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Contents

Federal Register

Vol. 79, No. 146

Wednesday, July 30, 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.

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.

Rules and Regulations

Federal Register

Vol. 79, No. 146

Wednesday, July 30, 2014

DEPARTMENT OF HOMELAND SECURITY

Office of the Secretary

6 CFR Part 7

Federal Emergency Management Agency

44 CFR Part 8

[DHS Docket No. DHS–2012–0067]

RIN 1601–AA68

Classified National Security Information

AGENCY: Office of the Secretary and Federal Emergency Management Agency, DHS.

ACTION: Final rule.

SUMMARY: The Department of Homeland Security (DHS) is revising its procedures for managing classified national security information. DHS is updating its regulations to incorporate new and revised procedures pursuant to Executive Order 13526, ''Classified National Security Information.'' Further, DHS is delegating to the Chief Security Officer of DHS the responsibility of serving as the ''Senior Agency Official'' pursuant to Executive Order 13526. The Chief Security Officer acted in this capacity under the predecessor Executive Order as well. Finally, DHS is also removing outdated regulations dealing with classified national security information at 44 CFR part 8.

DATES: This final rule is effective July 30, 2014.

FOR FURTHER INFORMATION CONTACT: John Steele, Chief Policy Advisor, Office of the Chief Security Officer, Department of Homeland Security, (202) 447–0833 (not a toll-free number); Scott Ackiss, Chief, Administrative Security Division, Office of the Chief Security Officer, Department of Homeland Security, (202) 447–5341 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

I. Background

On December 29, 2009, the President issued Executive Order (E.O.) 13526, prescribing a uniform system for classifying, safeguarding, and declassifying national security information, including information relating to defense against transnational terrorism. 75 FR 707 (Jan. 5, 2010). E.O. 13526 replaced Executive Order 12958, 60 FR 19825 (Apr. 20, 1995), which had last been amended by E.O. 13292, 68 FR 15315 (Mar. 28, 2003).

DHS is amending its regulations to implement the revised requirements of E.O. 13526. The relevant changes relate to classification, safeguarding, and declassification of national security information. This rule is consistent with similar rules of other Executive Branch agencies relating to the classification, safeguarding, and declassification of classified national security information.

DHS is issuing this rule as a final rule without prior notice of proposed rulemaking because the procedures implemented under this final rule are largely mandated by Executive Order. Moreover, this rule, like similar rules of other Executive Branch agencies, is a rule of agency management, interpretation, or procedure. Such rules are exempt from prior notice and public comment under the Administrative Procedure Act (APA). 5 U.S.C. 553(a)(2), (b)(A). Consistent with its predecessor final rule implementing Executive Orders 12958 and 13292, see 70 FR 61211 (Oct. 21, 2005), DHS has concluded that prior notice and opportunity for comment are therefore unnecessary. This rule is therefore effective upon publication.

E.O. 13526 requires that DHS make a number of technical changes to its regulations, including, for instance, removing references to outdated executive orders. In the interest of brevity, DHS is including in the discussion below only the most significant changes made in the regulations.

II. Analysis of This Final Rule

This final rule establishes the procedures necessary for DHS to fulfill its obligations under E.O. 13526, ''Classified National Security Information.'' This final rule does not address the Department's obligations under Executive Orders 13311, *Homeland Security Information Sharing,* 68 FR 45149 (July 31, 2003), or 13388, *Further Strengthening the Sharing of Terrorism Information to Protect Americans,* 70 FR 62023 (Oct. 25, 2005), which deal with a related, but different, subject matter.

A. Subpart A—Administration

Revised subpart A continues to delegate responsibility for administration of the DHS classification management program to the Chief Security Officer. Just as the Chief Security Officer acted in the capacity of ''Senior Agency Official'' under E.O. 12958, as amended, the Chief Security Officer will act as the Senior Agency Official under E.O. 13526. Similarly, subpart A continues to require components to designate a security officer/security liaison to implement and oversee the program at each component. Subpart A also sets forth potential administrative sanctions that may be imposed pursuant to E.O. 13526. See revised section 7.10(b)(11), 7.12(b). These provisions, which mirror provisions in the 2005 rule, are independent of criminal penalties that the Department of Justice may prosecute. *See, e.g.,* 18 U.S.C. 371, 792–798, 1001; 50 U.S.C. 783; 50 U.S.C. 421.

DHS is amending Subpart A to explicitly include in the delegation to the Chief Security Officer (1) responsibility for implementing and managing mandatory training for officials who hold original classification authority or perform derivative classification actions, and suspending classification authority of individuals who fail to attend such training, revised section 7.10(c)(3); (2) responsibility for reviewing and correcting classification decisions, revised section 7.10(c)(4); (3) authority to establish a secure capability to receive information, allegations, or complaints regarding over-classification or incorrect classification, revised section 7.10(c)(10); (4) authority to establish and maintain a means to appoint, track, and train Department officials who do or will perform original and derivative classification actions, revised section 7.10(e); and (5) authority to implement, manage, and oversee a program providing access to and safeguarding classified information provided to non-federal entities, revised section 7.10(f).

DHS is also making technical amendments to other portions of sections 7.11 and 7.12, consistent with the Executive Order.

B. Subpart B—Classified Information

Revised subpart B continues to provide DHS policy on the classification and declassification of national security information, including authority for the release of classified information to uncleared persons in an emergency. *See, e.g.,* revised section 7.23. Subpart B also continues to provide the DHS processes for how to challenge the classification of information, including information classified by another agency, and how the public can submit a request for a mandatory review of classified information for declassification and public release. *See* revised sections 7.31, 7.32.

Revised subpart B implements new standards for granting officials original classification authority, consistent with E.O. 13526. In revised section 7.20(a) and (b), DHS provides, consistent with section 1.3(c) of the Executive Order and predecessor executive orders, that neither the Secretary nor the Chief Security Officer may delegate original classification authority to any official who lacks a demonstrable and continuing need to exercise such authority.

Consistent with sections 1.3(d) and 2.1(d) of E.O. 13526, and as noted above in connection with the Chief Security Officer's authority under revised subpart A, revised subpart B implements new training requirements for original and derivative classifiers. Under revised section 7.20(c), DHS specifically requires officials delegated original classification authority to attend mandatory classification training within 60 days of the date of the delegation, and annually thereafter. Under revised section 7.26(d), those who perform derivative classification actions must attend mandatory derivative classification training before performing any derivative classification, and once every two years thereafter. The Chief Security Officer will suspend the classification authority of an official who does not complete the mandatory training, although the Chief Security Officer—or for cases involving the Inspector General, the Secretary or Deputy Secretary—may waive the suspension in exigent circumstances.

Changes under this subpart also implement the Executive Order's standards relating to whether and to what level DHS will classify information. In revised section 7.21(a)(4), DHS incorporates the explicit requirement in section 1.4 of E.O. 13526, which provides that information shall not be considered for classification unless, *inter alia,* its unauthorized disclosure could reasonably be expected to cause identifiable or describable damage to the national security. Moreover, in revised section 7.21(c), DHS incorporates the new classification standards at section 1.1(b)–(c) of E.O. 13526. DHS clarifies, consistent with the Executive Order, that it will not classify information if there is significant doubt about the need to classify the information. If there is significant doubt about the appropriate level of classification, DHS will classify the information at the lower level. Finally, in revised section 7.21(e), DHS implements section 2.2(d)–(f) of the Executive Order, which requires agencies to incorporate original classification decisions into classification guides on a timely basis. DHS is requiring components to coordinate guides through the Chief Security Officer prior to approval and publication.

Changes to this subpart also implement new standards under which DHS will reclassify information. In revised section 7.21(g), the rule provides, consistent with section 1.7(c) of E.O. 13526, that information may not be reclassified after it has been declassified and released to the public under proper authority, unless, *inter alia,* the reclassification is approved in writing by the Secretary, based on a document-by-document determination that the reclassification of the information is required to prevent significant and demonstrable damage to the national security.

This rule also includes a number of new provisions relating to declassification. In revised section 7.20(e), DHS clarifies, consistent with section 3.1(b) of E.O. 13526, which officials may exercise declassification authority. Revised section 7.29 addresses DHS's role vis-à-vis the National Declassification Center, which the President established under section 3.7 of the Executive Order.

In new section 7.32 (which in many respects duplicates former section 7.31), consistent with section 3.5(g) of E.O. 13526, DHS now clarifies the mandatory declassification review process by defining who may request declassification review under the Executive Order. Proper requesters do not include foreign government entities or any representative thereof. New section 7.32 also clarifies that in general, DHS will deny requests for declassification review of overly broad categories of information, entire file series, and other similarly non-specific target information. Consistent with section 3.5(g) of E.O. 13526, new section 7.32 also now provides that mandatory declassification review does not apply to documents required to be submitted for prepublication review or other administrative process pursuant to an approved non-disclosure agreement. This would include, for instance, memoirs by current or former DHS employees, if a non-disclosure agreement applies.

DHS notes that the public's ability to request declassification of information under this rule is fully consistent with declassification provisions cited in EO 13526.

Finally, DHS is also making technical amendments to other portions of subpart B not referenced in this preamble, consistent with the Executive Order.

C. 44 CFR part 8

In this action, DHS is also removing outdated regulations dealing with the same subject matter at 44 CFR part 8.

III. Statutory and Regulatory Reviews

A. Administrative Procedure Act

DHS finds good cause to issue this rule without advance notice and public comment because such procedures are unnecessary. 5 U.S.C. 553(b)(B). As noted above, this rulemaking incorporates into existing DHS regulations the provisions of E.O. 13526 without significant change. Further, this rule generally parallels the procedures currently used by other agencies to fulfill their obligations under Executive Order 13526.

Moreover, although this rulemaking includes certain delegations of authority not mandated by Executive Order 13526—such as, for instance, the delegation to the DHS Chief Security Officer in particular—such provisions plainly involve matters of internal DHS management and organization, i.e., DHS internal procedures for the classification and handling of classified national security information. *See, e.g.,* 75 FR 37254 (June 28, 2010) (National Archives and Records Administration final rule); 76 FR 59031 (Sept. 23, 2011) (Central Intelligence Agency final rule). These provisions, as well as the remainder of the rule, are exempt from the APA's notice-and-comment requirements under 5 U.S.C. 553(a)(2).

For the same reasons, the Department has determined that this final rule should be issued without a delayed effective date pursuant to 5 U.S.C. 553(d)(3).

B. Regulatory Flexibility Act

A Regulatory Flexibility Analysis is not required for this final rule because DHS is not required to publish a general notice of proposed rulemaking for this matter.

C. Executive Order 12866

Executive Orders 13563 and 12866 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This rule has been designated a ''significant regulatory action'' although not economically significant, under section 3(f) of Executive Order 12866. Accordingly, the rule has been reviewed by the Office of Management and Budget. This rule incorporates into existing DHS regulations the requirements of Executive Order 13526 and also certain internal delegations of authority not mandated by Executive Order 13526. The rule's qualitative benefits include additional clarity for the public and DHS personnel with respect to Executive Order 13526's effect on DHS regulations. This rule imposes no additional costs on the public or the government.

D. Executive Order 12988

This regulation meets the applicable standards set forth in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform.

E. Executive Order 13132

This rule 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. Therefore, in accordance with Executive Order 13132, DHS has determined that this rule does not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement.

F. Unfunded Mandates Reform Act of 1995

This rule will not result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more in any one year, and it will not significantly or uniquely affect small governments. Therefore, no actions are necessary under the provisions of the Unfunded Mandates Reform Act of 1995, 2 U.S.C. 1501 *et seq.*

G. Small Business Regulatory Enforcement Fairness Act of 1996

This rule is not a major rule as defined by section 251 of the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), 5 U.S.C. 804. This rule will not result in an annual effect on the economy of $100 million or more, a major increase in costs or prices, or significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets.

H. National Environmental Policy Act of 1969

DHS has reviewed this action under Department of Homeland Security Management Directive 023–01, which guides the Department in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 *et seq.*), and has concluded that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. Because this action involves administrative processing and document review functions, and because this action merely implements preexisting requirements, we have determined that it qualifies for, *inter alia,* categorical exclusions A1 and A3 of the Management Directive.

I. Paperwork Reduction Act

This rule does not contain any information collection requirements subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

J. Executive Order 13526

This final rule has been reviewed by the Information Security Oversight Office of the National Archives and Records Administration pursuant to Executive Order 13526.

List of Subjects

6 CFR Part 7

Classified information, Organization, functions, and authority delegations.

44 CFR Part 8

Classified information.

Accordingly, for the reasons set forth above, DHS amends 6 CFR chapter I, part 7, and 44 CFR chapter I, part 8, as follows:

Title 6—Domestic Security

Chapter I—Department of Homeland Security, Office of the Secretary

■ 1. In Chapter I, revise part 7 to read as follows:

PART 7—CLASSIFIED NATIONAL SECURITY INFORMATION

Authority: 5 U.S.C. 301; Pub. L. 107–296; E.O. 13526; 3 CFR, 1995 Comp., p. 333; E.O. 13142, 64 FR 66089, 3 CFR, 1999 Comp., p. 236; 32 CFR part 2001.

§ 7.1 Purpose.

The purpose of this part is to ensure that information within the Department of Homeland Security (DHS) relating to the national security is classified, safeguarded, and declassified pursuant to the provisions of Executive Order 13526, and implementing directives from the Information Security Oversight Office (ISOO) of the National Archives and Records Administration (NARA).

§ 7.2 Scope.

(a) This part applies to all employees, detailees, and non-contractor personnel inside and outside the Executive Branch who are granted access to classified information by the DHS, in accordance with the standards in Executive Order 13526, and its implementing directives, and Executive Order 13549, ''Classified National Security Information Program for State, Local, Tribal, and Private Sector Entities,'' and its implementing directives.

(b) This part does not apply to contractors, grantees and other categories of personnel falling under the purview of Executive Order 12829, National Industrial Security Program, as amended, and its implementing directives.

(c) This part is independent of and does not affect any classification procedures or requirements of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 *et seq.*).

(d) This part does not, and is not intended to, create any right to judicial review, or any other right or benefit or trust responsibility, substantive or procedural, enforceable by a party against the United States, its agencies or instrumentalities, its officers or employees, or any other person. This part creates limited rights to administrative review of decisions. This part does not, and is not intended to, create any right to judicial review of administrative action.

§ 7.3 Definitions.

The terms defined or used in Executive Order 13526, and the implementing directives in 32 CFR part 2001 and 2004 are applicable to this part.

Subpart A—Administration

§ 7.10 Authority of the DHS Chief Security Officer.

(a) The DHS Chief Security Officer (hereafter ''Chief Security Officer'') is designated as the Senior Agency Official as required by section 5.4(d) of Executive Order 13526, and, except as specifically provided elsewhere in this part, is authorized to administer the DHS Classified National Security Information program pursuant to Executive Order 13526.

(b) To the extent that 32 CFR part 2001 refers to the agency head or ''designee,'' the Chief Security Officer is such designee unless determined otherwise by the Secretary. The Chief Security Officer may further delegate the associated authorities.

(c) The Chief Security Officer shall, among other actions:

(1) Oversee and administer the DHS's program established under Executive Order 13526;

(2) Promulgate implementing regulations;

(3) Establish and maintain DHS-wide security education and training programs, to include implementation and management of mandatory training for DHS officials who have been delegated original classification authority and those who perform derivative classification actions and suspension of such authority for failure to attend such training;

(4) Establish and maintain an ongoing self-inspection program that shall include regularly reviewing representative samples of DHS's original and derivative classification actions, correcting instances of misclassification, and reporting annually to the Director of ISOO on the DHS self-inspection program;

(5) Establish procedures to prevent unnecessary access to classified information, including procedures that:

(i) Require that a need for access to classified information is established before initiating administrative procedures to grant access; and

(ii) Ensure that the number of persons granted access to classified information is limited to the minimum necessary for operational and security requirements and needs;

(6) Develop special contingency plans for the safeguarding of classified information used in or near hostile or potentially hostile areas;

(7) Coordinate with the DHS Chief Human Capital Officer, as appropriate, to ensure that the performance contract or other system used to rate personnel performance includes the management of classified information as a critical element or item to be evaluated in the rating of:

(i) Original classification authorities;

(ii) Security managers or security specialists; and

(iii) All other personnel whose duties significantly involve the creation or handling of classified information, including persons who apply derivative classification markings;

(8) Account for the costs associated with implementing this part and report the cost to the Director of ISOO;

(9) Assign in a prompt manner personnel to respond to any request, appeal, challenge, complaint, or suggestion concerning Executive Order 13526, that pertains to classified information that originated in a DHS component that no longer exists and for which there is no clear successor in function;

(10) Establish a secure capability to receive information, allegations, or complaints regarding over-classification or incorrect classification and to provide a ready source for guidance on proper classification;

(11) Report violations, take corrective measures and assess appropriate sanctions as warranted, in accordance with Executive Order 13526;

(12) Oversee DHS creation and participation in special access programs authorized under Executive Order 13526;

(13) Direct and administer DHS's personnel security program in accordance with Executive Order 12968 and other applicable law;

(14) Direct and administer DHS implementation and compliance with the National Industrial Security Program in accordance with Executive Order 12829 and other applicable guidance; and

(15) Perform any other duties as the Secretary may designate.

