. Once the ALN completes this review, the final package is submitted to the OTSG to be prepared for the IHS Director's signature. After the Compact and Funding Agreement have been signed by both parties, they become legally binding and enforceable agreements. The negotiating Tribe then becomes a ''Self-Governance Tribe,'' and a participant in the TSGP.

A Negotiation Cooperative Agreement is not a prerequisite to enter the TSGP. A Tribe may use other resources to develop and negotiate its Compact and Funding Agreement. Tribes that receive a Negotiation Cooperative Agreement are not obligated to participate in Title V and may choose to delay or decline participation or expansion in the TSGP.

Limited Competition Justification

There is limited competition under this announcement because the authorizing legislation restricts eligibility to Tribes that meet specific criteria. *See* 25 U.S.C. 458aaa–2(e); 42 CFR §§ 137.24–26; *see* also 42 CFR § 137.10.

II. Award Information

Type of Award

Cooperative Agreement.

Estimated Funds Available

The total amount of funding identified for fiscal year (FY) 2014 is approximately $144,000. Individual award amounts are anticipated to be $48,000. The amount of funding available for competing awards issued under this announcement is subject to the availability of appropriations and budgetary priorities of the Agency. The IHS is under no obligation to make awards that are selected for funding under this announcement.

Anticipated Number of Awards

Approximately three awards will be issued under this program announcement.

Project Period

The project period is for 12 months and runs from September 1, 2014 to August 31, 2015.

Cooperative Agreement

Cooperative Agreements awarded by the Department of Health and Human Services (HHS) are administered under the same policies as a grant. The funding agency (IHS) is required to have substantial programmatic involvement in the project during the entire award segment. Below is a detailed description of the level of involvement required for both IHS and the grantee. IHS will be responsible for activities listed under section A and the grantee will be responsible for activities listed under section B as stated:

Substantial Involvement Description for the TSGP Negotiation Cooperative Agreement

A. IHS Programmatic Involvement

(1) Provide descriptions of PSFAs and associated funding at all organizational levels (Service Unit, Area, and Headquarters), including funding formulas and methodologies related to determining Tribal shares.

(2) Meet with Negotiation Cooperative Agreement recipient to provide program information and discuss methods currently used to manage and deliver health care.

(3) Identify and provide statutes, regulations, and policies that provide authority for administering IHS programs.

(4) Provide technical assistance on the IHS budget, Tribal shares, and other topics as needed.

B. Grantee Negotiation Cooperative Agreement Award Activities

(1) Determine the PSFAs that will be negotiated into the Tribe's Compact and Funding Agreement. Prepare and discuss each PSFA in comparison to the current level of services provided so that an informed decision can be made on new or expanded program assumption.

(2) Identify Tribal shares associated with the PSFAs that will be included in the Funding Agreement.

(3) Develop the terms and conditions that will be set forth in both the Compact and Funding Agreement to submit to the ALN prior to negotiations.

III. Eligibility Information

1. Eligibility

To be eligible for this Limited Competition Negotiation Cooperative Agreement under this announcement, an applicant must:

A. Be an ''Indian Tribe'' as defined in 25 U.S.C. § 450b(e); a ''Tribal Organization'' as defined in 25 U.S.C. § 450b(l); or an ''Inter-Tribal Consortium'' as defined at 42 CFR § 137.10. However, Alaska Native Villages or Alaska Native Village Corporations are not eligible if they are located within the area served by an Alaska Native regional health entity. *See* Consolidated Appropriations Act, 2014, Pub. L. No. 113–76. By statute, the Native Village of Eyak, Eastern Aleutian Tribes, Inc., and the Council for Athabascan Tribal Governments have also been deemed Alaska Native regional health entities and therefore are eligible to apply. Those Alaska Tribes not represented by a Self-Governance Tribal consortium Funding Agreement

within their area may still be considered to participate in the TSGP.

B. Submit a Tribal resolution from the appropriate governing body of each Indian Tribe to be served by the ISDEAA Compact authorizing the submission of the Negotiation Cooperative Agreement application. Tribal consortia applying for a TSGP Negotiation Cooperative Agreement shall submit Tribal Council resolutions from each Tribe in the consortium. Tribal resolutions can be attached to the electronic online application. Applications by Tribal organizations will not require a specific Tribal resolution if the current Tribal resolution(s) under which they operate would encompass the proposed grant activities.

Draft Tribal resolutions are acceptable in lieu of official signed resolutions and can be submitted along with the electronic application. However, an official signed Tribal resolution must be received by the Division of Grants Management (DGM) prior to the beginning of the Objective Review. If the DGM does not receive an official signed resolution by the Review Date listed under the Key Dates section on page one of this announcement, the application will be considered incomplete and ineligible.

Official signed Tribal resolutions can be mailed to the DGM, Attn: Mr. John Hoffman, 801 Thompson Avenue, TMP Suite 360, Rockville, MD 20852. Applicants submitting Tribal resolutions after or aside from the required online electronic application submission must ensure that the information is received by the IHS, DGM. It is highly recommended that the documentation be sent by a delivery method that includes delivery confirmation and tracking. Please contact Mr. Hoffman by telephone at (301) 443–5204 prior to the Review Date regarding submission questions.

C. Demonstrate, for three fiscal years, financial stability and financial management capability. The Indian Tribe must provide evidence that, for the three years prior to participation in Self-Governance, the Indian Tribe has had no uncorrected significant and material audit exceptions in the required annual audit of the Indian Tribe's Self-Determination Contracts or Self-Governance Funding Agreements with any Federal agency. *See* 25 U.S.C. § 458aaa–2; 42 CFR §§ 137.15–23.

For Tribes or Tribal organizations that expended $300,000 or more ($500,000 for FYs ending after December 31, 2003) in Federal awards, the OTSG shall retrieve the audits directly from the Federal Audit Clearinghouse database.

For Tribes or Tribal organizations that expended less than $300,000 ($500,000 for FYs ending after December 31, 2003) in Federal awards, the Tribe or Tribal organization must provide evidence of the program review correspondence from IHS or Bureau of Indian Affairs officials. *See* 42 CFR §§ 137.21–23.

Meeting the eligibility criteria for a Negotiation Cooperative Agreement does not mean that a Tribe or Tribal organization is eligible for participation in the IHS TSGP under Title V of the ISDEAA. *See* 25 U.S.C. § 458aaa–2; 42 CFR §§ 137.15–23. For additional information on eligibility for the IHS TSGP, please visit the Eligibility and Funding page on the OTSG Web site, located at: *http://www.ihs.gov/SelfGovernance.*

Note: Please refer to Section IV.2 (Application and Submission Information/ Subsection 2, Content and Form of Application Submission) for additional proof of applicant status documents required such as Tribal resolutions, proof of non-profit status, etc.

2. Cost Sharing or Matching

The IHS does not require matching funds or cost sharing for grants or cooperative agreements.

3. Other Requirements

If application budgets exceed the highest dollar amount outlined under the ''Estimated Funds Available'' section within this funding announcement, the application will be considered ineligible and will not be reviewed for further consideration. If deemed ineligible, the IHS will not return the application. The applicant will be notified by email by the DGM of this decision.

IV. Application and Submission Information

1. Obtaining Application Materials

The application package and detailed instructions for this announcement can be found at *http://www.Grants.gov* or *https://www.ihs.gov/dgm/index.cfm?module=dsp_dgm_funding.*

Questions regarding the electronic application process may be directed to Mr. Paul Gettys at (301) 443–2114.

2. Content and Form Application Submission

The applicant must include the project narrative as an attachment to the application package. Mandatory documents for all applicants include:

- Table of contents.
- Abstract (one page) summarizing the project.
- Application forms:
  - SF–424, Application for Federal Assistance.
  - SF–424A, Budget Information—Non-Construction Programs.
  - SF–424B, Assurances—Non-Construction Programs.
- Budget Justification and Narrative (must be single-spaced and not exceed five pages).
- Project Narrative (must be single-spaced and not exceed ten pages).
  - Background information on the Tribe or Tribal organization.
  - Proposed scope of work, objectives, and activities that provide a description of what will be accomplished, including a one-page Timeframe Chart.
- Tribal Resolution(s).
- 501(c)(3) Certificate (if applicable).
- Biographical sketches for all Key Personnel.
- Contractor/Consultant resumes or qualifications and scope of work.
- Disclosure of Lobbying Activities (SF–LLL).
- Certification Regarding Lobbying (GG-Lobbying Form).
- Copy of current Negotiated Indirect Cost rate (IDC) agreement (required) in order to receive IDC.
- Organizational Chart (optional).

Public Policy Requirements

All Federal-wide public policies apply to IHS grants and cooperative agreements with exception of the Discrimination policy.

Requirements for Project and Budget Narratives

A. *Project Narrative:* This narrative should be a separate Word document that is no longer than ten pages and must: Be single-spaced, be type written, have consecutively numbered pages, use black type not smaller than 12 characters per one inch, and be printed on one side only of standard size 8½″ x 11″ paper.

Be sure to succinctly address and answer all questions listed under the evaluation criteria (refer to Section V.I, Evaluation criteria in this announcement) and place all responses and required information in the correct section (noted below), or it will not be considered or scored. These narratives will assist the Objective Review Committee (ORC) in becoming familiar with the applicant's activities and accomplishments prior to the cooperative agreement award. If the narrative exceeds the page limit, only the first ten pages will be reviewed. The 10-page limit for the narrative does not include the work plan, standard forms, Tribal resolutions, table of contents, budget and budget justifications, narratives, and/or other appendix items.

There are three parts to the narrative, including: (1) Part A—Program Information; (2) Part B—Program Planning and Evaluation; and (3) Part C—Program Report. See below for additional details about what must be included in the narrative.

Part A: Program Information (4 page limitation)

Section 1: Needs

Introduction and Need for Assistance

Demonstrate that the Tribe has conducted previous self-governance planning activities by clearly stating the results of what was learned during the planning process. Explain how the Tribe has determined it has the knowledge and expertise to assume or expand PSFAs. Identify the need for assistance and how the Negotiation Cooperative Agreement would benefit the health activities the Tribe is preparing to assume or expand.

Part B: Program Planning and Evaluation (4 page limitation)

Section 1: Program Plans

Project Objective(s), Work Plan and Approach

State in measurable terms the objectives and appropriate activities to achieve the following Cooperative Agreement Recipient Award Activities:

(a) Determine the PSFAs that will be negotiated into the Tribe's Compact and Funding Agreement. Prepare and discuss each PSFA in comparison to the current level of services provided so that an informed decision can be made on new or expanded program assumption.

(b) Identify Tribal shares associated with the PSFAs that will be included in the Funding Agreement.

(c) Develop the terms and conditions that will be set forth in both the Compact and Funding Agreement to submit to the ALN prior to negotiations.

Describe fully and clearly how the Tribe's proposal will result in an improved approach to managing the PSFAs to be assumed or expanded. Include how the Tribe plans to demonstrate improved health services to the community and incorporate the proposed timelines for negotiations.

Organizational Capabilities, Key Personnel and Qualifications

Describe the organizational structure of the Tribe and its ability to manage the proposed project. Include resumes or position descriptions of key staff showing requisite experience and expertise. If applicable, include resumes and scope of work for consultants that demonstrate experience and expertise relevant to the project.

Section 2: Program Evaluation

Describe fully and clearly the improvements that will be made by the Tribe to manage the health care system and identify the anticipated or expected benefits for the Tribe. Define the criteria to be used to evaluate objectives associated with the project.

Part C: Program Report (2 page limitation)

Section 1: Describe major accomplishments over the last 24 months.

Please identify and describe significant health related accomplishments associated with the delivery of quality health services. This section should highlight major program achievements over the last 24 months.

Section 2: Describe major activities over the last 24 months.

Please provide an overview of significant program activities associated with the delivery of quality health services over the last 24 months. This section should address significant program activities including those related to the accomplishments listed in the previous section.

B. Budget Narrative: This narrative must include a line item budget with a narrative justification for all expenditures identifying reasonable and allowable costs necessary to accomplish the goals and objectives as outlines in the project narrative. Budget should match the scope of work described in the project narrative. The page limitation should not exceed five pages.

3. Submission Dates and Times

Applications must be submitted electronically through Grants.gov by 12:00 a.m., midnight Eastern Daylight Time (EDT) on the Application Deadline Date listed in the Key Dates section on page one of this announcement. Any application received after the application deadline will not be accepted for processing, nor will it be given further consideration for funding. Grants.gov will notify the applicant via email if the application is rejected.

If technical challenges arise and assistance is required with the electronic application process, contact Grants.gov Customer Support via email to *support@grants.gov* or at (800) 518–4726. Customer Support is available to address questions 24 hours a day, 7 days a week (except on Federal holidays). If problems persist, contact Mr. Paul Gettys, DGM, at *Paul.Gettys@ihs.gov* or at (301) 443–2114. Please be sure to contact Mr. Gettys at least ten days prior to the application deadline. Please do not contact the DGM until you have received a Grants.gov tracking number. In the event you are not able to obtain a tracking number, call the DGM as soon as possible.

If the applicant needs to submit a paper application instead of submitting electronically through Grants.gov, a waiver must be requested. Prior approval must be requested and obtained from Ms. Tammy Bagley, Acting Director of DGM (see Section IV.6 below for additional information). The waiver must: (1.) Be documented in writing (emails are acceptable), *before* submitting a paper application, and (2.) include clear justification for the need to deviate from the required electronic grants submission process. A written waiver request can be sent to *GrantsPolicy@ihs.gov* with a copy to *Tammy.Bagley@ihs.gov.* Once the waiver request has been approved, the applicant will receive a confirmation of approval and the mailing address to submit the application. A copy of the written approval *must* be submitted along with the hardcopy that is mailed to DGM. Paper applications that are submitted without a copy of the signed waiver from the Acting Director of the DGM will not be reviewed or considered for funding. The applicant will be notified via email of this decision by the Grants Management Officer of the DGM. Paper applications that are submitted without a copy of the signed waiver from the Acting Director of the DGM will not be reviewed or considered for funding. The applicant will be notified via email of this decision by the Grants Management Officer of the DGM. Paper applications must be received by the DGM no later than 5:00 p.m., EDT, on the Application Deadline Date listed in the Key Dates section on page one of this announcement. Late applications will not be accepted for processing or considered for funding.

4. Intergovernmental Review

Executive Order 12372 requiring intergovernmental review is not applicable to this program.

5. Funding Restrictions

- Pre-award costs are not allowable.
- The available funds are inclusive of direct and appropriate indirect costs.
- Only one cooperative agreement will be awarded per applicant per grant cycle. Tribes cannot apply for both the Planning Cooperative Agreement and the Negotiation Cooperative Agreement within the same grant cycle (new rule).
- IHS will not acknowledge receipt of applications.

6. Electronic Submission Requirements

All applications must be submitted electronically. Please use the *http://www.Grants.gov* Web site to submit an application electronically and select the ''Find Grant Opportunities'' link on the homepage. Download a copy of the application package, complete it offline, and then upload and submit the completed application via the *http://www.Grants.gov* Web site. Electronic copies of the application may not be submitted as attachments to email messages addressed to IHS employees or offices.

If the applicant receives a waiver to submit paper application documents, they must follow the rules and timelines that are noted below. The applicant must seek assistance at least ten days prior to the Application Deadline Date listed in the Key Dates section on page one of this announcement.

Applicants that do not adhere to the timelines for System for Award Management (SAM) and/or *http://www.Grants.gov* registration or that fail to request timely assistance with technical issues will not be considered for a waiver to submit a paper application.

Please be aware of the following:

- Please search for the application package in *http://www.Grants.gov* by entering the CFDA number or the Funding Opportunity Number. Both numbers are located in the header of this announcement.
- If you experience technical challenges while submitting your application electronically, please contact Grants.gov Support directly at: *support@grants.gov* or (800) 518–4726. Customer Support is available to address questions 24 hours a day, 7 days a week (except on Federal holidays).
- Upon contacting Grants.gov, obtain a tracking number as proof of contact. The tracking number is helpful if there are technical issues that cannot be resolved and a waiver from the agency must be obtained.
- If it is determined that a waiver is needed, the applicant must submit a request in writing (emails are acceptable) to *GrantsPolicy@ihs.gov* with a copy to *Tammy.Bagley@ihs.gov.* Please include clear justification for the need to deviate from the standard electronic submission process.
- If the waiver is approved, the application should be sent directly to the DGM by the Application Deadline Date listed in the Key Dates section on page one of this announcement.
- Applicants are strongly encouraged not to wait until the deadline date to begin the application process through Grants.gov as the registration process for SAM and Grants.gov could take up to fifteen working days.
- Please use the optional attachment feature in Grants.gov to attach additional documentation that may be requested by the DGM.
- All applicants must comply with any page limitation requirements described in this Funding Announcement.
- After electronically submitting the application, the applicant will receive an automatic acknowledgment from Grants.gov that contains a Grants.gov tracking number. The DGM will download the application from Grants.gov and provide necessary copies to the appropriate agency officials. Neither the DGM nor the OTSG will notify the applicant that the application has been received.
- Email applications will not be accepted under this announcement.

Dun and Bradstreet (D&B) Data Universal Numbering System (DUNS)

All IHS applicants and grantee organizations are required to obtain a DUNS number and maintain an active registration in the SAM database. The DUNS number is a unique 9-digit identification number provided by D&B which uniquely identifies each entity. The DUNS number is site specific; therefore, each distinct performance site may be assigned a DUNS number. Obtaining a DUNS number is easy, and there is no charge. To obtain a DUNS number, please access it through *http://fedgov.dnb.com/webform,* or to expedite the process, call (866) 705–5711.

All HHS recipients are required by the Federal Funding Accountability and Transparency Act of 2006, as amended (''Transparency Act''), to report information on subawards. Accordingly, all IHS grantees must notify potential first-tier subrecipients that no entity may receive a first-tier subaward unless the entity has provided its DUNS number to the prime grantee organization. This requirement ensures the use of a universal identifier to enhance the quality of information available to the public pursuant to the Transparency Act.

System for Award Management (SAM)

Organizations that were not registered with Central Contractor Registration (CCR) and have not registered with SAM will need to obtain a DUNS number first and then access the SAM online registration through the SAM home page at *https://www.sam.gov* (U.S. organizations will also need to provide an Employer Identification Number from the Internal Revenue Service that may take an additional 2–5 weeks to become active). Completing and submitting the registration takes approximately one hour to complete and SAM registration will take 3–5 business days to process. Registration with the SAM is free of charge. Applicants may register online at *https://www.sam.gov.*

Additional information on implementing the Transparency Act, including the specific requirements for DUNS and SAM, can be found on the IHS Grants Management, Grants Policy Web site: *https://www.ihs.gov/dgm/index.cfm?module=dsp_dgm_policy_topics.*

V. Application Review Information

The instructions for preparing the application narrative also constitute the evaluation criteria for reviewing and scoring the application. Weights assigned to each section are noted in parentheses. The 10 page narrative section should be written in a manner that is clear and concise to outside reviewers unfamiliar with prior related activities of the applicant. It should be well organized, succinct, and contain all information necessary for reviewers to understand the project fully. Points will be assigned to each evaluation criteria adding up to a total of 100 points. A minimum score of 60 points is required for funding. Points are assigned as follows:

1. Criteria

A. Introduction and Need for Assistance (25 Points)

Demonstrate that the Tribe has conducted previous self-governance planning activities by clearly stating the results of what was learned during the planning process. Explain how the Tribe has determined it has the knowledge and expertise to assume or expand PSFAs. Identify the need for assistance and how the Negotiation Cooperative Agreement would benefit the health activities the Tribe is preparing to assume or expand.

B. Project Objective(s), Work Plan and Approach (25 Points)

State in measurable terms the objectives and appropriate activities to achieve the following Cooperative Agreement Recipient Award Activities:

(1) Determine the PSFAs that will be negotiated into the Tribe's Compact and Funding Agreement. Prepare and discuss each PSFA in comparison to the current level of services provided so that an informed decision can be made on new or expanded program assumption.

(2) Identify Tribal shares associated with the PSFAs that will be included in the Funding Agreement.

(3) Develop the terms and conditions that will be set forth in both the Compact and Funding Agreement to submit to the ALN prior to negotiations.

Clearly describe how the Tribe's proposal will result in an improved approach to managing the PSFAs to be assumed or expanded. Include how the Tribe plans to demonstrate improved health care services to the community and incorporate the proposed timelines for negotiations.

C. Program Evaluation (25 Points)

Describe fully the improvements that will be made by the Tribe to manage the health care system and identify the anticipated or expected benefits for the Tribe. Define the criteria to be used to evaluate objectives associated with the project.

D. Organizational Capabilities, Key Personnel and Qualifications (15 Points)

Describe the organizational structure of the Tribe and its ability to manage the proposed project. Include resumes or position descriptions of key staff showing requisite experience and expertise. If applicable, include resumes and scope of work for consultants that demonstrate experience and expertise relevant to the project.

E. Categorical Budget and Budget Justification (10 Points)

Submit a budget with a narrative describing the budget request and matching the scope of work described in the project narrative. Justify all expenditures identifying reasonable and allowable costs necessary to accomplish the goals and objectives as outlined in the project narrative.

Additional documents can be uploaded as Appendix Items in Grants.gov:

- Work plan, logic model and/or time line for proposed objectives.
- Position descriptions for key staff.
- Resumes of key staff that reflect current duties.
- Consultant or contractor proposed scope of work and letter of commitment (if applicable).
- Current Indirect Cost Agreement.
- Organizational chart.
- Map of area identifying project location(s).
- Additional documents to support narrative (i.e. data tables, key news articles, etc.).

2. Review and Selection

Each application will be prescreened by the DGM staff for eligibility and completeness as outlined in the funding announcement. Applications that meet the minimum eligibility criteria shall be reviewed for merit by the ORC based on evaluation criteria in this funding announcement. The ORC is composed of both Tribal and Federal reviewers appointed by the OTSG to review and make recommendations on these applications. The technical review process ensures selection of quality projects in a national competition for limited funding. Incomplete applications and applications that are non-responsive to the eligibility criteria will not be referred to the ORC. Applicants will be notified by DGM, via email, to outline minor missing components (i.e., budget narratives, audit documentation, key contact form) needed for an otherwise complete application. All missing documents must be sent to DGM on or before the due date listed in the email of notification of missing documents required.

To obtain a minimum score for funding by the ORC, applicants must address all program requirements and provide all required documentation.

VI. Award Administration Information

1. Award Notices

The Notice of Award (NoA) is a legally binding document signed by the Grants Management Officer and serves as the official notification of the grant award. The NoA will be initiated by the DGM in our grant system, GrantSolutions (*https://www.grantsolutions.gov*). Each entity that is approved for funding under this announcement will need to request or have a user account in GrantSolutions in order to retrieve their NoA. The NoA is the authorizing document for which funds are dispersed to the approved entities and reflects the amount of Federal funds awarded, the purpose of the grant, the terms and conditions of the award, the effective date of the award, and the budget/project period.

Disapproved Applicants

Applicants who received a score less than the recommended funding level for approval, 60 points and were deemed to be disapproved by the ORC, will receive an Executive Summary Statement from the OTSG within 30 days of the conclusion of the ORC outlining the strengths and weaknesses of their application submitted. The OTSG will also provide additional contact information as needed to address questions and concerns as well as provide technical assistance if desired.

Approved But Unfunded Applicants

Approved but unfunded applicants that met the minimum scoring range and were deemed by the ORC to be ''Approved,'' but were not funded due to lack of funding, will have their applications held by DGM for a period of one year. If additional funding becomes available during the course of FY 2014, then the approved application may be re-considered by the OTSG for possible funding. The applicant will also receive an Executive Summary Statement from the OTSG within 30 days of the conclusion of the ORC.

Note: Any correspondence other than the official NoA signed by an IHS Grants Management Official announcing to the Project Director that an award has been made to their organization is not an authorization to implement their program on behalf of IHS.

2. Administrative Requirements

Cooperative agreements are administered in accordance with the following regulations, policies, and OMB cost principles:

A. The criteria as outlined in this Program Announcement.

B. Administrative Regulations for Grants:
- 45 CFR Part 92, Uniform Administrative Requirements for Grants and Cooperative Agreements to State, Local and Tribal Governments.
- 45 CFR Part 74, Uniform Administrative Requirements for Awards and Subawards to Institutions of Higher Education, Hospitals, and other Non-profit Organizations.

C. Grants Policy:
- HHS Grants Policy Statement, Revised 01/07.

D. Cost Principles:
- 2 CFR Part 225—Cost Principles for State, Local, and Indian Tribal Governments (OMB Circular A–87).
- 2 CFR Part 230—Cost Principles for Non-Profit Organizations (OMB Circular A–122).

E. Audit Requirements:
- OMB Circular A–133, Audits of States, Local Governments, and Non-profit Organizations.

3. Indirect Costs

This section applies to all grant recipients that request reimbursement of indirect costs (IDC) in their grant application. In accordance with HHS Grants Policy Statement, Part II–27, IHS requires applicants to obtain a current IDC rate agreement prior to award. The rate agreement must be prepared in accordance with the applicable cost principles and guidance as provided by

the cognizant agency or office. A current rate covers the applicable grant activities under the current award's budget period. If the current rate is not on file with the DGM at the time of award, the IDC portion of the budget will be restricted. The restrictions remain in place until the current rate is provided to the DGM.

Generally, IDC rates for IHS grantees are negotiated with the Division of Cost Allocation (DCA) *https://rates.psc.gov/* and the Department of Interior (Interior Business Center) *http://www.doi.gov/ibc/services/Indirect_Cost_Services/index.cfm.* For questions regarding the indirect cost policy, please call the DGM staff to request assistance at (301) 443–5204.

4. Reporting Requirements

The grantee must submit required reports consistent with the applicable deadlines. Failure to submit required reports within the time allowed may result in suspension or termination of an active grant, withholding of additional awards for the project, or other enforcement actions such as withholding of payments or converting to the reimbursement method of payment. Continued failure to submit required reports may result in one or both of the following: (1) The imposition of special award provisions; and (2) the non-funding or non-award of other eligible projects or activities. This requirement applies whether the delinquency is attributable to the failure of the grantee organization or the individual responsible for preparation of the reports. Reports must be submitted electronically via GrantSolutions. Personnel responsible for submitting reports will be required to obtain a login and password for GrantSolutions. Please see the Agency Contacts list in section VII for the systems contact information.

The reporting requirements for this program are noted below.

A. Progress Reports

Program progress reports are required semi-annually, within 30 days after the budget period ends. These reports must include a brief comparison of actual accomplishments to the goals established for the period, or, if applicable, provide sound justification for the lack of progress, and other pertinent information as required. A final report must be submitted within 90 days of expiration of the budget/project period.