(d) The Chief Security Officer shall maintain a current list of all officials authorized pursuant to this part to originally classify or declassify documents.

(e) The Chief Security Officer shall establish and maintain a means for appointing, tracking, and training DHS officials who do or will perform original and derivative classification actions.

(f) The Chief Security Officer shall administer a program for the implementation, management, and oversight of access to and safeguarding of classified information provided to state, local, tribal, and private sector personnel pursuant to Executive Order 13549, ''Classified National Security Information Program for State, Local, Tribal, and Private Sector Entities,'' and its implementing directives.

(g) Nothing in this part will be interpreted to abrogate or affect the responsibilities of the Director of National Intelligence under the National Security Act of 1947, Public Law 235 (1947), as amended, and E.O. 12333, United States Intelligence Activities (1981), as amended, or any responsibilities of the Under Secretary for Intelligence and Analysis conferred by presidential or intelligence community directive implicating those authorities, insofar as those authorities concern classified sources, methods, and activities, classified national intelligence, or sensitive compartmented information and are executed consistent with delegations or designations of authority issued pursuant to the statutory authority of the Secretary.

§ 7.11 Components' responsibilities.

Each DHS component shall appoint a security officer or security liaison to implement this part. The security officer/security liaison shall:

(a) Implement, observe, and enforce security regulations or procedures within their component with respect to the classification, declassification, safeguarding, handling, and storage of classified national security information;

(b) Report violations of the provisions of this part to the Chief Security Officer committed by employees of their component, as required by implementing directives;

(c) Ensure that employees of their component attend mandatory security education and training, as required by the DHS classified information security procedures, to include those component officials delegated the authority to classify information originally and those who perform derivative classification actions;

(d) Continuously review the requirements for personnel access to classified information as a part of the continuous need-to-know evaluation, and initiate action to administratively withdraw or reduce the level of access authorized, as appropriate; and

(e) Cooperate fully with any request from the Chief Security Officer for assistance in the implementation of this part.

§ 7.12 Violations of classified information requirements.

(a) Any person who suspects or has knowledge of a violation of this part, including the known or suspected loss or compromise of classified information, shall promptly report such violations or possible violations, pursuant to requirements set forth in DHS directives.

(b) DHS employees and detailees may be reprimanded, suspended without pay, terminated from classification authority, suspended from or denied access to classified information, or subject to other sanctions in accordance with applicable law and DHS regulations or directives if they:

(1) Knowingly, willfully, or negligently disclose to unauthorized persons information properly classified under Executive Order 13526, or its predecessor orders;

(2) Knowingly, willfully, or negligently classify or continue the classification of information in violation of Executive Order 13526, or its implementing directives; or

(3) Knowingly, willfully, or negligently create or continue a special access program contrary to the requirements of Executive Order 13526; or,

(4) Knowingly, willfully, or negligently violate any other provision of Executive Order 13526, or DHS implementing directives, or;

(5) Knowingly, willfully, or negligently grant eligibility for, or allow access to, classified information in violation of Executive Order 13526, or its implementing directives, this part, or DHS implementing directives promulgated by the Chief Security Officer.

§ 7.13 Judicial proceedings.

(a) Any DHS official or organization, except for the Office of Inspector General in matters involving the Office of Inspector General only, receiving an order or subpoena from a federal or state court, or an administrative subpoena from a federal agency, to produce classified information (see 6 CFR 5.41 through 5.49), required to submit classified information for official DHS litigation purposes, or receiving classified information from another organization for production of such in litigation, shall notify the Office of the General Counsel, unless the demand for production is made by the Office of the General Counsel, and immediately determine from the agency originating the classified information whether the information can be declassified. If declassification is not possible, DHS representatives will take appropriate action to protect such information, pursuant to the provisions of this section.

(b) If a determination is made under paragraph (a) of this section to produce classified information in a judicial proceeding in any manner, the DHS General Counsel attorney, or the Office of Inspector General attorney, if the matter involves the Office of Inspector General only, in conjunction with the Department of Justice, shall take appropriate steps to protect classified information in judicial proceedings and retrieve the information when the information is no longer required in such judicial proceedings, in accordance with the Department of Justice procedures, and in Federal criminal cases, pursuant to the requirements of Classified Information Procedures Act (CIPA), Public Law 96–456, 94 Stat. 2025, (18 U.S.C. App.), and the ''Security Procedures Established Pursuant to Public Law 96–456, 94 Stat. 2025, by the Chief Justice of the United States for the Protection of Classified Information,'' and other applicable authorities.

Subpart B—Classified Information

§ 7.20 Classification and declassification authority.

(a) Top Secret original classification authority may only be exercised by the Secretary and by officials with a demonstrable and continuing need to exercise such authority and to whom such authority is delegated in writing by the Secretary. The Chief Security Officer, as the Senior Agency Official, is delegated authority to originally classify information up to and including Top Secret. No official who is delegated Top Secret original classification authority by the Secretary may further delegate such authority.

(b) The Chief Security Officer may delegate Secret and Confidential original classification authority to other officials with a demonstrable and continuing need to exercise such authority. No official who is delegated original classification authority by the Secretary or the Chief Security Officer may further delegate such authority.

(c) Persons who are delegated original classification authority shall attend mandatory classification training within 60 days of the delegation, and annually thereafter. Persons who fail to attend mandatory training shall have such authority suspended until such time as the training occurs.

(1) Except for suspensions of the Inspector General's classification authority, the Chief Security Officer may waive a suspension of authority for no longer than 60 days following the due date of the training when unavoidable circumstances exist that prevent the person from attending the training.

(2) For cases involving suspension of the Inspector General's classification authority under paragraph (c) of this section, only the Secretary or Deputy Secretary may waive such a suspension.

(d) Officials authorized to classify information at a specified level are also authorized to classify information at a lower level. In the absence of an official authorized to exercise classification authority, the person designated to act in lieu of such official may exercise the official's classification authority.

(e) Declassification authority may be exercised by the official who authorized the original classification, if that official is still serving in the same position and has original classification authority; the originator's current successor in function, if that individual has original classification authority; a supervisory official of either the originator or his or her successor in function, if the supervisory official has original classification authority; or officials delegated declassification authority by the Secretary or the Chief Security Officer.

§ 7.21 Classification of information, limitations.

(a) Information may be originally classified only if all of the following standards are met:

(1) An original classification authority is classifying the information;

(2) The information is owned by, produced by or for, or is under the control of the United States Government;

(3) The information falls within one or more of the categories of information

specified in section 1.4 of Executive Order 13526; and

(4) The original classification authority determines that the unauthorized disclosure of the information reasonably could be expected to cause identifiable and describable damage to the national security.

(b) Information shall be classified as Top Secret, Secret, or Confidential in accordance with and in compliance with the standards and criteria in Executive Order 13526. No other terms shall be used to identify United States classified information except as otherwise provided by statute.

(c) If there is significant doubt about the need to classify information it shall not be classified. If classification is warranted but there is significant doubt about the appropriate level of classification it shall be classified at the lower level.

(d) Original classification decisions made by a DHS original classification authority shall be incorporated into a security classification guide in a timely manner but no later than one year from the date of the original decision. Such decisions shall be reported to the Office of the Chief Security Officer, Administrative Security Division, within thirty days following the original classification decision.

(e) All DHS security classification guides shall be coordinated through and receive the concurrence of the Office of the Chief Security Officer, Administrative Security Division, prior to approval and publication by an original classification authority.

(f) Information shall not be classified in order to:

(1) Conceal inefficiency, violations of law, or administrative error;

(2) Prevent embarrassment to a person, organization, or agency;

(3) Restrain competition;

(4) Prevent or delay release of information that does not require protection in the interest of national security.

(g) Information may not be reclassified after it has been declassified and released to the public under proper authority unless:

(1) The reclassification is approved in writing by the Secretary based on a document-by-document determination that the reclassification of the information is required to prevent significant and demonstrable damage to the national security;

(2) The reclassification of the information meets the standards and criteria for classification pursuant to Executive Order 13526;

(3) The information may be reasonably recovered without bringing undue attention to the information; and

(4) The reclassification action is reported promptly to the Assistant to the President for National Security Affairs (National Security Advisor) and the Director of ISOO.

(5) For documents in the physical and legal custody of the National Archives and Records Administration that have previously been made available for public use and determined to warrant reclassification per paragraphs (g)(1) through (4) of this section, the Secretary shall notify the Archivist of the United States, who shall suspend public access pending approval by the Director of ISOO. Any such decision made by the Director of ISOO may be appealed by the Secretary to the President through the National Security Advisor.

(h) Information that has not previously been disclosed to the public under proper authority may be classified or reclassified after DHS has received a request for it under the Freedom of Information Act (5 U.S.C. 552), the Presidential Records Act, 44 U.S.C. 2204(c)(1), the Privacy Act of 1974 (5 U.S.C. 552a), or the mandatory review provisions of Executive Order 13526, section 3.5. When it is necessary to classify or reclassify such information, it shall be done so on a document-by-document basis with the personal participation of and under the direction of the Secretary or Deputy Secretary.

§ 7.22 Classification pending review.

(a) Whenever persons who do not have original classification authority originate or develop information that they believe requires immediate classification and safeguarding, and no authorized original classifier is available, that person shall:

(1) Safeguard the information in a manner appropriate for the classification level they believe it to be;

(2) Apply the appropriate overall classification markings; and

(3) Within five working days, securely transmit the information to the organization that has appropriate subject matter interest and original classification authority.

(b) When it is not clear which component would be the appropriate original classifier, the information shall be sent to the Office of the Chief Security Officer, Administrative Security Division, to determine the appropriate organization.

(c) The applicable original classification authority shall decide within 30 days of receipt whether the information warrants classification pursuant to Executive Order 13526 and shall render such decision in writing.

§ 7.23 Emergency release of classified information.

(a) The DHS Undersecretary for Management has delegated to certain DHS employees the authority to disclose classified information to an individual or individuals not otherwise eligible for access in emergency situations when there is an imminent threat to life or in defense of the homeland.

(b) In exercising this authority, the delegees shall adhere to the following conditions:

(1) Limit the amount of classified information disclosed to a minimum to achieve the intended purpose;

(2) Limit the number of individuals who receive it to only those persons with a specific need-to-know;

(3) Transmit the classified information through approved communication channels by the most secure and expeditious method possible, or by other means deemed necessary in exigent circumstances;

(4) Provide instructions about what specific information is classified and how it should be safeguarded. Physical custody of classified information must remain with an authorized Federal Government entity, in all but the most extraordinary circumstances as determined by the delegated official;

(5) Provide appropriate briefings to the recipients on their responsibilities not to disclose the information and obtain from the recipients a signed DHS Emergency Release of Classified Information Non-disclosure Form. In emergency situations requiring immediate verbal release of information, the signed nondisclosure agreement memorializing the briefing may be received after the emergency abates;

(6) Within 72 hours of the disclosure of classified information, or the earliest opportunity that the emergency permits, but no later than 7 days after the release, the disclosing authority must notify the DHS Office of the Chief Security Officer, Administrative Security Division, and the originating agency of the information disclosed. A copy of the signed nondisclosure agreements should be forwarded with the notification, or as soon thereafter as practical.

(7) Release of information pursuant to this authority does not constitute declassification of the information.

(8) Authority to disclose classified information under the above conditions may not be further delegated.

§ 7.24 Duration of classification.

(a) At the time of original classification, original classification authorities shall apply a date or event in which the information will be automatically declassified.

(b) The original classification authority shall attempt to establish a specific date or event that is not more than 10 years from the date of origination in which the information will be automatically declassified. If the original classification authority cannot determine an earlier specific date or event it shall be marked for automatic declassification 10 years from the date of origination.

(c) If the original classification authority determines that the sensitivity of the information requires classification beyond 10 years, it may be marked for automatic declassification for up to 25 years from the date of the original classification decision.

(d) Original classification authorities do not have the authority to classify or retain the classification of information beyond 25 years from the date of origination. The only exceptions to this rule are information that would clearly and demonstrably be expected to reveal the identity of a confidential human source or human intelligence source, or, key design concepts of weapons of mass destruction. In these instances, the information shall be marked for declassification based on implementing directives issued pursuant to Executive Order 13526. In all other instances, classification beyond 25 years shall only be authorized in accordance with § 7.28 and Executive Order 13526.

§ 7.25 Identification and markings.

(a) Classified information, in all forms, must be marked in a manner that is immediately apparent pursuant to the standards set forth in section 1.6 of Executive Order 13526; 32 CFR part 2001, subpart B; and internal DHS guidance approved and distributed by the Office of the Chief Security Officer.

(b) Foreign government information shall retain its original classification markings or be assigned a U.S. classification that provides a degree of protection at least equivalent to that required by the entity that furnished the information.

(c) Information assigned a level of classification under predecessor Executive Orders shall remain classified at that level of classification, except as otherwise provided herein, i.e., the information is reclassified or declassified.

§ 7.26 Derivative classification.

(a) Derivative classification is defined as the incorporating, paraphrasing, restating, or generating in a new form information that is already classified, and marking the newly developed material consistent with the classification markings that apply to the source information. Information is also derivatively classified when classification is based on instructions provided in a security classification guide.

(b) Persons need not possess original classification authority to derivatively classify information based on source documents or classification guides.

(c) Persons who perform derivative classification actions shall be designated as authorized derivative classifiers as specified in directives published by the Office of the Chief Security Officer.

(d) Persons who are designated as authorized derivative classifiers shall attend mandatory classification training before performing derivative classification actions, and once every two years thereafter. Persons who fail to attend mandatory training shall have such authority suspended until such time as the training occurs.

(1) Except for suspensions of the Office of Inspector General's classification authority, the Chief Security Officer may waive the suspension of authority for no longer than 60 days following the due date of the training when unavoidable circumstances exist that prevent the person from attending the training.

(2) For cases involving suspension of the Office of Inspector General's classification authority under paragraph (d) of this section, only the Secretary or Deputy Secretary may waive such a suspension.

(e) Persons who apply derivative classification markings shall observe original classification decisions and carry forward to any newly created documents the pertinent classification markings.

(f) Information classified derivatively from other classified information shall be classified and marked in accordance with the standards set forth in sections 2.1 and 2.2 of Executive Order 13526, 32 CFR part 2001, and internal DHS guidance provided by the Office of the Chief Security Officer.

§ 7.27 Declassification and downgrading.

(a) Classified information shall be declassified as soon as it no longer meets the standards for classification. Declassification and downgrading is governed by part 3 of Executive Order 13526, implementing ISOO directives at 32 CFR part 2001, subpart C, and applicable internal DHS direction provided by the Office of the Chief Security Officer.

(b) Information shall be declassified or downgraded by the official who authorized the original classification if that official is still serving in the same position and has original classification authority, the originator's successor if that position has original classification authority, or a supervisory official of either if that position has original classification authority, or, by officials delegated such authority in writing by the Secretary or the Chief Security Officer, or, pursuant to section 3.1.(e) of Executive Order 13526, the Director of the Information Security Oversight Office.

(c) It is presumed that information that continues to meet the classification requirements under Executive Order 13526 requires continued protection. In some exceptional cases during declassification reviews, the need to protect classified information may be outweighed by the public interest in disclosure of the information, and in these cases the information should be declassified. If it appears that the public interest in disclosure of the information may outweigh the need to protect the information, the declassification reviewing official shall refer the information with a recommendation for decision to the Chief Security Officer. The Chief Security Officer shall review the information and after consulting with the applicable original classification authority and other components and agencies with equities, make a recommendation to the Secretary on whether the public interest in disclosure outweighs the damage to national security that might reasonably be expected from disclosure. The Secretary shall decide whether to declassify the information. The decision of the Secretary shall be final. This provision does not amplify or modify the substantive criteria or procedures for classification or create any substantive or procedural rights subject to judicial review.

(d) Each component shall develop schedules for declassification of records in the National Archives.

§ 7.28 Automatic declassification.

(a) Subject to paragraph (b) of this section and paragraphs 3.3(b)–(d) and (g)–(j) of Executive Order 13526, all classified information contained in records that are more than 25 years old that have been determined to have permanent historical value shall be declassified automatically on December 31st of the year that is 25 years from the date of origin.

(b) At least one year before information is declassified automatically under this section, the Chief Security Officer shall notify the ISOO of any specific information that

DHS proposes to exempt from automatic declassification. The notification shall include:

(1) A description of the information;

(2) An explanation of why the information is exempt from automatic declassification and must remain classified for a longer period of time; and

(3) A specific date or event for declassification of the information whenever the information exempted does not identify a confidential human source or human intelligence source, or, key design concepts of weapons of mass destruction.

(c) Proposed exemptions under this section shall be forwarded to the Chief Security Officer. When the Chief Security Officer determines the exemption request is consistent with this section, he or she will submit the exemption request to the Executive Secretary of the Interagency Security Classification Appeals Panel (ISCAP) for approval.

(d) Declassification guides that narrowly and precisely define exempted information may be used to exempt information from automatic declassification. Declassification guides must include the exemption notification information detailed in paragraph (b) of this section, and be approved pursuant to paragraph (c) of this section. The creation of declassification guides to cite proposed or ISCAP-approved DHS exemptions shall be coordinated through and processed by the Office of the Chief Security Officer, Administrative Security Division.

§ 7.29 National Declassification Center.

(a) The Chief Security Officer and applicable components will support the NARA, National Declassification Center (NDC), which was established to streamline declassification processes, facilitate quality-assurance measures, and implement standardized training regarding the declassification of records determined to have permanent historical value. The Chief Security Officer will assign DHS personnel on an as-needed basis to address declassification matters and priorities containing DHS equities.

(b) The Office of the Chief Security Officer shall provide the NDC with all DHS classification and declassification guides that include ISCAP-approved exemptions from automatic declassification.

(c) The Chief Security Officer, or his designee, shall oversee DHS-wide support to the NDC, including representing DHS in consultations with the NDC Director.

§ 7.30 Documents of permanent historical value.

The original classification authority, to the greatest extent possible, shall declassify classified information contained in records determined to have permanent historical value under 44 U.S.C. 2107 before they are accessioned into the National Archives.

§ 7.31 Classification challenges.

(a) Authorized holders of information classified by DHS or any other agency who, in good faith, believe that specific information is improperly or unnecessarily classified are encouraged and expected to challenge the classification status of that information pursuant to section 1.8 of Executive Order 13526. Authorized holders may submit classification challenges in writing to the original classification authority with jurisdiction over the information in question. If an original classification authority cannot be determined, the challenge shall be submitted to the Office of the Chief Security Officer, Administrative Security Division. The challenge need not be more specific than a question as to why the information is or is not classified, or is classified at a certain level.

(b) If anonymity of the challenger is requested, the challenger may submit the challenge to the Office of the Chief Security Officer, Administrative Security Division. The Administrative Security Division will act as an agent for the challenger and the identity of the challenger will be redacted.

(c) The original classification authority shall no later than 60 days from receipt of the challenge, provide a written response to the submitter. The original classification authority may classify or declassify the information subject to the challenge and, if applicable, state specific reasons why the original classification determination was proper. If the original classification authority is not able to respond within 60 days, he or she shall inform the individual who filed the challenge in writing of that fact, and the anticipated determination date.

(d) The individual challenging the classification will be notified of the determination made by the original classification authority and that the individual may appeal this determination to the Chief Security Officer, or in cases involving appeals by Office of Inspector General employees, the Secretary or Deputy Secretary. Upon receipt of such appeals, the Chief Security Officer, or in cases involving appeals by Office of Inspector General employees, the Secretary or Deputy Secretary, shall convene a DHS Classification Appeals Panel (DHS/CAP). The DHS/CAP shall, at a minimum, consist of representatives from the Office of the Chief Security Officer, the Office of General Counsel, and a representative from the component having jurisdiction over the information. Additional members may be added as determined by the Chief Security Officer. The DHS/CAP shall be chaired by the Chief Security Officer.

(e) If the requester files an appeal through the DHS/CAP, and the appeal is denied, the requester shall be notified of the right to appeal the denial to the Interagency Security Classification Appeals Panel (ISCAP) pursuant to section 5.3 of Executive Order 13526, and the rules issued by the ISCAP pursuant to section 5.3 of Executive Order 13526.

(f) Any individual who challenges a classification and believes that any action has been taken against him or her in retaliation or retribution because of that challenge may report the facts to the Office of Inspector General via its Hotline or Web site, or other appropriate office.

(g) Nothing in this section shall prohibit a person from informally challenging the classified status of information directly to the original classification authority.

(h) Classification challenge provisions are not applicable to documents required to be submitted for prepublication review or other administrative process pursuant to an approved non-disclosure agreement.

(i) Requests for review of classified material for declassification by persons other than authorized holders are governed by § 7.32.

§ 7.32 Mandatory declassification review.

(a) Any individual, as ''individual'' is defined by 5 U.S.C. 552a(a)(2) (with the exception of a foreign government entity or any representative thereof), may request that classified information be reviewed for declassification pursuant to the mandatory declassification review provisions of section 3.5 of Executive Order 13526. Such requests must be sent to the Departmental Disclosure Officer, Privacy Office, 245 Murray Lane SW., Building 410, Washington, DC 20528.

(b) The request must describe the document or material with enough specificity to allow it to be located by the component with a reasonable amount of effort. Components will generally consider deficient any requests for declassification review of, for instance, broad categories of information, entire file series of records, or similar non-specific requests.

(1) When the description of the information in the request is deficient, the component shall solicit as much additional identifying information as possible from the requester.

(2) If the information or material requested cannot be obtained with a reasonable amount of effort, the component shall provide the requester, through the DHS Disclosure Officer, with written notification of the reasons why no action will be taken and of the requester's right to appeal.

(c) Requests for review of information that has been subjected to a declassification review request within the preceding two years shall not be processed. The DHS Disclosure Officer will notify the requester of such denial.

(d) Mandatory Declassification Review provisions are not applicable to documents required to be submitted for prepublication review or other administrative process pursuant to an approved non-disclosure agreement.

(e) Requests for information exempted from search or review under sections 701, 702, or 703 of the National Security Act of 1947, as added and amended (50 U.S.C. 431–433), or other provisions of law, shall not be processed. The DHS Disclosure Officer will notify the requester of such denial.

(f) If documents or material being reviewed for declassification under this section contain information that has been originally classified by another government agency, the reviewing authority shall notify the DHS Disclosure Officer. Unless the association of that organization with the requested information is itself classified, the DHS Disclosure Officer will then notify the requester of the referral.

(g) A DHS component may refuse to confirm or deny the existence, or non-existence, of requested information when its existence or non-existence, is properly classified.

(h) DHS components shall make a final determination on the request as soon as practicable but within one year from receipt. When information cannot be declassified in its entirety, components shall make reasonable efforts to redact those portions that still meet the standards for classification and release those declassified portions of the requested information that constitute a coherent segment.

(i) DHS components shall notify the DHS Disclosure Officer of the determination made in the processing of a mandatory review request. Such notification shall include the number of pages declassified in full; the number of pages declassified in part; and the number of pages where declassification was denied.

(j) The DHS Disclosure Officer shall maintain a record of all mandatory review actions for reporting in accordance with applicable Federal requirements.

(k) The mandatory declassification review system shall provide for administrative appeal in cases where the review results in the information remaining classified. The requester shall be notified of the results of the review and of the right to appeal the denial of declassification. To address such appeals, the DHS Disclosure Office shall convene a DHS Classification Appeals Panel (DHS/CAP). The DHS/CAP shall, at a minimum, consist of representatives from the Disclosure Office, the Office of the Chief Security Officer, the Office of General Counsel, and a representative from the component having jurisdiction over the information. Additional members may be added as determined by the DHS Disclosure Officer. The DHS/CAP shall be chaired by the DHS Disclosure Officer.

(l) If the requester files an appeal through the DHS/CAP, and the appeal is denied, the requester shall be notified of the right to appeal the denial to the ISCAP pursuant to section 5.3 of Executive Order 13526, and the rules issued by the ISCAP pursuant to section 5.3 of Executive Order 13526.

Title 44—Emergency Management and Assistance

Chapter I—Federal Emergency Management Agency, Department of Homeland Security

PART 8—[REMOVED AND RESERVED]

■ 2. Under the authority of 5 U.S.C. 301 and E.O. 13526, remove and reserve part 8, consisting of §§ 8.1 through 8.4.

Jeh Charles Johnson,

Secretary.

[FR Doc. 2014–17836 Filed 7–29–14; 8:45 am]

BILLING CODE 9110–9B–P

DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Parts 1 and 2

Rural Utilities Service

7 CFR Part 1700

World Agricultural Outlook Board

7 CFR Part 3800

RIN 0503–AA56

Revision of Delegations of Authority

AGENCIES: Office of the Secretary, Rural Utilities Service, World Agricultural Outlook Board, USDA.

ACTION: Final rule.

SUMMARY: This document revises the delegations of authority from the Secretary of Agriculture and general officers of the Department of Agriculture (USDA) to reflect changes and additions to the delegations required by the Agricultural Act of 2014, Public Law 113–79. Other additions, deletions, and changes are made as summarized below.

DATES: Effective July 30, 2014.

FOR FURTHER INFORMATION CONTACT: Adam J. Hermann, Office of the General Counsel, USDA, 3311-South Bldg., 1400 Independence Avenue SW., Washington, DC 20250, (202) 720–9425, *adam.hermann@ogc.usda.gov.*

SUPPLEMENTARY INFORMATION:

Agricultural Act of 2014

The Secretary of Agriculture (Secretary) previously delegated authorities under the Agricultural Act of 2014 (Act), Public Law 113–79, in Secretary's Memorandum (SM) 1076–005 (March 6, 2014), *available at http://www.ocio.usda.gov/document/secretarys-memorandum-1076–005.* This rule codifies those delegations and makes other changes to existing delegations required by the Act, as follows. Note that delegations of authority made by SM 1076–005 to conduct or prepare a one-time study, report, economic analysis, or similar activity remain in effect until such study, report, economic analysis, or similar activity is completed and, thus, are not reflected in this rulemaking.

Title I of the Act provides several authorities that do not fit within existing delegations. The following provisions of title I are being delegated to the Under Secretary for Farm and Foreign Agricultural Services (FFAS) in 7 CFR 2.16 and the Administrator of the Farm Service Agency (FSA) in 7 CFR

2.42, as follows: Sections 1401–1410 (margin protection program for dairy producers); section 1431 (dairy product donation program); and section 1612 (tracking of benefits).

Additionally, the delegations to the Under Secretary for FFAS at 7 CFR 2.16(a)(1)(xxv) and the Administrator, FSA at 7 CFR 2.42(a)(45) are revised to clarify that Commodity Credit Corporation programs covered by those delegations include those that support production agriculture and producer income support, or that provide disaster assistance or the domestic marketing of commodities.

The Under Secretary for FFAS is redelegating part of his delegated authority in 7 CFR 2.16(a)(3)(xxxix) to the Administrator, FSA to enter into cooperative agreements under section 1472(b) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3318(b)) for the purpose of implementing section 1614(c)(3) of the Act. Section 1614(c)(3) provides funding for producer education, including the development of web-based decision aids and training.

Title II of the Act adds or revises several authorities that require new delegations of authority to the Under Secretary for Natural Resources and Environment (NRE) and the Chief, Natural Resources Conservation Service (NRCS), as follows: Section 2301 (new Agricultural Conservation Easement Program); section 2401 (new Regional Conservation Partnership Program); section 2507 (revised Terminal Lakes assistance program); and section 2609 (revised wetlands mitigation banking program). 7 CFR 2.20 is amended to reflect the delegation of these authorities to the Under Secretary for NRE, and 7 CFR 2.61 is amended to reflect the delegation of these authorities to the Chief, NRCS.

In addition, section 2503 of the Act provides new funding to carry out the Voluntary Public Access and Habitat Incentive Program under section 1240R of the Food Security Act of 1985 (16 U.S.C. 3839bb-5). This authority, previously delegated to the Under Secretary for FFAS and the Administrator, FSA, is transferred to the Under Secretary for NRE and the Chief, NRCS.

Section 2611 of the Act amends title XII of the Food Security Act of 1985 to add new authorities regarding highly erodible land and wetland conservation for crop insurance. While the Under Secretaries for FFAS and NRE, the Administrator, FSA, and the Chief, NRCS, have existing delegations of authority that cover this part of the Food Security Act of 1985, a new delegation of authority is being added to 7 CFR 2.44 for the Administrator, Risk Management Agency (RMA) to carry out the functions pertaining to RMA.

Title IV of the Act provides several authorities related to nutrition that require new delegations of authority. The delegations at 7 CFR 2.19 are amended to reflect the delegation of these authorities to the Under Secretary for Food, Nutrition, and Consumer Services (FNCS), and the delegations at 7 CFR 2.57 are amended to reflect the redelegation of these authorities to the Administrator of the Food and Nutrition Service (FNS), as follows: section 4004(b) (demonstration project regarding the Food Distribution Program on Indian Reservations); section 4031 (Commonwealth of the Northern Mariana Islands pilot program regarding the Supplemental Nutrition Assistance Program (SNAP)); section 4032 (annual State reporting on verification of SNAP participation); section 4033 (service of traditional foods in public facilities); and section 4214 (pilot project for canned, frozen, or dried fruits and vegetables as part of the Fresh Fruit and Vegetable Program under the Richard B. Russell National School Lunch Act). Additionally, 7 CFR 2.19 is amended to reflect the delegation of authority to the Under Secretary for FNCS to establish a multiagency task force for the purpose of providing coordination and direction for commodity programs, as required by section 4205 of the Act, which amended the Department of Agriculture Reorganization Act of 1994.

Section 4204 of the Act amends the authority of the Secretary in section 301 of the National Nutrition Monitoring and Related Research Act of 1990 to publish the ''Dietary Guidelines for Americans.'' A new, specific delegation is added to the Under Secretary for FNCS and Administrator, FNS, to administer section 301.

Section 4206 of the Act amends the Department of Agriculture Reorganization Act of 1994 to authorize a new Healthy Food Financing Initiative. The delegations at 7 CFR 2.17 and 2.48 are amended to reflect that the Under Secretary for Rural Development (RD) and Administrator of the Rural Business-Cooperative Service (RBS) are delegated this authority.

Section 4208 of the Act establishes a food insecurity nutrition incentive grants program, and section 4209 authorizes a competitively awarded food and agriculture service learning grant program to increase knowledge of agriculture and improve the nutritional health of children. The delegations at 7 CFR 2.21 and 2.66 are amended to reflect that the Under Secretary for Research, Education, and Economics (REE) and the Director of the National Institute of Food and Agriculture (NIFA) are delegated these authorities.

Section 4213 seeks to encourage awareness and interest in the number and variety of pulse crop products available to schoolchildren. Section 4213(c) directs the Secretary to purchase eligible pulse crops and pulse crop products for use in the school lunch and school breakfast programs. 7 CFR 2.22 and 2.79 are amended to reflect the delegation of this purchasing authority to the Under Secretary for Marketing and Regulatory Programs (MRP) and the Administrator of the Agricultural Marketing Service (AMS), respectively. Sections 4213(d) and (e), which provide a one-time evaluation and reporting requirement, were delegated to the Under Secretary for FNCS and the Administrator, FNS, by SM 1076–005 and are not reflected in this rulemaking.

Title VI of the Act, at section 6205, amends the Farm Security and Rural Investment Act of 2002 to authorize a rural energy savings program. Section 6210 provides funding for certain pending loan and grant applications. The delegations at 7 CFR 2.17 and 2.47 are amended to reflect the delegation of these authorities to the Under Secretary for RD and the Administrator of the Rural Utilities Service, respectively.

Section 6017 of the Act moves the authority for the Intermediary Relending Program from the Food Security Act of 1985 to the Consolidated Farm and Rural Development Act. Section 6209 provides authorities relating to the collection and reporting of program metrics. The delegations at 7 CFR 2.17 and 2.48 are amended to reflect the delegation of these authorities to the Under Secretary for RD and the Administrator, RBS, respectively.

Title VII of the Act provides several new authorities involving research, extension, and related matters. The delegations of authority at 7 CFR 2.21 are amended to reflect the delegation of these authorities to the Under Secretary for REE, and the delegations at 7 CFR 2.65 and 2.66 are amended to reflect the delegation of these authorities to the Administrator of the Agricultural Research Service (ARS) and the Director of NIFA, respectively, as follows: section 7104—a competitive grants program for the purpose of developing, implementing, and sustaining veterinary services (NIFA); section 7121—authority to enter into agreements with former USDA agricultural research facilities for the purpose of supporting ongoing research and information dissemination activities (ARS); section 7310—a forestry and forestry products research and extension initiative (NIFA); and section 7603—authority for the National Agricultural Library to enter into cooperative agreements with institutions of higher education regarding the dissemination of agricultural and food law research, legal tools, and information (ARS). The Under Secretary for REE is also delegated the authority in section 7513(2) of the Act to submit an annual report to Congress describing agricultural research, extension, and education activities carried out by the Federal Government.

Additionally, the delegation of section 1672 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925), as amended by the Act, to the Under Secretary for REE (7 CFR 2.21(a)(1)(lxxx)) is revised to clarify that the REE mission area is responsible for carrying out the pollinator authorities in section 1672(g) of that act, including the annual report, except for the honey bee surveillance authorities that are delegated to the Under Secretary for MRP (7 CFR 2.22(a)(2)(xli)). The delegation to the Director of NIFA (7 CFR 2.66(a)(42)) is revised to clarify that NIFA is responsible for carrying out the pollinator authorities in section 1672(g) of that act, except for the honey bee surveillance authorities that are delegated to the Administrator of the Animal and Plant Health Inspection Service (APHIS) (7 CFR 2.80(a)(47)) and the pollinator health research activities that are delegated to the Administrator of ARS (7 CFR 2.65(a)(113)).

Section 7106 directs that the authority of the Secretary to make competitive grants to, or enter into cooperative agreements with, agricultural and food policy research centers under section 1419A of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3155) is to be carried out through the Office of the Chief Economist. This authority was previously delegated to the Under Secretary for REE and the Director of NIFA. A new delegation of authority for this program is added to 7 CFR 2.29 for the Chief Economist.

Title VIII of the Act adds two authorities to the Healthy Forests Restoration Act of 2003 (HFRA) (16 U.S.C. 6501 *et seq.*)—authority to address insect and disease infestation on designated National Forest System (NFS) land (section 8204) and permanent authority for stewardship end result contracting projects (section 8205). A new, specific delegation is added to 7 CFR 2.20 (Under Secretary for NRE) and 2.60 (Chief, Forest Service) to administer the HFRA, including the authorities added by sections 8204 and 8205 of the Act. The new delegation excepts the Healthy Forests Reserve Program authorized under title V of HFRA, which is already delegated to the Under Secretary for NRE and the Chief, NRCS.