B. Financial Reports

Federal Financial Report FFR (SF–425), Cash Transaction Reports are due 30 days after the close of every calendar quarter to the Division of Payment Management, HHS, at *http://www.dpm.psc.gov.* It is recommended that the applicant also send a copy of the FFR (SF–425) report to the Grants Management Specialist. Failure to submit timely reports may cause a disruption in timely payments to the organization.

Grantees are responsible and accountable for accurate information being reported on all required reports: the Progress Reports and Federal Financial Report.

C. Federal Subaward Reporting System (FSRS)

This award may be subject to the Transparency Act subaward and executive compensation reporting requirements of 2 CFR Part 170.

The Transparency Act requires the OMB to establish a single searchable database, accessible to the public, with information on financial assistance awards made by Federal agencies. The Transparency Act also includes a requirement for recipients of Federal grants to report information about first-tier subawards and executive compensation under Federal assistance awards.

IHS has implemented a Term of Award into all IHS Standard Terms and Conditions, NoAs, and funding announcements regarding the FSRS reporting requirement. This IHS Term of Award is applicable to all IHS grant and cooperative agreements issued on or after October 1, 2010, with a $25,000 subaward obligation dollar threshold met for any specific reporting period. Additionally, all new (discretionary) IHS awards (where the project period is made up of more than one budget period) and where: (1) The project period start date was October 1, 2010 or after; and (2) the primary awardee will have a $25,000 subaward obligation dollar threshold during any specific reporting period will be required to address the FSRS reporting. For the full IHS award term implementing this requirement and additional award applicability information, visit the DGM Grants Policy Web site at *https://www.ihs.gov/dgm/index.cfm?module=dsp_dgm_policy_topics.*

Telecommunication for the hearing impaired is available at TTY (301) 443–6394.

VII. Agency Contacts

1. Questions on the programmatic issues may be directed to: Jeremy Marshall, Program Official, Office of Tribal Self-Governance, 801 Thompson Avenue, Suite 240, Rockville, MD 20852, Phone: (301) 443–7821, Fax: (301) 443–1050, Email: *Jeremy.Marshall@ihs.gov*.

2. Questions on grants management and fiscal matters may be directed to: John Hoffman, Grants Management Specialist, Division of Grants Management, 801 Thompson Avenue, TMP Suite 360, Rockville, MD 20852, Phone: (301) 443–5204, Fax: (301) 443–9602, Email: *John.Hoffman@ihs.gov.*

3. Questions on systems matters may be directed to: Paul Gettys, Grant Systems Coordinator, 801 Thompson Avenue, TMP Suite 360, Rockville, MD 20852, Phone: 301–443–2114; or the DGM main line 301–443–5204, Fax: 301–443–9602, E-Mail: *Paul.Gettys@ihs.gov*.

VIII. Other Information

The Public Health Service strongly encourages all cooperative agreement and contract recipients to provide a smoke-free workplace and promote the non-use of all tobacco products. In addition, Pub. L. 103–227, the Pro-Children Act of 1994, prohibits smoking in certain facilities (or in some cases, any portion of the facility) in which regular or routine education, library, day care, health care, or early childhood development services are provided to children. This is consistent with the HHS mission to protect and advance the physical and mental health of the American people.

Date: _____

_____

Yvette Roubideaux, M.D., M.P.H.
Acting Director, Indian Health Service.

Email: *John.Hoffman@ihs.gov*.

3. Questions on systems matters may be directed to: Paul Gettys, Grant Systems Coordinator, 801 Thompson Avenue, TMP Suite 360, Rockville, MD 20852, Phone: 301–443–2114; or the DGM main line 301–443–5204, Fax: 301–443–9602; E-Mail: *Paul.Gettys@ihs.gov*.

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physical and mental health of the American people.

Dated: July 19, 2014.

Yvette Roubideaux,

Acting Director, Indian Health Service.

[FR Doc. 2014–17800 Filed 7–28–14; 8:45 am]

BILLING CODE 4165–16–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Center for Substance Abuse Prevention; Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given that the Substance Abuse and Mental Health Services Administration's (SAMHSA) Center for Substance Abuse Prevention (CSAP) National Advisory Council (NAC) will meet August 6, 2014, 1:00 p.m.–4:00 p.m.

A portion of the meeting is open to the public and will include a discussion of the Center's current administrative, legislative, and program developments. Public comments are welcome. To attend, or request special accommodations for persons with disabilities, please register at the SAMHSA Committees' Web site, *http://nac.samhsa.gov/Registration/meetingsRegistration.aspx* or contact the Council's Designated Federal Officer (DFO), Mr. Matthew J. Aumen (see contact information below).

The remainder of the meeting will include the review, discussion, and evaluation of grant applications reviewed by the Initial Review Group, and involve an examination of confidential financial and business information as well as personal information concerning the applicants. Therefore, this section of the meeting will be closed to the public as determined by the SAMHSA Administrator, in accordance with Title 5 U.S.C. § 552b(c)(4) and (6) and (c)(9)(B) and 5 U.S.C. App. 2, Section 10(d).

Individuals interested in making public comments or obtaining the meeting number and passcode are encouraged to notify the DFO, on or before July 30, 2014. Substantive program information, a summary of the meeting, and a roster of Council members may be obtained 30 days following the meeting by accessing the SAMHSA Committee Web site at *http://nac.samhsa.gov/* or contacting the DFO.

Committee Name: Substance Abuse and Mental Health Services, Administration Center for Substance Abuse Prevention, National Advisory Council.

Date/Time/Type: August 6, 2014 from 1:00 p.m. to 3:00 p.m. E.D.T.: (OPEN). August 6, 2014 from 3:00 p.m. to 4:00 p.m. E.D.T.: (CLOSED).

Place: Web cast (details provided upon registration).

Contact: Matthew J. Aumen, Designated Federal Officer, SAMHSA CSAP NAC, 1 Choke Cherry Road, Rockville, Maryland 20857, Telephone: 240–276–2419, Fax: 240–276–2430 and Email: *matthew.aumen@samhsa.hhs.gov*.

Cathy J. Friedman,

Public Health Analyst, Substance Abuse and Mental Health, Services Administration.

This notice is being published less than 15 days prior to the meeting due to the urgent need to meet timing limitations imposed by the review and funding cycle.

[FR Doc. 2014–17767 Filed 7–28–14; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R2–ES–2014–N158; FXES11130200000–145–FF02ENEH00]

Endangered and Threatened Species Permit Applications

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of applications; request for public comment.

SUMMARY: We, the U.S. Fish and Wildlife Service, invite the public to comment on the following applications to conduct certain activities with endangered or threatened species. The Endangered Species Act of 1973, as amended (Act), prohibits activities with endangered and threatened species unless a Federal permit allows such activities. Both the Act and the National Environmental Policy Act require that we invite public comment before issuing these permits.

DATES: To ensure consideration, written comments must be received on or before August 28, 2014.

ADDRESSES: Wendy Brown, Chief, Recovery and Restoration Branch, by U.S. mail at Division of Classification and Recovery, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, NM 87103; or by telephone at 505–248–6920. Please refer to the respective permit number for each application when submitting comments.

FOR FURTHER INFORMATION CONTACT: Susan Jacobsen, Chief, Division of Classification and Restoration, by U.S. mail at P.O. Box 1306, Albuquerque, NM 87103; or by telephone at 505–248–6665.

SUPPLEMENTARY INFORMATION:

Public Availability of Comments

The Act (16 U.S.C. 1531 *et seq.*) prohibits activities with endangered and threatened species unless a Federal permit allows such activities. Along with our implementing regulations in the Code of Federal Regulations (CFR) at 50 CFR part 17, the Act provides for permits, and requires that we invite public comment before issuing these permits. A permit granted by us under section 10(a)(1)(A) of the Act authorizes applicants to conduct activities with U.S. endangered or threatened species for scientific purposes, enhancement of survival or propagation, or interstate commerce. Our regulations regarding implementation of section 10(a)(1)(A) permits are found at 50 CFR 17.22 for endangered wildlife species, 50 CFR 17.32 for threatened wildlife species, 50 CFR 17.62 for endangered plant species, and 50 CFR 17.72 for threatened plant species.

Applications Available for Review and Comment

We invite local, State, Tribal, and Federal agencies and the public to comment on the following applications. Please refer to the appropriate permit number (e.g., Permit No. TE–123456) when requesting application documents and when submitting comments.

Documents and other information the applicants have submitted with these applications are available for review, subject to the requirements of the Privacy Act (5 U.S.C. 552a) and Freedom of Information Act (5 U.S.C. 552).

Permit TE–36687B

Applicant: Andrew Storfer, Whitman, Washington.

Applicant requests a new permit for research and recovery purposes to conduct presence/absence surveys and conduct tail clipping to collect 300 tissue samples of larval and adult Sonoran tiger salamanders (*Ambystoma tigrinum stebbinsi*) within Arizona.

Permit TE–099278

Applicant: Fred Phillips Consulting, Flagstaff, Arizona.

Applicant requests a renewal to a current permit for research and recovery purposes to conduct presence/absence surveys of southwestern willow

flycatcher (*Empidonax traillii extimus*) and Yuma clapper rail (*Rallus longirostris yumanensis*) within Arizona.

Permit TE–842565

Applicant: USDA, Forest Service—Cibola National Forest, Albuquerque, New Mexico.

Applicant requests a renewal to a current permit for research and recovery purposes to conduct presence/absence surveys for southwestern willow flycatcher (*Empidonax traillii extimus*) within New Mexico.

Permit TE–078347

Applicant: U.S. Fish and Wildlife Service—Cabeza Prieta National Wildlife Refuge, Ajo, Arizona.

Applicant requests a renewal to a current permit for research and recovery purposes to conduct presence/absence surveys and management activities for Sonoran pronghorn (*Antilocapra americana sonoriensis*) on the Refuge in Arizona.

Permit TE–835139

Applicant: Hawks Aloft, Inc., Albuquerque, New Mexico.

Applicant requests a renewal to an expired permit for research and recovery purposes to conduct presence/absence surveys of southwestern willow flycatcher (*Empidonax traillii extimus*) within New Mexico.

Permit TE–28891A

Applicant: Timothy Tristan, Corpus Christi, Texas.

Applicant requests a renewal to a current permit for research and recovery purposes to conduct sea turtle stranding and stranding activities, rehabilitation, satellite tracking, and nest detection of the following sea turtles in Texas:

- Kemp's ridley sea turtle (*Lepidochelys kempii*)
- Loggerhead sea turtle (*Caretta caretta*)
- Hawksbill sea turtle (*Eretmochelys imbricata*)
- Green sea turtle (*Chelonia mydas*)
- Leatherback sea turtle (*Dermochelys coriacea*)

Permit TE–233205

Applicant: Thomas Bonn, Lockhart, Texas.

Applicant requests an amendment to a current permit for research and recovery purposes to conduct presence/absence surveys of golden-cheeked warbler (*Dendroica chrysoparia*) within Texas.

Permit TE – 37416B

Applicant: Cambrian Environmental, Austin, Texas.

Applicant requests a new permit for research and recovery purposes to conduct presence/absence surveys of the following species within Texas:

- Bee Creek Cave harvestman (*Texella reddelli*)
- Bone Cave harvestman (*Texella reyesi*)
- Braken Bat Cave meshweaver (*Cicurina venii*)
- Coffin Cave mold beetle (*Batrisodes texanus*)
- Cokendolpher Cave harvestman (*Texella cokendolpheri*)
- Government Canyon Bat Cave meshweaver (*Cicurina vespera*)
- Government Canyon Bat Cave spider (*Neoleptoneta microps*)
- Ground beetle (Unnamed) (*Rhadine exilis)*
- Ground beetle (Unnamed) (*Rhadine infernalis*)
- Helotes mold beetle (*Batrisodes venyivi*)
- Interior least tern (*Sterna antillarum*)
- Kretschmarr Cave mold beetle (*Texamaurops reddelli*)
- Madla Cave meshweaver (*Cicurina madla*)
- Robber Baron Cave meshweaver (*Cicurina baronia*)
- Tooth Cave ground beetle (*Rhadine persephone*)
- Tooth Cave pseudoscorpion (*Tartarocreagris texana*)
- Tooth Cave spider (*Neoleptoneta* (=*Leptoneta*) *myopica*)

Permit TE–37418B

Applicant: Brown and Gay Engineers, Inc., Frisco, Texas.

Applicant requests a new permit for research and recovery purposes to conduct presence/absence surveys for golden-cheeked warbler (*Dendroica chrysoparia*) and black-capped vireo (*Vireo atricapilla*) within Texas.

Permit TE–233201

Applicant: Amistad National Recreation Area, Del Rio, Texas.

Applicant requests a renewal to a current permit for research and recovery purposes to conduct presence/absence surveys of interior least tern (*Sterna antillarum*) within Texas.

Permit TE–37946B

Applicant: Marjorie Wright, Española, New Mexico.

Applicant requests a new permit for research and recovery purposes to conduct presence/absence surveys of Jemez mountain salamander (*Plethodon neomexicanus*) within New Mexico.

Permit TE–172278

Applicant: John Abbott, Cedar Park, Texas.

Applicant requests a renewal to a current permit for research and recovery purposes to conduct presence/absence surveys of American burying beetle (*Nicrophorus americanus*) within Texas and Oklahoma.

Permit TE–37948B

Applicant: HDR Engineering, Inc., Austin, Texas.

Applicant requests a new permit for research and recovery purposes to conduct presence/absence surveys of Neosho mucket (*Lampsilis rafinesqueana*) within Oklahoma.

Permit TE–814933

Applicant: Texas Parks and Wildlife Department, Austin, Texas.

Applicant requests a renewal to a current permit for research and recovery purposes to conduct presence/absence surveys of the following species within Texas:

- Barton Springs salamander (*Eurycea sosorum*)
- Bee Creek Cave harvestman (*Texella reddelli*)
- Big Bend gambusia (*Gambusia gaigei*)
- Black-capped vireo (*Vireo atricapilla*)
- Bone Cave harvestman (*Texella reyesi*)
- Braken Bat Cave meshweaver (*Cicurina venii*)
- Clear Creek gambusia (*Gambusia heterochir*)
- Coffin Cave mold beetle (*Batrisodes texanus*)
- Cokendolpher Cave harvestman (*Texella cokendolpheri*)
- Comal Springs dryopid beetle (*Stygoparnus comalensis*)
- Comal Springs riffle beetle (*Heterelmis comalensis*)
- Comanche Springs pupfish (*Cyprinodon elegans*)
- Fountain darter (*Etheostoma fonticola*)
- Golden-cheeked warbler (*Dendroica chrysoparia*)
- Government Canyon Bat Cave meshweaver (*Cicurina vespera*)
- Government Canyon Bat Cave spider (*Neoleptoneta microps*)
- Green sea turtle (*Chelonia mydas*)
- Ground beetle (Unnamed) (*Rhadine exilis)*
- Ground beetle (Unnamed) (*Rhadine infernalis*)
- Hawksbill sea turtle (*Eretmochelys imbricata*)
- Helotes mold beetle (*Batrisodes venyivi*)
- Interior least tern (*Sterna antillarum*)
- Jaguarundi (*Herpailurus yagouaroundi*)
- Kemp's ridley sea turtle (*Lepidochelys kempii*)

- Kretschmarr Cave mold beetle (*Texamaurops reddelli*)
- Lesser long-nosed bat (*Leptonycteris yerbabuenae*)
- Loggerhead sea turtle (*Caretta caretta*)
- Leatherback sea turtle (*Dermochelys coriacea*)
- Madla Cave meshweaver (*Cicurina madla*)
- Mexican long-nosed bat (*Leptonycteris nivalis*)
- Northern aplomado falcon (*Falco femoralis*)
- Ocelot (*Leopardus pardalis*)
- Peck's Cave amphipod (*Stygobromus* (=*stygonectes*) *pecki*)
- Piping plover (*Charadrius melodus*)
- Red-cockaded woodpecker (*Picoides borealis*)
- Rio Grande silvery minnow (*Hybognathus amarus*)
- Robber Baron Cave meshweaver (*Cicurina baronia*)
- San Marcos salamander (*Eurycea nana*)
- Southwestern willow flycatcher (*Empidonax traillii extimus*)
- Texas blind salamander (*Eurycea rathbuni*)
- Tooth Cave ground beetle (*Rhadine persephone*)
- Tooth Cave pseudoscorpion (*Tartarocreagris texana*)
- Tooth Cave spider (*Neoleptoneta* (=*Leptoneta*) *myopica*)
- Whooping crane (*Grus americana*)

Permit TE–07059A

Applicant: Paul Marsh, Tempe, Arizona.

Applicant requests a renewal to a current permit for research and recovery purposes to conduct presence/absence surveys of the following species within Arizona:

- Bonytail chub (*Gila elegans*)
- Colorado pikeminnow (*Ptychocheilus lucius*)
- Desert pupfish (*Cyprinodon macularius*)
- Gila chub (*Gila intermedia*)
- Gila topminnow (*Poeciliopsis occidentalis*)
- Loach minnow (*Tiaroga cobitis*)
- Quitobaquito pupfish (*Cyprinodon macualarius eremus*)
- Razorback sucker (*Xyrauchen texanus*)
- Spikedace (*Meda fulgida*)
- Virgin River chub (*Gila robusta seminuda*)
- Woundfin (*Plagopterus argentissimus*)
- Yaqui topminnow (*Poeciliopsis occidentalis sonrensis*)

Permit TE–43746A

Applicant: Northern Arizona University, Tempe, Arizona.

Applicant requests a renewal to a current permit for research and recovery purposes to conduct presence/absence surveys of southwestern willow flycatcher (*Empidonax traillii extimus*) within Arizona.

Permit TE–24623A

Applicant: Miller Park Zoo, Bloomington, Illinois.

Applicant requests a renewal to a current permit for research and recovery purposes to trap and release, transport, and captively breed Mount Graham red squirrels (*Tamiasciurus hudsonicus grahamensis*) within Miller Park Zoo and in known Mount Graham red squirrel habitat within Arizona.

Permit TE–59580A

Applicant: Rocky Mountain Ecology, Durango, Colorado.

Applicant requests an amendment to a current permit for research and recovery purposes to conduct presence/absence surveys of southwestern willow flycatcher (*Empidonax traillii extimus*) within Colorado.

Permit TE–797127

Applicant: U.S. Army Corps of Engineers, Albuquerque, New Mexico.

Applicant requests a renewal to a current permit for research and recovery purposes to conduct presence/absence surveys of the following species within Arizona, New Mexico, and Colorado:

- Interior least tern (*Sterna antillarum*)
- Northern aplomado falcon (*Falco femoralis*)
- Piping plover (*Charadrius melodus*)
- Rio Grande silvery minnow (*Hybognathus amarus*)
- Southwestern willow flycatcher (*Empidonax traillii extimus*)
- Whooping crane (*Grus americana*)

They also request seed collection of the following plant species within New Mexico:

- Holy Ghost ipomopsis *(Ipomopsis sancti-spiritus)*
- Knowlton cactus *(Pediocactus knowltonii)*
- Kuenzler's hedgehog cactus *(Echinocereus fendleri* var. *kuenzleri)*
- Mancos milk-vetch *(Astragalus humillimus)*
- Sacramento prickly poppy *(Argemone pleiacantha* spp. *pinnatisecta*)
- Sneed pincushion cactus *(Coryphantha sneedii* var. *sneedii)*
- Todsen's pennyroyal *(Hedeoma todsenii)*
- Gypsum wild-buckwheat *(Eriogonum gypsophilum)*
- Lee pincushion cactus *(Coryphantha sneedii* var. *leei)*
- Mesa Verde cactus *(Sclerocactus mesae-verdae)*
- Pecos sunflower *(Helianthus paradoxus)*
- Sacramento Mountains thistle *(Cirsium vinaceum)*
- Zuni fleabane *(Erigeron rhizomatus)*

Permit TE–088197

Applicant: High Mesa Research, LLC., Valdez, New Mexico.

Applicant requests a renewal to a current permit for research and recovery purposes to conduct presence/absence surveys of southwestern willow flycatcher (*Empidonax traillii extimus*) within Arizona, California, Colorado, Nevada, New Mexico, and Utah.

Permit TE–40088B

Applicant: Jennifer Frey, Radium Springs, New Mexico.

Applicant requests a new permit for research and recovery purposes to conduct presence/absence surveys of New Mexico meadow jumping mouse (*Zapus hudsonicus luteus*) within New Mexico.

Permit TE–40089B

Applicant: Botanical and Nature Institute of South Texas, Inc., Corpus Christi, Texas.

Applicant requests a new permit for research and recovery purposes to propagate and maintain refugia populations of slender rush-pea (*Hoffmannseggia tenella*) and black lace cactus (*Echinocereus reichenbachii* var. *albertii*) at the botanical garden in Texas.

Permit TE–33863A

Applicant: Deborah Blackburn, Austin, Texas.

Applicant requests a renewal to a current permit for research and recovery purposes to conduct presence/absence surveys of golden-cheeked warbler (*Dendroica chrysoparia*) within Texas, and southwestern willow flycatcher (*Empidonax traillii extimus*) within Arizona, California, Colorado, Nevada, New Mexico, and Utah.

National Environmental Policy Act (NEPA)

In compliance with NEPA (42 U.S.C. 4321 *et seq.*), we have made an initial determination that the proposed activities in these permits are categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement (516 DM 6 Appendix 1, 1.4C(1)).

Public Availability of Comments

All comments and materials we receive in response to this request will be available for public inspection, by appointment, during normal business

hours at the address listed in the **ADDRESSES** section of this notice.

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

We provide this notice under section 10 of the Act (16 U.S.C. 1531 *et seq.*)

Dated: July 15, 2014.

Joy. E. Nicholopoulos,

Acting Regional Director, Southwest Region, U.S. Fish and Wildlife Service.

[FR Doc. 2014–17678 Filed 7–28–14; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Geological Survey

Open Meeting of the Advisory Committee on Water Information (ACWI)

AGENCY: United States Geological Survey, Interior.

ACTION: Notice of an open meeting of the Advisory Committee on Water Information (ACWI).

SUMMARY: Notice is hereby given of a meeting of the ACWI. This meeting is to discuss broad policy-related topics relating to national water initiatives, and the development and dissemination of water information, through reports from ACWI subgroups. The agenda will include updates from ACWI's various subcommittees; a report on the 9th National Monitoring Conference, which was held earlier this year in Cincinnati, Ohio; a presentation of the water chapter of the *Third National Climate Assessment;* and a report on the Hydrologic Frequency Analysis Work Group's progress on revising Bulletin 17B, Guidelines For Determining Flood Flow Frequency.

The ACWI was established under the authority of the Office of Management and Budget Memorandum M–92–01 and the Federal Advisory Committee Act. The purpose of the ACWI is to provide a forum for water information users and professionals to advise the Federal Government on activities and plans that may improve the effectiveness of meeting the Nation's water information needs. Member organizations help to foster communications between the Federal and non-Federal sectors on sharing water information.

Membership, limited to 35 organizations, represents a wide range of water resources interests and functions. Representation on the ACWI includes all levels of government, academia, private industry, and professional and technical societies. For more information on the ACWI, its membership, subgroups, meetings and activities, please see the Web site at: *http://ACWI.gov.*

DATES: The formal meeting will take place from 9:00 a.m. until 4:30 p.m. on August 19, 2014, and from 9:00 a.m. until 4:30 p.m. on August 20, 2014 (times are Eastern Daylight Time).

ADDRESSES: The meeting will be held in the auditorium of the U.S. Geological Survey National Center, located at 12201 Sunrise Valley Drive, Reston, Virginia 20192. The meeting will also be accessible by teleconference and WebEx. There will also be a teleconference line and a WebEx internet link available for the use of those who cannot attend in person. Information on the teleconference and WebEx will be available on the ACWI Web site: *http://acwi.gov.*

FOR FURTHER INFORMATION CONTACT: Ms. Wendy E. Norton, ACWI Executive Secretary and Chief, Water Information Coordination Program, U.S. Geological Survey, 12201 Sunrise Valley Drive, MS 417, Reston, VA 20192. Telephone 703–648–6810; Fax 703–648–5644; email *wenorton@usgs.gov.*

SUPPLEMENTARY INFORMATION: This meeting is open to the public. Up to a half hour will be set aside for public comment. Persons wishing to make a brief presentation (up to 5 minutes) are asked to provide a written request with a description of the general subject to Ms. Norton at the above address no later than July 31, 2012. It is requested that 65 copies of a written statement be submitted at the time of the meeting for distribution to members of the ACWI and placement in the official file. Any member of the public may submit written information and (or) comments to Ms. Norton for distribution at the ACWI meeting.

Wendy E. Norton,

Chief, Water Information Coordination Program.

[FR Doc. 2014–17799 Filed 7–28–14; 8:45 am]

BILLING CODE 4311–AM–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–16118; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: U.S. Department of Agriculture, Forest Service, Tonto National Forest, Phoenix, AZ, and San Diego Museum of Man, San Diego, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The U.S. Department of Agriculture (USDA), Forest Service, Tonto National Forest and the San Diego Museum of Man have completed an inventory of human remains and associated funerary objects, in consultation with the appropriate Indian tribes or Native Hawaiian organizations, and have determined that there is a cultural affiliation between the human remains and associated funerary objects and present-day Indian tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to the Tonto National Forest. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the lineal descendants, Indian tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to the Tonto National Forest at the address in this notice by August 28, 2014.

ADDRESSES: Scott Wood, Heritage Program Manager, Tonto National Forest, 2324 E. McDowell Road, Phoenix, AZ 85006, telephone (602) 225–5231, email *swood01@fs.fed.us.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of the USDA Forest Service, Tonto National Forest and in the physical custody of the San Diego Museum of Man. The human remains and associated funerary

objects were removed from the Tonto National Forest prior to 1972.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the San Diego Museum of Man professional staff (as the agent of the USDA Tonto National Forest) in consultation with representatives of the Ak Chin Indian Community of the Maricopa (Ak Chin) Indian Reservation, Arizona; Gila River Indian Community of the Gila River Indian Reservation, Arizona; Hopi Tribe of Arizona; Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona; Tohono O'odham Nation of Arizona; and the Zuni Tribe of the Zuni Reservation, New Mexico.

History and Description of the Remains

Sometime prior to 1972, the cremated skeletal remains of at least one individual were discovered in a cremation pot at an archeological site in the Tonto Basin, AZ, on land under the jurisdiction of the Tonto National Forest. The human remains and the associated funerary object were collected by Mr. Thomas W. Sefton, and donated to the San Diego Museum of Man on December 8, 2003. No known individuals were identified. The associated funerary object is a cremation pot.

According to the Museum of Man records, the human remains and associated funerary object are believed to date to approximately 1100 A.D. The cremated bones appear to have been placed in the pot after the cremation, and then both the bones and pot were re-fired. Much of the design of the pot was lost during this process.