Section 8206 of the Act provides authority (known as the ''Good Neighbor Authority'') for the Secretary to enter into contracts and cooperative agreements with a State to carry out forest, rangeland, and watershed restoration services on NFS lands. Similar Good Neighbor Authority is provided in section 331 of the Department of the Interior and Related Agencies Appropriations Act, 2001 (Pub. L. 106–291; 114 Stat. 996), as amended and extended through fiscal year 2018 by section 417 of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2014 (Pub. L. 113–76, div. G). The delegations at 7 CFR 2.20 and 2.60 are amended to reflect the delegation of this authority to the Under Secretary for NRE and Chief, Forest Service, respectively.

The following provisions of the Act are also delegated to the Under Secretary for NRE and Chief, Forest Service: Section 8302 (authorizes the Forest Service to utilize conservation-related program funds to establish an Agriculture Conservation Experience Services (ACES) Program to provide technical services for conservation-related programs and authorities carried out on NFS land); section 8304 (provides for State-to-State reimbursement of amounts expended for resources and services for wildfire management and suppression and authorizes the Secretary to retain any funds received as reimbursements for costs incurred by the Secretary for fire protection and to credit the amounts to the same appropriation from which the expenses were paid); and section 8305 (authorizes establishment of a large airtanker and aerial asset lease program).

Section 9002(a)(5) of the Act adds a new authority to the Secretary, acting through the Forest Products Laboratory of the Forest Service, to provide appropriate technical and other assistance with respect to determining eligibility of forest products for the ''USDA Certified Biobased Product'' labeling program. The delegations at 7 CFR 2.20 and 2.60 are amended to reflect the delegation of this authority to the Under Secretary for NRE and Chief, Forest Service, respectively.

Section 10016 of the Act adds new authorities regarding local food production and program evaluation. The delegations at 7 CFR 2.21 and 2.67 are amended to reflect that the authority to coordinate implementation of section 10016 is delegated to the Under Secretary for REE and Administrator, Economic Research Service (ERS), respectively. Delegations are also added to 7 CFR 2.16 (Under Secretary for FFAS), 2.22 (Under Secretary for MRP), 2.44 (Administrator, RMA), 2.68 (Administrator, National Agricultural Statistics Service), and 2.79 (Administrator, AMS) to assist with implementing section 10016.

Section 11014(c) of the Act directs the Secretary to prepare a cropland acreage report and annual updates to the report. The delegations at 7 CFR 2.16 and 2.44 are amended to reflect the delegation of this responsibility to the Under Secretary for FFAS and Administrator, RMA, respectively.

Additionally, a new delegation of authority is added to 7 CFR 2.16 and 2.44 to clarify the authority of the Under Secretary for FFAS and Administrator, RMA, respectively, to administer the Federal Crop Insurance Act.

In title XII of the Act, section 12303 directs the Secretary to maintain, in the Office of the Secretary, an Office of Tribal Relations to advise the Secretary on policies related to Indian tribes and carry out such other functions as the Secretary considers appropriate. The Department already maintains an Office of Tribal Relations within the Office of the Secretary. To reflect this, a new section (§ 2.38) is added to identify the delegated functions and duties of the Director, Office of Tribal Relations, who reports to the Secretary. Some of those functions had been delegated to the Director, Office of Intergovernmental Affairs (§ 2.85(a)(5)), through the Assistant Secretary for Congressional Relations (§ 2.23(a)(2)(v)), and are now being transferred to the Director, Office of Tribal Relations. Additionally, 7 CFR 2.4 is amended to add the Director, Office of Tribal Relations to the list of general officers of the Department.

Section 12306 authorizes a new competitive grants program to support the efforts of States, tribal governments, and research institutions to promote the domestic maple syrup industry. This authority, which was delegated by SM 1076–005 to the Chief of the Forest Service, through the Under Secretary for NRE, is now being delegated to the Administrator of AMS, through the Under Secretary for MRP. The delegations at 7 CFR 2.22 and 2.79 are amended to reflect this.

Section 12309 directs the Secretary to provide technical assistance to U.S. Customs and Border Protection related to the identification of produce that is represented as grown in the United

States when it is not actually grown in the United States, as well as a report to Congress. The delegations at 7 CFR 2.22 and 2.80 are amended to reflect the delegation of these authorities to the Under Secretary for MRP and Administrator, APHIS, respectively.

The authority of the Secretary to administer section 12314 of the Act (Pima Agriculture Cotton Trust Fund) and section 12315 of the Act (Agriculture Wool Apparel Manufacturers Trust Fund), which was delegated by SM 1076–005 to the Administrator of FSA, through the Under Secretary for FFAS, is now being delegated through the Under Secretary to both the Administrator of FSA and the Administrator of the Foreign Agricultural Service.

Section 12316 of the Act provides continued funding for grants from the Wool Research, Development, and Promotion Trust Fund, which was established by section 506 of the Trade and Development Act of 2000 (7 U.S.C. 7101 note). The delegation of authority to provide grants from the Trust Fund was inadvertently omitted from 7 CFR part 2. The delegations at 7 CFR 2.22 and 2.79 are amended to reflect the delegation of this authority to the Under Secretary for MRP and the Administrator, AMS.

This rulemaking does not add a separate delegation for section 12101 of the Act to amend a rule issued by APHIS implementing a voluntary trichinae certification program. That regulation was issued under the authority of the Agricultural Marketing Act of 1946 and the Animal Health Protection Act, which are already delegated to the Administrator of APHIS. Accordingly, no new delegation is necessary to carry out the requirements of section 12101 of the Act.

Finally, this rulemaking makes a number of miscellaneous changes by removing delegations of statutory authorities that were repealed by the Act or delegations that are otherwise obsolete, and by revising existing delegations to reflect amendments made by the Act or to make other updates or corrections to descriptions and citations.

Other Delegations

This rulemaking also amends the delegations of authority to reflect the 2013 realignment of the Office of the Chief Financial Officer (OCFO) and the Office of Budget and Program Analysis (OBPA). *See* Secretary's Memorandum 1072-003 (July 11, 2013), available at *http://www.ocio.usda.gov/document/secretarys-memorandum-1072-003.* In 2013, OCFO, previously established within the Departmental Management organization, was transferred from the supervision of the Assistant Secretary for Administration (ASA) to the supervision of the Secretary. The delegations from the Secretary to the ASA in 7 CFR 2.24(a)(3), and the delegations from the ASA to the Chief Financial Officer in 7 CFR 2.90, are removed. The functions of the Chief Financial Officer are now reflected in a new 7 CFR 2.28. Also, as part of the 2013 realignment, OBPA, previously established within OCFO, was transferred from the supervision of the Chief Financial Officer to the supervision of the Secretary. The delegations from the Chief Financial Officer to the Director, OBPA in 7 CFR 2.501 are removed. The functions of the Director, OBPA are now reflected in a new 7 CFR 2.30.

This rulemaking also amends the delegations of authority to reflect the realignment of the Office of Small and Disadvantaged Business Utilization (OSDBU) to implement amendments made to section 15(k) of the Small Business Act (15 U.S.C. 644(k)) by the National Defense Authorization Act for Fiscal Year 2013, Pub. L. 112–239. *See* Secretary's Memorandum 1076-007 (April 8, 2014), available at *http://www.ocio.usda.gov/document/secretarys-memorandum-1076-007.* Previously, the ASA was the Department's Director of Small and Disadvantaged Business Utilization, who had management responsibility for OSDBU. OSDBU was headed by a Director under the supervision of the ASA. Pursuant to the Small Business Act amendments noted above, the delegations of authority are being revised to reflect that the Director, OSDBU is now the Department's Director of Small and Disadvantaged Business Utilization, who will report directly to the Secretary or Deputy Secretary. A new section (§ 2.37) is added to reflect the functions and duties of the Director, OSDBU. Additionally, 7 CFR 2.4 is amended to reflect the Director, OSDBU as a general officer of the Department. The delegations from the Secretary to the ASA in 7 CFR 2.24(a)(5) are amended to reflect that offices within the Departmental Management organization will continue to provide general administrative support to OSDBU. The delegations from the ASA to the Director, OSDBU in 7 CFR 2.92 are removed.

New delegations of authority are added from the Under Secretary for REE to the Director, NIFA in 7 CFR 2.66 and the Administrator, ERS in 7 CFR 2.67 to enter into agreements with and receive funds from any State, other political subdivision, organization, or individual for the purpose of conducting cooperative research projects (7 U.S.C. 450a).

This rulemaking also amends the delegation of authority from the Under Secretary for RD to the Deputy Under Secretary for RD in 7 CFR 2.45, which gives the Deputy Under Secretary, during the absence or unavailability of the Under Secretary, the authority to perform all the duties and exercise all the powers delegated to the Under Secretary. The delegation is amended to establish the order in which a Deputy Under Secretary may exercise that delegation when the Rural Development mission area has more than one Deputy Under Secretary. The authority shall be exercised first by the Deputy Under Secretary for Policy and Planning, and second by the Deputy Under Secretary for Operations and Management.

This rulemaking also revises the delegation of authority to the Under Secretary for NRE in 7 CFR 2.20(a)(2)(viii) to reflect the current administrative review authorities in 36 CFR parts 214, 218, and 219. The delegations of authority to the Under Secretary for NRE in 7 CFR 2.20(a)(2)(xxxix) and Chief of the Forest Service in 7 CFR 2.60(a)(48) are revised to reflect recent changes to the ''Service First'' program authority (43 U.S.C. 1703).

Additionally, the delegations of authority from the Secretary to the Assistant Secretary for Civil Rights in 7 CFR 2.25 are amended to reflect that the General Counsel has authority for legal sufficiency review of, and concurrence on, settlement offers and draft settlement agreements in Equal Employment Opportunity (EEO) matters that meet certain criteria. The delegations to the General Counsel in 7 CFR 2.31 are amended to reflect that authority and to specify those criteria.

The rule also amends the delegations of authority to the Assistant Secretary for Administration in 7 CFR 2.24 and the Director, Office of Human Resources Management in 7 CFR 2.91 to remove Alternative Dispute Resolution (ADR) from the description of the term ''human resources.'' This amendment was inadvertently omitted from the final rule transferring ADR authorities to the Assistant Secretary for Civil Rights (78 FR 40935, July 9, 2013).

Finally, a new delegation of authority is added to the Assistant Secretary for Administration in 7 CFR 2.24 and the Director, Office of Advocacy and Outreach in 7 CFR 2.94 to carry out student internship programs under section 922 of the Federal Agriculture

Improvement and Reform Act of 1996 (7 U.S.C. 2279c).

Miscellaneous

This rulemaking amends 7 CFR part 1, subpart H, Rules of Practice Governing Formal Adjudicatory Proceedings Instituted by the Secretary Under Various Statutes, to add a reference to section 28(o)(1) of the Mineral Leasing Act, regarding administrative proceedings involving suspensions or terminations of rights-of-way. The list of statutory provisions in 7 CFR 1.131(a) inadvertently omitted that statutory reference.

This rulemaking also amends the RUS organizational rules to reflect the provisions of the Presidential Appointment Efficiency and Streamlining Act of 2011, Public Law 112–166. That act amended section 232 of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6942) to no longer require Senate approval for Presidential appointments of the Administrator, RUS. Pursuant to that amendment, the position of Administrator, RUS is no longer subject to the Federal Vacancies Reform Act of 1998 (Vacancies Act) (5 U.S.C. 3345–3349d). The regulations at 7 CFR 1700.25 and 1700.26 are amended by removing the references to Senate approval and the Vacancies Act. This rulemaking also removes 7 CFR 1700.53, which identifies the order of succession for officials to act as the Administrator, RUS during the Administrator's absence. Orders of succession for USDA officials are coordinated uniformly by USDA's Office of Homeland Security and Emergency Coordination as part of its Continuity of Operations (COOP) planning, and maintained by USDA outside of the Code of Federal Regulations framework. The order of succession established by Executive Order of the President of the United States for the Secretary of Agriculture is reflected in 7 CFR 2.5.

This rulemaking also amends the Office of the Chief Economist, World Agricultural Outlook Board (WAOB) regulations by removing an obsolete reference to remote sensing activities in 7 CFR 3800.3. WAOB's remote sensing authorities have been transferred to the Assistant Secretary for Administration and the Chief Information Officer. *See* 77 FR 14951 (Mar. 14, 2012).

Classification

This rule relates to internal agency management. Accordingly, pursuant to 5 U.S.C. 553, notice of proposed rulemaking and opportunity for comment are not required, and this rule may be made effective less than 30 days after publication in the **Federal Register**. This rule also is exempt from the provisions of Executive Order 12866. This action is not a rule as defined by the Regulatory Flexibility Act, as amended by the Small Business Regulatory Enforcement Fairness Act of 1996, 5 U.S.C. 601 *et seq.,* or the Congressional Review Act, 5 U.S.C. 801 *et seq.,* and thus is exempt from the provisions of those acts. This rule contains no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

List of Subjects

7 CFR Part 1

Administrative practice and procedure, Agriculture, Antitrust, Claims, Cooperatives, Courts, Equal access to justice, Fraud, Freedom of information, Government employees, Lawyers, Motion pictures, Penalties, Privacy.

7 CFR Part 2

Authority delegations (Government agencies)

7 CFR Part 1700

Authority delegations (Government agencies), Electric power, Freedom of information, Loan programs-communications, Loan programs-energy, Organization and functions (Government agencies), Rural areas, Telecommunications.

7 CFR Part 3800

Organization and functions (Government agencies).

Accordingly, 7 CFR Subtitle A, and Chapters XVII and XXXVIII, are amended as set forth below:

Subtitle A—Office of the Secretary of Agriculture

PART 1—ADMINISTRATIVE REGULATIONS

Subpart H—Rules of Practice Governing Formal Adjudicatory Proceedings Instituted by the Secretary Under Various Statutes

■ 1. The authority citation for subpart H is revised to read as follows:

Authority: 5 U.S.C. 301; 7 U.S.C. 61, 87e, 228, 268, 499o, 608c(14), 1592, 1624(b), 2151, 2279e, 2621, 2714, 2908, 3812, 4610, 4815, 4910, 6009, 6107, 6207, 6307, 6411, 6519, 6520, 6808, 7107, 7734, 8313; 15 U.S.C. 1828; 16 U.S.C. 620d, 1540(f), 3373; 21 U.S.C. 104, 111, 117, 120, 122, 127, 134e, 134f, 135a, 154, 463(b), 621, 1043; 30 U.S.C. 185(o)(1); 43 U.S.C. 1740; 7 CFR 2.27, 2.35.

■ 2. Amend § 1.131(a) by adding a statutory provision to the list in alphabetical order to read as follows:

§ 1.131 Scope and applicability of this subpart.

(a) * * *

Mineral Leasing Act, section 28(o)(1) (30 U.S.C. 185(o)(1)).

* * * * *

PART 2—DELEGATIONS OF AUTHORITY BY THE SECRETARY OF AGRICULTURE AND GENERAL OFFICERS OF THE DEPARTMENT

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

Authority: 7 U.S.C. 6912(a)(1); 5 U.S.C. 301; Reorganization Plan No. 2 of 1953, 3 CFR 1949–1953 Comp., p. 1024.

Subpart A—General

■ 4. Revise § 2.4 to read as follows:

§ 2.4 General officers

The work of the Department is under the supervision and control of the Secretary who is assisted by the following general officers: The Deputy Secretary, the Under Secretary for Farm and Foreign Agricultural Services; the Under Secretary for Rural Development; the Under Secretary for Food Safety; the Under Secretary for Food, Nutrition, and Consumer Services; the Under Secretary for Natural Resources and Environment; the Under Secretary for Research, Education, and Economics; the Under Secretary for Marketing and Regulatory Programs; the Assistant Secretary for Congressional Relations; the Assistant Secretary for Administration; the Assistant Secretary for Civil Rights; the Chief Financial Officer; the Chief Economist; the Director, Office of Budget and Program Analysis; the General Counsel; the Inspector General; the Director, National Appeals Division; the Judicial Officer; the Director, Office of Communications; the Director, Office of Small and Disadvantaged Business Utilization; the Director, Office of Tribal Relations; and the Chief Information Officer.

Subpart C—Delegations of Authority to the Deputy Secretary, the Under Secretaries and Assistant Secretaries

■ 5. Amend § 2.16 as follows:

■ a. Revise the heading in paragraph (a)(1);

■ b. Revise paragraphs (a)(1)(xviii) and (a)(1)(xxv);

■ c. Remove and reserve paragraphs (a)(1)(xxx), (a)(1)(xxxi), (a)(1)(xxxiv)(A), (a)(1)(xxxiv)(C), (a)(1)(xxxiv)(D), (a)(1)(xxxiv)(F), and (a)(1)(xxxiv)(G);

■ d. Add new paragraph (a)(1)(xxxvi);
■ e. Revise paragraphs (a)(2)(i)(C), (a)(2)(i)(H), (a)(2)(i)(I), and (a)(2)(i)(J);
■ f. Add new paragraph (a)(2)(i)(M);
■ g. Revise paragraphs (a)(3)(xii), (a)(3)(xiii), and (a)(3)(xiv);
■ h. Remove and reserve paragraphs (a)(3)(xv) and (a)(3)(xvi);
■ i. Add new paragraphs (a)(3)(xlix), (a)(4)(vi), (a)(4)(vii), (a)(4)(viii), and (a)(4)(ix); and
■ j. Revise paragraph (b)(2)(iii).

The additions and revisions read as follows:

§ 2.16 Under Secretary for Farm and Foreign Agricultural Services.

(a) * * *

(1) *Related to Farm Service Agency.*

* * * * *

(xviii) Formulate and carry out the Conservation Reserve Program, including the implementation of technical assistance, under the Food Security Act of 1985, as amended (16 U.S.C. 1231 *et seq.*), and the functions of the Grassland Reserve Program transferred to the Conservation Reserve Program.

* * * * *

(xxv) Administer all programs of the Commodity Credit Corporation that provide assistance with respect to the production of agricultural commodities or the income of producers, including disaster assistance and the domestic marketing of such commodities, except as may otherwise be reserved by the Secretary of Agriculture, and similar programs (including commodity quality development programs) consigned by statute to the Secretary of Agriculture unless otherwise delegated.

* * * * *

(xxx) [Reserved]

(xxxi) [Reserved]

* * * * *

(xxxiv) * * *

(A) [Reserved]

* * * * *

(C) [Reserved]

(D) [Reserved]

* * * * *

(F) [Reserved]

(G) [Reserved]

* * * * *

(xxxvi) Administer the following provisions of the Agricultural Act of 2014, Public Law 113–79:

(A) Sections 1401–1410 relating to a margin protection program for dairy producers (7 U.S.C. 9051–9060), and section 1431 relating to a dairy product donation program (7 U.S.C. 9071).

(B) Section 1612 relating to the tracking of benefits (7 U.S.C. 9095).

(C) Section 12314 relating to the Pima Agriculture Cotton Trust Fund (7 U.S.C. 2101 note).

(D) Section 12315 relating to the Agriculture Wool Apparel Manufacturers Trust Fund (7 U.S.C. 7101 note).

(2) * * *

(i) * * *

(C) Section 306A (7 U.S.C. 1926a) and section 306B (7 U.S.C. 1926b), relating to the emergency community water assistance grant programs, and section 306D (7 U.S.C. 1926d), relating to water systems for rural Alaskan Native Villages;

* * * * *

(H) Section 310C (7 U.S.C. 1933), relating to housing program interest rates;

(I) Section 310G (7 U.S.C. 1936a), relating to the use of rural development loans and grants for other purposes, and section 353A (7 U.S.C. 2001a), relating to the servicing of community facilities loans;

(J) Section 364 (7 U.S.C. 2006f) and section 365 (7 U.S.C. 2008);

* * * * *

(M) Sections 379 (7 U.S.C. 2008n) through 379G (7 U.S.C. 2008u) and subtitles E through I (7 U.S.C. 2009–2009dd–7) relating to rural development programs and activities.

* * * * *

(3) * * *

(xii) Perform functions of the Department in connection with the development and implementation of agreements to finance the sale and exportation of agricultural commodities under the Food for Peace Act (7 U.S.C. 1691, 1701 *et seq.*).

(xiii) Administer commodity procurement and supply, transportation (other than from point of export, except for movement to trust territories or possessions), handling, payment, and related services in connection with programs under titles II and III of the Food for Peace Act (7 U.S.C. 1691, 1701 *et seq.*), and payment and related services with respect to export programs and barter operations.

(xiv) Coordinate within the Department activities arising under the Food for Peace Act (except as delegated to the Under Secretary for Research, Education, and Economics in § 2.21(a)(8)), and represent the Department in its relationships in such matters with the Department of State, any interagency committee on the Food for Peace Act, and other departments, agencies and committees of the Government.

(xv) [Reserved]

(xvi) [Reserved]

* * * * *

(xlix) Administer the following provisions of the Agricultural Act of 2014, Public Law 113–79:

(A) Section 12314 relating to the Pima Agriculture Cotton Trust Fund (7 U.S.C. 2101 note).

(B) Section 12315 relating to the Agriculture Wool Apparel Manufacturers Trust Fund (7 U.S.C. 7101 note).

(4) * * *

(vi) Carry out functions relating to highly erodible land and wetland conservation under sections 1211–1213 and 1221–1223 of the Food Security Act of 1985, as amended (16 U.S.C. 3811–3813 and 3821–3823).

(vii) Prepare cropland reports as required by section 11014(c) of the Agricultural Act of 2013, Public Law 113–79.

(viii) Assist the Under Secretary for Research, Education, and Economics with implementing section 10016 of the Agricultural Act of 2014 regarding locally or regionally produced agricultural food products (7 U.S.C. 2204h).

(ix) Administer the Federal Crop Insurance Act (7 U.S.C. 1501, *et seq.*), except for sections 524(a)(1)(B), (a)(3), and (b) (7 U.S.C. 1524(a)(1)(B), (a)(3), (b)) and 531 (7 U.S.C. 1531).

* * * * *

(b) * * *

(2) * * *

(iii) Determining the agricultural commodities and the quantities thereof available for disposition under the Food for Peace Act (7 U.S.C. 1731).

* * * * *

■ 6. Amend § 2.17 as follows:
■ a. Remove and reserve paragraph (a)(20)(x);
■ b. Add new paragraphs (a)(20)(xii) and (a)(20)(xiii);
■ c. Revise paragraph (a)(21)(ii)(E);
■ d. Remove and reserve paragraph (a)(21)(iv);
■ e. Add new paragraphs (a)(21)(xxvi) and (a)(21)(xxvii); and
■ f. Remove and reserve paragraph (a)(28).
■ The additions and revisions read as follows:

§ 2.17 Under Secretary for Rural Development.

(a) * * *

(20) * * *

(x) [Reserved]

* * * * *

(xii) Administer section 6407 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8107a), relating to a rural energy savings program.

(xiii) Administer section 6210 of the Agricultural Act of 2014, Public Law 113–79, relating to funding of pending rural development loan and grant applications.

(21) * * *

(ii) * * *

(E) Section 310H (7 U.S.C. 1936b), relating to an intermediary relending program.

* * * * *

(iv) [Reserved]

* * * * *

(xxvi) Administer the Healthy Food Financing Initiative under section 243 of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6953).

(xxvii) Administer section 6209 of the Agricultural Act of 2014 (7 U.S.C. 2207b), relating to the collection and reporting of program metrics.

(28) [Reserved]

* * * * *

■ 7. Amend § 2.19 as follows:

■ a. Remove paragraph (a)(1)(i)(M); and

■ b. Add new paragraphs (a)(1)(vii), (a)(1)(viii), and (a)(1)(ix).

The additions read as follows:

§ 2.19 Under Secretary for Food, Nutrition, and Consumer Services.

(a) * * *

(1) * * *

(i) * * *

(M) [Removed]

* * * * *

(vii) Administer the following provisions of the Agricultural Act of 2014, Public Law 113–79:

(A) Section 4004(b), relating to a demonstration project regarding the Food Distribution Program on Indian Reservations (7 U.S.C. 2013 note).

(B) Section 4031, relating to a Commonwealth of the Northern Mariana Islands pilot program regarding the Supplemental Nutrition Assistance Program (48 U.S.C. 1841 note).

(C) Section 4032, relating to annual State reporting on verification of Supplemental Nutrition Assistance Program participation (7 U.S.C. 2036c).

(D) Section 4033, relating to service of traditional foods in public facilities (25 U.S.C. 443d).

(E) Section 4214, relating to a pilot project for canned, frozen, or dried fruits and vegetables as part of the Fresh Fruit and Vegetable Program under the Richard B. Russell National School Lunch Act (42 U.S.C. 1769a note).

(viii) Administer section 301 of the National Nutrition Monitoring and Related Research Act of 1990, relating to the Dietary Guidelines for Americans (7 U.S.C. 5341).

(ix) Implement section 242 of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6952), relating to establishment of a multiagency task force for the purpose of providing coordination and direction for commodity programs.

* * * * *

■ 8. Amend § 2.20 as follows:

■ a. Revise paragraph (a)(2)(viii);

■ b. Remove paragraph (a)(2)(xxvii)(E);

■ c. Add new paragraph (a)(2)(xxviii);

■ d. Remove and reserve paragraph (a)(2)(xxxvii);

■ e. Revise paragraph (a)(2)(xxxix);

■ f. Remove and reserve paragraph (a)(2)(xliii);

■ g. Revise paragraph (a)(2)(xliv); and

■ h. Add new paragraphs (a)(2)(xlvi), (a)(2)(xlvii), (a)(2)(xlviii), (a)(2)(xlix), (a)(2)(l), (a)(2)(li), (a)(3)(xiii)(S), (a)(3)(xiii)(T), (a)(3)(xiii)(U), (a)(3)(xiii)(V), and (a)(3)(xxv).

The additions and revisions read as follows:

§ 2.20 Under Secretary for Natural Resources and Environment.

(a) * * *

(2) * * *

(viii) Exercise the administrative appeal review functions of the Secretary of Agriculture for decisions of the Chief of the Forest Service pursuant to 36 CFR parts 214, 218, and 219.

* * * * *

(xxviii) Represent USDA in all matters relating to responsibilities and authorities under the Federal Power Act (16 U.S.C. 791a–823).

* * * * *

(xxxvii) [Reserved]

* * * * *

(xxxix) Establish programs with any bureau of the U.S. Department of the Interior (DOI) in support of the Service First initiative for the purpose of promoting customer service and efficiency including delegating to DOI employees those authorities of the U.S. Department of Agriculture (USDA) necessary to carry out projects on behalf of USDA (43 U.S.C. 1703).

* * * * *

(xliii) [Reserved]

(xliv) Administer the community wood energy program providing grants to develop community wood energy plans, acquire or upgrade community wood energy systems, and establish or expand biomass consumer cooperatives (7 U.S.C. 8113).

* * * * *

(xlvi) Administer the programs authorized by the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6501 *et seq.*), except for the Healthy Forests Reserve Program authorized in title V of such act (16 U.S.C. 6571–6578).

(xlvii) Administer Good Neighbor contracts and cooperative agreements with a State to carry out forest, rangeland, and watershed restoration services on National Forest System lands (16 U.S.C. 2113a; Pub. L. 106–291, section 331, as amended).

(xlviii) Utilize the Agriculture Conservation Experienced Services (ACES) Program (16 U.S.C. 3851) to provide technical services for conservation-related programs and authorities carried out on National Forest System lands (16 U.S.C. 3851a).

(xlix) Administer reimbursements received for fire suppression (42 U.S.C. 1856e; 42 U.S.C. 1856d(b)).

(l) Administer the large airtanker and aerial asset lease program (16 U.S.C. 551c).

(li) Provide technical and other assistance with respect to eligibility of forest products for the ‘‘USDA Certified Biobased Products’’ labeling program (7 U.S.C. 8102(g)).

(3) * * *

(xiii) * * *

(S) The Agricultural Conservation Easement Program authorized by sections 1265–1265D of the Act (16 U.S.C. 3865–3865d).

(T) The Regional Conservation Partnership Program authorized by sections 1271–1271F (16 U.S.C. 3871–3871f).

(U) The Voluntary Public Access and Habitat Incentive Program authorized by section 1240R of the Act (16 U.S.C. 3839bb–5).

(V) A wetlands mitigation banking program authorized by section 1222(k) of the Act (16 U.S.C. 3822(k)).

* * * * *

(xxv) Administer the Terminal Lakes assistance program authorized by section 2507 of the Farm Security and Rural Investment Act of 2002 (16 U.S.C. 3839bb–6).

* * * * *

■ 9. Amend § 2.21 as follows:

■ a. Revise paragraphs (a)(1)(ii), (a)(1)(xix), and (a)(1)(xxv);

■ b. Remove and reserve paragraphs (a)(1)(xxviii) and (a)(1)(xxix);

■ c. Revise paragraph (a)(1)(xxx);

■ d. Remove and reserve paragraph (a)(1)(xlii);

■ e. Revise paragraphs (a)(1)(xlviii) and (a)(1)(l);

■ f. Remove and reserve paragraph (a)(1)(lv);

■ g. Revise paragraph (a)(1)(lxvi);

■ h. Remove and reserve paragraphs (a)(1)(lxvii), (a)(1)(lxxii), (a)(1)(lxxiii), (a)(1)(lxxiv), (a)(1)(lxxv), (a)(1)(lxxvi), and (a)(1)(lxxviii);

■ i. Revise paragraph (a)(1)(lxxx);

■ j. Remove and reserve paragraph (a)(1)(lxxxi);

■ k. Revise paragraph (a)(1)(lxxxii);

■ l. Remove and reserve paragraph (a)(1)(lxxxviii);

■ m. Revise paragraph (a)(1)(ciii);
■ n. Remove and reserve paragraphs (a)(1)(cxi) and (a)(1)(cxvi);
■ o. Revise paragraph (a)(1)(cxvii);
■ p. Remove and reserve paragraphs (a)(1)(cxix) and (a)(1)(cxx);
■ q. Revise paragraphs (a)(1)(cxxiv), (a)(1)(cxxxv), and (a)(1)(cxli);
■ r. Remove and reserve paragraphs (a)(1)(cxlv) and (a)(1)(cxlvi);
■ s. Revise paragraph (a)(1)(cliii);
■ t. Remove and reserve paragraphs (a)(1)(clxx) and (a)(1)(clxxix);
■ u. Revise paragraphs (a)(1)(clxxxiv) and (a)(1)(clxxxv);
■ v. Remove and reserve paragraphs (a)(1)(clxxxviii), (a)(1)(cxcvi), (a)(1)(cxcix), and (a)(1)(cc);
■ x. Add new paragraphs (a)(1)(ccvi), (a)(1)(ccvii), (a)(1)(ccviii), (a)(1)(ccix), (a)(1)(ccx), (a)(1)(ccxi), and (a)(1)(ccxii);
■ y. Revise paragraph (a)(7)(i)(C);
■ z. Remove and reserve paragraphs (a)(8)(iii) and (a)(8)(xi);
■ aa. Add new paragraph (a)(8)(xviii);
■ bb. Remove paragraph (a)(10)(iv); and
■ cc. Revise paragraph (b)(2)(i).

The additions and revisions read as follows:

§ 2.21 Under Secretary for Research, Education, and Economics.

(a) * * *

(1) * * *

(ii) Provide national leadership and support for research, extension, and teaching programs in the food and agricultural sciences to carry out sustainable agriculture research and education; a National Plant Genetic Resources Program; a national agricultural weather information system; and any other provisions pursuant to title XVI of the Food, Agriculture, Conservation, and Trade Act of 1990 (Pub. L. 101–624, 104 Stat. 3703).

* * * * *

(xix) Carry out a program (IR–4 Program) for the collection of residue and efficacy data in support of registration or reregistration of pesticides for minor agricultural use and for use on specialty crops, and to determine tolerances for minor use chemical residues in or on agricultural commodities (7 U.S.C. 450i(e)).

* * * * *

(xxv) Conduct a Special Cotton Research Program designed to reduce the cost of producing upland cotton in the United States (7 U.S.C. 1444a(c)).

* * * * *

(xxviii) [Reserved]

(xxix) [Reserved]

(xxx) Conduct education and extension programs related to nutrition education (7 U.S.C. 2027(a)).

* * * * *

(xlii) [Reserved]

* * * * *

(xlviii) Administer a National Food and Human Nutrition Research and Extension Program (7 U.S.C. 3171–3173, 3175).

* * * * *

(l) Support continuing agricultural and forestry extension and research at 1890 land-grant institutions, including Tuskegee University (7 U.S.C. 3221, 3222, 3222d).

* * * * *

(lv) [Reserved]

* * * * *

(lxvi) Develop and make available handbooks, technical guides, and other educational materials emphasizing sustainable agriculture production systems and practices; carry out activities related to a national training program for sustainable agriculture (7 U.S.C. 5831, 5832).

(lxvii) [Reserved]

* * * * *

(lxxii) [Reserved]

(lxxiii) [Reserved]

(lxxiv) [Reserved]

(lxxv) [Reserved]

(lxxvi) [Reserved]

* * * * *

(lxxviii) [Reserved]

* * * * *

(lxxx) Administer a competitive high priority research and extension grants program in specified subject areas (7 U.S.C. 5925), including pollinator activities (7 U.S.C. 5925(g)) not otherwise delegated to the Under Secretary for Marketing and Regulatory Programs in § 2.22(a)(2)(xli); prepare an annual report to Congress regarding pollinator issues (7 U.S.C. 5925(g)(5)).

(lxxxi) [Reserved]

(lxxxii) Administer competitive grants to support research, education, and extension activities regarding organically grown and processed agricultural commodities (7 U.S.C. 5925b).

* * * * *

(lxxxviii) [Reserved]

* * * * *

(ciii) Administer a cooperative forestry program in accordance with the McIntire-Stennis Cooperative Forestry Act, and administer a competitive forestry, natural resources, and environmental grant program (16 U.S.C. 582a–582–8).

* * * * *

(cxi) [Reserved]

* * * * *

(cxvi) [Reserved]

(cxvii) Obtain and furnish Federal excess property to eligible recipients for use in the conduct of research and extension programs (40 U.S.C. 525(c)).