The human remains and the pot containing them have been determined by the Tonto National Forest to belong to the Hohokam archeological culture. The USDA Forest Service has determined that the cultural affiliation of cultural items associated with or reasonably related to the Hohokam, Salado, or Payson archeological traditions as they are identified on the Tonto National Forest lies with the modern O'odham people, represented by the Four Southern Tribes of Arizona: The Ak Chin Indian Community of the Maricopa (Ak Chin) Indian Reservation, Arizona; Gila River Indian Community of the Gila River Indian Reservation, Arizona (GRIC); Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona (SRPMIC); and the Tohono O'odham Nation of Arizona. The USDA Forest Service also recognizes a cultural affiliation with the Hopi Tribe of Arizona and the Zuni Tribe of the Zuni Reservation, New Mexico.

Determinations Made by the Tonto National Forest and the San Diego Museum of Man

Officials of the Tonto National Forest and the San Diego Museum of Man have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of one individual of Native American ancestry associated with the Hohokam archeological culture.
- Pursuant to 25 U.S.C. 3001(3)(A), the one object described in this notice is reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and the Ak Chin Indian Community of the Maricopa (Ak Chin) Indian Reservation, Arizona; Gila River Indian Community of the Gila River Indian Reservation, Arizona; Hopi Tribe of Arizona; Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona; Tohono O'odham Nation of Arizona; and Zuni Tribe of the Zuni Reservation, New Mexico.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Scott Wood, Heritage program Manager, Tonto National Forest, 2324 E. McDowell Road, Phoenix, AZ 85006, telephone (602) 225–5231, email *swood01@fs.fed.us,* by August 28, 2014. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to the Ak Chin Indian Community of the Maricopa (Ak Chin) Indian Reservation, Arizona; Gila River Indian Community of the Gila River Indian Reservation, Arizona; Hopi Tribe of Arizona; Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona; Tohono O'odham Nation of Arizona; and Zuni Tribe of the Zuni Reservation, New Mexico, may proceed.

The USDA Tonto National Forest is responsible for notifying the Ak Chin Indian Community of the Maricopa (Ak Chin) Indian Reservation, Arizona; Gila River Indian Community of the Gila River Indian Reservation, Arizona; Hopi Tribe of Arizona; Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona; Tohono O'odham Nation of Arizona; and Zuni Tribe of the Zuni Reservation, New Mexico, that this notice has been published.

Dated: June 26, 2014.

David Tarler,

Acting Manager, National NAGPRA Program.

[FR Doc. 2014–17745 Filed 7–28–14; 8:45 am]

BILLING CODE 4312–50–P

DEPARTMENT OF THE INTERIOR

Bureau of Ocean Energy Management

[Docket No. BOEM–2014–0017]

Outer Continental Shelf (OCS), Alaska OCS Region, Beaufort Sea Planning Area, Proposed Oil and Gas Lease Sale 242 (Sale 242) MMAA104000

AGENCY: Bureau of Ocean Energy Management (BOEM), Interior.

ACTION: Call for Information and Nominations.

SUMMARY: This Call for Information and Nominations (hereinafter referred to as ''Call'') is the initial step in the prelease process for Sale 242 in the Beaufort Sea Planning Area. The lease sale presently is scheduled to be held in 2017, as included in the Outer Continental Shelf (OCS) Oil and Gas Leasing Program for 2012–2017 (hereinafter referred to as ''Five Year Program''). The purpose of this Call is to obtain nominations for leasing in the Beaufort Sea Planning Area and information on oil and gas leasing, exploration, and development that might result from an OCS oil and gas lease sale for the Beaufort Sea Planning Area. The area addressed in this Call (hereinafter referred to as ''Program Area'') is located offshore the State of Alaska in the Beaufort Sea Planning Area (see map included with this Call). As identified in the Five Year Program, the Program Area is a sub-area of the larger Beaufort Sea Planning Area.

DATES: All responses to the Call must be received no later than September 12, 2014.

FOR FURTHER INFORMATION CONTACT: Michael S. Rolland, Chief, Leasing Section, BOEM, Alaska OCS Region, 3801 Centerpoint Drive, Suite 500, Anchorage, Alaska 99503–5823, or at (907) 334–5200.

SUPPLEMENTARY INFORMATION: BOEM will not consider areawide leasing for this sale; this sale (if held) will be conducted under the targeted leasing model for Alaska, as described in the Five Year Program. This Call differs from the Call for Information and Nominations for the Chukchi Sea Lease Sale 237, issued on September 27, 2013, and found in the **Federal Register** at 78 FR 59715. Industry should note that for this Call, if nominations are within the BOEM-defined areas of high petroleum potential, the nominating party is not required to provide supporting geological, geophysical, or economic information. However, if industry nominates an area outside of the BOEM defined high petroleum potential area, then the company making such a nomination may be asked by BOEM to support its nomination with geological, geophysical, or economic information.

In addition to seeking nominations, this Call requests information concerning:

- Geological conditions, including bottom hazards;
- archaeological sites on the seabed or nearshore;
- multiple uses of the Program Area, including navigation, recreation, and fisheries; and
- other socioeconomic, biological, and environmental information, including but not limited to, information regarding oil and gas resource potential, sensitive habitats, subsistence use, unique conditions, and important other uses of the Program Area.

After BOEM identifies the area for the proposed lease sale based upon the information and nominations received from this Call, BOEM will initiate an environmental analysis process in accordance with the National Environmental Policy Act (NEPA) through publication of a Notice of Intent to Prepare an Environmental Impact Statement (NOI/EIS). BOEM will use the information obtained through this Call and the Area Identification in developing the proposed action and possible alternatives to be identified and scoped in the NOI/EIS.

Call for Information and Nominations

1. Authority

This Call is published pursuant to the Outer Continental Shelf Lands Act (OCSLA), as amended (43 U.S.C. 1331–1356), and the regulations issued thereunder (30 CFR part 556).

2. Purpose of This Call

The purpose of this Call is to gather information to determine the Area Identification for Sale 242 under 30 CFR 556.26. BOEM seeks information and nominations on oil and gas leasing, exploration, and development and production in the Program Area from all interested parties. This early planning and consultation step is important to ensure that all interests and concerns are communicated to the U.S. Department of the Interior for consideration in future decisions in the leasing process, pursuant to OCSLA and the regulations at 30 CFR part 556.

3. Description of Program Area

The Program Area is located offshore the State of Alaska in the Beaufort Sea Planning Area. The Beaufort Sea Planning Area extends from the 3-nautical mile (4.8 kilometers [km]) limit of State of Alaska waters northward to latitude 75° N. on the west (west of longitude 148° W.) or to latitude 74° N on the east (east of longitude 148° W.) (see map included with this notice). The planning area extends from longitude 156° W. (roughly north of the village of Barrow) on the west to the Canadian maritime boundary. As depicted on the page-size map accompanying this Call, the Program Area, which is a subset of the planning area, extends offshore from about 3 nautical miles to approximately 280 nautical miles, in water depths from approximately 25 feet to more than 14,000 feet. This area consists of approximately 11,800 whole and partial blocks (about 64.8 million acres, or 26.2 million hectares). A large-scale Call map showing the boundaries and blocks of the Beaufort Sea Program Area is available without charge on the BOEM Web site at *http://www.boem.gov/ak242.* Copies of Official Protraction Diagrams also are available without charge on the Web site at *http://www.boem.gov/Oil-and-Gas-Energy-Program/Mapping-and-Data/Alaska.aspx.*

4. Nominations on This Call

Written nominations must be received no later than September 12, 2014. Submittals should indicate ''Nominations for Beaufort Sea Lease Sale 242.''

Persons or corporations, or other entities in the oil and gas industry (hereinafter referred to as ''industry'') submitting nominations, should describe explicitly their interest by ranking the areas nominated according to priority using five interest classifications: (1) Critical interest, (2) high interest, (3) general interest, (4) low interest, or (5) no interest. The area(s) nominated must be described accurately and shown on the large-scale Call map available at *http://www.boem.gov/ak242.* Industry nominations within the BOEM-defined areas of high petroleum potential, as identified on Map D in the document *Final Outer Continental Shelf Oil and Gas Leasing Program for 2012–2017* (available at *http://www.boem.gov/ak242*), need not justify the nomination further. However, if the nomination is outside of the BOEM-defined area of high resource potential, the nominating party should be as specific as possible in prioritizing blocks and should be prepared, if called upon, to supply geological, geophysical, or economic information on why such blocks should be included in Sale 242. Industry nominators are requested to provide the telephone number and name of the individual to contact regarding the nominations. A representative from BOEM's Alaska OCS Regional office may contact this individual to set up a mutually agreeable meeting date and time to review more fully the nomination.

To avoid inadvertent release of proprietary information, industry should mark all documents and every page containing such information with ''Confidential—Contains Proprietary Information.'' To the extent a document contains a mix of proprietary and nonproprietary information, industry should mark clearly which portion of the document is proprietary and which is not. The OCSLA states that the ''Secretary shall maintain the confidentiality of all privileged or proprietary data or information for such period of time as is provided for in this subchapter, established by regulation, or agreed to by the parties'' (43 U.S.C. 1344(g)). BOEM considers written nominations of specific blocks to be proprietary, and it will not release those nominations to the public.

5. Exclusion Areas and Other Comments

BOEM is seeking recommendations on whether to exclude specific blocks or areas from oil and gas leasing (hereinafter referred to as ''proposed exclusion areas''), or to lease them under special conditions due to conflicting values and environmental concerns. Persons, Federal agencies, state and local governments, tribes, and other interested parties (hereinafter referred to as ''commenters'') should indicate proposed exclusion areas or areas of special concern on the large-scale Call map available at *http://www.boem.gov/ak242.* Commenters also may use the interactive map tool for the

Arctic at *http://www.boem.gov/Oil-and-Gas-Energy-Program/Leasing/Five-Year-Program/Lease-Sale-Schedule/Interactive-Maps.aspx.* Commenters are encouraged to be as specific as possible in explaining why the area should be excluded or leased under special conditions, provide supporting information, and be prepared to discuss the proposed exclusion areas with BOEM. Commenters are requested to provide the telephone number and name of the individual to contact regarding comments. A representative from BOEM's Alaska OCS Regional office may contact this individual to set up a mutually agreeable meeting date and time to review more fully the proposed exclusion areas.

BOEM also is seeking comments and information from all interested persons regarding:

- Areas that should receive more detailed consideration and analysis;
- geological conditions, including bottom hazards;
- archaeological sites on the seabed or nearshore;
- other uses of the Program Area, including navigation and subsistence; and
- other socioeconomic, biological, or environmental information.

BOEM received comments on the Program Area as part of the Five Year Program approval process. Those comments included information on the importance of the Boulder Patch, Camden Bay, and the Nuiqsut bowhead whale hunt area near Cross Island. BOEM will consider information submitted previously on the Five Year Program (see section 7. below), but BOEM encourages persons who submitted comments on the Five Year Program to refine their earlier comments and provide greater detail or new information, where appropriate, concerning the importance of these areas or associated activities.

6. Submissions of Nominations, Requests for Exclusion Areas, and Other Comments

Industry representatives who are nominating area(s) for inclusion in the sale should send their nominations to: Chief, Leasing Section, BOEM, Alaska OCS Region, 3801 Centerpoint Drive, Suite 500, Anchorage, Alaska 99503–5823.

Proposals for exclusion areas and areas of special concern, including general information from persons, Federal agencies, state and local governments, tribes, and other interested parties, will be accepted only through *http://www.regulations.gov,* using docket designation BOEM–2014–0017. All comments received via this Web site, including names and addresses of the commenter, are public and will be posted for public review. BOEM will not consider anonymous comments. BOEM will make available all nonproprietary submissions in their entirety on *http://www.regulations.gov.* However, BOEM will remove inappropriate content (i.e., contains vulgar language, personal attacks of any kind, threats, accusations, obscenity, or offensive terms that target specific ethnic or racial groups), or comments that are off-topic (i.e., not pertinent to the information requested in the Call). Groups bundling comments from multiple individuals are encouraged to screen comments for inappropriate content.

7. Tracking Table and Interactive Map

In the Five Year Program, BOEM established a mitigation/program tracking table (hereinafter referred to as ''Table''), which is designed to track the history and treatment of suggestions for inclusion or exclusion of acreage, temporal deferrals, and/or mitigation from the Five Year Program stage through the lease sale stage to the plan stage. The Table will allow commenters to see how and where their concerns are considered. The Table also will ensure that a reasonable concern not suitable for consideration during one stage will be considered at an appropriate subsequent stage. The Table may be viewed at *http://www.boem.gov/Oil-and-Gas-Energy-Program/Leasing/Five-Year-Program/Lease-Sale-Schedule/Tracking-Table.aspx.* Appropriate suggestions collected during the comment period on this Call will be added to the Table and tracked throughout the process.

Additionally, BOEM has created an interactive map through the MarineCadastre.gov Web site for Alaska at *http://www.boem.gov/Oil-and-Gas-Energy-Program/Leasing/Five-Year-Program/Lease-Sale-Schedule/Interactive-Maps.aspx.* MarineCadastre.gov is an integrated marine information system that provides a more comprehensive look at geospatial data and ongoing activities and studies occurring in the area being considered. If persons believe that a data layer should be added for consideration, they should provide this information by following the commenting instructions above. Questions about the interactive map may be addressed to: Chief, Leasing Section, BOEM, Alaska OCS Region, 3801 Centerpoint Drive, Suite 500, Anchorage, Alaska 99503–5823, or by calling (907) 334–5200.

8. Use of Information From This Call

BOEM is undertaking a strategy of targeted leasing, whereby the BOEM Director will use the information provided in response to this Call to make an Area Identification decision under 30 CFR 556.26. BOEM will consider nominations, proposed exclusion areas, and areas proposed to receive special consideration and analysis, in light of resource estimates, information regarding exploratory drilling, environmental reviews, and other relevant information. Using this information, BOEM plans to target leasing by proactively determining which specific portions of the Program Area offer greater resource potential, while minimizing potential conflicts with environmental and subsistence considerations.

Information submitted in response to this Call also will be used to:

- Develop potential lease terms and conditions;
- identify potential use conflicts; and
- assist in the NEPA scoping process.

9. Existing Information

An extensive Environmental Studies Program, including environmental, social, and economic studies in the Beaufort Sea Planning Area, has been underway in the BOEM Alaska OCS Region since 1976. The emphasis has been on environmental characterization of biologically sensitive habitats, marine mammals, physical oceanography, ocean-circulation modeling, subsistence uses, and ecological and sociocultural effects of oil and gas activities. Information on the BOEM Environmental Studies Program, completed studies, and a program status report for continuing studies in this area is available on the BOEM Web site at *http://www.boem.gov/akstudies,* or it may be obtained from the Chief, Environmental Sciences Management Section, Alaska OCS Region, by telephone request at (907) 334–5200.

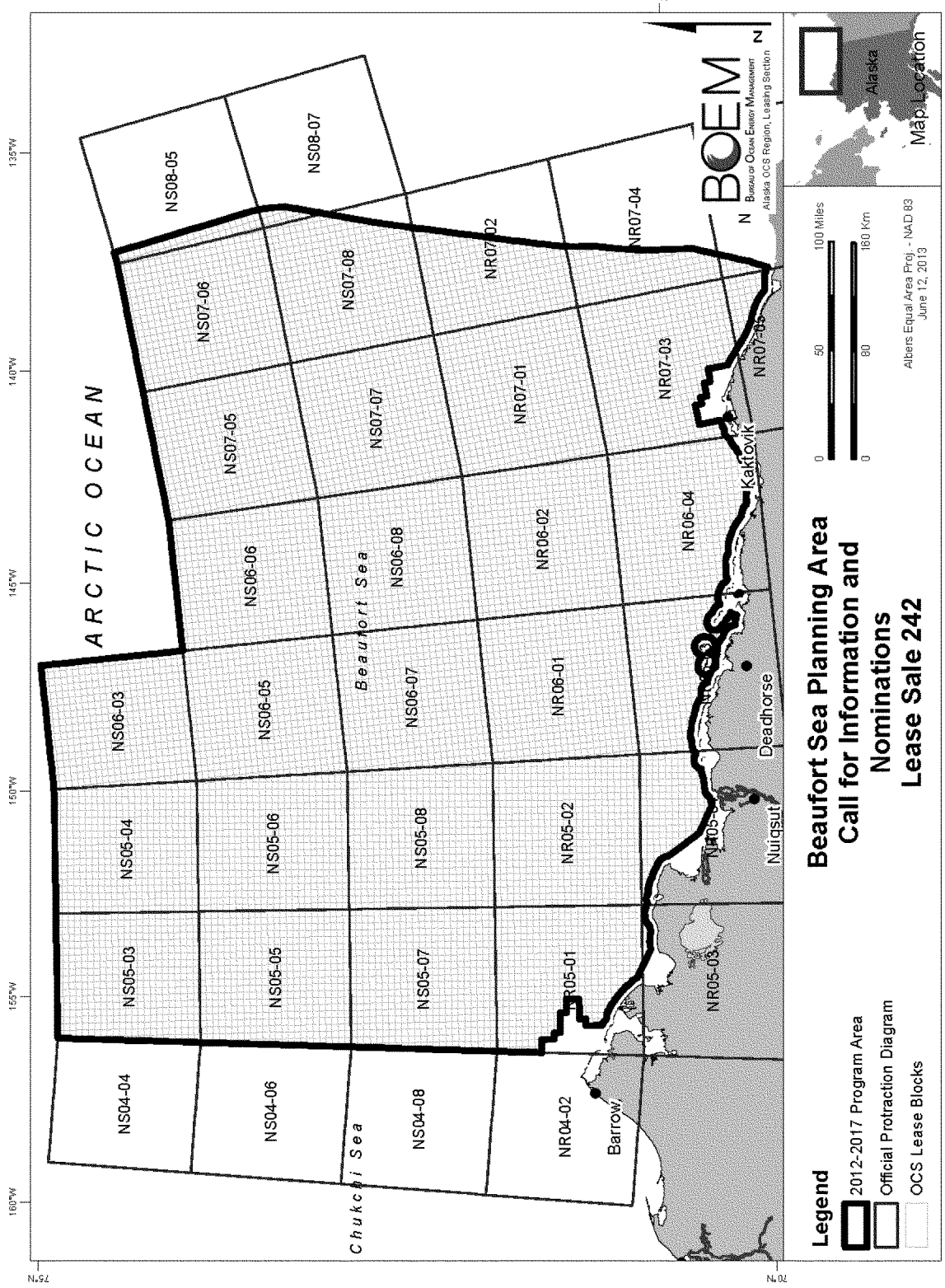
NEPA analyses were prepared for previous OCS lease sales held in the Beaufort Sea Planning Area. Previous NEPA analyses for Beaufort Sea lease sales and other actions are available at *http://www.boem.gov/About-BOEM/BOEM-Regions/Alaska-Region/Environment/Environmental-Analysis/Environmental-Impact-Statements-and—Major-Environmental-Assessments.aspx.* Currently, 147 active OCS oil and gas leases exist in the Beaufort Sea Planning Area, encompassing an area of approximately 760,000 acres (308,000 hectares). Information on the leases and other lease-related activities is available at

http://www.boem.gov/About-BOEM/BOEM-Regions/Alaska-Region/Leasing-and-Plans/Index.aspx.

BILLING CODE 4310–MR–P

Walter D. Cruickshank,

Acting Director, Bureau of Ocean Energy Management.



[FR Doc. 2014–17842 Filed 7–28–14; 8:45 am]
BILLING CODE 4310–MR–C

DEPARTMENT OF JUSTICE

Parole Commission

Sunshine Act Meeting

Record of Vote of Meeting Closure

(Public Law 94–409) (5 U.S.C. Sec. 552b)

I, Cranston Mitchell, of the United States Parole Commission, was present at a meeting of said Commission, which started at approximately 12:00 p.m., on Wednesday, July 23, 2014 at the U.S. Parole Commission, 90 K Street NE., Third Floor, Washington, DC 20530. The purpose of the meeting was to discuss one original jurisdiction case pursuant to 28 CFR Section 2.27. Four Commissioners were present, constituting a quorum when the vote to close the meeting was submitted.

Public announcement further describing the subject matter of the meeting and certifications of the Acting General Counsel that this meeting may be closed by votes of the Commissioners present were submitted to the Commissioners prior to the conduct of any other business. Upon motion duly made, seconded, and carried, the following Commissioners voted that the meeting be closed: Cranston, Mitchell, Patricia K. Cushwa, J. Patricia Wilson Smoot and Charles T. Massarone.

IN WITNESS WHEREOF, I make this official record of the vote taken to close this meeting and authorize this record to be made available to the public.

Dated: July 23, 2014.

Cranston Mitchell,

Vice Chairman, U.S. Parole Commission.

[FR Doc. 2014–17909 Filed 7–25–14; 11:15 am]
BILLING CODE 4410–31–P

LIBRARY OF CONGRESS

U.S. Copyright Office

[Docket No. 2014–03]

Music Licensing Study: Second Request for Comments

AGENCY: U.S. Copyright Office, Library of Congress.

ACTION: Notice of Inquiry.

Correction

In notice document 2014–17354 appearing on pages 42833 through 42835 in the issue of Wednesday, July 23, 2014, make the following correction:

1. On page 42833, in the first column, in the **ADDRESSES** section, the hyperlink should read: *http://www.copyright.gov/docs/musiclicensingstudy*.

2. On page 42833, in the second column, in the **SUPPLEMENTARY INFORMATION** section, the hyperlink on lines 29–31 should read: *http://www.copyright.gov/docs/musiclicensingstudy/comments/Docket2014_3/*.

3. On page 42833, in the second column, in the **SUPPLEMENTARY INFORMATION** section, the hyperlink on lines 44–45 should read: *http://www.copyright.gov/docs/musiclicensingstudy/comments/Docket2014_3/*.

[FR Doc. C1–2014–17354 Filed 7–28–14; 8:45 am]
BILLING CODE 1505–01–D

NUCLEAR REGULATORY COMMISSION

[NRC–2014–0001]

Sunshine Act Meeting Notice

DATE: Weeks of July 28, August 4, 11, 18, 25, September 1, 2014.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

Week of July 28, 2014

Tuesday, July 29, 2014

9:30 a.m. Briefing on Human Capital and Equal Employment Opportunity (EEO) (Public Meeting) (Contact: Kristin Davis, 301–287–0707).

This meeting will be webcast live at the Web address—*http://www.nrc.gov/.*

1:00 p.m. Briefing on Project Aim 2020 (Closed—Ex. 2).

Thursday, July 31, 2014

9:00 a.m. Briefing on the Status of Lessons Learned from the Fukushima Dai-ichi Accident (Public Meeting) (Contact: Kevin Witt, 301–415–2145).

This meeting will be webcast live at the Web address—*http://www.nrc.gov/.*

Week of August 4, 2014—Tentative

There are no meetings scheduled for the week of August 4, 2014.

Week of August 11, 2014—Tentative

There are no meetings scheduled for the week of August 11, 2014.

Week of August 18, 2014—Tentative

There are no meetings scheduled for the week of August 18, 2014.

Week of August 25, 2014—Tentative

There are no meetings scheduled for the week of August 25, 2014.

Week of September 1, 2014—Tentative

There are no meetings scheduled for the week of September 1, 2014.

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The schedule for Commission meetings is subject to change on short notice. To verify the status of meetings, call Rochelle Bavol, 301–415–1651.

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The NRC Commission Meeting Schedule can be found on the Internet at: *http://www.nrc.gov/public-involve/public-meetings/schedule.html.*

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The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings, or need this meeting notice or the transcript or other information from the public meetings in another format (e.g. braille, large print), please notify Kimberly Meyer, NRC Disability Program Manager, at 301–287–0727, or by email at *Kimberly.Meyer-Chambers@nrc.gov.* Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

* * * * *

Members of the public may request to receive this information electronically. If you would like to be added to the distribution, please contact the Office of the Secretary, Washington, DC 20555 (301–415–1969), or send an email to *Darlene.Wright@nrc.gov.*

Dated: July 24, 2014.

Rochelle C. Bavol,

Policy Coordinator, Office of the Secretary.

[FR Doc. 2014–17864 Filed 7–25–14; 11:15 am]
BILLING CODE 7590–01–P

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

NATIONAL ECONOMIC COUNCIL

Strategy for American Innovation

ACTION: Notice of Request for Information.

SUMMARY: The Office of Science and Technology Policy and the National Economic Council request public comments to provide input into an upcoming update of the *Strategy for American Innovation,* which helps to guide the Administration's efforts to promote lasting economic growth and competitiveness through policies that support transformative American

innovation in products, processes, and services and spur new fundamental discoveries that in the long run lead to growing economic prosperity and rising living standards. These efforts include policies to promote critical components of the American innovation ecosystem, including scientific research and development (R&D), technical workforce, entrepreneurship, technology commercialization, advanced manufacturing, and others. The strategy also provides an important framework to channel these Federal investments in innovation capacity towards innovative activity for specific national priorities. The public input provided through this notice will inform the deliberations of the National Economic Council and the Office of Science and Technology Policy, which are together responsible for publishing an updated *Strategy for American Innovation.*

DATES: Responses must be received by September 23, 2014 to be considered.

ADDRESSES: You may submit comments by any of the following methods (email is preferred):

- *Email: innovationstrategy@ostp.gov.* Include [*Strategy for American Innovation*] in the subject line of the message.
- *Fax:* (202) 456–6040, Attn: Dan Correa.
- *Mail:* Attn: Dan Correa, Office of Science and Technology Policy, Eisenhower Executive Office Building, 1650 Pennsylvania Ave NW., Washington, DC 20504. If submitting responses by mail, please allow sufficient time for mail processing and screening.

Details: Response to this RFI is voluntary. Please do not include in your comments information of a confidential nature, such as sensitive personal information or proprietary information. Please be aware that your comments may be posted online. Responses to this notice are not offers and cannot be accepted by the Federal Government to form a binding contract or issue a grant. Information obtained as a result of this notice may be used by the Federal Government for program planning on a non-attribution basis. The United States Government will not pay for response preparation, or for the use of any information contained in the response.

FOR FURTHER INFORMATION CONTACT: Dan Correa, (202) 456–4444, *innovationstrategy@ostp.gov,* OSTP.