* * * * *

(cxix) [Reserved]

(cxx) [Reserved]

* * * * *

(cxxiv) Represent the Department on the Federal Interagency Committee on Education.

* * * * *

(cxxxv) Administer the Department's Patent Program except as delegated to the General Counsel in § 2.31(a)(5).

* * * * *

(cxli) Implement and administer the Community Food Projects Program under section 25 of the Food and Nutrition Act of 2008 (7 U.S.C. 2034).

* * * * *

(cxlv) [Reserved]

(cxlvi) [Reserved]

* * * * *

(cliii) Establish procedures that provide for scientific peer review of each agricultural research grant administered on a competitive basis, and for relevancy and merit review of each agricultural research, extension, or education grant administered on a competitive basis, by the National Institute of Food and Agriculture (7 U.S.C. 7613(a)).

* * * * *

(clxx) [Reserved]

* * * * *

(clxxix) [Reserved]

* * * * *

(clxxxiv) Administer grants to assist the land-grant colleges and universities in insular areas to acquire, alter, or repair facilities or relevant equipment necessary for conducting agricultural research; and to support tropical and subtropical agricultural research, including pest and disease research (7 U.S.C. 3222b–2).

(clxxxv) Enter into agreements necessary to administer an Hispanic-Serving Agricultural Colleges and Universities Fund; enter into agreements necessary to administer a program of making annual payments to Hispanic-serving agricultural colleges and universities; administer an institutional capacity-building grants program for Hispanic-serving agricultural colleges and universities; administer a competitive grants program to fund fundamental and applied research and extension at Hispanic-serving agricultural colleges and universities and to award competitive grants to Hispanic-serving agricultural colleges and universities to provide for training in the food and agricultural sciences of Hispanic agricultural workers and Hispanic youth working in the food and agricultural sciences (7 U.S.C. 3243).

* * * * *

(clxxxviii) [Reserved]

* * * * *

(cxcvi) [Reserved]

* * * * *

(cxcix) [Reserved]

(cc) [Reserved]

* * * * *

(ccvi) Administer a food insecurity nutrition incentive program (7 U.S.C. 7517).

(ccvii) Administer a food and agriculture service learning grant program (7 U.S.C. 7633).

(ccviii) Administer a veterinary services grant program (7 U.S.C. 3151b).

(ccix) Enter into grants, contracts, cooperative agreements, or other legal instruments with former Department of Agriculture agricultural research facilities (7 U.S.C. 3315(b)).

(ccx) Administer a forestry and forestry products research and extension initiative (7 U.S.C. 7655b).

(ccxi) Submit to Congress an annual report describing agricultural research, extension, and education activities carried out by the Federal Government (7 U.S.C. 7614c(f)).

(ccxii) Enter into cooperative agreements with institutions of higher education regarding the dissemination of agricultural and food law research, legal tools, and information (7 U.S.C. 3125a–1).

* * * * *

(7) * * *

(i) * * *

(C) Research on the factors affecting food preference and habits (7 U.S.C. 3171–3173, 3175).

* * * * *

(8) * * *

(iii) [Reserved]

* * * * *

(xi) [Reserved]

* * * * *

(xviii) Coordinate implementation of section 10016 of the Agricultural Act of 2014 regarding locally or regionally produced agricultural food products (7 U.S.C. 2204h).

* * * * *

(b) * * *

(2) * * *

(i) Final approval and issuance of the crop and livestock reports.

* * * * *

■ 10. Amend § 2.22 as follows:

■ a. Revise paragraphs (a)(1)(i), (a)(1)(ii)(C), and (a)(1)(viii)(CCC);

■ b. Remove and reserve paragraphs (a)(1)(viii)(MMM) and (a)(1)(viii)(PPP); c. Add new paragraphs (a)(1)(viii)(QQQ), (a)(1)(viii)(RRR), (a)(1)(viii)(SSS), and (a)(1)(xiii);

■ d. Revise paragraph (a)(2)(xli); and

■ e. Add new paragraph (a)(2)(xlii).

The additions and revisions read as follows:

§ 2.22 Under Secretary for Marketing and Regulatory Programs.

(a) * * *

(1) * * *

(i) Exercise the functions of the Secretary of Agriculture contained in the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621–1627b), including payments to State Departments of Agriculture in connection with cooperative marketing service projects under section 204(b) (7 U.S.C. 1623(b)), but excepting matters otherwise assigned.

(ii) * * *

(C) Application of presently available scientific knowledge to the solution of practical problems encountered in the marketing of agricultural products (7 U.S.C. 1621–1627b).

* * * * *

(viii) * * *

(CCC) Farmers' Market Promotion Program (7 U.S.C. 3005).

* * * * *

(MMM) [Reserved]

* * * * *

(PPP) [Reserved]

(QQQ) Section 4213(c) of the Agricultural Act of 2014 (7 U.S.C. 1755b(c)).

(RRR) Section 12306 of the Agricultural Act of 2014 (7 U.S.C. 1632c).

(SSS) Section 506 of the Trade and Development Act of 2000 (7 U.S.C. 7101 note).

* * * * *

(xiii) Assist the Under Secretary for Research, Education, and Economics with implementing section 10016 of the Agricultural Act of 2014 regarding locally or regionally produced agricultural food products (7 U.S.C. 2204h).

(2) * * *

(xli) Section 1672(g)(3) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925(g)(3)) regarding honey bee pest, pathogen, health, and population status surveillance.

(xlii) Section 12309 of the Agricultural Act of 2014 regarding produce represented as grown in the United States (19 U.S.C. 1304a).

* * * * *

§ 2.23 [Amended]

■ 11. Amend § 2.23 by removing paragraph (a)(1)(v).

■ 12. Amend § 2.24 as follows:

■ a. Remove and reserve paragraph (a)(3);

■ b. Remove paragraph (a)(4)(x)(Z);

■ c. Revise paragraph (a)(5);

■ d. Add new paragraphs (a)(6)(xix) and (a)(7)(xv); and

■ e. Remove paragraph (a)(13).

The additions and revisions read as follows:

§ 2.24 Assistant Secretary for Administration.

(a) * * *

(3) [Reserved]

* * * * *

(5) *Related to small and disadvantaged business utilization.* Provide general administrative support to the Office of Small and Disadvantaged Business Utilization, consistent with the other delegations of authority to the Assistant Secretary for Administration in this section.

(6) * * *

(xix) In coordination with the Chief Financial Officer, implement the debarment authorities in section 14211 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 2009j), in connection with procurement activities.

* * * * *

(7) * * *

(xv) Serve as a lead agency in carrying out student internship programs (7 U.S.C. 2279c).

* * * * *

■ 13. Amend § 2.25 by revising paragraph (a)(16)(i)(C), to read as follows:

§ 2.25 Assistant Secretary for Civil Rights.

(a) * * *

(16) * * *

(i) * * *

(C) To make final agency decisions, or enter into settlement agreements on EEO complaints by Department employees or applicants for employment and order such corrective measures in response to such complaints as may be considered necessary, except that in qualifying cases as described in § 2.31(a)(18) the Assistant Secretary for Civil Rights must first obtain legal sufficiency review and concurrence by the General Counsel before extending settlement offers or entering into settlement agreements. Corrective measures may include recommending to the Office of Human Resources Management and the affected agency or office that appropriate disciplinary action be taken when an employee has been found to have engaged in a discriminatory practice.

* * * * *

Subpart D—Delegations of Authority to Other General Officers and Agency Heads

■ 14. Add § 2.28 to read as follows:

§ 2.28 Chief Financial Officer.

(a) The Chief Financial Officer, under the supervision of the Secretary of Agriculture, is responsible for executing the duties enumerated for agency Chief Financial Officers in the Chief Financial Officers Act of 1990, Public Law 101–576, 31 U.S.C. 902, and additional specified duties, including:

(1) Report directly to the Secretary regarding financial management matters.

(2) Oversee all financial management activities relating to the programs and operations of the Department and component agencies.

(3) Develop and maintain an integrated accounting and financial system for the Department and component agencies, including financial reporting and internal controls, which—

(i) Complies with applicable accounting principles, standards, and requirements, and internal control standards;

(ii) Complies with such policies and requirements as may be prescribed by the Director of the Office of Management and Budget (OMB);

(iii) Complies with any other requirements applicable to such systems; and

(iv) Provides for complete, reliable, consistent, and timely information which is prepared on a uniform basis and which is responsive to the financial information needs of Department management and for the development and reporting of cost information, the integration of accounting and budgeting information, and the systematic measurement of performance.

(4) Make recommendations to the Secretary regarding the selection of the Deputy Chief Financial Officer of the Department, and selection of principal financial officers of component agencies of the Department.

(5) Direct, manage, and provide policy guidance and oversight of Department financial management personnel, activities, and operations, including:

(i) Prepare and annually revise a Departmental plan to:

(A) Implement the 5-year financial management plan prepared by the Director of OMB under 31 U.S.C. 3512(a)(3); and

(B) Comply with the requirements established for agency financial statements under 31 U.S.C. 3515 and with the requirements for audits of Department financial statements established in 31 U.S.C. 3521(e) and (f).

(ii) Develop Departmental financial management budgets, including the oversight and recommendation of approval of component agency financial management budgets.

(iii) Recruit, select, and train personnel to carry out Departmental financial management functions.

(iv) Approve and manage Departmental, and approve component agency, financial management systems design or enhancement projects.

(v) Implement and approve Departmental, and approve component agency, asset management systems, including systems for cash management, credit management, debt collection, and property and inventory management and control.

(6) Prepare and transmit, by not later than 60 days after the submission of the audit report required by 31 U.S.C. 3521(f), an annual report to the Secretary and the Director of OMB, which shall include:

(i) A description and analysis of the status of financial management of the Department.

(ii) The annual financial statements prepared under 31 U.S.C. 3521.

(iii) The audit report transmitted to the Secretary under 31 U.S.C. 3521.

(iv) A summary of the reports on internal accounting and administrative control systems submitted to the President and the Congress under the amendments made by the Federal Managers' Financial Integrity Act of 1982 (31 U.S.C. 1113, 3512).

(v) Other information the Secretary considers appropriate to inform fully the President and the Congress concerning the financial management of the Department.

(7) Monitor the financial execution of the budget of the Department in relation to projected and actual expenditures, and prepare and submit to the Secretary timely performance reports.

(8) Review, on a biennial basis, the fees, royalties, rent, and other charges imposed by the Department for services and things of value it produces, and make recommendations on revising those charges to reflect costs incurred by the Department in providing those services and things of value.

(9) Access all records, reports, audits, reviews, documents, papers, recommendations, or other material that are the property of the Department or that are available to the Department, and that relate to programs and operations with respect to which the Chief Financial Officer has responsibilities, except that this grant allows no access greater than that permitted under any other law to records, reports, audits, reviews, documents, papers, recommendations, or other material of the Office of Inspector General.

(10) Request such information or assistance as may be necessary for carrying out the duties and responsibilities granted by the Chief Financial Officers Act of 1990 (Pub. L. 101–576), from any Federal, State, or local governmental entity.

(11) To the extent and in such amounts as may be provided in advance by appropriations acts, enter into contracts and other arrangements with public agencies and with private persons for the preparation of financial statements, studies, analyses, and other services, and making such payments as may be necessary to carry out the duties and prerogatives of the Chief Financial Officer.

(12) Designate the Department's Comptroller of the Department Working Capital Fund.

(13) Establish Departmental policies, standards, techniques, and procedures applicable to all USDA agencies for the following areas:

(i) Development, maintenance, review and approval of all departmental, and review and approval of component agency, internal control, fiscal, financial management and accounting systems including the financial aspects of payment management and property systems.

(ii) Selection, standardization, and simplification of program delivery processes utilizing grants, cooperative agreements and other forms of Federal assistance.

(iii) Review and approval of Federal assistance, internal control, fiscal, accounting and financial management regulations and instructions proposed or issued by USDA agencies for conformity with Departmental requirements.

(iv) Section 5301 of the Anti–Drug Abuse Act of 1988 (21 U.S.C. 862) as it relates to grants, loans, and licenses.

(14) Establish policies related to the Department Working Capital Fund.

(15) Approve regulations, procedures and rates for goods and services financed through the Department Working Capital Fund which will impact the financial administration of the Fund.

(16) Exercise responsibility and authority for operating USDA's financial and subsidiary management systems and related administrative systems including: Departmentwide payroll and personnel information systems, statistics, administrative payments, billings and collections, and related reporting systems that are either requested by the agencies or required by the Department.

(17) Manage the National Finance Center (NFC).

(18) Provide management support services for the NFC, and by agreement with agency heads concerned, provide such services for other USDA tenants housed in the same facility. As used herein, such management support services shall include:

(i) Personnel services, as listed in § 2.24(a)(4)(x), and organizational support services, with authority to take actions required by law or regulation to perform such services; and

(ii) Procurement, property management, space management, communications, messenger, paperwork management, and related administrative services, with authority to take actions required by law or regulation to perform such services.

(19) Exercise responsibility and authority for all matters related to the Department's accounting and financial operations including such activities as:

(i) Financial administration, including accounting and related activities.

(ii) Reviewing financial aspects of agency operations and proposals.

(iii) Furnishing consulting services to agencies to assist them in developing and maintaining accounting and financial management systems and internal controls, and for other purposes consistent with delegations in paragraph (a)(13) of this section.

(iv) Reviewing and monitoring agency implementation of Federal assistance policies.

(v) Reviewing and approving agencies' accounting systems documentation including related development plans, activities, and controls.

(vi) Monitoring agencies' progress in developing and revising accounting and financial management systems and internal controls.

(vii) Evaluating agencies' financial systems to determine the effectiveness of procedures employed, compliance with regulations, and the appropriateness of policies and practices.

(viii) Promulgation of Department schedule of fees and charges for reproductions, furnishing of copies and making searches for official records pursuant to the Freedom of Information Act, 5 U.S.C. 552.

(ix) Monitoring USDA implementation of section 5301 of the Anti-Drug Abuse Act of 1988 (21 U.S.C. 862) as it relates to grants, loans, and licenses.

(20) Establish Department and approve component agency programs, policies, standards, systems, techniques and procedures to improve the management and operational efficiency and effectiveness of the USDA including:

(i) Increased use of operations research and management science in the areas of productivity and management.

(ii) All activities financed through the Department Working Capital Fund.

(21) Develop Departmental policies, standards, techniques, and procedures for the conduct of reviews and analysis of the utilization of the resources of State and local governments, other Federal agencies and of the private sector in domestic program operations.

(22) Represent the Department in contacts with OMB, General Services Administration, GAO, Department of the Treasury, Office of Personnel Management, Department of Health and Human Services, Department of Labor, Environmental Protection Agency, Department of Commerce, Congress of the United States, State and local governments, universities, and other public and private sector individuals, organizations or agencies on matters related to assigned responsibilities.

(23) Establish policies related to travel by USDA employees.

(24) Provide budget, accounting, fiscal, and related financial management services, with authority to take action required by law or regulation to provide such services for:

(i) The Secretary of Agriculture.

(ii) The general officers of the Department, except the Inspector General.

(iii) The offices and agencies reporting to the Assistant Secretary for Administration as a Working Capital Fund activity.

(iv) Any other offices or agencies of the Department as may be agreed.

(25) Develop, promulgate, and coordinate Department-wide policy concerning nonprocurement debarment and suspension.

(26) Prepare and submit to Congress reports on conferences sponsored or held by the Department or attended by employees of the Department (7 U.S.C. 2255b).

(27) Administer the debarment authorities in section 14211 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 2209j) in coordination with the Director, Office of Procurement and Property Management.

(28) Redelegate, as appropriate, any authority delegated under this section to general officers of the Department and heads of Departmental agencies.

(b) [Reserved]

■ 15. Amend § 2.29 as follows:

■ a. Remove paragraph (a)(11)(ix); and

■ b. Add new paragraphs (a)(14)(iii) and (b).

The additions read as follows:

§ 2.29 Chief Economist.

(a) * * *

(14) * * *

(iii) Make competitive grants to, or enter into cooperative agreements with, agricultural and food policy research centers (7 U.S.C. 3155).

(b) [Reserved]

■ 16. Add § 2.30 to read as follows:

§ 2.30 Director, Office of Budget and Program Analysis.

(a) The following delegations of authority are made by the Secretary of Agriculture to the Director, Office of Budget and Program Analysis:

(1) Serve as the Department's Budget Officer and exercise general responsibility and authority for all matters related to the Department's budgeting affairs including:

(i) Resource administration, including all phases of the acquisition, and distribution of funds and staff years.

(ii) Legislative and regulatory reporting and related activities.

(2) Provide staff assistance for the Secretary, general officers, and other Department and agency officials.

(3) Formulate and promulgate Departmental budgetary, legislative and regulatory policies and procedures.

(4) Represent the Department in contacts with the Office of Management and Budget, the Government Accountability Office, the Department of the Treasury, Congressional Committees on Appropriations, and other organizations and agencies on matters related to his or her responsibility.

(5) Coordinate and/or conduct policy and program analyses on agency operations and proposals to assist the Secretary, general officers and other Department and agency officials in formulating and implementing USDA policies and programs.

(6) Review and analyze legislation, regulations, and policy options to determine their impact on USDA programs and policy objectives and on the Department's budget.

(7) Monitor ongoing studies with significant program or policy implications.

(8) Exercise responsibility for coordinating and overseeing the implementation of the Government Performance and Results Act of 1993, Public Law 103–62, and the GPRA Modernization Act of 2010, Public Law 111–352, at the Department.

(b) The following authority is reserved to the Secretary of Agriculture: Final approval of the Department's program and financial plans.

■ 17. Amend § 2.31 by adding new paragraph (a)(18), to read as follows:

§ 2.31 General Counsel.

(a) * * *

(18) Conduct legal sufficiency reviews and concur prior to final implementation for all Equal Employment Opportunity (EEO) settlement offers and agreements involving complaints that:

(i) Are brought by, or allege discriminatory conduct by, any political appointee;

(ii) Involve any combination of compensatory damages, attorney's fees, back pay awards, or any other compensation resulting in costs to the Department totaling $200,000 or more; or

(iii) Place any political appointee on a detail outside the Department or on an Intergovernmental Personnel Act (IPA) agreement for one year or more if the Department retains the obligation to pay the employee's salary and benefits during the duration of the detail or IPA agreement.

* * * * *

■ 18. Amend § 2.34 by revising the introductory text to read as follows:

§ 2.34 Director, National Appeals Division.

The Director, National Appeals Division, under the general supervision of the Secretary or Deputy Secretary, has specific duties, responsibilities, and authorities pursuant to subtitle H of the Department of Agriculture Reorganization Act of 1994, Public Law 103–354 (7 U.S.C. 6991 *et seq.*), including:

* * * * *

■ 19. Add § 2.37 to subpart D to read as follows:

§ 2.37 Director, Office of Small and Disadvantaged Business Utilization.

(a) In compliance with the Small Business Act, the Director, Office of Small and Disadvantaged Business Utilization is designated as the Department's Director of Small and Disadvantaged Business Utilization, who shall report directly to the Secretary of Agriculture or the Deputy Secretary of Agriculture. The Director of Small and Disadvantaged Business Utilization has specific responsibilities under the Small Business Act, 15 U.S.C. 644(k). These duties include being responsible for the following:

(1) Administer the Department's small and disadvantaged business activities related to procurement contracts, minority bank deposits, and grants and loan activities affecting small and minority businesses including women-owned business, and the small business, small minority business, and small women-owned business subcontracting programs.

(2) Provide Departmentwide liaison and coordination of activities related to small, small disadvantaged, and women-owned businesses with the Small Business Administration and others in the public and private sector.

(3) Develop policies and procedures required by the applicable provision of the Small Business Act, as amended, to include the establishment of goals.

(4) Implement and administer programs described under sections 8 and 15 of the Small Business Act, as amended (15 U.S.C. 637 and 644).

(5) In compliance with the Veterans Benefits Act of 2003 (Pub. L. 108–183) amending the Small Business Act, implement and administer procurement programs for small business concerns owned and controlled by service-disabled veterans.

(b) The following additional authorities are delegated by the Secretary of Agriculture to the Director, Office of Small and Disadvantaged Business Utilization:

(1) In compliance with the Javits-Wagner-O'Day Act (41 U.S.C. 8501 *et seq.*), implement and administer the Department's AbilityOne program for purchases from qualified nonprofit agencies for the blind or for the severely disabled.

(2) [Reserved]

■ 20. Add § 2.38 to subpart D to read as follows:

§ 2.38 Director, Office of Tribal Relations.

(a) *Delegations.* The following delegations of authority are made by the Secretary of Agriculture to the Director, Office of Tribal Relations:

(1) Serve as the Department's primary point of contact for tribal issues.

(2) Advise the Secretary on policies related to Indian tribes.

(3) Serve as the official with principal responsibility for the implementation of Executive Order 13175, "Consultation and Coordination with Indian Tribal Governments," including the provision of Department-wide guidance and oversight regarding tribal consultation, coordination, and collaboration.

(4) Coordinate the Department's programs involving assistance to American Indians and Alaska Natives.

(5) Enter into cooperative agreements to improve the coordination and effectiveness of Federal programs, services, and actions affecting rural areas (7 U.S.C. 2204b(b)(4)); and to provide outreach and technical assistance to socially disadvantaged farmers and ranchers and veteran farmers and ranchers (7 U.S.C. 2279(a)(3)).

(b) [Reserved]

Subpart F—Delegations of Authority by the Under Secretary for Farm and Foreign Agricultural Services

■ 21. Amend § 2.42 as follows:

■ a. Revise paragraphs (a)(20), (a)(28)(iii), (a)(28)(viii), (a)(28)(ix), and (a)(28)(x);

■ b. Add new paragraph (a)(28)(xiii);

■ c. Revise paragraph (a)(45);

■ d. Remove and reserve paragraphs (a)(52), (a)(53), (a)(56)(i), (a)(56)(iii), (a)(56)(iv), (a)(56)(vi), and (a)(56)(vii); and

■ e. Add new paragraphs (a)(58) and (a)(59).

The additions and revisions read as follows:

§ 2.42 Administrator, Farm Service Agency.

(a) * * *

* * * * *

(20) Formulate and carry out the Conservation Reserve Program, including the implementation of technical assistance, under the Food Security Act of 1985, as amended (16 U.S.C. 1231 *et seq.*), and the functions of the Grassland Reserve Program transferred to the Conservation Reserve Program.

* * * * *

(28) * * *

(iii) Section 306A (7 U.S.C. 1926a) and section 306B (7 U.S.C. 1926b), relating to the Emergency Community Water Assistance Grant Programs, and section 306D (7 U.S.C. 1926d), relating to water systems for rural Alaskan Native Villages;

* * * * *

(viii) Section 310C (7 U.S.C. 1933), relating to housing program interest rates;

(ix) Section 310G (7 U.S.C. 1936a), relating to the use of rural development loans and grants for other purposes, and section 353A (7 U.S.C. 2001a), relating to the servicing of community facilities loans;

(x) Section 364 (7 U.S.C. 2006f) and section 365 (7 U.S.C. 2008);

* * * * *

(xiii) Sections 379 (7 U.S.C. 2008n) through 379G (7 U.S.C. 2008u) and subtitles E through I (7 U.S.C. 2009–2009dd-7) relating to rural development programs and activities.

* * * * *

(45) Administer all programs of the Commodity Credit Corporation that provide assistance with respect to the production of agricultural commodities

or the income of producers, including disaster assistance and the domestic marketing of such commodities, except as may otherwise be reserved by the Under Secretary for Farm and Foreign Agricultural Services, and similar programs (including commodity quality development programs) consigned by statute to the Secretary of Agriculture unless otherwise delegated.

* * * * *

(52) [Reserved]

(53) [Reserved]

* * * * *

(56) * * *

(i) [Reserved]

* * * * *

(iii) [Reserved]

(iv) [Reserved]

* * * * *

(vi) [Reserved]

(vii) [Reserved]

* * * * *

(58) Administer the following provisions of the Agricultural Act of 2014, Public Law 113–79:

(i) Sections 1401–1410 relating to a margin protection program for dairy producers (7 U.S.C. 9051–9060), and section 1431 relating to a dairy product donation program (7 U.S.C. 9071).

(ii) Section 1612 relating to the tracking of benefits (7 U.S.C. 9095).

(iii) Section 12314 relating to the Pima Agriculture Cotton Trust Fund (7 U.S.C. 2101 note), in coordination with the Administrator, Foreign Agricultural Service.

(iv) Section 12315 relating to the Agriculture Wool Apparel Manufacturers Trust Fund (7 U.S.C. 7101 note), in coordination with the Administrator, Foreign Agricultural Service.

(59) Enter into cooperative agreements under section 1472(b) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3318(b)) for the purpose of implementing section 1614(c)(3) of the Agricultural Act of 2014 (7 U.S.C. 9097(c)).

* * * * *

■ 22. Amend § 2.43 as follows:

■ a. Revise paragraphs (a)(16) and (a)(17);

■ b. Remove and reserve paragraphs (a)(18) and (a)(19); and

■ c. Add new paragraph (a)(50).

The additions and revisions read as follows:

§ 2.43 Administrator, Foreign Agricultural Service.

(a) * * *

(16) Perform functions of the Department in connection with the development and implementation of agreements to finance the sale and exportation of agricultural commodities on long-term credit or for foreign currencies under the Food for Peace Act (7 U.S.C. 1691, 1701 *et seq.*).

(17) Coordinate within the Department activities arising under the Food for Peace Act (except as delegated to the Under Secretary for Research, Education, and Economics in § 2.21(a)(8)), and to represent the Department in its relationships in such matters with the Department of State, any interagency committee on the Food for Peace Act, and other departments, agencies, and committees of the Government.

(18) [Reserved]

(19) [Reserved]

* * * * *

(50) Administer the following provisions of the Agricultural Act of 2014, Public Law 113–79:

(i) Section 12314 relating to the Pima Agriculture Cotton Trust Fund (7 U.S.C. 2101 note), in coordination with the Administrator, Farm Service Agency.

(ii) Section 12315 relating to the Agriculture Wool Apparel Manufacturers Trust Fund (7 U.S.C. 7101 note), in coordination with the Administrator, Farm Service Agency.

* * * * *

■ 23. Amend § 2.44 by adding new paragraphs (a)(5), (a)(6), (a)(7), and (a)(8), to read as follows:

§ 2.44 Administrator, Risk Management Agency and Manager, Federal Crop Insurance Corporation

(a) * * *

(5) Carry out functions relating to highly erodible land and wetland conservation under sections 1211–1213 and 1221–1223 of the Food Security Act of 1985, as amended (16 U.S.C. 3811–3813 and 3821–3823).

(6) Prepare cropland reports as required by section 11014(c) of the Agricultural Act of 2013, Public Law 113–79.

(7) Assist the Administrator, Economic Research Service with implementing section 10016 of the Agricultural Act of 2014 regarding locally or regionally produced agricultural food products (7 U.S.C. 2204h).

(8) Administer the Federal Crop Insurance Act (7 U.S.C. 1501, *et seq.*), except for sections 524(a)(1)(B), (a)(3), and (b) (7 U.S.C. 1524(a)(1)(B), (a)(3), (b)) and 531 (7 U.S.C. 1531).

* * * * *

Subpart G—Delegations of Authority by the Under Secretary for Rural Development

■ 24. Revise § 2.45 to read as follows:

§ 2.45 Deputy Under Secretary for Rural Development.

Pursuant to § 2.17(a), subject to reservations in § 2.17(b), and subject to policy guidance and direction by the Under Secretary for Rural Development, the following delegation of authority is made to the Deputy Under Secretary for Rural Development, to be exercised only during the absence or unavailability of the Under Secretary: Perform all the duties and exercise all the powers which are now or which may hereafter be delegated to the Under Secretary for Rural Development: Provided, that this authority shall be exercised first by the Deputy Under Secretary for Policy and Planning, and second by the Deputy Under Secretary for Operations and Management.

■ 25. Amend § 2.47 as follows:

■ a. Revise the introductory text in paragraph (a);

■ b. Remove and reserve paragraphs (a)(4)(xii) and (a)(15); and

■ c. Add new paragraphs (a)(17) and (a)(18).

The additions and revisions read as follows:

§ 2.47 Administrator, Rural Utilities Service.

(a) *Delegations.* Pursuant to §§ 2.17(a)(14) and (a)(16) through (a)(20), and subject to policy guidance and direction by the Under Secretary for Rural Development, the following delegations of authority are made by the Under Secretary for Rural Development to the Administrator, Rural Utilities Service:

* * * * *

(4) * * *

(xii) [Reserved]

* * * * *

(15) [Reserved]

* * * * *

(17) Administer section 6407 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8107a), relating to a rural energy savings program.

(18) Administer section 6210 of the Agricultural Act of 2014, Public Law 113–79, relating to funding of pending rural development loan and grant applications.

* * * * *

■ 26. Amend § 2.48 as follows:

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

■ b. Remove and reserve paragraph (a)(4); and

■ c. Add new paragraphs (a)(33) and (a)(34).

The additions and revisions read as follows:

§ 2.48 Administrator, Rural Business-Cooperative Service.

(a) *Delegations.* Pursuant to §§ 2.17(a)(1), (a)(2), (a)(14), (a)(16) through (a)(19), and (a)(21), subject to reservations in § 2.17(b)(1), and subject to policy guidance and direction by the Under Secretary for Rural Development, the following delegations of authority are made by the Under Secretary for Rural Development to the Administrator, Rural Business-Cooperative Service:

* * * * *

(2) * * *

(v) Section 310H (7 U.S.C. 1936b), relating to an intermediary relending program.

* * * * *

(4) [Reserved]

* * * * *

(33) Administer the Healthy Food Financing Initiative under section 243 of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6953).

(34) Administer section 6209 of the Agricultural Act of 2014 (7 U.S.C. 2207b), relating to the collection and reporting of program metrics.

* * * * *

■ 27. Amend § 2.49 by revising the introductory text of paragraph (a), to read as follows:

§ 2.49 Administrator, Rural Housing Service.

(a) *Delegations.* Pursuant to §§ 2.17(a)(14), (a)(16) through (a)(19) and (a)(22), and subject to policy guidance and direction by the Under Secretary for Rural Development, the following delegations of authority are made by the Under Secretary for Rural Development to the Administrator, Rural Housing Service:

* * * * *

Subpart I—Delegations of Authority by the Under Secretary for Food, Nutrition, and Consumer Services

■ 28. Amend § 2.57 as follows:

■ a. Remove paragraph (a)(1)(xiii); and

■ b. Add new paragraphs (a)(15) and (a)(16)

The additions read as follows:

§ 2.57 Administrator, Food and Nutrition Service.

(a) * * *

(15) Administer the following provisions of the Agricultural Act of 2014, Public Law 113–79:

(i) Section 4004(b), relating to a demonstration project regarding the Food Distribution Program on Indian Reservations (7 U.S.C. 2013 note).

(ii) Section 4031, relating to a Commonwealth of the Northern Mariana Islands pilot program regarding the Supplemental Nutrition Assistance Program (48 U.S.C. 1841 note).

(iii) Section 4032, relating to annual State reporting on verification of Supplemental Nutrition Assistance Program participation (7 U.S.C. 2036c).

(iv) Section 4033, relating to service of traditional foods in public facilities (25 U.S.C. 443d).

(v) Section 4214, relating to a pilot project for canned, frozen, or dried fruits and vegetables as part of the Fresh Fruit and Vegetable Program under the Richard B. Russell National School Lunch Act (42 U.S.C. 1769a note).

(16) Administer section 301 of the National Nutrition Monitoring and Related Research Act of 1990, relating to the Dietary Guidelines for Americans (7 U.S.C. 5341).

* * * * *

Subpart J—Delegations of Authority by the Under Secretary for Natural Resources and Environment

■ 29. Amend § 2.60 as follows:

■ a. Revise paragraph (a)(28);

■ b. Remove and reserve paragraph (a)(45);

■ c. Revise paragraph (a)(48);

■ d. Remove and reserve paragraph (a)(52);

■ e. Revise paragraph (a)(53); and

■ f. Add new paragraphs (a)(55), (a)(56), (a)(57), (a)(58), (a)(59), and (a)(60).

The additions and revisions read as follows:

§ 2.60 Chief, Forest Service.

(a) * * *

(28) Represent USDA in all matters relating to responsibilities and authorities under the Federal Power Act (16 U.S.C. 791a–823).

* * * * *

(45) [Reserved]

* * * * *

(48) Establish programs with any bureau of the U.S. Department of the Interior (DOI) in support of the Service First initiative for the purpose of promoting customer service and efficiency including delegating to DOI employees those authorities of the U.S. Department of Agriculture (USDA) necessary to carry out projects on behalf of USDA (43 U.S.C. 1703).

* * * * *

(52) [Reserved]

(53) Administer the community wood energy program providing grants to develop community wood energy plans, acquire or upgrade community wood energy systems, and establish or expand biomass consumer cooperatives (7 U.S.C. 8113).

* * * * *

(55) Administer the programs authorized by the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6501 *et seq.*), except for the Healthy Forests Reserve Program authorized in title V of such act (16 U.S.C. 6571–6578).

(56) Administer Good Neighbor contracts and cooperative agreements with a State to carry out forest, rangeland, and watershed restoration services on National Forest System lands (16 U.S.C. 2113a; Public Law 106–291, section 331, as amended).

(57) Utilize the Agriculture Conservation Experienced Services (ACES) Program (16 U.S.C. 3851) to provide technical services for conservation-related programs and authorities carried out on National Forest System lands (16 U.S.C. 3851a).

(58) Administer reimbursements received for fire suppression (16 U.S.C. 1856e; 42 U.S.C. 1856d(b)).

(59) Administer the large airtanker and aerial asset lease program (16 U.S.C. 551c).

(60) Provide technical and other assistance with respect to eligibility of forest products for the ''USDA Certified Biobased Products'' labeling program (7 U.S.C. 8102(g)).

* * * * *

■ 30. Amend § 2.61 as follows:

■ a. Add new paragraphs (a)(13)(xix), (a)(13)(xx), (a)(13)(xxi), and (a)(13)(xxii); b. Remove and reserve paragraph (a)(16); and

■ c. Add new paragraph (a)(30).

The additions and revisions read as follows:

§ 2.61 Chief, Natural Resources Conservation Service.

(a) * * *

(13) * * *

(xix) The Agricultural Conservation Easement Program authorized by sections 1265–1265D of the Act (16 U.S.C. 3865–3865d).