SUPPLEMENTARY INFORMATION: This Request for Information (RFI) offers interested individuals and organizations the opportunity to provide input into the development of an updated *Strategy for American Innovation* by identifying promising policy opportunities to promote innovation and its economic benefits in the United States (U.S.). The public input provided through this notice will inform the deliberations of the National Economic Council and the Office of Science and Technology Policy, which are together responsible for publishing an updated *Strategy for American Innovation.*

Public input into the strategy update process is particularly valuable given the document's critical role in guiding the development of new policy initiatives that can help unleash the transformative innovation that leads to long-term economic growth. For example, the 2009 *Strategy for American Innovation* first identified an opportunity for Federal agencies to use incentive prizes to promote innovation, which was an important step in the eventual inclusion of agency prize authority in the America COMPETES Reauthorization Act of 2010, significantly increasing the Federal Government's ability to catalyze innovation across a wide range of national priorities.

Background

President Obama released the *Strategy for American Innovation* in September 2009 and updated it in February 2011 (*http://www.whitehouse.gov/innovation/strategy*).

The 2011 *Strategy for American Innovation* articulates the importance of innovation as a driver of U.S. economic growth and prosperity, the central importance of the private sector as the engine of innovation, and the critical role of government in supporting our innovation system.

It organizes the Administration's policy initiatives into three parts:

(1) Invest in the Building Blocks of American Innovation

Spurring the innovations that will drive America's future economic growth and competitiveness requires critical investments in the basic foundations of the innovation process, including education, fundamental research, and both the digital and physical infrastructure on which our dynamic economy relies.

(2) Promote Market-Based Innovation

American businesses are the engine of innovation, and the Administration seeks to promote an environment that allows U.S. companies to drive future economic growth and continue to lead on the global stage. This requires that government establish and maintain the right framework conditions to support market-based innovation through the Research and Experimentation Tax Credit, effective intellectual property policy, and policies to promote innovation-based entrepreneurship as well as innovative, open, and competitive markets.

(3) Catalyze Breakthroughs for National Priorities

The 2011 strategy identifies several areas of national importance where public investments can catalyze advances, bring about key breakthroughs, and establish U.S. leadership faster than might be possible otherwise. The portfolio of national priority areas outlined in the 2011 strategy includes clean energy, biotechnology, nanotechnology, advanced manufacturing, educational and health information technologies, and space technologies.

Questions

To gather valuable insight into promising opportunities to boost our innovation capacity in order to drive economic growth and competitiveness, the Office of Science and Technology Policy (OSTP) and the National Economic Council (NEC) seek public comment on a wide range of innovation policy topics.

Instructions. In formulating responses to any of the below questions, respondents should consider the following:

- The questions below are grouped into the following categories:
  - *Overarching Questions*
  - *Innovation Trends*
  - *Science, Technology, and R&D Priorities*
  - *Skilled Workforce Development*
  - *Manufacturing and Entrepreneurship*
  - *Regional Innovation Ecosystems*
  - *Intellectual Property/Antitrust*
  - *Novel Government Tools for Promoting Innovation*
  - *National Priorities*
- Respondents are free to address any or all of the following questions, as well as provide additional relevant information not in response to any specific question. Please note the number corresponding to the question(s) addressed in the response.
- Specific, actionable proposals for policy mechanisms, models, or initiatives are more useful than general observations and recommendations. For example, a response that describes the importance of increasing technology transfer activities is helpful but not as useful as one that

identifies specific model(s) to accomplish this goal and offers accompanying details (e.g., the specific problem it addresses and how it does so, the parties who would be responsible for administering the model, actions the Administration might take, the likely benefits and costs, the rationale and evidence to support the proposal, etc.).

- There is a 5,000 word limit for responses. Accordingly, responses longer than 5,000 words will not be considered. There is no minimum length requirement, and a 500 word response can be as valuable as a 5,000 word response if it contains detailed and well-founded information.

OSTP and NEC seek public comment on the following:

Overarching Questions

(1) What specific policies or initiatives should the Administration consider prioritizing in the next version of the *Strategy for American Innovation*?

For any proposal, respondents may wish to consider describing specific goals, the actions the Administration might take to achieve those goals, the benefits and costs associated with the proposal, whether the proposal is cross-government, inter-agency, or agency-specific, the rationale and evidence to support it, and the roles of other stakeholders, such as companies, universities, non-profits, philanthropists, state and local governments, professional societies, etc.

(2) What are the biggest challenges to, and opportunities for, innovation in the United States that will generate long-term economic growth, increased productivity, sustained leadership in knowledge-intensive sectors, job creation, entrepreneurship, and rising standards of living for more Americans?

(3) What specific actions can the Federal Government take to build and sustain U.S. strengths including its entrepreneurial culture, flexible labor markets, world-class research universities, strong regional innovation ecosystems, and large share of global venture capital investment?

(4) How can the Federal Government augment its overall capacity for analysis of both the forces that determine the competitiveness of specific sectors and the impact of Federal policies—including, but not limited to, science, technology, and innovation policies—on sector-specific productivity and competitiveness? What are the most important outstanding questions about innovation policy and process and how might government promote systematic research and program evaluation in those areas?

Many policies can affect the ability of research-intensive companies to innovate and compete in the marketplace, but the impact of future policy choices on innovation is often not well understood in advance. For example, telecommunications spectrum policies that facilitate innovative business models may enable significant productivity growth in the mobile communications sector. Improved Federal capacity for analysis of such impacts would help inform policy development to support innovation.

(5) What innovation practices and policies have other countries adopted that deserve further consideration in the United States? What innovation practices and policies have been adopted at the state or local level that should be piloted by the Federal Government?

Innovation Trends

(6) How has the nature of the innovation process itself changed in recent years and what new models for science and technology investment and innovation policy, if any, do these changes require?

For example, many cite the growing importance of open innovation, combinatorial innovation, and user innovation; the convergence of biology, the physical sciences, and engineering; and the emergence of human-centered design.

(7) What emerging areas of scientific and technological innovation merit greater Federal investment, and how can that investment be structured for maximum impact?

(8) What are important needs or opportunities for institutional innovation and what steps can the Federal Government take to support these innovations?

Economists have identified institutional innovation as critical to long-term economic growth. Examples of particularly important institutional innovations include the British invention of patents and copyrights in the 17th century, the work of the agricultural extension service in the U.S. in the 19th century, and the development of the peer review system for supporting basic research in the 20th century.

Science, Technology, and R&D Priorities

(9) What additional opportunities exist to develop high-impact platform technologies that reduce the time and cost associated with the ''design, build, test'' cycle for important classes of materials, products, and systems?

A number of the Administration's current research initiatives are aimed at developing platform technologies for this purpose, such as:

- The Defense Advanced Research Projects Agency (DARPA)/National Institute of Health NIH)/Food and Drug Administration (FDA) ''tissue chip'' project to transform the way researchers evaluate the safety and efficacy of drug candidates;
- The Materials Genome Initiative, which is investing in a ''materials innovation infrastructure'' to reduce the time and cost required to discover and make advanced materials by at least 50 percent;
- Federal investments in new tools to reduce the time and cost needed to engineer biological systems;
- The DARPA ''Adaptive Vehicle Make'' program, which supported the development of technologies such as model-based design to shorten development timelines for defense systems by a factor of five or more.

(10) Where are there gaps in the Federal Government's science, technology, and innovation portfolios with respect to important national challenges, and what are the appropriate investment and R&D models through which these gaps might be addressed?

Agencies lacking a traditional focus on research and development nonetheless pursue critical missions that could benefit from innovation. Given these agencies' more modest capacity to support research and development and other avenues to innovation, there is potentially underinvestment in science, technology and innovation to address key national problems such as education, workforce development, and poverty alleviation.

(11) Given recent evidence of the irreproducibility of a surprising number of published scientific findings, how can the Federal Government leverage its role as a significant funder of scientific research to most effectively address the problem?

Skilled Workforce Development

(12) What novel mechanisms or models might facilitate matching skilled STEM workers with employers and helping individuals identify what additional skills they may need to transition successfully to new roles?

In a dynamic economy, STEM workers seeking employment in a different industry often find it difficult to identify employers with matching needs. Likewise, employers devote

significant resources to finding technically skilled individuals to meet their needs, sometimes with little success, even though a large pool of technically skilled workers may exist.

(13) What emerging areas of skills are needed in order to keep pace with emerging innovations or technologies? What are successful models for training workers with these skills to keep up with emerging innovations?

For example, pharmaceutical researchers report that more workers are needed with capabilities in gene sequencing and bioengineering to keep pace with new innovations in bio-manufacturing. Similarly, innovations in advanced materials from lightweight metals to advanced composites have spurred a need for welders with the ability to create high-precision welds on complex materials.

(14) What mechanisms or programs can effectively increase the supply of workers with technical training, from industry-recognized credentials and postsecondary certificates to two- and four-year degrees?

Manufacturing and Entrepreneurship

(15) What new or existing investment models should be explored to support entrepreneurship in new geographies, as well as in technologies and sectors that are capital-intensive, relatively high-risk, and require sustained investment over long periods of time?

Angel and venture investment has tended to concentrate in a few regions and sectors, particularly sectors that are capital efficient and can provide ''exits'' for investors within 5–7 years. As a result, innovative technologies that do not meet these criteria may be better suited to different investment models.

(16) For new technologies and products, how might ''proof of manufacturability'' be gauged sooner, and what entities would most appropriately provide the necessary resources and facilities? What sectors represent the most promising opportunities for the application of such models?

Assessing the feasibility of producing at scale remains a critical hurdle for manufacturing startups attempting to commercialize new or unproven technologies, but it is a challenge that firms do not face until relatively late in their evolution, after a great deal of early investment has already been committed. More effectively addressing this challenge at an early stage could yield more efficient allocation of investment capital, and greater commercialization of important innovative technologies and products.

(17) What tools, business model innovations, financial innovations, or other developments hold promise for reducing the cost of starting and scaling a business in capital intensive sectors like the life sciences, advanced materials, and clean energy? What can the Federal Government do to accelerate these trends?

Over the past two decades, the cost of starting and scaling an IT-based company has plummeted due to a combination of cheap, scalable cloud computing, open source software, and other similar trends. Extending these or similar developments to more capital intensive sectors, where costs remain a significant barrier, would yield significant benefits.

(18) What investments, strategies, or technological advancements, across both the public and private sectors, are needed to rebuild the U.S. ''industrial commons'' and ensure the latest technologies can be produced here?

After a decade of significant offshoring, the United States has lost important manufacturing capabilities and the connections between manufacturers, know-how, national supply chains, educational institutions, local workforce and financial institutions that provide the foundation and resources for new technologies to be manufactured in the U.S. As the manufacturing sector recovers and strengthens, rebuilding these industrial commons will be important for capturing domestically both the production of new technologies and next generation manufacturing capabilities.

Regional Innovation Ecosystems

(19) What partnerships or novel models for collaboration between the Federal Government and regions should the Administration consider in order to promote innovation and the development of regional innovation ecosystems?

(20) How should the Federal government promote the development of metropolitan ''innovation districts,'' where large research institutions, companies, start-ups, and business accelerators congregate to facilitate the knowledge flows that sustain innovation?

Intellectual Property/Antitrust

(21) What new challenges and opportunities for intellectual property and competition policy are posed by the increasing diversity of models of innovation (including, e.g., through the growing use of open innovation, combinatorial innovation, user innovation, internet-enabled innovation, and big data-driven innovation)?

Novel Government Tools for Promoting Innovation

(22) What are specific areas where a greater capacity for experimentation in law, policy, and regulation at the Federal level is likely to have large benefits? Are there useful models of experimental platforms in the public or private sectors that the Federal Government can adopt? How might the Federal Government encourage state and local experimentation?

New technologies and business models often evolve more rapidly than law, policy, and regulation at the Federal, state and local level. One approach to dealing with this challenge is to increase the capacity of governments at all levels to support experimentation. For example, the FCC recently reformed its experimental licensing rules to help researchers and manufacturers bring new products to market more rapidly. Analogous opportunities may exist in other areas.

(23) Beyond current Federal efforts to promote open data and open application programming interfaces (APIs), what other opportunities exist to open up access to Federal assets (such as data, tools, equipment, facilities, and intellectual property from Federally-funded research) in order to spark private sector innovation?

For example, the Internet economy has created new opportunities for innovative business models relying on Federal data. Through open data and open APIs, the Federal Government can invite competition among firms to provide valuable services directly to end users by incorporating these Federal assets. For example, a travel booking provider might directly incorporate public campsite reservation functionality into its Web site through open Federal APIs. Likewise, a researcher looking to access billions of dollars of Federal testing equipment can access equipment availability and usage information through machine-readable data on Data.gov.

National Priorities

(24) Which new areas should be identified as ''national priorities,'' either because they address important challenges confronting U.S. security or living standards, or they present an opportunity for public investments to catalyze advances, bring about key breakthroughs and establish U.S. leadership faster than what might be possible otherwise?

(25) What Federal policies or initiatives could unleash additional

corporate and philanthropic investment for critical national priorities, such as energy innovation?

In a number of areas, overall investment may be too low to sustain our global leadership in innovation or to confront critical challenges to our national wellbeing. For example, overall investment in clean energy innovation remains significantly below the level that economists and climate experts conclude are required to facilitate the transition to a low-carbon economy. Other national priorities may suffer from similar underinvestment, such as in learning technologies or in smart infrastructure technologies. Responsible for the majority of U.S. research and development (R&D) funding, private entities will be essential to achieving the overall levels of investment required to meet such challenges.

Respondents are also free to provide additional information they think is relevant to the goal of promoting innovation in the United States, and feedback on the framework and components of the 2011 *Strategy for American Innovation.*

Cristin A. Dorgelo,

Chief of Staff, Office of Science and Technology Policy.

John M. Galloway,

Chief of Staff, National Economic Council.

[FR Doc. 2014–17761 Filed 7–28–14; 8:45 am]

BILLING CODE 3270–F4–P

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE., Washington, DC 20549–2736.

Extension:

Form N–17f-2.

SEC File No. 270–317, OMB Control No. 3235–0360.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 350l *et seq.*), the Securities and Exchange Commission (the ''Commission'') is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

Form N–17f-2 (17 CFR 274.220) under the Investment Company Act is entitled ''Certificate of Accounting of Securities and Similar Investments in the Custody of Management Investment Companies.'' Form N–17f-2 is the cover sheet for the accountant examination certificates filed under Rule 17f-2 (17 CFR 270.17f-2) by registered management investment companies (''funds'') maintaining custody of securities or other investments. Form N–17f-2 facilitates the filing of the accountant's examination certificates prepared under Rule 17f-2. The use of the form allows the certificates to be filed electronically, and increases the accessibility of the examination certificates to both the Commission's examination staff and interested investors by ensuring that the certificates are filed under the proper Commission file number and the correct name of a fund.

Commission staff estimates that it takes: (i) On average 1.25 hours of fund accounting personnel at a total cost of $247.5 to prepare each Form N–17f-2; [1] and (ii) .75 hours of clerical time at a total cost of $55.50 to file the Form N–17f-2 with the Commission.[2] Approximately 188 funds currently file Form N–17f-2 with the Commission. Commission staff estimates that on average each fund files Form N–17f-2 four times annually for a total annual hourly burden per fund of approximately 8 hours at a total cost of $1,212.00. The total annual hour burden for Form N–17f-2 is therefore estimated to be approximately 1504 hours. Based on the total annual costs per fund listed above, the total cost of Form N–17f-2's collection of information requirements is estimated to be approximately $227,856.[3]

The estimate of average burden hours is made solely for the purposes of the Paperwork Reduction Act, and is not derived from a comprehensive or even a representative survey or study of the costs of Commission rules and forms. Complying with the collections of information required by Form N–17f-2 is mandatory for those funds that maintain custody of their own assets. Responses will not be kept confidential. 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 control number.

The Commission requests written comments on: (a) Whether the collection of information is necessary for the proper performance of the functions of the Commission, including whether the information has practical utility; (b) the accuracy of the Commission's estimate of the burdens of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

Please direct your written comments to Thomas Bayer, Chief Information Officer, Securities and Exchange Commission, C/O Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549; or send an email to: *PRA_Mailbox@sec.gov.*

Dated: July 23, 2014.

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–17778 Filed 7–28–14; 8:45 am]

BILLING CODE 8011–01–P

[1] This estimate is based on the following calculation: 1.25 × $198 (fund senior accountant's hourly rate) = $247.5.

[2] This estimate is based on the following calculation: .75 × $74 (secretary hourly rate) = $55.50.

[3] This estimate is based on the following calculation: 188 funds × $1,212.00 (total annual cost per fund) = $227,856.

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE., Washington, DC 20549–2736.

Extension:

Rule 6e–2 and Form N–6EI–1.

SEC File No. 270–177, OMB Control No. 3235–0177.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (the ''Commission'') is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

Rule 6e–2 (17 CFR 270.6e–2) under the Investment Company Act of 1940 (''Act'') (15 U.S.C. 80a) is an exemptive rule that provides separate accounts formed by life insurance companies to fund certain variable life insurance products, exemptions from certain provisions of the Act, subject to conditions set forth in the rule. The rule sets forth several information collection requirements.

Rule 6e–2 provides a separate account with an exemption from the registration

provisions of section 8(a) of the Act if the account files with the Commission Form N–6EI–1, a notification of claim of exemption.

The rule also exempts a separate account from a number of other sections of the Act, provided that the separate account makes certain disclosure in its registration statements (in the case of those separate accounts that elect to register), reports to contractholders, proxy solicitations, and submissions to state regulatory authorities, as prescribed by the rule.

Paragraph (b)(9) of Rule 6e–2 provides an exemption from the requirements of section 17(f) of the Act and imposes a reporting burden and certain other conditions. Section 17(f) requires that every registered management company meet various custody requirements for its securities and similar investments. The exemption provided in paragraph (b)(9) applies only to management accounts that offer life insurance contracts.

Since 2008, there have been no filings under paragraph (b)(9) of Rule 6e–2 by management accounts. Therefore, since 2008, there has been no cost or burden to the industry regarding the information collection requirements of paragraph (b)(9) of Rule 6e–2. In addition, there have been no filings of Form N–6EI–1 by separate accounts since 2008. Therefore, there has been no cost or burden to the industry since that time. The Commission requests authorization to maintain an inventory of one burden hour for administrative purposes.

Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; 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 in writing within 60 days of this publication.

Please direct your written comments to Thomas Bayer, Chief Information Officer, Securities and Exchange Commission, C/O Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549; or send an email to: *PRA_Mailbox@sec.gov.*

Dated: July 23, 2014.

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–17776 Filed 7–28–14; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE., Washington, DC 20549–2736.

Extension:

Rule 19a–1.

SEC File No. 270–240, OMB Control No. 3235–0216.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520), the Securities and Exchange Commission (the ''Commission'') is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

Section 19(a) (15 U.S.C. 80a–19(a)) of the Investment Company Act of 1940 (the ''Act'')[1] makes it unlawful for any registered investment company to pay any dividend or similar distribution from any source other than the company's net income, unless the payment is accompanied by a written statement to the company's shareholders which adequately discloses the sources of the payment. Section 19(a) authorizes the Commission to prescribe the form of such statement by rule.

Rule 19a–1 (17 CFR 270.19a–1) under the Act, entitled ''Written Statement to Accompany Dividend Payments by Management Companies,'' sets forth specific requirements for the information that must be included in statements made pursuant to section 19(a) by or on behalf of management companies.[2] The rule requires that the statement indicate what portions of distribution payments are made from net income, net profits from the sale of a security or other property (''capital gains'') and paid-in capital. When any part of the payment is made from capital gains, Rule 19a–1 also requires that the statement disclose certain other information relating to the appreciation or depreciation of portfolio securities. If an estimated portion is subsequently determined to be significantly inaccurate, a correction must be made on a statement made pursuant to section 19(a) or in the first report to shareholders following the discovery of the inaccuracy.

The purpose of Rule 19a–1 is to afford fund shareholders adequate disclosure of the sources from which distribution payments are made. The rule is intended to prevent shareholders from confusing income dividends with distributions made from capital sources. Absent Rule 19a–1, shareholders might receive a false impression of fund gains.

Based on a review of filings made with the Commission, the staff estimates that approximately 11,066 series of registered investment companies that are management companies may be subject to Rule 19a–1 each year,[3] and that each portfolio on average mails two statements per year to meet the requirements of the rule.[4] The staff further estimates that the time needed to make the determinations required by the rule and to prepare the statement required under the rule is approximately 1 hour per statement. The total annual burden for all portfolios therefore is estimated to be approximately 22,132 burden hours.[5]

The staff estimates that approximately one-third of the total annual burden (7,377 hours) would be incurred by a paralegal with an average hourly wage rate of approximately $199 per hour,[6] and approximately two-thirds of the annual burden (14,755 hours) would be incurred by a compliance clerk with an average hourly wage rate of $64 per

[1] 15 U.S.C. 80a.

[2] Section 4(3) of the Act (15 U.S. C. 80a–4(3)) defines ''management company'' as ''any investment company other than a face amount certificate company or a unit investment trust.''

[3] This estimate is based on statistics compiled by Commission staff as of May 31, 2014. The number of management investment company portfolios that make distributions for which compliance with Rule 19a–1 is required depends on a wide range of factors and can vary greatly across years. Therefore, the calculation of estimated burden hours is based on the total number of management investment company portfolios, each of which may be subject to Rule 19a–1.

[4] A few portfolios make monthly distributions from sources other than net income, so the rule requires them to send out a statement 12 times a year. Other portfolios never make such distributions.

[5] This estimate is based on the following calculation: 11,066 management investment company portfolios × 2 statements per year × 1 hour per statement = 22,132 burden hours.

[6] Hourly rates are derived from the Securities Industry and Financial Markets Association (''SIFMA''), Management and Professional Earnings in the Securities Industry 2013, modified to account for an 1800-hour work-year and multiplied by 5.35 to account for bonuses, firm size, employee benefits, and overhead.

hour.[7] The staff therefore estimates that the aggregate annual cost of complying with the paperwork requirements of the rule is approximately $2,412,343 ((7,377 hours × $199 = $1,468,023) + (14,755 hours × $64 = $944,320)).

To comply with state law, many investment companies already must distinguish the different sources from which a shareholder distribution is paid and disclose that information to shareholders. Thus, many investment companies would be required to distinguish the sources of shareholder dividends whether or not the Commission required them to do so under Rule 19a–1.

The estimate of average burden hours is made solely for the purposes of the Paperwork Reduction Act, and is not derived from a comprehensive or even a representative survey or study of the costs of Commission rules. Compliance with the collection of information required by Rule 19a–1 is mandatory for management companies that make statements to shareholders pursuant to section 19(a) of the Act. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

Written comments are invited on: (a) Whether the collections of information are necessary for the proper performance of the functions of the Commission, including whether the information has practical utility; (b) the accuracy of the Commission's estimate of the burdens of the collections of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burdens of the collections 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 in writing within 60 days of this publication.

Please direct your written comments to Thomas Bayer, Chief Information Officer, Securities and Exchange Commission, C/O Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549; or send an email to: *PRA_Mailbox@sec.gov*.

Dated: July 23, 2014.

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–17777 Filed 7–28–14; 8:45 am]

BILLING CODE 8011–01–P

[7] Hourly rates are derived from SIFMA's Office Salaries in the Securities Industry 2013, modified to account for an 1800-hour work-year and multiplied by 2.93 to account for bonuses, firm size, employee benefits and overhead.

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72661; File No. 10–214]

Automated Matching Systems Exchange, LLC; Notice of Filing of Application for Limited Volume Exemption From Registration as a National Securities Exchange Under Section 5 of the Securities Exchange Act of 1934

July 23, 2014.

On July 7, 2014, Automated Matching Systems Exchange, LLC (''AMSE'') submitted to the Securities and Exchange Commission (''Commission'') an application seeking a limited volume exemption under Section 5 of the Securities Exchange Act (''Exchange Act'') from registration as a national securities exchange under Section 6 of the Exchange Act. Although Section 5 of the Exchange Act does not require publication of such a request for exemption, the Commission has determined, in its discretion, to publish this notice in order to solicit the views of interested persons on AMSE's exemption application.[1]

AMSE proposes to conduct business in reliance upon an exemption from registration as a national securities exchange due to the limited volume of transactions proposed to be effected on AMSE. In general, AMSE seeks to operate as a centralized marketplace for alternative trading systems. AMSE proposes to operate solely on an ''off-order-book'' trading basis. Each member of AMSE would maintain its own automated matching system or electronic order book and would report its transactions to AMSE at such intervals as required by AMSE. Trades would occur when an order to buy and an order to sell match on the member's electronic order book. Each member of AMSE would adopt rules governing the execution and priority of orders. AMSE does not intend to have a physical exchange trading floor, centralized order book, or specialists or market makers with affirmative and negative market making obligations.

AMSE's exemption application is available at the Commission's Public Reference Room and *www.sec.gov*. Interested persons are invited to submit written data, views, and arguments concerning AMSE's exemption application, including whether AMSE's exemption application is consistent with the Exchange Act and whether AMSE qualifies as an ''exchange'' under the Exchange 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/other.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number 10–214 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, Station Place, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number 10–214. 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/other.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to AMSE's exemption application filed with the Commission, and all written communications relating to the application 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. 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 10–214 and should be submitted on or before September 12, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[2]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–17774 Filed 7–28–14; 8:45 am]

BILLING CODE 8011–01–P

[1] Section 5 of the Exchange Act authorizes the Commission to grant an exemption from registration if, ''in the opinion of the Commission, by reason of the limited volume of transactions effected on [the] exchange, it is not practicable and not necessary or appropriate in the public interest for the protection of investors to require such registration.'' 15 U.S.C. 78e.

[2] 17 CFR 200.30–3(a)(71)(i).

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 31185; File No. 812–14290]

The New Ireland Fund, Inc. and Kleinwort Benson Investors International Ltd.; Notice of Application

July 23, 2014.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice of application under section 6(c) of the Investment Company Act of 1940 (''Act'') for an exemption from section 19(b) of the Act and rule 19b–1 under the Act.

Summary of Application: Applicants request an order to permit a registered closed-end investment company to make periodic distributions of long-term capital gains with respect to its outstanding common stock as frequently as twelve times in any one taxable year, and as frequently as distributions are specified by or in accordance with the terms of any outstanding preferred stock that such investment company may issue.

Applicants: The New Ireland Fund, Inc. (''Fund'') and Kleinwort Benson Investors International Ltd. (''Adviser'').

Filing Dates: The application was filed on March 14, 2014, and amended on June 24 and July 22, 2014.

Hearing or Notification of Hearing: An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on August 18, 2014, and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

ADDRESSES: Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090; Applicants: Peter Hooper, The New Ireland Fund, Inc., Westchester Financial Center, Suite 1000, 50 Main Street, White Plains, NY 10606, and Lelia Long, Kleinwort Benson Investors International Ltd., One Rockefeller Plaza, 32nd Floor, New York, NY 10020.

FOR FURTHER INFORMATION CONTACT: Courtney S. Thornton, Senior Counsel, at (202) 551–6812, or David P. Bartels, Branch Chief, at (202) 551–6821 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained via the Commission's Web site by searching for the file number, or for an applicant using the Company name box, at *http://www.sec.gov/search/search.htm,* or by calling (202) 551–8090.

Applicants' Representations

1. The Fund is a non-diversified, closed-end management investment company registered under the Act and is organized as a Maryland corporation. The investment objective of the Fund is long-term capital appreciation through investment primarily in equity securities of issuers organized under the laws of Ireland. The Fund's shares of common stock are currently listed on the New York Stock Exchange, a national securities exchange as defined in section 2(a)(26) of the Act. Applicants state that the Fund may incur leverage through the issuance of preferred stock and debt securities, by entering into a credit agreement or otherwise as permitted by applicable law.[1]

2. The Adviser is registered as an investment adviser under the Investment Advisers Act of 1940, as amended. Effective July 21, 2011, the Fund entered into an investment advisory agreement with the Adviser. Under the investment advisory agreement, the Adviser acts as investment adviser to the Fund and has responsibility for the implementation of the Fund's overall investment strategy.

3. Applicants state that, prior to the Fund's implementing a distribution policy (''Distribution Policy'') in reliance on the order, the board of directors (the ''Board'') of the Fund, including a majority of the directors who are not ''interested persons'' of the Fund as defined in section 2(a)(19) of the Act (the ''Independent Directors''), will request, and the Adviser will provide, such information as is reasonably necessary to make an informed determination of whether the Board should adopt a proposed Distribution Policy. In particular, the Board and the Independent Directors will review information regarding the purpose and terms of a proposed Distribution Policy; the likely effects of such policy on such Fund's long-term total return (in relation to market price and its net asset value (''NAV'') per share of common stock); the expected relationship between such Fund's distribution rate on its common stock under the policy and the Fund's total return (in relation to NAV per share); whether the rate of distribution would exceed such Fund's expected total return in relation to its NAV per share; and any foreseeable material effects of such policy on such Fund's long-term total return (in relation to market price and NAV per share). The Independent Directors will also consider what conflicts of interest the Adviser and the affiliated persons of the Adviser and the Fund might have with respect to the adoption or implementation of the Distribution Policy. Applicants state that, following this review, the Board, including the Independent Directors, of the Fund will, before adopting or implementing any Distribution Policy, make a determination that the Distribution Policy is consistent with the Fund's investment objectives and in the best interests of the holders of the Fund's common stock. The Distribution Policy will be consistent with the Fund's policies and procedures and will be described in the Fund's registration statement.

4. Applicants state that the purpose of a Distribution Policy, generally, would be to permit the Fund to distribute over the course of each year, through periodic distributions in relatively equal amounts (plus any required special distributions), an amount closely approximating the total taxable income of the Fund during the year and, if determined by the Board, all or a portion of returns of capital paid by portfolio companies to the Fund during the year. Under the Distribution Policy of the Fund, the Fund would distribute periodically (as frequently as 12 times in any taxable year) to its common stockholders a fixed percentage of the market price of the Fund's common stock at a particular point in time or a fixed percentage of NAV at a particular time or a fixed amount per share of common stock, any of which may be adjusted from time to time. It is anticipated that under the Distribution Policy, the minimum annual distribution rate with respect to the Fund's shares of common stock would be independent of the Fund's performance during any particular period but would be expected to correlate with the Fund's performance over time. Except for extraordinary distributions and potential increases or decreases in the final dividend periods in light of the Fund's performance for an entire calendar year and to enable a Fund to comply with the distribution

[1] The Fund currently has no outstanding preferred stock.

requirements of Subchapter M of the Internal Revenue Code (''Code'') for the calendar year, each distribution on the Fund's common stock would be at the stated rate then in effect.

5. Applicants state that prior to the implementation of a Distribution Policy for the Fund, the Board shall have adopted policies and procedures under rule 38a–1 under the Act that: (i) Are reasonably designed to ensure that all notices required to be sent to the Fund's stockholders pursuant to section 19(a) of the Act, rule 19a–1 thereunder and condition 4 below (each a ''19(a) Notice'') include the disclosure required by rule 19a–1 under the Act and by condition 2(a) below, and that all other written communications by the Fund or its agents regarding distributions under the Distribution Policy include the disclosure required by condition 3(a) below; and (ii) require the Fund to keep records that demonstrate its compliance with all of the conditions of the order and that are necessary for the Fund to form the basis for, or demonstrate the calculation of, the amounts disclosed in its 19(a) Notices.

Applicants' Legal Analysis

1. Section 19(b) of the Act generally makes it unlawful for any registered investment company to make long-term capital gains distributions more than once every twelve months. Rule 19b–1 limits the number of capital gains dividends, as defined in section 852(b)(3)(C) of the Code (''distributions''), that a fund may make with respect to any one taxable year to one, plus a supplemental distribution made pursuant to section 855 of the Code not exceeding 10% of the total amount distributed for the year, plus one additional capital gain dividend made in whole or in part to avoid the excise tax under section 4982 of the Code.

2. Section 6(c) of the Act provides, in relevant part, that the Commission may exempt any person or transaction from any provision of the Act to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

3. Applicants state that one of the concerns leading to the enactment of section 19(b) and adoption of rule 19b–1 was that stockholders might be unable to distinguish between frequent distributions of capital gains and dividends from investment income. Applicants state, however, that rule 19a–1 effectively addresses this concern by requiring that distributions (or the confirmation of the reinvestment thereof) estimated to be sourced in part from capital gains or capital be accompanied by a separate statement showing the sources of the distribution (*e.g.,* estimated net income, net short-term capital gains, net long-term capital gains and/or return of capital). Applicants state that similar information is included in the Funds' annual reports to stockholders and on the Internal Revenue Service Form 1099 DIV, which is sent to each common and preferred stockholder who received distributions during a particular year.

4. Applicants further state that each of the Funds will make the additional disclosures required by the conditions set forth below, and each of them will adopt compliance policies and procedures in accordance with rule 38a–1 under the Act to ensure that all required 19(a) Notices and disclosures are sent to stockholders. Applicants state that the information required by section 19(a), rule 19a–1, the Distribution Policy, the policies and procedures under rule 38a–1 noted above, and the conditions listed below will help ensure that each Fund's stockholders are provided sufficient information to understand that their periodic distributions are not tied to a Fund's net investment income (which for this purpose is the Fund's taxable income other than from capital gains) and realized capital gains to date, and may not represent yield or investment return. Accordingly, Applicants assert that continuing to subject the Funds to section 19(b) and rule 19b–1 would afford stockholders no extra protection.

5. Applicants note that section 19(b) and rule 19b–1 also were intended to prevent certain improper sales practices, including, in particular, the practice of urging an investor to purchase shares of a fund on the basis of an upcoming capital gains dividend (''selling the dividend''), where the dividend would result in an immediate corresponding reduction in NAV and would be in effect a taxable return of the investor's capital. Applicants submit that the ''selling the dividend'' concern should not apply to closed-end investment companies, such as the Funds, which do not continuously distribute shares. According to Applicants, if the underlying concern extends to secondary market purchases of shares of closed-end funds that are subject to a large upcoming capital gains dividend, adoption of a periodic distribution plan actually helps minimize the concern by avoiding, through periodic distributions, any buildup of large end-of-the-year distributions.

6. Applicants also note that the common stock of closed-end funds often trades in the marketplace at a discount to its NAV. Applicants believe that this discount may be reduced if the Funds are permitted to pay relatively frequent dividends on their common stock at a consistent rate, whether or not those dividends contain an element of long-term capital gain.

7. Applicants assert that the application of rule 19b–1 to a Distribution Policy actually could have an inappropriate influence on portfolio management decisions. Applicants state that, in the absence of an exemption from rule 19b–1, the adoption of a periodic distribution plan imposes pressure on management (i) not to realize any net long-term capital gains until the point in the year that the fund can pay all of its remaining distributions in accordance with rule 19b–1, and (ii) not to realize any long-term capital gains during any particular year in excess of the amount of the aggregate pay-out for the year (since as a practical matter excess gains must be distributed and accordingly would not be available to satisfy pay-out requirements in following years), notwithstanding that purely investment considerations might favor realization of long-term gains at different times or in different amounts. Applicants assert that by limiting the number of long-term capital gain dividends that the Fund may make with respect to any one year, rule 19b–1 may prevent the normal and efficient operation of a periodic distribution plan whenever the Fund's realized net long-term capital gains in any year exceed the total of the periodic distributions that may include such capital gains under the rule.

8. Applicants also assert that rule 19b–1 may force fixed regular periodic distributions under a periodic distribution plan to be funded with returns of capital [2] (to the extent net investment income and realized short-term capital gains are insufficient to fund the distribution), even though realized net long-term capital gains otherwise would be available. To distribute all of a Fund's long-term capital gains within the limits in rule 19b–1, a Fund may be required to make total distributions in excess of the annual amount called for by its periodic distribution plan, or to retain and pay taxes on the excess amount. Applicants assert that the requested order would minimize these anomalous effects of rule 19b–1 by enabling the Funds to

[2] Returns of capital as used in the application means return of capital for financial accounting purposes and not for tax accounting purposes.

realize long-term capital gains as often as investment considerations dictate without fear of violating rule 19b–1.

9. Applicants state that Revenue Ruling 89–81 under the Code requires that a fund that seeks to qualify as a regulated investment company under the Code and that has both common stock and preferred stock outstanding designate the types of income, e.g., investment income and capital gains, in the same proportion as the total distributions distributed to each class for the tax year. To satisfy the proportionate designation requirements of Revenue Ruling 89–81, whenever a fund has realized a long-term capital gain with respect to a given tax year, the fund must designate the required proportionate share of such capital gain to be included in common and preferred stock dividends. Applicants state that although rule 19b–1 allows a fund some flexibility with respect to the frequency of capital gains distributions, a fund might use all of the exceptions available under the rule for a tax year and still need to distribute additional capital gains allocated to the preferred stock to comply with Revenue Ruling 89–81.

10. Applicants assert that the potential abuses addressed by section 19(b) and rule 19b–1 do not arise with respect to preferred stock issued by a closed-end fund. Applicants assert that such distributions are either fixed or determined in periodic auctions by reference to short-term interest rates rather than by reference to performance of the issuer, and Revenue Ruling 89–81 determines the proportion of such distributions that are comprised of long-term capital gains.

11. Applicants also submit that the ''selling the dividend'' concern is not applicable to preferred stock, which entitles a holder to no more than a specified periodic dividend at a fixed rate or the rate determined by the market, and, like a debt security, is priced based upon its liquidation preference, dividend rate, credit quality, and frequency of payment. Applicants state that investors buy preferred stock for the purpose of receiving payments at the frequency bargained for, and any application of rule 19b–1 to preferred stock would be contrary to the expectation of investors.

12. Applicants request an order under section 6(c) of the Act granting an exemption from the provisions of section 19(b) of the Act and rule 19b–1 thereunder to permit the Fund to distribute periodic capital gain dividends (as defined in section 852(b)(3)(C) of the Code) as often as monthly in any one taxable year in respect of its common stock and as often as specified by or determined in accordance with the terms thereof in respect of its preferred stock.

Applicants' Conditions

Applicants agree that the order will be subject to the following conditions:

1. *Compliance Review and Reporting.* The Fund's chief compliance officer will: (a) Report to the Fund's Board, no less frequently than once every three months or at the next regularly scheduled quarterly Board meeting, whether (i) the Fund and the Adviser have complied with the conditions of the order, and (ii) a material compliance matter (as defined in rule 38a–1(e)(2) under the Act) has occurred with respect to such conditions; and (b) review the adequacy of the policies and procedures adopted by the Board no less frequently than annually.

2. *Disclosures to Fund Stockholders.*

(a) Each 19(a) Notice disseminated to the holders of the Fund's common stock, in addition to the information required by section19(a) and rule 19a–1:

(i) Will provide, in a tabular or graphical format:

(1) The amount of the distribution, on a per share of common stock basis, together with the amounts of such distribution amount, on a per share of common stock basis and as a percentage of such distribution amount, from estimated: (A) net investment income; (B) net realized short-term capital gains; (C) net realized long-term capital gains; and (D) return of capital or other capital source;

(2) the fiscal year-to-date cumulative amount of distributions, on a per share of common stock basis, together with the amounts of such cumulative amount, on a per share of common stock basis and as a percentage of such cumulative amount of distributions, from estimated: (A) Net investment income; (B) net realized short-term capital gains; (C) net realized long-term capital gains; and (D) return of capital or other capital source;

(3) the average annual total return in relation to the change in NAV for the 5-year period ending on the last day of the month ended immediately prior to the most recent distribution record date compared to the current fiscal period's annualized distribution rate expressed as a percentage of NAV as of the last day of the month prior to the most recent distribution record date; and

(4) the cumulative total return in relation to the change in NAV from the last completed fiscal year to the last day of the month prior to the most recent distribution record date compared to the fiscal year-to-date cumulative distribution rate expressed as a percentage of NAV as of the last day of the month prior to the most recent distribution record date. Such disclosure shall be made in a type size at least as large and as prominent as the estimate of the sources of the current distribution; and

(ii) will include the following disclosure:

(1) ''You should not draw any conclusions about the Fund's investment performance from the amount of this distribution or from the terms of the Fund's Distribution Policy'';

(2) ''The Fund estimates that it has distributed more than its income and net realized capital gains; therefore, a portion of your distribution may be a return of capital. A return of capital may occur, for example, when some or all of the money that you invested in the Fund is paid back to you. A return of capital distribution does not necessarily reflect the Fund's investment performance and should not be confused with 'yield' or 'income'''; [3] and

(3) ''The amounts and sources of distributions reported in this 19(a) Notice are only estimates and are not being provided for tax reporting purposes. The actual amounts and sources of the amounts for tax reporting purposes will depend upon the Fund's investment experience during the remainder of its fiscal year and may be subject to changes based on tax regulations. The Fund will send you a Form 1099–DIV for the calendar year that will tell you how to report these distributions for federal income tax purposes.'' Such disclosure shall be made in a type size at least as large as and as prominent as any other information in the 19(a) Notice and placed on the same page in close proximity to the amount and the sources of the distribution.

(b) On the inside front cover of each report to stockholders under rule 30e–1 under the Act, the Fund will:

(i) Describe the terms of the Distribution Policy (including the fixed amount or fixed percentage of the distributions and the frequency of the distributions);

(ii) include the disclosure required by condition 2(a)(ii)(1) above;

(iii) state, if applicable, that the Distribution Policy provides that the Board may amend or terminate the Distribution Policy at any time without prior notice to Fund stockholders; and

[3] The disclosure in condition 2(a)(ii)(2) will be included only if the current distribution or the fiscal year-to-date cumulative distributions are estimated to include a return of capital.

(iv) describe any reasonably foreseeable circumstances that might cause the Fund to terminate the Distribution Policy and any reasonably foreseeable consequences of such termination.

(c) Each report provided to stockholders under rule 30e–1 under the Act and each prospectus filed with the Commission on Form N–2 under the Act, will provide the Fund's total return in relation to changes in NAV in the financial highlights table and in any discussion about the Fund's total return.

3. *Disclosure to Stockholders, Prospective Stockholders and Third Parties.*

(a) The Fund will include the information contained in the relevant 19(a) Notice, including the disclosure required by condition 2(a)(ii) above, in any written communication (other than a communication on Form 1099) about the Distribution Policy or distributions under the Distribution Policy by the Fund, or agents that the Fund has authorized to make such communication on the Fund's behalf, to any Fund stockholder, prospective stockholder or third-party information provider;

(b) The Fund will issue, contemporaneously with the issuance of any 19(a) Notice, a press release containing the information in the 19(a) Notice and will file with the Commission the information contained in such 19(a) Notice, including the disclosure required by condition 2(a)(ii) above, as an exhibit to its next filed Form N–CSR; and

(c) The Fund will post prominently a statement on its Web site containing the information in each 19(a) Notice, including the disclosure required by condition 2(a)(ii) above, and will maintain such information on such Web site for at least 24 months.

4. *Delivery of 19(a) Notices to Beneficial Owners.* If a broker, dealer, bank or other person (''financial intermediary'') holds common stock issued by the Fund in nominee name, or otherwise, on behalf of a beneficial owner, the Fund: (a) Will request that the financial intermediary, or its agent, forward the 19(a) Notice to all beneficial owners of the Fund's stock held through such financial intermediary; (b) will provide, in a timely manner, to the financial intermediary, or its agent, enough copies of the 19(a) Notice assembled in the form and at the place that the financial intermediary, or its agent, reasonably requests to facilitate the financial intermediary's sending of the 19(a) Notice to each beneficial owner of the Fund's stock; and (c) upon the request of any financial intermediary, or its agent, that receives copies of the 19(a) Notice, will pay the financial intermediary, or its agent, the reasonable expenses of sending the 19(a) Notice to such beneficial owners.

5. *Additional Board Determinations for Funds Whose Common Stock Trades at a Premium.*

If:

(a) The Fund's common stock has traded on the stock exchange that it primarily trades on at the time in question at an average premium to NAV equal to or greater than 10%, as determined on the basis of the average of the discount or premium to NAV of the Fund's common stock as of the close of each trading day over a 12-week rolling period (each such 12-week rolling period ending on the last trading day of each week); and

(b) The Fund's annualized distribution rate for such 12-week rolling period, expressed as a percentage of NAV as of the ending date of such 12-week rolling period, is greater than the Fund's average annual total return in relation to the change in NAV over the 2-year period ending on the last day of such 12-week rolling period; then:

(i) At the earlier of the next regularly scheduled meeting or within four months of the last day of such 12-week rolling period, the Board, including a majority of the Independent Directors:

(1) Will request and evaluate, and the Fund's Adviser will furnish, such information as may be reasonably necessary to make an informed determination of whether the Distribution Policy should be continued or continued after amendment;

(2) will determine whether continuation, or continuation after amendment, of the Distribution Policy is consistent with the Fund's investment objective and policies and is in the best interests of the Fund and its stockholders, after considering the information in condition 5(b)(i)(1) above; including, without limitation:

(A) Whether the Distribution Policy is accomplishing its purpose(s);

(B) the reasonably foreseeable material effects of the Distribution Policy on the Fund's long-term total return in relation to the market price and NAV of the Fund's common stock; and

(C) the Fund's current distribution rate, as described in condition 5(b) above, compared with the Fund's average annual taxable income or total return over the 2-year period, as described in condition 5(b), or such longer period as the Board deems appropriate; and

(3) based upon that determination, will approve or disapprove the continuation, or continuation after amendment, of the Distribution Policy; and

(ii) The Board will record the information considered by it, including its consideration of the factors listed in condition 5(b)(i)(2) above, and the basis for its approval or disapproval of the continuation, or continuation after amendment, of the Distribution Policy in its meeting minutes, which must be made and preserved for a period of not less than six years from the date of such meeting, the first two years in an easily accessible place.

6. *Public Offerings.* The Fund will not make a public offering of the Fund's common stock other than:

(a) A rights offering below NAV to holders of the Fund's common stock;

(b) an offering in connection with a dividend reinvestment plan, merger, consolidation, acquisition, spin-off or reorganization of the Fund; or

(c) an offering other than an offering described in conditions 6(a) and 6(b) above, provided that, with respect to such other offering:

(i) The Fund's annualized distribution rate for the six months ending on the last day of the month ended immediately prior to the most recent distribution record date, expressed as a percentage of NAV per share as of such date, is no more than 1 percentage point greater than the Fund's average annual total return for the 5-year period ending on such date; and

(ii) the transmittal letter accompanying any registration statement filed with the Commission in connection with such offering discloses that the Fund has received an order under section 19(b) to permit it to make periodic distributions of long-term capital gains with respect to its common stock as frequently as twelve times each year, and as frequently as distributions are specified by or determined in accordance with the terms of any outstanding preferred stock as such Fund may issue.

7. *Amendments to Rule 19b–1*

The requested order will expire on the effective date of any amendments to rule 19b–1 that provide relief permitting certain closed-end investment companies to make periodic distributions of long-term capital gains with respect to their outstanding common stock as frequently as twelve times each year.

For the Commission, by the Division of Investment Management, under delegated authority.

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–17775 Filed 7–28–14; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72650]

Order Granting Applications by NASDAQ OMX BX, Inc. and the NASDAQ Stock Market LLC for Exemption Pursuant to Section 36(a) of the Exchange Act From the Rule Filing Requirements of Section 19(b) of the Exchange Act With Respect to Certain Rules Incorporated by Reference

July 22, 2014.

NASDAQ OMX BX, Inc. (''BX'') and The NASDAQ Stock Market LLC (''NASDAQ'' or collectively, ''Exchanges'') have filed with the Securities and Exchange Commission (''Commission'') applications for an exemption under Section 36(a)(1) of the Securities Exchange Act of 1934 (''Exchange Act'') [1] from the rule filing requirements of Section 19(b) of the Exchange Act [2] with respect to certain rules of NASDAQ OMX PHLX LLC (''PHLX'') that the Exchanges seek to incorporate by reference. Section 36 of the Exchange Act authorizes the Commission to conditionally or unconditionally exempt any person, security, or transaction, or any class thereof, from any provision of the Exchange Act or rule thereunder, if necessary or appropriate in the public interest and consistent with the protection of investors.

BX and NASDAQ each recently filed rule changes with the Commission to incorporate by reference comparable position and exercise limit rules of PHLX.[3] Specifically, in both the BX Options and NOM Rules, (i) Chapter III, Section 7 incorporates the position limit rules of PHLX for U.S. Dollar-Settled Foreign Currency Options; (ii) Chapter III, Section 9 incorporates the exercise limit rules of PHLX for U.S. Dollar-Settled Foreign Currency Options; (iii) Chapter XIV, Section 5 incorporates the position limit rules of PHLX for PHLX proprietary broad-based index options products; and (iv) Chapter XIV, Section 7 incorporates the exercise limit rules of PHLX for PHLX proprietary industry and micro-narrow based index options products. Thus, BX Options Participants and NOM Participants comply with these BX Options and NOM rules by complying with the relevant, incorporated PHLX rule.[4]

The Exchanges have requested, pursuant to Rule 0–12 under the Exchange Act,[5] that the Commission grant them an exemption from the rule filing requirements of Section 19(b) of the Exchange Act for changes to BX Options and NOM Rules Chapter III, Sections 7 and 9, and Chapter XIV, Sections 5 and 7 that are effected solely by virtue of a change to the corresponding cross-referenced rules of PHLX. Specifically, the Exchanges request that they be permitted to incorporate by reference changes made to each such PHLX rule without the need for them to file separately the same proposed rule changes pursuant to Section 19(b) of the Exchange Act.[6] By virtue of these incorporations by reference, the requirements applicable to BX Options Participants and NOM Participants will change when the applicable incorporated PHLX rules change, without the need for the Exchanges to file separately the proposed rule changes pursuant to Section 19(b) of the Exchange Act.[7] The Exchanges state that the PHLX rules the Exchanges seek to incorporate by reference are regulatory in nature and that these incorporations by reference of PHLX rules are intended to be a comprehensive integration of the relevant rules of PHLX into the Exchanges' rules. The Exchanges have agreed to provide written notice to their Options Participants whenever PHLX proposes a change to a cross-referenced rule.[8]

The Exchanges believe this exemption is necessary and appropriate because it will result in the BX Options and NOM rules being consistent with the relevant cross-referenced PHLX rules at all times, thus ensuring identical regulation of joint members of PHLX, BX, and NOM with respect to the incorporated rules.[9] The Exchanges also believe that, without such an exemption, such members could be subject to two different standards.[10]

The Commission has issued exemptions similar to the Exchanges' requests.[11] In granting one such exemption in 2010, the Commission repeated a prior, 2004 Commission statement that it would consider similar future exemption requests from other SROs, provided that:

- An SRO wishing to incorporate rules of another SRO by reference has submitted a written request for an order exempting it from the requirement in Section 19(b) of the Exchange Act to file proposed rule changes relating to the rules incorporated by reference, has identified the applicable originating SRO(s), together with the rules it wants to incorporate by reference, and otherwise has complied with the procedural requirements set forth in the Commission's release governing procedures for requesting exemptive orders pursuant to Rule 0–12 under the Exchange Act; [12]
- An incorporating SRO has requested incorporation of categories of rules (rather than individual rules within a category) that are not trading rules (*e.g.,* the SRO has requested incorporation of rules such as margin, suitability, or arbitration); and
- The incorporating SRO has reasonable procedures in place to provide written notice to its members each time a change is proposed to the incorporated rules of another SRO.[13]

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[1] 15 U.S.C. 78mm(a)(1).

[2] 15 U.S.C. 78s(b).

[3] BX modified its Options Rules Chapter III, Sections 7 (Position Limits) and 9 (Exercise Limits) and Chapter XIV, Sections 5 (Position Limits for Broad-Based Index Options) and 7 (Position Limits for Industry and Micro-Narrow Based Index Options). *See* Securities Exchange Act Release No. 71977 (April 21, 2014), 79 FR 23023 (April 25, 2014) (SR–BX–2014–019). NASDAQ modified its NASDAQ Options Market (''NOM'') Rules bearing the same section references and headings. *See* Securities Exchange Act Release No. 71978 (April 21, 2014), 79 FR 23036 (April 25, 2014) (SR–NASDAQ–2014–039).

[4] The Exchanges have not previously sought an exemption from the Commission pursuant to Section 36(a)(1) of the Exchange Act from the rule filing requirements of Section 19(b) of the Exchange Act with respect to these incorporations by reference.

[5] 17 CFR 240.0–12.

[6] *See* Letters from Angela S. Dunn, BX and NASDAQ, to Secretary, Commission, dated April 25, 2014 (''Exemptive Requests''), at 1.

[7] *Id.* at 1–2.

[8] *Id.* at 2. The Exchanges state that they will provide such notice via a posting on the same Web sites where they post their own proposed rule change filings pursuant to Rule 19b–4(l). In addition, the Exchanges state that the Web site postings will include a link to the location on the PHLX Web site where the proposed rule change is posted. *Id.* at 2 n.3.

[9] *Id.* at 2.

[10] *Id.*

[11] For example, on behalf of their respective options markets, BX, BATS Exchange, Inc. (''BATS''), and NASDAQ incorporate, among other things, the position limit rules of other exchanges. *See, e.g.,* Securities Exchange Act Release Nos. 67256 (June 26, 2012), 77 FR 39277, 39286 (July 2, 2012) (order approving SR–BX–2012–030 and granting exemptive request relating to rules incorporated by reference by the BX Options rules); 61534 (February 18, 2010), 75 FR 8760 (February 25, 2010) (order granting BATS' exemptive request relating to rules incorporated by reference by the BATS Options Market rules) (''BATS Options Market Order''); 57478 (March 12, 2008), 73 FR 14521, 14539–40 (March 18, 2008) (order approving SR–NASDAQ–2007–004 and SR–NASDAQ–2007–080, and granting exemptive request relating to rules incorporated by reference by NOM).

[12] *See* 17 CFR 240.0–12 and Securities Exchange Act Release No. 39624 (February 5, 1998), 63 FR 8101 (February 18, 1998) (Commission Procedures for Filing Applications for Orders for Exemptive Relief Pursuant to Section 36 of the Exchange Act; Final Rule).

[13] *See* BATS Options Market Order, *supra* note 11 (citing Securities Exchange Act Release No. 49260 (February 17, 2004), 69 FR 8500 (February 24, 2004) (order granting exemptive request relating to rules incorporated by reference by several SROs) (''2004 Order'')).

The Commission believes that the Exchanges have satisfied each of these conditions. The Commission also believes that granting the Exchanges an exemption from the rule filing requirements under Section 19(b) of the Exchange Act will promote efficient use of Commission and the Exchanges' resources by avoiding duplicative rule filings based on simultaneous changes to identical rule text sought by BX, NASDAQ, and PHLX.[14] The Commission therefore finds it appropriate in the public interest and consistent with the protection of investors to exempt the Exchanges from the rule filing requirements under Section 19(b) of the Exchange Act with respect to the above-described rules they have incorporated by reference. This exemption is conditioned upon the Exchanges promptly providing written notice to their BX Options Participants and NOM Participants, respectively, whenever PHLX changes a rule that they have incorporated by reference.

Accordingly, *it is ordered,* pursuant to Section 36 of the Exchange Act,[15] that the Exchanges are exempt from the rule filing requirements of Section 19(b) of the Exchange Act solely with respect to changes to the rules identified in their requests that incorporate by reference certain PHLX rules that are the result of changes to such PHLX rules, provided that the Exchanges promptly provide written notice to their BX Options Participants and NOM Participants, respectively, whenever PHLX proposes to change a rule that the Exchanges have incorporated by reference.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[16]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–17638 Filed 7–28–14; 8:45 am]

BILLING CODE 8011–01–P

[14] *See* BATS Options Market Order, *supra* note 11, 75 FR at 8761; *see also* 2004 Order, *supra* note 13, 69 FR at 8502.

[15] 15 U.S.C. 78mm.

[16] 17 CFR 200.30–3(a)(76).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72658; File No. S7–08–14]

Notice of Proposed Exemptive Order Granting Permanent Exemptions Under the Securities Exchange Act of 1934 From the Confirmation Requirements of Exchange Act Rule 10b–10 for Certain Money Market Funds

July 23, 2014.

AGENCY: Securities and Exchange Commission.

ACTION: Notice of Proposed Exemptive Order; Request for Comment.

SUMMARY: Pursuant to Section 36 of the Securities Exchange Act of 1934 (''Exchange Act'') and Exchange Act Rule 10b–10(f), the Securities and Exchange Commission (''SEC'' or ''Commission'') is proposing to grant exemptive relief, subject to certain conditions, from the immediate confirmation delivery requirements of Exchange Act Rule 10b–10 for transactions effected in shares of any open-end management investment company registered under the Investment Company Act of 1940 (''Investment Company Act'') that holds itself out as a money market fund operating in accordance with Rule 2a–7(c)(1)(ii) of the Investment Company Act.

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

ADDRESSES: Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/other.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number S7–08–14 on the subject line; or
- Use the Federal Rulemaking Portal (*http://www.regulations.gov*). Follow the instructions for submitting comments.

Paper Comments

- Send paper comments in triplicate to Kevin M. O'Neill, Deputy Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number S7–08–14. This file number should be included on the subject line if email is used. To help us process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec/gov/rules/other.shtml*). Comments are also available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. All comments received will be posted without charge; the Commission does not edit personal identifying information from submissions. You should only submit information that you wish to make publicly available.

FOR FURTHER INFORMATION CONTACT: Natasha Vij Greiner, Branch Chief, Jonathan C. Shapiro, Attorney-Adviser, George Makris, Attorney-Adviser, at 202–551–5550, Division of Trading and Markets, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–7010.

I. Background

Exchange Act Rule 10b–10 addresses broker-dealers' obligations to confirm their customers' securities transactions.[1] Under Rule 10b–10(a), a broker-dealer generally must provide customers with information relating to their investment decisions at or before the completion of a securities transaction.[2] Rule 10b–10(b), however, provides an exception for certain transactions in money market funds that attempt to maintain a stable net asset value (''NAV'') and where no sales load or redemption fee is charged.[3] The exception permits broker-dealers to provide transaction information to money market fund shareholders on a monthly basis (subject to certain conditions set forth in Rule 10b–10(b)(2) and (3)) in lieu of immediate confirmations for all purchases and redemptions of shares of such funds.[4]

[1] 17 CFR 240.10b–10.

[2] 17 CFR 240.10b–10(a).

[3] 17 CFR 240.10b–10(b).

[4] With respect to such money market funds, Exchange Act Rule 10b–10(b)(2) requires a broker-dealer to give or send to a customer within five business days after the end of each monthly period a written statement disclosing, each purchase or redemption, effected for or with, and each dividend or distribution credited to or reinvested for, the account of such customer during the month; the date of such transaction; the identity, number, and price of any securities purchased or redeemed by such customer in each such transaction; the total number of shares of such securities in such customer's account; any remuneration received or to be received by the broker or dealer in connection therewith; and that any other information required by Rule 10b–10(a) will be furnished upon written request: *Provided, however,* that the written statement may be delivered to some other person designated by the customer for distribution to the customer. 17 CFR 240.10b–10(b)(2). Exchange Act Rule 10b–10(b)(3) requires that such customer is provided with prior notification in writing disclosing the intention to send the written information referred to in Rule 10b–10(b)(1) in lieu of an immediate confirmation. 17 CFR 240.10b–10(b)(3).

Accordingly, customers historically have received information for their transactions in shares of money market funds on a monthly basis.

Today, the Commission adopted amendments to Rule 2a–7 of the Investment Company Act. Among other things, the amendments require institutional prime money market funds, which, under the prior rule, were permitted to maintain a stable net asset value, to sell and redeem shares based on the current market-based value of the securities held in their portfolios, *i.e.,* transact at a ''floating'' NAV.[5] As a result, institutional prime money market funds, like other mutual funds, will now be required to value their portfolio securities using market-based factors (rather than amortized cost) and sell and redeem shares at prices rounded to the fourth decimal place (rather than rounded to the nearest penny).[6] However, institutional prime money market funds will continue to be subject to the ''risk limiting'' provisions of Rule 2a–7 and therefore will continue to be limited to investing in short-term, high-quality, dollar-denominated instruments.[7]

Given that share prices of such institutional prime money market funds likely will fluctuate under the amended rule, absent exemptive relief, broker-dealers will not be able to continue to rely on the current exception under Rule 10b–10(b) for transactions in money market funds operating in accordance with Rule 2a–7(c)(1)(ii).[8] Instead, broker-dealers will be required to provide immediate confirmations for all such transactions.

In the money market fund reform proposing release,[9] the Commission requested comment on whether, if the Commission adopted the floating NAV requirement, broker-dealers should be required to provide immediate confirmations to all institutional prime money market fund investors. Commenters generally urged the Commission not to impose such a requirement, arguing that there would be significant costs associated with broker-dealers providing immediate confirmations.[10] Such costs are expected to include both (1) the ongoing costs of creating and sending trade-by-trade confirmations and (2) the costs of implementing new systems to generate confirmations.[11] The Commission recognizes that there may be costs associated with requiring immediate confirmations for such transactions,[12] and is aware that such costs may be passed on to investors in funds subject to the floating NAV requirements.[13] Nonetheless, given that institutional prime money market funds likely will fluctuate in price, some investors may find value in receiving information relating to their investment decisions at or before the completion of a securities transaction. The Commission requests comments regarding these potential benefits.

II. Discussion of Proposed Relief

After careful consideration, the Commission is proposing to grant exemptive relief pursuant to Section 36 of the Exchange Act[14] and Exchange Act Rule 10b–10(f)[15] that would allow broker-dealers, subject to certain conditions, to provide transaction information to investors in any money market fund operating pursuant to Rule 2a–7(c)(1)(ii) on a monthly basis in lieu of providing immediate confirmations.

The floating NAV requirement, as adopted, only applies to institutional prime money market funds—not to government or retail money market funds.[16] Shareholders that invest in institutional prime money market funds will continue to have extensive investor protections separate and apart from the protections provided under Exchange Act Rule 10b–10. For example, as stated above, funds subject to the floating NAV requirement will continue to be subject to the ''risk limiting'' conditions of Rule 2a–7.[17] These conditions limit the risk in a money market fund's portfolio by governing the credit quality, liquidity, diversification, and maturity of money market investments. Accordingly, mutual funds that hold themselves out as money market funds—including institutional prime money market funds—may acquire only investments that are short-term, high-quality, dollar-denominated instruments.[18]

[5] *See* Money Market Fund Reform; Amendments to Form PF, Securities Act Release No. 9616, Investment Advisers Act Release No. 3879, Investment Company Act Release No. 31166, at section III.B (July 23, 2014) (''Money Market Fund Reform Adopting Release'').

[6] *Id.;* Investment Company Act Rule 2a–7(c)(1)(ii), 17 CFR 270.2a–7(c)(1)(ii).

[7] Money Market Fund Reform Adopting Release, at 143; *see also* Investment Company Act Rule 2a–7(d), 17 CFR 270.2a–7(d) (risk-limiting conditions).

[8] *See generally* Money Market Fund Reform; Amendments to Form PF, Securities Act Release No. 9408, Investment Advisers Act Release No. 3616, Investment Company Act Release No. 30551 (June 5, 2013), 78 FR 36834, 36934 (June 19, 2013); *see also* Exchange Act Rule 10b–10(b)(1), 17 CFR 240.10b–10(b)(1) (limiting alternative monthly reporting to money market funds that attempt to maintain a stable net asset value).

As adopted, government and retail money market funds are exempt from the Investment Company Act Rule 2a–7(c)(1)(ii) floating NAV requirement, and therefore, will continue to maintain a stable NAV. *See* Money Market Fund Reform Adopting Release, at sections III.C.1 and III.C.2. Accordingly, for investor transactions in such exempt funds, broker-dealers would continue to qualify under the exception under Rule 10b–10 and be permitted to send monthly transaction reports.

[9] Money Market Fund Reform; Amendments to Form PF, 78 FR 36934.

[10] *See* Letter from Paul Schott Stevens, President and CEO, Investment Company Institute, to Elizabeth M. Murphy, Secretary, Commission, dated September 17, 2013 (''Investment Company Institute Letter''), at 37, *available at http://www.sec.gov/comments/s7-03-13/s70313-200.pdf;* Letter from Timothy W. Cameron, Managing Director, SIFMA Asset Management Group, John Maurello, Managing Director, SIFMA Private Client Group, Matthew J. Nevins, Managing Director and Associate General Counsel, SIFMA Asset Management Group, dated Sept. 17, 2013 (''9/17/13 SIFMA Letter''), at Appendices 1 and 2, *available at http://www.sec.gov/comments/s7-03-13/s70313-199.pdf;* Letter from J. Charles Cardona, President, The Dreyfus Corporation, to Elizabeth M. Murphy, Secretary, Commission, dated September 17, 2013 (''Dreyfus Letter''), at 35, *available at http://www.sec.gov/comments/s7-03-13/s70313-167.pdf;* Letter from John D. Hawke, Jr., Arnold & Porter, on behalf of Federated Investors, Inc. and its subsidiaries, to Chair Mary Jo White, Commission, dated September 17, 2013 (''Federated Letter''), at 22, *available at http://www.sec.gov/comments/s7-03-13/s70313-225.pdf;* Letter from Anthony J. Carfang, Partner, Cathryn R. Gregg, Partner, Paul LaRock, Principal, Steven Wiley, Manager, Treasury Strategies, Inc., to Elizabeth M. Murphy, Secretary, Commission, dated September 12, 2013 (''Treasury Strategies Letter''), *available at http://www.sec.gov/comments/s7-03-13/s70313-118.pdf.*

[11] *See, e.g.,* Federated Letter, at 22.

[12] Money Market Fund Reform Adopting Release, at section III.B.7.

[13] *See, e.g.,* Dreyfus Letter, at 35 (''Confirming transactions in [variable net asset value money market mutual funds] on a transaction basis will increase costs, which will be passed on to [money market mutual fund] investors or underwriters.'').

[14] Section 36 of the Exchange Act authorizes the Commission to conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from certain provisions of the Exchange Act or certain rules or regulations thereunder, by rule, regulation, or order, to the extent that such exemption is necessary or appropriate in the public interest, and is consistent with the protection of investors. 15 U.S.C. 78mm.

[15] Exchange Act Rule 10b–10(f) specifies the Commission may conditionally or unconditionally exempt any broker or dealer from the requirements of Rule 10b–10(a) and Rule 10b–10(b) with regard to specific transactions or specific classes of transactions for which the broker or dealer will provide alternative procedures to effect the purposes of the rule. 17 CFR 240.10b–10(f).

[16] *See* Investment Company Act Rule 2a–7(c)(1)(ii), 17 CFR 270.2a–7(c)(1)(ii). As defined in Investment Company Act Rule 2a–7(a)(25), as amended, a retail money market fund is defined as a money market fund that has policies and procedures reasonably designed to limit all beneficial owners of the fund to natural persons. 17 CFR 270.2a–7(a)(25). Under Rule 2a–7(a)(16), a government money market fund is defined as a money market fund that invests 99.5 percent or more of its total assets in cash, government securities, and/or repurchase agreements that are collateralized fully. 17 CFR 270.2a–7(a)(16).

[17] *See* Investment Company Act Rule 2a–7(d), 17 CFR 270.2a–7(d) (risk-limiting conditions).

[18] *Id.; see also* Money Market Fund Reform Adopting Release, at 143.

While institutional prime money market fund shares will fluctuate, they are not likely to fluctuate daily, primarily due to the high quality and short duration of such funds' underlying portfolio securities.[19] In addition, the Commission anticipates that information on prices will be available through other means.[20] For example, under the new fund disclosure requirements of Investment Company Act Rule 2a–7(h)(10)(iii), investors—including institutional investors—will be able to access a fund's daily mark-to-market NAV per share on a money market fund's Web site.[21] Moreover, as previously noted, commenters raised concerns about the costs associated with requiring immediate confirmation for such transactions, which, to some extent, may be passed on to investors.[22]

Under Exchange Act Rule 10b–10(b), the exemption from providing immediate confirmations consistent with the written notification requirements under Rule 10b–10(a) is subject to certain conditions.[23] The Commission preliminarily believes that these conditions are also appropriate for institutional prime money market funds subject to the floating NAV requirement under Rule 2a–7(c)(1)(ii) in order to provide customers with consistent information for all money market fund transactions.

Given that there will be price fluctuations in institutional prime money market funds, the Commission preliminarily believes that it may be necessary or appropriate in the public interest and consistent with the protection of investors to also require that broker-dealers provide immediate confirmations upon a customer's request. Accordingly, to be eligible for the exemption from Rule 10b–10(a), the Commission proposes an additional condition beyond those in place pursuant to Rule 10b–10(b). Specifically, the Commission proposes that, to be exempt from the immediate confirmation requirements of Rule 10b–10(a), the broker-dealer must (1) notify the customer of its ability to request delivery of an immediate confirmation, consistent with the written notification requirements of Exchange Act Rule 10b–10(a), and (2) not receive any such request from the customer. This condition would provide investors with an option to receive confirmation information regarding a transaction at or before the completion of a securities transaction, while also providing relief to broker-dealers in circumstances where customers would not view this additional information as beneficial.

Taking all of these factors into consideration, and consistent with the exemptions and related conditions applicable to money market funds that attempt to maintain a stable NAV, the Commission preliminarily believes that a conditional exemption is necessary and appropriate in the public interest, and consistent with the protection of investors. Therefore, the Commission proposes to exempt broker-dealers from the written notification requirements under Exchange Act Rule 10b–10(a) when effecting transactions in money market funds operating in accordance with Investment Company Act Rule 2a–7(c)(1)(ii), for or with the account of a customer, where: (i) No sales load is deducted upon the purchase or redemption of shares in the money market fund, (ii) the broker-dealer complies with the provisions of Rule 10b–10(b)(2) and Rule 10b–10(b)(3) that are applicable to money market funds that attempt to maintain a stable NAV referenced in Rule 10b–10(b)(1),[24] and (iii) the broker-dealer has notified the customer of its ability to request delivery of an immediate confirmation consistent with the written notification requirements of Exchange Act Rule 10b–10(a) and has not received such request from the customer.

Solicitation of Comment

The Commission requests comment on all aspects of this proposed exemptive order, including, but not limited to, the following questions:

• Do the monthly statements and other requirements under Rule 10b–10(b)(2) and (3) provide an appropriate alternative to immediate confirmations for transactions in floating NAV money market funds? What are the advantages and disadvantages to various market participants (including broker-dealers, shareholders, and funds) of permitting broker-dealers to provide fund shareholders of floating NAV money market funds with monthly confirmation statements?

• What are the reasons why shareholders might prefer to receive confirmation information immediately for floating NAV money market funds? What are the costs to broker-dealers associated with providing immediate confirmations? In particular, what are the nature and magnitude of such costs associated with providing immediate confirmations, and what, if any, costs would be passed along to investors?

• Should the Commission consider any alternatives other than the proposed exemption to the Exchange Act Rule 10b–10 requirements in the context of a floating NAV fund outlined above, such as requiring the provision of confirmations to shareholders at some different time interval (*e.g.,* weekly statements)? Should broker-dealers be required to provide immediate confirmations upon request by an investor? Rather than requiring immediate confirmations upon request by an investor, should the Commission consider any alternatives (*e.g.,* requiring next-day delivery upon investor request)? What benefits and costs would be associated with any alternative approach?

• Should the Commission give investors the option to request delivery of an immediate confirmation statement for floating NAV money market funds? If investors should have that option, should the Commission require that broker-dealers notify the customer of its ability to request delivery of an immediate confirmation? What are the advantages and disadvantages of providing investors with the ability to request immediate confirmations? What are the potential effects on broker-dealers, investors, or other market participants? Should the Commission consider an alternative approach, such as requiring immediate confirmations unless the customer opts out?

• Would providing an exemption from the immediate confirmation delivery requirements of Exchange Act Rule 10b–10, as proposed, provide appropriate relief to broker-dealers and, at the same time, provide sufficient information to investors?

By the Commission.

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–17748 Filed 7–28–14; 8:45 am]

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[19] *Id.,* at 155 n.491. Based on staff analysis of Form N–MFP data between November 2010 and November 2013, *53%* of money market funds would have fluctuated in price over a twelve-month period with an NAV priced using basis point rounding, compared with less than *5%* of money market funds that would have fluctuated in price using 10 basis point rounding. *Id.,* at 158–59.

[20] *Id.,* at section III.E.9.c.

[21] 17 CFR 270.2a–7(h)(10)(iii).

[22] Another commenter stated that institutions and intermediaries can demand more frequent confirmations through independent negotiations with money market fund providers. *See* Dreyfus Letter, at 35. Such an option, however, would not necessarily be available for retail investors in institutional prime money market funds.

[23] *See* 17 CFR 240.10b–10(b); *see also supra,* Note 4, citing certain specific relevant conditions.

[24] The proposed conditions under ''(i)'' and ''(ii)'' above are consistent with the confirmation delivery requirements provided in Exchange Act Rule 10b–10(b) for all transactions in investment companies that attempt to maintain a constant NAV where no sales load or redemption fee is charged. 17 CFR 240.10b–10(b).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72657; File No. SR–NSCC–2014–07]

Self-Regulatory Organizations; National Securities Clearing Corporation; Order Approving Proposed Rule Change To Implement a New Scorecard Feature to the Mutual Fund Profile Service

July 23, 2014.

On May 30, 2014, National Securities Clearing Corporation (''NSCC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change SR–NSCC–2014–07 pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder.[2] The proposed rule change was published for comment in the **Federal Register** on June 12, 2014.[3] The Commission did not receive any comments on the proposed rule change. This order approves the proposed rule change.

I. Description

NSCC is adding a section to Rule 52.D of its Rules & Procedures [4] to implement a new scorecard feature to its Mutual Fund Profile Service (''MFPS''). The purpose of the new scorecard feature is to encourage more reliable data in MFPS.

MFPS is a data repository that provides members with a way of transmitting and receiving information about funds and other pooled investment vehicles (''Funds'').[5] MFPS includes a database, the ''security issue profile database,'' which contains Fund information, including, security ID number, security name, fee structure, investment objectives, breakpoint schedule data, and blue sky eligibility (collectively, ''Security Issue Data'').[6] Generally, Fund members populate the database (''Data Providers'') [7] and the Funds' distribution partners receive and use the information in the database (''Data Receivers'').

Over the last several months, Data Receivers have expressed concern to NSCC that the Security Issue Data appears to be unreliable because of certain discrepancies. For example, the Security Issue Data does not always match information in the Data Providers' public filings. As a result, Data Receivers requested that NSCC implement a mechanism to encourage Data Providers to provide more reliable Security Issue Data.

To respond to these concerns and encourage Data Providers to provide more reliable data, NSCC is amending Rule 52.D of its Rules & Procedures [8] to implement a new scorecard feature to MFPS. NSCC will score each Data Provider based on the types and number of discrepancies between MFPS data and other information, such as, for example, the Data Provider's public filings (''Discrepancies''). NSCC will share this score with both the Data Providers and Data Receivers through a scorecard, which NSCC will distribute regularly.

NSCC will score Data Providers in the following ways. NSCC will issue a perfect score to a Data Provider who either has no Discrepancies or who addressed all of its Discrepancies and will reduce a score if a Data Provider fails to take action on its Discrepancies. NSCC will regularly recalculate both the Data Providers' score as well as an industry average score as new Discrepancies are identified or addressed.

Scorecards distributed to Data Providers will contain: (i) The Data Provider's score; (ii) the Data Provider's number of Discrepancies by category; and (iii) the combined average score of all Data Providers. Data Providers will not see individual, numerical scores issued to other Data Providers nor other Data Providers' Discrepancies.

Scorecards distributed to Data Receivers will contain: (i) Each Data Provider's score; (ii) each Data Provider's number of Discrepancies by category; and (iii) the combined average score of all Data Providers.

NSCC's rule will provide that NSCC makes no representation or warranty with respect to the value or usefulness of any score or scorecard, nor will NSCC be subject to any damages or liabilities whatsoever with respect to any person's use of or reliance upon any score or scorecard. According to NSCC, it is including this information because the scores are based solely on action or inaction of Data Providers.[9]

In addition, NSCC's rule will state that all information contained in the scorecards is copyrighted and any form of copying, other than for each NSCC member's personal reference, without the express written permission of NSCC, is prohibited, and further distribution or redistribution of the scorecard or any information contained therein by any means or in any manner is strictly prohibited. According to NSCC, it is including the information because the scorecards are intended solely for members' use and are not intended to be made public.[10]

II. Discussion

Section 19(b)(2)(C) of the Act [11] directs the Commission to approve a proposed rule change of a self-regulatory organization if it finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to such organization.

The Commission finds that the proposed rule change is consistent with Section 17A(b)(3)(F) of the Act,[12] which requires that the rules of a clearing agency be designed to, in part, foster cooperation and coordination with persons engaged in the clearance and settlement of securities transactions. NSCC's proposed rule is designed to foster cooperation and coordination with persons engaged in the clearance and settlement of securities transactions because it is designed to encourage reliable and accurate data about securities.

III. Conclusion

On the basis of the foregoing, the Commission finds that the proposal is consistent with the requirements of the Act and in particular with the requirements of Section 17A of the Act [13] and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change (SR–NSCC–2014–07) be, and it hereby is, approved.

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[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Securities Exchange Act Release No. 72344 (June 6, 2014), 79 FR 33793 (June 12, 2014) (SR–NSCC–2014–07) (''Notice'').

[4] Rule 52.D is titled, ''Mutual Fund Profile Services.''

[5] *See* Securities Exchange Act Release No. 37171 (May 8, 1996), 61 FR 24343 (May 14, 1996) (SR–NSCC–96–04) (establishing MFPS); Securities Exchange Act Release No. 40614 (October 28, 1998), 63 FR 59615 (November 4, 1998) (SR–NSCC–98–09) (increasing the information available on MFPS); Securities Exchange Act Release No. 59321 (January 30, 2009), 74 FR 6933 (February 11, 2009) (SR–NSCC–2008–08) (adding an agreement that requires fund members to have taken reasonable steps to validate the accuracy of the data they submit to the MFPS).

[6] *See* Notice, *supra* note 3, 79 FR at 33793.

[7] Data Providers also include a Fund's principal underwriter or other entities authorized to process transactions on behalf of the Funds.

[8] Rule 52.D is titled ''Mutual Fund Profile Services.''

[9] *See* Notice, *supra* note 3, 79 FR at 33793–4.

[10] *See* Notice, *supra* note 3, 79 FR at 33794.

[11] 15 U.S.C. 78s(b)(2)(C).

[12] 15 U.S.C. 78q–1(b)(3)(F).

[13] In approving this proposed rule change, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[14]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–17772 Filed 7–28–14; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72660; File No. SR–CBOE–2014–058]

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating to Bandwidth Allowance

July 23, 2014.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on July 10, 2014, Chicago Board Options Exchange, Incorporated (the ''Exchange'' or ''CBOE'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend its rule governing bandwidth allowance. The text of the proposed rule change is available on the Exchange's Web site (*http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange is proposing to make an amendment to Rule 6.23B to state that certain order messages are not subject to bandwidth limitations and do not count towards the maximum number of orders allowed per second(s). Specifically, paired order messages, meaning orders that come into the Exchange already matched with a contra side order (i.e., Qualified Contingent Cross (''QCC'') orders [3] and orders submitted to initiate the Solicitation Auction Mechanism [4] or Automated Improvement Mechanism (''AIM'') [5] (i.e., AIM Sweep orders and Sweep and AIM orders)), will not be subject to any bandwidth limitations and are not counted towards the maximum number of orders allowed per second(s). Currently, Rule 6.23B does not specify that paired order messages do not count towards total bandwidth allocation.

The Exchange does not have unlimited system bandwidth to support an unlimited number of order and quote entries per second. For this reason, the Exchange limits each Trading Permit to a maximum number of messages per second(s). Paired order messages however, are not counted towards the maximum number of messages per second(s). The Exchange represents that not including paired order messages as part of the maximum number of orders allowed per second(s), as compared to non-paired orders, will not jeopardize Exchange systems capacity. Specifically, the Exchange notes that paired order messages are not submitted at the same velocity or frequency as non-paired orders or quotes and thus do not result in message traffic that is overly burdensome to the Exchange's systems. Accordingly, the Exchange systems have the necessary capability to handle paired order message traffic, even if such orders are not subjected to bandwidth limitations. The Exchange established bandwidth allowances for the purpose of protecting its systems and ensuring its systems were capable of handling all its message traffic. As the Exchange's systems do not need to be ''protected'' from paired order message traffic, the Exchange believes that, unlike non-paired orders, it is not necessary to subject paired orders to bandwidth allowance. If, in the future, the Exchange determines that the lack of a bandwidth limitation on paired order messages challenges the Exchange's systems capacity or capabilities, the Exchange would submit a proposed rule change to establish such a limitation and modify its systems accordingly. The Exchange lastly notes that the exclusion of paired order messages from the bandwidth limitation applies to all Trading Permit Holders (''TPHs'').

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[6] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [7] requirements that the rules of an exchange 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 regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [8] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the Exchange believes that not imposing a bandwidth limitation regarding paired order messages perfects the mechanism of a free and open market by permitting investors to send in as many paired messages as they like (without threatening the Exchange's systems capacity). As noted above, paired order messages are not submitted at the same velocity or frequency as non-paired orders or quotes and thus do not result in message traffic that is overly burdensome to the Exchange's systems. Accordingly, the Exchange systems have the necessary capability to handle paired order message traffic, even if such orders are not subjected to bandwidth limitations. In addition, the proposed rule change does not

[14] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* CBOE Rule 6.53(u) for a description of QCC orders.

[4] *See* CBOE Rule 6.74B for a description of the Solicitation Auction Mechanism.

[5] *See* CBOE Rule 6.74A for a description of AIM.

[6] 15 U.S.C. 78f(b).

[7] 15 U.S.C. 78f(b)(5).

[8] *Id.*

discriminate unfairly between market participants because this will be applied equally to all TPHs, in that all TPHs will not be limited (in terms of bandwidth capacity) in the number of paired order messages that they can send to the Exchange.

B. Self-Regulatory Organization's Statement on Burden on Competition

CBOE does not believe that not imposing a bandwidth limitation regarding paired order messages will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. In particular, the Exchange does not believe that not imposing a bandwidth limitation regarding paired order messages will place any burden on intramarket competition because this will be applied to equally to all TPHs, in that all TPHs will not be limited (in terms of bandwidth capacity) in the number of paired order messages that they can send to the Exchange. The Exchange notes that any TPH can submit paired orders. The Exchange does not believe that not imposing a bandwidth limitation regarding paired order messages will place any burden on intermarket competition because this only applies to the sending of paired order messages to CBOE. To the extent that not imposing a bandwidth limitation regarding paired order messages makes CBOE a more attractive trading venue to market participants on other exchanges, such market participants may elect to become CBOE market participants.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not:

A. Significantly affect the protection of investors or the public interest;

B. impose any significant burden on competition; and

C. become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate,

it has become effective pursuant to Section 19(b)(3)(A) of the Act [9] and Rule 19b–4(f)(6) [10] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml);* or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–CBOE–2014–058 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–CBOE–2014–058. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml).* Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CBOE–2014–058 and should be submitted on or before August 19, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[11]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–17773 Filed 7–28–14; 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).

[11] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration # 14064 and # 14065]

Minnesota Disaster # MN–00056

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 MINNESOTA (FEMA–4182–DR), dated 07/21/2014.

Incident: Severe Storms, Straight-line Winds, Flooding, Landslides, and Mudslides.

Incident Period: 06/11/2014 through 07/11/2014.

DATES: Effective Date: 07/21/2014.

Physical Loan Application Deadline Date: 09/19/2014.

Economic Injury (EIDL) Loan Application Deadline Date: 04/21/2015.

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 President's major disaster declaration on 07/21/2014, 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: CHIPPEWA, FREEBORN, JACKSON, MURRAY, NOBLES, PIPESTONE, RENVILLE, ROCK

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 14064B and for economic injury is 14065B.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008).

James E. Rivera,

Associate Administrator for Disaster Assistance.

[FR Doc. 2014–17771 Filed 7–28–14; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

Military Reservist Economic Injury Disaster Loans Interest Rate for Fourth Quarter FY 2014

In accordance with the Code of Federal Regulations 13—Business Credit and Assistance § 123.512, the following interest rate is effective for Military Reservist Economic Injury Disaster Loans approved on or after August 1, 2014.

Military Reservist Loan Program—4.000%

Dated: July 21, 2014.

James E. Rivera,

Associate Administrator For Disaster Assistance.

[FR Doc. 2014–17769 Filed 7–28–14; 8:45 am]

BILLING CODE P

SMALL BUSINESS ADMINISTRATION

Surrender of License of Small Business Investment Company

Pursuant to the authority granted to the United States Small Business Administration under the Small Business Investment Act of 1958, under Section 309 of the Act and Section 107.1900 of the Small Business Administration Rules and Regulations (13 CFR 107.1900) to function as a small business investment company under the Small business Investment Company License No. 07/77–0097 issued to Gateway Partners, L.P., said license is hereby declared null and void.

United States Small Business Administration.

Dated: July 14, 2014.

Javier E. Saade,

Associate Administrator for Investment.

[FR Doc. 2014–17770 Filed 7–28–14; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Buy America Waiver Notification

AGENCY: Federal Highway Administration (FHWA), Department of Transportation (DOT).

ACTION: Notice.

SUMMARY: This notice provides information regarding FHWA's finding that a Buy America waiver is appropriate for the obligation of Federal-aid funds for 30 State projects involving the purchase or retrofit of vehicles or vehicle components on the condition that they be assembled in the U.S.

DATES: The effective date of the waiver is July 30, 2014.

FOR FURTHER INFORMATION CONTACT: For questions about this notice, please contact Mr. Gerald Yakowenko, FHWA Office of Program Administration, 202–366–1562, or via email at *gerald.yakowenko@dot.gov.* For legal questions, please contact Mr. Jomar Maldonado, FHWA Office of the Chief Counsel, 202–366–1373, or via email at *jomar.maldonado@dot.gov.* Office hours for the FHWA are from 8:00 a.m. to 4:30 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Electronic Access

An electronic copy of this document may be downloaded from the **Federal Register**'s home page at *http://www.archives.gov* and the Government Printing Office's database at *http://www.access.gpo.gov/nara.*

Background

This notice provides information regarding FHWA's finding that a Buy America waiver is appropriate for the obligation of Federal-aid funds for 30 State projects involving the purchase or retrofit of vehicles (including sedans, vans, pickups, SUVs, trucks, buses, street sweepers) or vehicle components (such as exhaust controls and auxiliary power units) on the condition that they be assembled in the U.S. The waiver would apply to approximately 340 vehicles. The requests, available at *http://www.fhwa.dot.gov/construction/contracts/cmaq140623.cfm,* are incorporated by reference into this notice. The purposes of these projects include the improvement of air quality (Congestion Mitigation and Air Quality Improvement Program projects), implementation of the National Bridge and Tunnel Inventory and Inspection Program, and the implementation of the FHWA's Recreational Trails Program.

Title 23, Code of Federal Regulations, section 635.410 requires that steel or iron materials (including protective coatings) that will be permanently incorporated in a Federal-aid project must be manufactured in the U.S. For FHWA, this means that all the processes that modified the chemical content, physical shape or size, or final finish of the material (from initial melting and mixing, continuing through the bending and coating) occurred in the U.S. The statute and regulations create a process for granting waivers from the Buy America requirements when its application would be inconsistent with the public interest or when satisfactory quality domestic steel and iron products are not sufficiently available. In 1983, the FHWA determined that it was both in the public interest and consistent with the legislative intent to waive Buy America for manufactured products other than steel manufactured products. However, FHWA's national waiver for manufactured products does not apply to the requests in this notice because they involve predominately steel and iron manufactured products. The FHWA's Buy America requirements do not have special provisions for applying Buy America to ''rolling stock'' such as vehicles or vehicle components (see title 49, United States Code, section 5323(j)(2)(C) (49 U.S.C. 5323(j)(2)(C)), 49 CFR 661.11, and 49 U.S.C. 24405(a)(2)(C) for examples of Buy America rolling stock provisions for other DOT agencies).

Based on all the information available to the agency, FHWA concludes that there are no domestic manufacturers that produce the vehicles and vehicle components identified in this notice in such a way that their steel and iron elements are manufactured domestically. The FHWA's Buy America requirements were tailored to the types of products that are typically used in highway construction, which generally meet the requirement that steel and iron materials be manufactured domestically. Vehicles were not the types of products that were initially envisioned to meet FHWA Buy America requirements. In today's global industry, vehicles are assembled with iron and steel components that are manufactured all over the world. The FHWA is not aware

of any domestically produced vehicle on the market that meets the FHWA's Buy America requirement to have all its iron and steel be manufactured exclusively in the U.S. For example, the Chevrolet Volt, which was identified by many commenters in a November 21, 2011, **Federal Register** Notice (76 FR 72027) as a car that is made in the U.S., is comprised of only 45 percent of U.S. and Canadian content according to the National Highway Traffic Safety Administration's Part 583 American Automobile Labeling Act Report Web page *(http://www.nhtsa.gov/Laws+&+Regulations/Part+583+American+Automobile+Labeling+Act+(AALA)+Reports).* Moreover, there is no indication of how much of this 45 percent content is U.S.-manufactured (from initial melting and mixing) iron and steel content.

In accordance with Division A, section 122 of the Consolidated and Further Continuing Appropriations Act of 2012 (Pub. L. 112–284), FHWA published a notice of intent to issue a waiver on its Web site at (*http://www.fhwa.dot.gov/construction/contracts/waivers.cfm?id=97*) on June 23. The FHWA received 11 comments in response to the publication. Three commenters supported granting a waiver on the basis that the waiver would allow important air quality improvement and bridge inspection projects to move forward. Eight commenters disagreed with the need for the waiver and provided general statements that U.S. tax dollars should go toward domestic labor and materials that help create jobs; however, none of these commenters identified a vehicle that complies with the FHWA requirement that steel and iron materials are manufactured domestically. A representative of the Alliance for American Manufacturing suggested that a domestic content standard for vehicles purchased or retrofitted using FHWA funds be implemented for programs funded by FHWA. This commenter noted that the Federal Transit Administration (FTA) and the Federal Railroad Administration (FRA) both apply domestic content standards to vehicles and require assembly in the United States. In response to this comment, the FHWA recognizes the use of domestic content requirements by FTA and FRA; however, their statutory and regulatory authority are different. The FHWA does not have a domestic content standard.

Based on FHWA's conclusion that there are no domestic manufacturers that can produce the vehicles and vehicle components identified in this notice in such a way that steel and iron materials are manufactured domestically, and after consideration of the comments received, FHWA finds that application of the FHWA's Buy America requirements to these products is inconsistent with the public interest (23 U.S.C. 313(b)(1) and 23 CFR 635.410(c)(2)(i)). However, FHWA believes that it is in the public interest and consistent with the Buy America requirements to impose the condition that the vehicles and the vehicle components be assembled in the U.S. Requiring final assembly to be performed in the U.S. is consistent with past guidance to the FHWA Division Offices on manufactured products (see Memorandum on Buy America Policy Response, Dec. 22, 1997, *http://www.fhwa.dot.gov/programadmin/contracts/122297.cfm*). A waiver of the Buy America requirement without any regard to where the vehicle is assembled would diminish the purpose of the Buy America requirement. Moreover, in today's economic environment, the Buy America requirement is especially significant in that it will ensure that Federal Highway Trust Fund dollars are used to support and create jobs in the U.S. This approach is similar to the partial waivers previously given for various vehicle projects. Thus, so long as the final assembly of the 30 vehicle projects (including sedans, vans, pickups, SUVs, trucks, buses, street sweepers, and tractors) and vehicle components (such as exhaust controls and auxiliary power units) occurs in the U.S., applicants to this waiver request may proceed to purchase these vehicles and equipment consistent with the Buy America requirement.

In accordance with the provisions of section 117 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, Technical Corrections Act of 2008 (Pub. L. 110–244), FHWA is providing this notice of its finding that a public interest waiver of Buy America requirements is appropriate on the condition that the vehicles and vehicle components identified in the notice be assembled in the U.S. The FHWA invites public comment on this finding for an additional 15 days following the effective date of the finding. Comments may be submitted to FHWA's Web site via the link provided to the waiver page noted above.

Authority: (23 U.S.C. 313; P.L. 110–161, 23 CFR 635.410)

Issued on: July 21, 2014.

Gregory G. Nadeau,

Deputy Administrator, Federal Highway Administration.

[FR Doc. 2014–17787 Filed 7–28–14; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. FAA–2013–0684]

Agency Information Collection Activities: Requests for Comments; Clearance of a New Approval of Information Collection: Helicopter Air Ambulance Operator Reports

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval for a new information collection. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on August 12, 2013, vol. 78, no. 155, pages 48925–48926. The FAA Modernization and Reform Act of 2012 included a mandate to begin collection of operational data from Air Ambulance operators. The Act mandates that not later than 2 years after the date of enactment, and annually thereafter, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, a report containing a summary of the data collected. The FAA received a total of 17 responses to the request for public comment. Based on the comments, the FAA has made adjustments in the reporting requirements, frequency of reporting and the format for submission. Specifically, the linkage among the registration number, time of day, flight time, IFR flight time, and base has been removed. Reporting requirements have changed from a ''per flight'' basis to an aggregate basis. Additionally, the reporting requirement has been reduced from a quarterly report to an annual report.

DATES: Written comments should be submitted by August 28, 2014.

FOR FURTHER INFORMATION CONTACT: Kathy DePaepe at (405) 954–9362, or by email at: *Kathy.DePaepe@faa.gov*.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 2120–XXXX

Title: Helicopter Air Ambulance Operator Reports

Form Numbers: There are no FAA forms associated with this collection.

Type of Review: Clearance of a new information collection.

Background: The FAA Modernization and Reform Act of 2012 mandates that all helicopter air ambulance operators must begin reporting the number of flights and hours flown, along with other specified information, during which helicopters operated by the certificate holder were providing helicopter air ambulance services. See 49 U.S.C. 44731. The helicopter air ambulance operational data provided to the FAA will be used by the agency as background information useful in the development of risk mitigation strategies to reduce the currently unacceptably high helicopter air ambulance accident rate, and to meet the mandates set by Congress. Upon approval of this information collection the FAA intends to amend helicopter air ambulance operators' Operations Specifications to require submission of the data, mandated by Congress, to the FAA.

The FAA notes that prior to issuance of this notice representatives from the Flight Standards Service, Office of Accident Investigation and Prevention, and the Office of the Chief Counsel met with representatives from the Air Medical Operators Association (AMOA) to discuss the FAA's approach to this data collection. Meetings were held on October 15, 2012 and May 17, 2013. On June 28, 2013 AMOA submitted a response to the FAA discussing its view of the method to collect the data being pursued by the FAA. A copy of that letter has been placed in the docket and will be considered by the agency.

Respondents: 73 helicopter air ambulance certificate holders.

Frequency: Information is collected annually.

Estimated Average Burden per Response: 6 hours.

Estimated Total Annual Burden: 588 hours.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the attention of the Desk Officer, Department of Transportation/FAA, and sent via electronic mail to *oira_submission@omb.eop.gov,* or faxed to (202) 395–6974, or mailed to the Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW., Washington, DC 20503.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

The supplementary materials placed in the docket may be read at *http://www.regulations.gov* at any time. Follow the online instructions for accessing the docket or go to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, on July 23, 2014.

Albert R. Spence,

FAA Assistant Information Collection Clearance Officer, IT Enterprises Business Services Division, ASP–110.

[FR Doc. 2014–17821 Filed 7–28–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Agency Information Collection Activities: Requests for Comments; Clearance of Renewed Approval of Information Collection: Commercial Air Tour Limitations in the Grand Canyon National Park Special Flight Rules Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on May 2, 2014, vol. 79, no. 85, page 25171. The FAA uses the information gathered from Grand Canyon National Park air tour operators to monitor their compliance with the Federal regulations.

DATES: Written comments should be submitted by August 28, 2014.

FOR FURTHER INFORMATION CONTACT: Kathy DePaepe at (405) 954–9362, or by email at: *Kathy.DePaepe@faa.gov.*

SUPPLEMENTARY INFORMATION: *OMB Control Number:* 2120–0653.

Title: Commercial Air Tour Limitations in the Grand Canyon National Park Special Flight Rules Area

Form Numbers: There are no FAA forms associated with this collection.

Type of Review: Renewal of an information collection.

Background: Each operator seeking to obtain or in possession of an air carrier operating certificate must comply with the requirements of 14 CFR Part 135 or part 121, as appropriate. Each of these operators conducting air tours in the Grand Canyon National Park must additionally comply with the collection requirements for that airspace. The FAA will use the information it collects and reviews to monitor compliance with the regulations and, if necessary, take enforcement action against violators of the regulations.

Respondents: Approximately 14 air operators.

Frequency: Information is collected on occasion.

Estimated Average Burden per Response: 44 minutes.

Estimated Total Annual Burden: 40 hours.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the attention of the Desk Officer, Department of Transportation/FAA, and sent via electronic mail to *oira_submission@omb.eop.gov,* or faxed to (202) 395–6974, or mailed to the Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW., Washington, DC 20503.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

Issued in Washington, DC, on July 23, 2014.

Albert R. Spence,

FAA Assistant Information Collection Clearance Officer, IT Enterprises Business Services Division, ASP–110.

[FR Doc. 2014–17823 Filed 7–28–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Agency Information Collection Activities: Requests for Comments; Clearance of Renewed Approval of Information Collection: FAA Safety Briefing Readership Survey

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on May 12, 2014, vol. 79, no. 91, page 27030–27031. The survey will help the editors learn more about the target audience and how they elect to improve their safety skills/practices, and what they need to know to improve their safety skills/practices. With this information, the editors can craft FAA Safety Briefing content targeted to its audience to help accomplish the FAA and Department of Transportation's mission of improving safety.

DATES: Written comments should be submitted by August 28, 2014.

FOR FURTHER INFORMATION CONTACT: Kathy DePaepe at (405) 954–9362, or by email at: *Kathy.DePaepe@faa.gov.*

SUPPLEMENTARY INFORMATION: *OMB Control Number:* 2120–0747.

Title: FAA Safety Briefing Readership Survey.

Form Numbers: There are no FAA forms associated with this collection.

Type of Review: Renewal of an information collection.

Background: The bimonthly print and online publication FAA Safety Briefing is designed to improve general aviation safety by: (a) Making the community aware of FAA resources, (b) helping readers understand safety and regulatory issues, and (c) encouraging continued training. It is targeted to members of the non-commercial general aviation community, primarily pilots and mechanics. This survey is intended to help the editors of FAA Safety Briefing better understand the target audience.

Respondents: Approximately 7,000 pilots, flight instructors, mechanics, and repairmen.

Frequency: One time per respondent.

Estimated Average Burden per Response: Approximately 10 minutes per survey.

Estimated Total Annual Burden: An estimated 1,167 hours.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the attention of the Desk Officer, Department of Transportation/FAA, and sent via electronic mail to *oira_submission@omb.eop.gov,* or faxed to (202) 395–6974, or mailed to the Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW., Washington, DC 20503.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

Issued in Washington, DC, on July 23, 2014.

Albert R. Spence,

FAA Assistant Information Collection Clearance Officer, IT Enterprises Business Services Division, ASP–110.

[FR Doc. 2014–17827 Filed 7–28–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Agency Information Collection Activities: Requests for Comments; Clearance of Renewed Approval of Information Collection: AST Collection of Voluntary Lessons Learned From External Sources

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on May 2, 2014, vol. 79, no. 85, pages 25170–25171. The FAA/AST will collect lessons learned from members of the commercial space industry in order to carry out the safety responsibilities in 49 U.S.C. Chapter 701 Section 70103(c).

DATES: Written comments should be submitted by August 28, 2014.

FOR FURTHER INFORMATION CONTACT: Kathy DePaepe at (405) 954–9362, or by email at: *Kathy.DePaepe@faa.gov.*

SUPPLEMENTARY INFORMATION:

OMB Control Number: 2120–0748.

Title: AST Collection of Voluntary Lessons Learned from External Sources.

Form Numbers: There are no FAA forms associated with this collection.

Type of Review: Renewal of an information collection.

Background: The FAA/AST collects lessons learned from members of the commercial space industry in order to carry out the safety responsibilities in 49 USC Chapter 701 Section 70103 (c). These responsibilities include ''encourage, facilitate, and promote the continuous improvement of the safety of launch vehicles designed to carry humans.'' The FAA/AST collects and shares lessons learned between members of the amateur rocket community, experimental permit holders, licensed launch and reentry operators, and licensed launch and reentry site operators to ensure the safe and successful outcome of launch activities, allowing AST to meet our public safety goals without creating a regulatory burden.

Respondents: Approximately 20 members of the commercial space industry.

Frequency: Information is collected on occasion.

Estimated Average Burden per Response: 1 hour.

Estimated Total Annual Burden: 40 hours.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the attention of the Desk Officer, Department of Transportation/FAA, and sent via electronic mail to *oira_submission@omb.eop.gov,* or faxed to

(202) 395–6974, or mailed to the Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW., Washington, DC 20503.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

Issued in Washington, DC, on July 23, 2014.

Albert R. Spence,

FAA Assistant Information Collection Clearance Officer, IT Enterprises Business Services Division, ASP–110.

[FR Doc. 2014–17826 Filed 7–28–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

38th Meeting: RTCA Special Committee 206, Aeronautical Information and Meteorological Data Link Services

AGENCY: Federal Aviation Administration (FAA), U.S. Department of Transportation (DOT).

ACTION: Meeting Notice of RTCA Special Committee 206, Aeronautical Information and Meteorological Data Link Services.

SUMMARY: The FAA is issuing this notice to advise the public of the thirty-eighth meeting of the RTCA Special Committee 206, Aeronautical Information and Meteorological Data Link Services.

DATES: The meeting will be held September 15–19 2014, 10:00 a.m.—11:30 a.m. (Central Time).

ADDRESSES: The meeting will be held at National Weather Service, 120 David L. Boren Blvd. Norman, OK 73072.

FOR FURTHER INFORMATION CONTACT: The RTCA Secretariat, 1150 18th Street NW., Suite 910, Washington, DC 20036, or by telephone at (202) 330–0652/(202) 833–9339, fax at (202) 833–9434, or Web site at *http://www.rtca.org* or Sophie Bousquet, *sbousquet@rtca.org,* 202–330–0663.

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a) (2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., App.), notice is hereby given for a meeting of Special Committee 206. The agenda will include the following:

September 15, 10:00 a.m.

Opening Plenary

- Opening remarks: DFO, Chairman, and Host
- Attendees' introductions
- Review and approval of meeting agenda, Action item review
- Approval of previous (DC) meeting minutes
- Industry Presentations

September 16, 8:30 a.m.

- Sub-Groups meetings

10:00 a.m.

- SG6: SE2020 Eddy Dissipation Rate (EDR) Turbulence Project

September 17, 8:30 a.m.

- Sub-Groups meetings

September 18, 8:30 a.m.

- Plenary: AC 00–45 Update

9:00 a.m.

- Plenary: SG–5 FIS–B MOPS Review

(Sub-Group meetings will occur if review ends early)

1:00 p.m.

- Sub-Group Meetings (Plenary: SG–5 FIS–B MOPS Review, if needed

September 19, 8:30 a.m.

Closing Plenary

- Sub-Groups' Reports
- Decision to Approve FIS–B MOPS for FRAC Release
- TOR Changes
- Action item review
- Future meeting plans and dates
- Industry Coordination & Presentations
- Other business

11:30 a.m.

- Adjourn

Attendance is open to the interested public but limited to space availability. With the approval of the chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on July 22 2014.

Mohannad Dawoud,

Management Analyst, NextGen, Business Operations Group, Federal Aviation Administration.

[FR Doc. 2014–17817 Filed 7–28–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Seventeenth Meeting: RTCA Special Committee 225, Rechargeable Lithium Battery and Battery Systems

AGENCY: Federal Aviation Administration (FAA), U.S. Department of Transportation (DOT).

ACTION: Meeting Notice of RTCA Special Committee 225, Rechargeable Lithium Battery and Battery Systems.

SUMMARY: The FAA is issuing this notice to advise the public of the seventeenth meeting of the RTCA Special Committee 225, Rechargeable Lithium Battery and Battery Systems.

DATES: The meeting will be held August 19–21, 2014 from 9:00 a.m.–5:00 p.m.

ADDRESSES: The meeting will be held at RTCA Headquarters, 1150 18th Street NW., Suite 910, Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: The RTCA Secretariat, 1150 18th Street NW., Suite 910, Washington, DC 20036, or by telephone at (202) 330–0662/(202) 833–9339, fax (202) 833–9434, or Web site at *http://www.rtca.org.* In addition, Jennifer Iversen may be contacted directly at email: *jiversen@rtca.org.*

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., App.), notice is hereby given for a meeting of Special Committee 225. The agenda will include the following:

August 19

- Introductions and administrative items (including DFO & RTCA Statement).
- Review agenda.
- Review and approval of summary from the last Plenary.
- Review changes made to the document as a result of the NTSB recommendations.
- Update DO–311A plan (WG meetings, Plenary schedule, Status of FRAC comments)
- Discuss if we should update the matrix that compares the Special Conditions to the document. This matrix was published in a previous Plenary Summary.
- Adjourn to working group to disposition FRAC comments

- Review action items

August 20

- Review agenda, other actions.
- Adjourn to working group to disposition FRAC comments
- Review action items.

August 21

- Review agenda, other actions.
- Review schedule for upcoming Plenaries and working group meetings.
- Establish agenda for the next Plenary.
- Adjourn to working group to disposition FRAC comments
- Working Group Report
- Review action items.
- Adjourn.

Attendance is open to the interested public but limited to space availability. With the approval of the chairman, members of the public may present oral statements at the meeting.

Persons wishing to present statements or obtain information should contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on July 22, 2014.

Mohannad Dawoud,

Management Analyst, NextGen, Business Operations Group, Federal Aviation Administration.

[FR Doc. 2014–17816 Filed 7–28–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Twenty First Meeting: RTCA Special Committee 217—Aeronautical Databases Joint with EUROCAE WG–44—Aeronautical Databases

AGENCY: Federal Aviation Administration (FAA), U.S. Department of Transportation (DOT).

ACTION: Notice of RTCA Special Committee 217—Aeronautical Databases Joint with EUROCAE WG–44—Aeronautical Databases.

SUMMARY: The FAA is issuing this notice to advise the public of a meeting of RTCA Special Committee 217—Aeronautical Databases being held jointly with EUROCAE WG–44—Aeronautical Databases.

DATES: The meeting will be held September 8–12 2014 from 9:00 a.m. to 5:00 p.m.

ADDRESSES: The meeting will be hosted by EASA Ottoplatz, 1 D–50679 Cologne, Germany.

FOR FURTHER INFORMATION CONTACT: Sophie Bousquet, *SBousquet@rtca.org,* 202–330–0663 or The RTCA Secretariat, 1150 18th Street NW., Suite 910, Washington, DC 20036, or by telephone at (202) 833–9339, fax at (202) 833–9434, or Web site at *http://www.rtca.org.*

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a) (2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., App.), notice is hereby given for a meeting of RTCA Special Committee 217—Aeronautical Databases held jointly with EUROCAE WG–44—Aeronautical Databases. The agenda will include the following:

Monday, September 8th

- Opening Plenary Session
- Co-Chairmen's remarks and introductions
- Housekeeping
- Approve minutes from 20th meeting
- Review and approve meeting agenda for 21th meeting
- Schedule and working arrangements for this week
- Review of joint WG–1/WG–2 Action Items
- EASA presentation on DAT rule-making task
- Closing Plenary Schedule

Monday, September 8th through Thursday September 11th

- Working Group One (WG1)—DO–200A/ED–76
- Working Group Two (WG2)—DO–272/DO–276/DO–291

Friday Morning, September 12th

- Closing Plenary Session (9:00 a.m. to Noon)
- Presentation of WG1 and WG2 conclusions
- FRAC release of DO–200A and ED–76 Revision
- Working arrangements for the remaining work
- Review of action items
- Next meetings, dates and locations
- Any other business and Adjourn

Pre-registration for the meeting itself is required, if you have not already done so, please provide your information to Sophie Bousquet, *sbousquet@rtca.org.*

Persons wishing to present statements or obtain information should contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on July 18 2014.

Mohannad Dawoud,

Management Analyst, Business Operations Group, ANG–A12, Federal Aviation Administration.

[FR Doc. 2014–17818 Filed 7–28–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Eleventh Meeting: RTCA Special Committee 227, Standards of Navigation Performance

AGENCY: Federal Aviation Administration (FAA), U.S. Department of Transportation (DOT).

ACTION: Meeting Notice of RTCA Special Committee 227, Standards of Navigation Performance.

SUMMARY: The FAA is issuing this notice to advise the public of the eleventh meeting of the RTCA Special Committee 227, Standards of Navigation Performance.

DATES: The meeting will be held September 15–19, 2014 from 9:00 a.m.–4:30 p.m.

ADDRESSES: The meeting will be held at RTCA 1150 18th Street NW., Suite 910, Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: The RTCA Secretariat, 1150 18th Street NW., Suite 910, Washington, DC 20036, or by telephone at (202) 330–0662 or (202) 833–9339, fax at (202) 833–9434, or Web site at *http://www.rtca.org.* In addition, Sophie Bousquet may be contacted directly at email: *sbousquet@rtca.org.*

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., App.), notice is hereby given for a meeting of Special Committee 227. The agenda will include the following:

September 15–19

- Welcome/Introductions/ Administrative Remarks
- Agenda Overview
- Overview of Planned Work Program for the Week
  - MOPS Change Proposals
  - Status of MASPS Change 1, and Patent Licensing Issue
  - Briefing Summary for SC–227/SC–214 Tiger Team
- Plenary Review—MOPS
  - Planned Work Schedule (Note, schedule subject to change based upon progress/pace/issue)
  - 9:00 a.m. to 4:30 p.m. each day
- Technical Requirements Breakout Sessions (as needed)
- Other Business
- Adjourn

Attendance is open to the interested public but limited to space availability. With the approval of the chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the person

listed in the **FOR FURTHER INFORMATION CONTACT** section. Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on July 18th 2014.

Mohannad Dawoud,

Management Analyst, NextGen, Business Operations Group, Federal Aviation Administration.

[FR Doc. 2014–17820 Filed 7–28–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Sixty-Fourth Meeting: RTCA Special Committee 135, Environmental Conditions and Test Procedures for Airborne Equipment

AGENCY: Federal Aviation Administration (FAA), U.S. Department of Transportation (DOT).

ACTION: Meeting Notice of RTCA Special Committee 135, Environmental Conditions and Test Procedures for Airborne Equipment.

SUMMARY: The FAA is issuing this notice to advise the public of the Sixty-Fourth meeting of the RTCA Special Committee 135, Environmental Conditions and Test Procedures for Airborne Equipment.

DATES: The meeting will be held October 7–9 2014 from 9:00 a.m. to 5:00 p.m. on October 7 and 8:00 a.m. to 4:00 p.m. on October 8–9.

ADDRESSES: The meeting will be held at RTCA 1150 18th Street NW., Suite 450, Washington DC 20036.

FOR FURTHER INFORMATION CONTACT: The RTCA Secretariat, 1150 18th Street NW., Suite 910, Washington, DC 20036, or by telephone at (202) 330–0652/(202) 833–9339, fax at (202) 833–9434, or Web site at *http://www.rtca.org* or Sophie Bousquet, *sbousquet@rtca.org,* 202–330–0663.

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., App.), notice is hereby given for a meeting of Special Committee 135. The agenda will include the following:

October 7–9

- Chairmen's Opening Remarks, Introductions.
- Approval of Summary from the Sixty-Third Meeting—(RTCA Paper No. 123–14/SC135–698).
- Review FRAC Responses and Release the final document for the PMC and TAC
- Review Revised Terms of Reference.
- Review DO–160G/ED 14G Errata Sheet
- New/Unfinished Business.
- Establish date/locations for Next SC–135 Meetings.
- Closing and Adjourn

Coordination with EUROCAE WG–14 in Paris will be held by WebEx on October 7 morning 9:00 a.m.–12:00 p.m. (EDT), October 8–9 morning 8:00 a.m.–12:00 p.m. (EDT). It is focused on item 3 and 5 but may be expended as far as practicable.

Attendance is open to the interested public but limited to space availability. With the approval of the chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on July 18 2014.

Mohannad Dawoud,

Management Analyst, NextGen, Business Operations Group, Federal Aviation Administration.

[FR Doc. 2014–17819 Filed 7–28–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Submission Deadline To Amend Slot Records for LaGuardia Airport

AGENCY: Department of Transportation, Federal Aviation Administration (FAA).

ACTION: Notice of submission deadline.

SUMMARY: Under this notice, the FAA announces the submission deadline of August 12, 2014, for requests to amend slot records (adjust slot times and arrival/departure designations) at New York LaGuardia Airport (LGA).

DATES: Schedules must be submitted no later than August 12, 2014.

ADDRESSES: Schedules may be submitted by mail to the Slot Administration Office, AGC–200, Office of the Chief Counsel, 800 Independence Ave., SW., Washington, DC 20591; by facsimile to: 202–267–7277; or by email to: *7-AWA-slotadmin@faa.gov.*

FOR FURTHER INFORMATION CONTACT: Robert Hawks, Office of the Chief Counsel, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone number: 202–267–7143; fax number: 202–267–7971; email: *rob.hawks@faa.gov.*

SUPPLEMENTARY INFORMATION: Scheduled operations at LGA currently are limited by FAA Order until a final Slot Management and Transparency Rule for LaGuardia Airport, John F. Kennedy International Airport, and Newark Liberty International Airport (RIN 2120–AJ89) becomes effective but not later than October 29, 2016.[1] The LGA Order permits the leasing or trading of slots through the expiration date of the Order, but this mechanism limits a carrier's ability to permanently adjust its slot base through trades with another carrier, as is common at Ronald Reagan Washington National Airport (DCA). Additionally, the Order permanently allocates slots, unlike the EWR and JFK Orders that allocate slots and permit slot retimings on a seasonal basis, subject to availability of slots through a transparent process generally following the International Air Transport Association (IATA) Worldwide Slot Guidelines (WSG).[2]

Recently the FAA has received a number of requests to retime LGA slots and change arrival/departure designations. Although the FAA has received similar requests for slot adjustments on a seasonal basis since the LGA Order became effective, the FAA has noticed an increase in the volume of requests and the number of carriers seeking accommodation. Some requests have been the same season after season, indicating that carriers may desire adjustments that remain in effect until the expiration of the LGA Order. Historically, the FAA has evaluated and confirmed these adjustment requests, consistent with the LGA Order and prior FAA practice, on the basis of whether they have an operational benefit or a neutral effect on operations. Since 2007, many of these adjustments have improved LGA operational performance.

To evaluate LGA slot adjustments for the upcoming 2014–15 winter IATA scheduling season in a fair and transparent manner, the FAA is establishing a deadline of August 12, 2014, for carriers to request retiming and changes to the arrival/departure designation of currently-held slots. Carriers should provide slot information in sufficient detail including, at minimum, the operating carrier, slot number, scheduled time of arrival or departure, frequency, arrival/departure designation, and effective dates. Consistent with past practice, the FAA will evaluate requests in light of the

[1] Operating Limitations at New York LaGuardia Airport, 71 FR 77854 (Dec. 27, 2006) *as amended by* 79 FR 17222 (Mar. 27, 2014).

[2] *See* 79 FR 16857 (Mar. 26, 2014) (EWR Order); 79 FR 16854 (Mar. 26, 2014) (JFK Order).

overall operational impact at LGA and whether the requests improve or have a neutral effect on operational performance. The FAA will consider both short-term adjustments and adjustments through the expiration of the LGA Order. In addition, if the FAA receives conflicting requests for retiming, the FAA will give priority to new entrants and limited incumbents, consistent with the LGA Order and FAA practice. The terms of the LGA Order prevent the FAA from allocating new slots in hours at or above the slot limit.

The FAA will evaluate requests received by August 12, 2014, and intends to respond to the requests no later than August 19, 2014. The FAA cannot guarantee that all requests to adjust slots will be confirmed. Requests received after August 12, 2014, will be evaluated after timely requests in the order they are received. As permitted under paragraph A.5 of the LGA Order, carriers are encouraged to engage in slot trades, when possible, to achieve desired timings.

Issued in Washington, DC, on July 23, 2014.

Mark W. Bury,

Assistant Chief Counsel for International Law, Legislation, and Regulations.

[FR Doc. 2014–17662 Filed 7–24–14; 4:15 pm]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

[Docket No. FTA–2014–0016]

Notice of Buy America Waiver for Waterjets

AGENCY: Federal Transit Administration, DOT.

ACTION: Notice of Buy America waiver.

SUMMARY: In response to the Golden Gate Bridge Highway & Transportation District's (Bridge District) request for a Buy America waiver for waterjets, the Federal Transit Administration (FTA) hereby waives its Buy America requirements for waterjets to be installed in the Bridge District's M.V. Mendocino ferry vessel. This waiver is limited to a single procurement for the waterjets to be installed in the M.V. Mendocino ferry vessel, which is part of an FTA-funded project.

DATES: This waiver is effective immediately.

FOR FURTHER INFORMATION CONTACT: Mary J. Lee, FTA Attorney-Advisor, at (202) 366–0985 or *mary.j.lee@dot.gov.*

SUPPLEMENTARY INFORMATION: The purpose of this notice is to announce that FTA has granted a non-availability waiver for the Bridge District's procurement of waterjets to be installed in its M.V. Mendocino ferry vessel.

With certain exceptions, FTA's Buy America requirements prevent FTA from obligating an amount that may be appropriated to carry out its program for a project unless ''the steel, iron, and manufactured goods used in the project are produced in the United States.'' 49 U.S.C. 5323(j)(1). A manufactured product is considered produced in the United States if: (1) All of the manufacturing processes for the product must take place in the United States; and (2) All of the components of the product must be of U.S. origin. A component is considered of U.S. origin if it is manufactured in the United States, regardless of the origin of its subcomponents. 49 CFR 661.5(d). If, however, FTA determines that ''the steel, iron, and goods produced in the United States are not produced in a sufficient and reasonably available amount or are not of a satisfactory quality,'' then FTA may issue a waiver (non-availability waiver). 49 U.S.C. 5323(j)(2)(B); 49 CFR 661.7(c).

Earlier this year, FTA received a petition from the Bridge District seeking a waiver that would permit them to procure replacement waterjets for the M.V. Mendocino ferry vessel that would not be manufactured in the United States and therefore would not comply with FTA's Buy America requirements. The Bridge District submitted documentation showing that it had sought a domestic manufacturer of waterjets meeting its technical requirements, but the one domestic manufacturer it located, NAMjet of Arkansas, was not capable of constructing commercial waterjets meeting the Bridge District's design needs, and that the only responsive bidder, HamiltonJet of New Zealand, would not be able to provide a Buy America-compliant waterjet to the Bridge District. Pursuant to 49 CFR 661.7, FTA published a notice in the **Federal Register** on July 8, 2014, (79 FR 38665) seeking public comment on the Bridge District's request.

During the comment period, FTA received no objections to the Bridge District's petition. In fact, FTA received no comments at all, indicating a likely lack of interest from domestic manufacturers who were ready, willing, and able to produce waterjets meeting the Bridge District's specifications. As part of its due diligence, FTA also reached out to its sister agency, the Maritime Administration (MARAD), the modal agency within the US Department of Transportation responsible for maritime matters, including domestic vessel construction. MARAD's Office of Shipyards and Marine Engineering confirmed that of the domestic manufacturers of waterjets, there were none capable of meeting the higher volume performance standards required for the Bridge District's ferry.

Based upon the Bridge District's representations that it is unable to procure Buy America-compliant waterjets, the lack of responses to FTA's **Federal Register** Notice, and FTA's outreach to its MARAD counterparts, FTA is issuing a non-availability waiver for HamiltonJet's high-capacity waterjets pursuant to 49 CFR 661.7(c). This waiver is limited to the procurement of waterjets for the M.V. Mendocino. Subsequent requests for replacement waterjets will be subject to similar notice-and-comment publication requirements.

Dana Nifosi,

Deputy Chief Counsel.

[FR Doc. 2014–17779 Filed 7–28–14; 8:45 am]

BILLING CODE 4910–57–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

Notice and Request for Comments

AGENCY: Surface Transportation Board, DOT.

ACTION: 30-day notice of request for approval: End-of-Year Railroad Service Outlook.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act of 1995, 44 U.S.C. 3501–3519 (PRA), the Surface Transportation Board (STB or Board) gives notice that it is requesting from the Office of Management and Budget (OMB) approval of the information collection resulting from the Board's annual request that Class I carriers and rail carriers that are members of the American Shortline and Regional Railroad Association (ASLRRA) provide the Board with information about the plans and preparations that these rail carriers have made in anticipation of the increased demand for rail service during the fall peak demand season.

The Board previously published a notice about this collection in the **Federal Register** on June 24, 2013, at 78 FR 37882 (60-day notice). That notice allowed for a 60-day public review and comment period. No comments were received.

Comments may now be submitted to OMB concerning: (1) The accuracy of

the Board's burden estimates; (2) ways to enhance the quality, utility, and clarity of the information collected; (3) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology when appropriate; and (4) whether the collection of information is necessary for the proper performance of the functions of the Board, including whether the collection has practical utility. Submitted comments will be considered and also included in the Board's request for OMB approval.

Description of Collection

Title: End-of-Year Railroad Service Outlook.

OMB Control Number: 2140–XXXX.

STB Form Number: None.

Type of Review: Existing collection in use without an OMB control number.

Respondents: The Class I rail carriers and carriers that are members of ASLRRA.

Number of Respondents: An average of 9 carriers respond to this request to voluntarily provide this information.[1]

Frequency: Once per year.

Total Burden Hours (annually including all respondents): We estimate a total of 273 hours for all responding carriers (30.3 hours per response × 9 respondents).

Total ''Non-hour Burden'' Cost: Because respondents email their response letters to the Board, there are no non-hour costs to respondents.

Needs and Uses: The shipping community and our economy as a whole depend on reliable and efficient freight rail service. The Board and rail shippers need to understand how carriers plan to meet the increased demand for rail service during the fall peak demand season, including capital plans for relieving bottlenecks. For several years, the Board has asked Class I railroads, along with the ASLRRA member railroads, to provide a forward-looking assessment of their ability to meet end-of-year business demands for rail service, which typically increase during the fall shipping season. The Board uses this information to monitor efforts by U.S. rail carriers to meet the increased fall peak demand for rail service.

DATES: Comments on this information collection should be submitted by August 28, 2014.

[1] In the 60-day notice, the Board indicated that there were approximately 11 respondents. Although no comments were filed, we are adjusting our estimate of the number of respondents to nine. This adjustment to the Board's estimate is based on our updated calculation of the 5-year average number of actual filings by respondents.

ADDRESSES: Written comments should be identified as ''Paperwork Reduction Act Comments, Surface Transportation Board, End-of-Year Railroad Service Outlook.'' These comments should be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Patrick Fuchs, Surface Transportation Board Desk Officer, by email at *OIRA_SUBMISSION@OMB.EOP.GOV;* by fax at (202) 395–6974; or by mail to Room 10235, 725 17th Street NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: For further information regarding the ''End-of-Year Railroad Service Outlook,'' contact Chris Oehrle at (202) 245–0271 or *oehrlec@stb.dot.gov.* [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1–800–877–8339.] This collection, as well as instructions for the collection, are available on the Board's Web site at <*http://www.stb.dot.gov/PeakLetters1.nsf/2012?OpenPage*>.

SUPPLEMENTARY INFORMATION: Under the PRA, a federal agency conducting or sponsoring a collection of information must display a currently valid OMB control number. A collection of information, which is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c), includes agency requirements or requests that persons submit reports, keep records, or provide information to the agency, third parties, or the public. Section 3507(b) of the PRA requires, concurrent with an agency's submitting a collection to OMB for approval, a 30-day notice and comment period through publication in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information.

Dated: July 24, 2014.

Jeffrey Herzig,

Clearance Clerk.

[FR Doc. 2014–17741 Filed 7–28–14; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF VETERANS AFFAIRS

Notice of Tribal Consultation

AGENCY: Department of Veterans Affairs.

ACTION: Notice of Tribal Consultation.

SUMMARY: The Department of Veterans Affairs (VA) Office of Tribal Government Relations (OTGR) will host a Tribal Consultation on the Memorandum of Understanding (MOU) between VA and the Indian Health Service (IHS) and how the MOU has affected health care for Veterans. The consultation session will be held on September 8, 2014, at Hyatt Regency Albuquerque, 330 Tijeras NW., Albuquerque, New Mexico from 1:00 p.m. to 2:30 p.m. Mountain Standard Time.

DATES: Comments must be submitted to VA no later than Wednesday, October 8, 2014.

ADDRESSES: Written comments concerning the consultation may be submitted as follows:

Email: tribalgovernmentconsultation@va.gov.

Mail: U.S. Department of Veterans Affairs, Office of Intergovernmental Affairs (075F), 810 Vermont Avenue NW., Suite 915G, Washington, DC 20420.

This deadline does not preclude anyone from providing testimony at the session and we will, to the extent that times allows, hear your testimony. For any Tribe unable to present testimony, please be aware that VA will keep the testimony record open for 30 days after the date of the consultation. All 2014 consultation testimony, as well as official responses from VA, will be shared with tribal governments through a VA tribal consultation report to be disseminated in 2015.

Registration for the consultation is not required, but if you wish to register, please submit your name, title, Tribe or organization, phone, and email address to *tribalgovernmentconsultation@va.gov.*

FOR FURTHER INFORMATION CONTACT: Terry Bentley, Tribal Government Relations Specialist/Western Region, VA Office of Tribal Government Relations at (541) 440–1271, or by email at *Terry.Bentley@va.gov.*

SUPPLEMENTARY INFORMATION: In October 2010, the Department of Veterans Affairs (VA) and the Indian Health Service (IHS) signed a Memorandum of Understanding (MOU) to establish coordination, collaboration, and resource-sharing between the two organizations. The goal of the MOU is to bring together the strengths and expertise of each agency to actively improve the care and services provided by both of them.

The MOU sets forth five mutual goals for VA and IHS:

1. Increase access to and improve quality of health care services.

2. Promote patient-centered collaboration and facilitate communication among VA, IHS, American Indian and Alaska Native Veterans, Tribal facilities and Urban Indian Clinics.

3. In consultation with tribes at the regional and local levels, establish effective partnerships and sharing agreements.

4. Ensure that appropriate resources are identified and available to support programs for American Indian and Alaska Native Veterans.

5. Improve health-promotion and disease-prevention services to American Indians and Alaska Natives to address community-based wellness.

The purpose of the consultation is to assess the level of awareness tribes have about the MOU and its impact on Veteran care, as well as, the MOU's role in supporting access to care for Veterans living in Indian Country. The agency is seeking input from tribal leaders on the questions listed below:

1. What do you know about the 2010 Veterans Affairs/Indian Health Service Memorandum of Understanding (MOU)?

2. How did your community learn about the 2010 Veterans Affairs/Indian Health Service MOU?

3. What is the status of access to health care for Native Veterans in your community since the VA/IHS MOU was signed in 2010?

a. Has it improved?

b. Has it gotten worse?

c. No change?

d. Can you provide examples?

4. Specifically, is health care for Native Veterans in your community more accessible? Which aspects of the VA/IHS MOU are most critical to improving Native American access to health care?

5. Specifically, is there more coordination between your local health care facility and VA for the Veterans in your community?

6. Are there other aspects to quality of life in your community that have been impacted by the VA/IHS MOU?

7. How are the Reimbursement Agreements (under which VA reimburses the IHS or a Tribal Health Program for direct health care services provided to eligible American Indian/Alaska Native Veterans in those facilities) helping Veterans in Indian Country?

8. What can VA and IHS do to better educate the community on the VA/IHS MOU?

Dated: July 24, 2014.

Robert C. McFetridge,

Director, Office of Regulation Policy and Management, Office of the General Counsel, Department of Veterans Affairs.

[FR Doc. 2014–17797 Filed 7–28–14; 8:45 am]

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Federal Register

Vol. 79, No. 145

Tuesday, July 29, 2014

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FEDERAL REGISTER PAGES AND DATE, JULY

CFR PARTS AFFECTED DURING JULY

At the end of each month the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

40 CFR

9.....38464, 39268
13.....37644, 41646
52 .....37222, 37224, 37646, 37956, 38787, 39322, 39330, 40662, 40664, 40666, 40673, 40675, 41427, 41439, 41647, 41898, 41900, 41904, 41906, 41908, 42211, 42683, 42685, 43260, 43264, 43655, 43943, 43945
62.....39334
70.....43661
71.....43661
80.....42078, 42128
81.....43655
168.....39975
180 .....41443, 41911, 41915
272.....37226
300.....42461
721.....38464, 39268

Proposed Rules:

Ch. I.....40703
13.....37704, 42745
35.....37974
49 .....41665, 41666, 41846
51.....41157
52 .....37255, 37258, 37976, 38273, 38810, 39351, 40693, 40701, 40702, 41473, 41476, 41486, 41496, 41509, 41948, 41949, 42258, 42745, 42752, 42991, 43338, 43345, 43350, 43704, 43998
60 .....37259, 37981, 39242, 41752, 41772, 41796
61.....42275
62.....39360
63.....37850
81.....42258, 43704
82.....38811
168.....40040
180.....40043, 43350
272.....37261

41 CFR

Proposed Rules:

102–117.....41667

42 CFR

Proposed Rules:

403.....40318
405.....40208, 40318
409.....38366
410.....40318
411.....40208, 40916
412.....40916
413.....40208
414.....40208, 40318
416.....40916
419.....40916
422.....40916
423.....40916
424.....38366, 40916
425.....40318
484.....38366
488.....38366
498.....38366, 40318

44 CFR

64 .....37650, 37652, 37657, 43668

45 CFR

144.....42984
146.....42984
147.....42984
148.....42984
153.....37661, 42984
154.....42984
155.....42984
156.....42984
158.....42984

Proposed Rules:

155.....37262
156.....37262

46 CFR

506.....37662
515.....42986

Proposed Rules:

10.....38841
11.....38841
12.....38841
13.....38841
14.....38841
15.....38841

47 CFR

2.....39976, 40678
15.....40678, 40680
20.....39977, 43956
27.....39336, 41448
36.....39164
54.....39164
64.....40003
69.....39164
73.....41454
74.....40680
90.....39336, 40680

Proposed Rules:

1.....37705, 37982
8.....37448
11.....41159
27.....37705
54.....39196, 42276
73.....37705

48 CFR

Ch. I.....43574, 43591
1.....43575
4.....43580, 43590
13.....43580
14.....43580
15.....43580
19.....43580
22.....43575
31.....43589
32.....43590
52.....43575
App. A to Ch. 2.....42214
1516.....37958
1552.....37958
1803.....43958
1816.....43958
1852.....43958

Proposed Rules:

15.....39361
215.....41172, 42491
242.....41172, 42491
252.....41172, 42491
1511.....41949
1552.....41949
3401.....41511
3403.....41511
3404.....41511
3405.....41511
3406.....41511
3407.....41511
3408.....41511
3409.....41511
3411.....41511
3413.....41511
3414.....41511
3415.....41511
3416.....41511
3417.....41511
3419.....41511
3422.....41511
3425.....41511
3427.....41511
3428.....41511
3430.....41511
3431.....41511
3432.....41511
3433.....41511
3434.....41511
3437.....41511
3439.....41511
3442.....41511
3444.....41511
3447.....41511
3448.....41511
3452.....41511

49 CFR

171.....40590
172.....40590
173.....40590, 43266
174.....40590
175.....40590
176.....40590
177.....40590
178.....40590
233.....37664
395.....39342
573.....43670
577.....43670
579.....43670
595.....38792
821.....41649, 41650
1002.....41137, 41651
1333.....38254

Proposed Rules:

171.....41185
172.....41185
173.....41185
177.....41185
219.....43830
535.....38842
571.....39362
574.....42999
821.....41668

50 CFR

Ch. I.....37578
2.....43961
10.....43961
13.....43961
14.....43961
15.....43961
16.....43961
17 .....38678, 39756, 42687, 43132, 43961
18.....43961
20.....43961
21.....43961
22.....43961
23.....43961
36.....43961
80.....43961
86.....43961
91.....43961
100.....43961
Ch. II.....37578
223.....38214, 40004
224.....38214
226.....39856
622 .....38475, 38476, 42462
635.....38255, 43267
648 .....38259, 41141, 41918, 42696
660.....43268, 43269
679 .....37960, 37961, 37962, 40016, 41454, 41455, 42987, 43679

Proposed Rules:

17 .....37706, 41211, 41225, 43358
216.....43007
218.....41374
223.....40054
224.....40054
300.....40055, 43373
600.....43017
622.....37269, 37270
648.....38274, 41530
660.....43017
679.....37486, 43377
697.....43379
700.....40703

LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws**.

Last List July 25, 2014

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