(xx) The Regional Conservation Partnership Program authorized by sections 1271–1271F (16 U.S.C. 3871–3871f).

(xxi) The Voluntary Public Access and Habitat Incentive Program authorized by section 1240R of the Act (16 U.S.C. 3839bb–5).

(xxii) A wetlands mitigation banking program authorized by section 1222(k) of the Act (16 U.S.C. 3822(k)).

* * * * *

(16) [Reserved]

* * * * *

(30) Administer the Terminal Lakes assistance program authorized by section 2507 of the Farm Security and Rural Investment Act of 2002 (16 U.S.C. 3839bb–6).

* * * * *

Subpart K—Delegations of Authority by the Under Secretary for Research, Education, and Economics

■ 31. Amend § 2.65 as follows:
■ a. Revise paragraph (a)(15);
■ b. Remove and reserve paragraphs (a)(16), (a)(25), (a)(30), (a)(34), (a)(35), (a)(36), (a)(37), (a)(53), and (a)(55);
■ c. Revise paragraph (a)(58);
■ d. Remove and reserve paragraph (a)(61);
■ e. Revise the introductory text of paragraph (a)(64) and (a)(64)(iii);
■ f. Remove and reserve paragraphs (a)(82) and (a)(83);
■ g. Revise paragraph (a)(113); and
■ h. Add new paragraphs (a)(114) and (a)(115).

The additions and revisions read as follows:

§ 2.65 Administrator, Agricultural Research Service.

(a) * * *

(15) Conduct a Special Cotton Research Program designed to reduce the cost of producing upland cotton in the United States (7 U.S.C. 1444a(c)).

(16) [Reserved]

* * * * *

(25) [Reserved]

* * * * *

(30) [Reserved]

* * * * *

(34) [Reserved]

(35) [Reserved]

(36) [Reserved]

(37) [Reserved]

* * * * *

(53) [Reserved]

* * * * *

(55) [Reserved]

* * * * *

(58) Administer the Department's Patent Program except as delegated to the General Counsel in § 2.31(a)(5).

* * * * *

(61) [Reserved]

* * * * *

(64) Administer a National Food and Human Nutrition Research Program under the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended. As used herein the term ''research'' includes:

* * * * *

(iii) Research on the factors affecting food preference and habits (7 U.S.C. 3171–3173, 3175).

* * * * *

(82) [Reserved]

(83) [Reserved]

* * * * *

(113) Carry out pollinator health research activities (7 U.S.C. 5925(g)(2)).

(114) Enter into grants, contracts, cooperative agreements, or other legal instruments with former Department of Agriculture agricultural research facilities (7 U.S.C. 3315(b)).

(115) Enter into cooperative agreements with institutions of higher education regarding the dissemination of agricultural and food law research, legal tools, and information (7 U.S.C. 3125a–1).

* * * * *

■ 32. Amend § 2.66 as follows:
■ a. Revise paragraph (a)(6);
■ b. Remove and reserve paragraph (a)(16);
■ c. Revise paragraphs (a)(17) and (a)(18);
■ d. Remove and reserve paragraphs (a)(21), (a)(34), (a)(35), (a)(36), and (a)(39);
■ e. Revise paragraph (a)(42);
■ f. Remove and reserve paragraph (a)(43);
■ g. Revise paragraphs (a)(44) and (a)(57);
■ h. Remove and reserve paragraphs (a)(64), (a)(65), and (a)(73);
■ i. Revise paragraph (a)(78);
■ j. Remove and reserve paragraphs (a)(79), (a)(80), and (a)(81);
■ k. Revise paragraph (a)(83);
■ l. Remove and reserve paragraphs (a)(91) and (a)(96);
■ m. Revise paragraph (a)(102);
■ n. Remove and reserve paragraphs (a)(105) and (a)(109);
■ o. Revise paragraph (a)(121);
■ p. Remove and reserve paragraph (a)(137);
■ q. Revise paragraphs (a)(143) and (a)(144);
■ r. Remove and reserve paragraphs (a)(147), (a)(152), (a)(154), and (a)(155); and
■ s. Add new paragraphs (a)(161), (a)(162), (a)(163), (a)(164), and (a)(165).

The additions and revisions read as follows:

§ 2.66 Director, National Institute of Food and Agriculture.

(a) * * *

(6) Carry out a program (IR–4 Program) for the collection of residue and efficacy data in support of registration or reregistration of pesticides for minor agricultural use and for use on specialty crops, and to determine tolerances for minor use chemical residues in or on agricultural commodities (7 U.S.C. 450i(e)).

* * * * *

(16) [Reserved]

(17) Administer and direct an Animal Health and Disease Research Program under the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended (7 U.S.C. 3191–3201).

(18) Support continuing agricultural and forestry extension and research, at 1890 land-grant institutions, including Tuskegee University (7 U.S.C. 3221, 3222, 3222d).

* * * * *

(21) [Reserved]

* * * * *

(34) [Reserved]

(35) [Reserved]

(36) [Reserved]

* * * * *

(39) [Reserved]

* * * * *

(42) Administer a competitive high priority research and extension grants program in specified subject areas (7 U.S.C. 5925), including pollinator activities (7 U.S.C. 5925(g)) not otherwise delegated to the Administrator, Agricultural Research Service in § 2.65(a)(113) and the Administrator, Animal and Plant Health Inspection Service in § 2.80(a)(47).

(43) [Reserved]

(44) Administer competitive grants to support research, education, and extension activities regarding organically grown and processed agricultural commodities (7 U.S.C. 5925b).

* * * * *

(57) Represent the Department on the Federal Interagency Committee on Education.

* * * * *

(64) [Reserved]

(65) [Reserved]

* * * * *

(73) [Reserved]

* * * * *

(78) Develop and make available handbooks, technical guides, and other educational materials emphasizing sustainable agriculture production systems and practices; carry out activities related to a national training program for sustainable agriculture (7 U.S.C. 5831, 5832).

(79) [Reserved]

(80) [Reserved]

(81) [Reserved]

* * * * *

(83) Conduct education and extension programs related to nutrition education (7 U.S.C. 2027(a)).

* * * * *

(91) [Reserved]

* * * * *

(96) [Reserved]

* * * * *

(102) Implement and administer the Community Food Projects Program under section 25 of the Food and Nutrition Act of 2008 (7 U.S.C. 2034).

* * * * *

(105) [Reserved]

* * * * *

(109) [Reserved]

* * * * *

(121) Establish procedures that provide for scientific peer review of each agricultural research grant administered on a competitive basis, and for relevancy and merit review of each agricultural research, extension, or education grant administered on a competitive basis, by the National Institute of Food and Agriculture (7 U.S.C. 7613(a)).

* * * * *

(137) [Reserved]

* * * * *

(143) Administer grants to assist the land-grant colleges and universities in insular areas to acquire, alter, or repair facilities or relevant equipment necessary for conducting agricultural research; and to support tropical and subtropical agricultural research, including pest and disease research (7 U.S.C. 3222b–2).

(144) Enter into agreements necessary to administer an Hispanic–Serving Agricultural Colleges and Universities Fund; enter into agreements necessary to administer a program of making annual payments to Hispanic-serving agricultural colleges and universities; administer an institutional capacity-building grants program for Hispanic-serving agricultural colleges and universities; administer a competitive grants program to fund fundamental and applied research and extension at Hispanic-serving agricultural colleges and universities and to award competitive grants to Hispanic-serving agricultural colleges and universities to provide for training in the food and agricultural sciences of Hispanic agricultural workers and Hispanic youth working in the food and agricultural sciences (7 U.S.C. 3243).

* * * * *

(147) [Reserved]

* * * * *

(152) [Reserved]

* * * * *

(154) [Reserved]

(155) [Reserved]

* * * * *

(161) Enter into agreements with and receive funds from any State, other political subdivision, organization, or individual for the purpose of conducting cooperative research projects (7 U.S.C. 450a).

(162) Administer a food insecurity nutrition incentive program (7 U.S.C. 7517).

(163) Administer a food and agriculture service learning grant program (7 U.S.C. 7633).

(164) Administer a veterinary services grant program (7 U.S.C. 3151b).

(165) Administer a forestry and forestry products research and extension initiative (7 U.S.C. 7655b).

* * * * *

■ 33. Amend § 2.67 as follows:

■ a. Remove and reserve paragraphs (a)(3) and (a)(7); and

■ b. Add new paragraphs (a)(21) and (a)(22).

The additions and revisions read as follows:

§ 2.67 Administrator, Economic Research Service.

(a) * * *

(3) [Reserved]

* * * * *

(7) [Reserved]

* * * * *

(21) Enter into agreements with and receive funds from any State, other political subdivision, organization, or individual for the purpose of conducting cooperative research projects (7 U.S.C. 450a).

(22) Coordinate implementation of section 10016 of the Agricultural Act of 2014 regarding locally or regionally produced agricultural food products (7 U.S.C. 2204h).

* * * * *

■ 34. Amend § 2.68 by adding new paragraph (a)(13) to read as follows:

§ 2.68 Administrator, National Agricultural Statistics Service.

(a) * * *

(13) Assist the Administrator, Economic Research Service with implementing section 10016 of the Agricultural Act of 2014 regarding locally or regionally produced agricultural food products (7 U.S.C. 2204h).

* * * * *

Subpart L—Delegations of Authority by the Chief Economist

§ 2.73 [Amended]

■ 35. Amend § 2.73 by removing paragraph (a)(10).

Subpart N—Delegations of Authority by the Under Secretary for Marketing and Regulatory Programs

■ 36. Amend § 2.79 as follows:

■ a. Revise paragraphs (a)(1), (a)(2)(iii), and (a)(8)(lxiii);

■ b. Remove and reserve paragraphs (a)(8)(lxxiii) and (a)(8)(lxxvi); and

■ c. Add new paragraphs (a)(8)(lxxvii), (a)(8)(lxxviii), (a)(8)(lxxix), and (a)(15).

The additions and revisions read as follows:

§ 2.79 Administrator, Agricultural Marketing Service.

(a) * * *

(1) Exercise the functions of the Secretary of Agriculture contained in the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621–1627b), including payments to State Departments of Agriculture in connection with cooperative marketing service projects under section 204(b) (7 U.S.C. 1623(b)), but excepting matters otherwise assigned.

(2) * * *

(iii) Application of presently available scientific knowledge to the solution of practical problems encountered in the marketing of agricultural products (7 U.S.C. 1621–1627b).

* * * * *

(8) * * *

(lxiii) Farmers' Market Promotion Program (7 U.S.C. 3005).

* * * * *

(lxxiii) [Reserved]

* * * * *

(lxxvi) [Reserved]

(lxxvii) Section 4213(c) of the Agricultural Act of 2014 (7 U.S.C. 1755b(c)).

(lxxviii) Section 12306 of the Agricultural Act of 2014 (7 U.S.C. 1632c).

(lxxix) Section 506 of the Trade and Development Act of 2000 (7 U.S.C. 7101 note).

* * * * *

(15) Assist the Administrator, Economic Research Service with implementing section 10016 of the Agricultural Act of 2014 regarding locally or regionally produced agricultural food products (7 U.S.C. 2204h).

* * * * *

■ 37. Amend § 2.80 as follows:

■ b. Revise paragraph (a)(47); and

■ b. Add new paragraph (a)(48).

The revision and addition read as follows:

§ 2.80 Administrator, Animal and Plant Health Inspection Service.

(a) * * *

(47) Section 1672(g)(3) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925(g)(3)) regarding honey bee pest, pathogen, health, and population status surveillance.

(48) Section 12309 of the Agricultural Act of 2014 regarding produce represented as grown in the United States (19 U.S.C. 1304a).

* * * * *

Subpart O—Delegations of Authority by the Assistant Secretary for Congressional Relations

§ 2.85 [Amended]

■ 38. Amend § 2.85 by removing paragraph (a)(5).

Subpart P—Delegations of Authority by the Assistant Secretary for Administration

§ 2.90 [Removed]

■ 39. Remove § 2.90.

§ 2.91 [Amended]

■ 40. Amend § 2.91 by removing paragraph (a)(10)(xxvi).

§ 2.92 [Removed]

■ 41. Remove § 2.92.

■ 42. Amend § 2.93 by revising the introductory text of paragraph (a) to read as follows:

§ 2.93 Director, Office of Procurement and Property Management.

(a) *Delegations.* Pursuant to § 2.24(a)(6) of this chapter, and with due deference for delegations to other Departmental Management officials, the following delegations of authority are made by the Assistant Secretary for Administration to the Director, Office of Procurement and Property Management:

* * * * *

■ 43. Amend § 2.94 by adding a new paragraph (a)(15), to read as follows:

§ 2.94 Director, Office of Advocacy and Outreach.

(a) * * *

(15) Serve as a lead agency in carrying out student internship programs (7 U.S.C. 2279c).

* * * * *

Subpart T—Delegations of Authority by the Chief Financial Officer

■ 44. Revise § 2.500 to read as follows:

§ 2.500 Deputy Chief Financial Officer.

Pursuant to § 2.28, the following delegation of authority is made by the Chief Financial Officer to the Deputy Chief Financial Officer, to be exercised only during the absence or unavailability of the Chief Financial Officer: Perform all the duties and exercise all the powers which are now or which may hereafter be delegated to the Chief Financial Officer.

§ 2.501 [Removed]

■ 45. Remove § 2.501.

CHAPTER XVII—RURAL UTILITIES SERVICE, DEPARTMENT OF AGRICULTURE

PART 1700—GENERAL INFORMATION

■ 46. The authority citation for part 1700 continues to read as follows:

Authority: 5 U.S.C. 301, 552; 7 U.S.C. 901 *et seq.,* 1921 *et seq.,* 6941 *et seq.;* 7 CFR 2.7.

Subpart B—Agency Organization and Functions

■ 47. Revise § 1700.25 to read as follows:

§ 1700.25 Office of the Administrator.

The Administrator of the Rural Utilities Service (RUS) and of the Rural Telephone Bank (RTB) is appointed by the President. The Under Secretary, Rural Development delegated to the Administrator, in 7 CFR part 2, responsibility for administering the programs and activities of RUS and RTB. The Administrator is aided directly by Deputy Administrators and by Assistant Administrators for the electric program, telecommunications program, the water and environmental programs, and program accounting and regulatory analysis, and by other staff offices. The work of the agency is carried out as described in this part.

■ 48. Revise § 1700.26 to read as follows:

§ 1700.26 Deputy Administrator.

The Deputy Administrator aids and assists the Administrator. The Deputy Administrator provides overall policy direction to all RUS programs. The Deputy Administrator reviews agency policies and, as necessary, implements changes and participates with the Administrator and other officials in planning and formulating the programs and activities of the agency, including the making and servicing of loans and grants.

Subpart C—Loan and Grant Approval Authorities

§ 1700.53 [Removed]

■ 49. Remove § 1700.53.

CHAPTER XXXVIII—WORLD AGRICULTURAL OUTLOOK BOARD, DEPARTMENT OF AGRICULTURE

PART 3800—ORGANIZATION AND FUNCTIONS

■ 50. The authority citation for part 3800 is revised to read as follows:

Authority: 5 U.S.C. 301 and 552, and 7 CFR 2.72, except as otherwise noted.

§ 3800.3 [Amended]

■ 51. Amend § 3800.3 by removing paragraph (d).

Dated: July 14, 2014.

Thomas J. Vilsack,

Secretary of Agriculture.

[FR Doc. 2014–17352 Filed 7–29–14; 8:45 am]

BILLING CODE 3410–90–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 319

[Docket No. APHIS–2013–0016]

RIN 0579–AD81

Importation of Fresh Blueberries From Morocco Into the Continental United States

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: We are amending the regulations concerning the importation of fruits and vegetables to allow the importation of fresh blueberries from Morocco into the continental United States. As a condition of entry, the blueberries must be produced under a systems approach employing a combination of mitigation measures for two quarantine pests, *Ceratitis capitata* and *Monilinia fructigena,* and must be inspected prior to exportation from Morocco and found free of these pests. The blueberries may be imported in commercial consignments only and must be treated with one of two approved postharvest treatments to mitigate *C. capitata.* The blueberries will have to be accompanied by a phytosanitary certificate with an additional declaration stating that the conditions for importation have been met. This action will allow the importation of blueberries from Morocco while continuing to protect against the introduction of plant pests into the United States.

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

FOR FURTHER INFORMATION CONTACT: Ms. Dorothy Wayson, Senior Regulatory Policy Specialist, PPQ, APHIS, 4700 River Road Unit 39, Riverdale, MD 20737–1231; (301) 851–2036.

SUPPLEMENTARY INFORMATION:

Background

The regulations in ''Subpart–Fruits and Vegetables'' (7 CFR 319.56–1 through 319.56–68, referred to below as the regulations) prohibit or restrict the importation of fruits and vegetables into the United States from certain parts of the world to prevent the introduction and dissemination of plant pests that are new to or not widely distributed within the United States.

On December 31, 2013, we published in the **Federal Register** (78 FR 79634–79636, Docket No. APHIS–2013–0016) a proposal [1] to amend the regulations to allow the importation of fresh blueberries from Morocco into the continental United States. We prepared a pest risk assessment (PRA), titled ''Importation of Fresh Fruit of Highbush Blueberry (*Vaccinium corymbosum* Linnaeus) and its hybrid varieties Southern Highbush Blueberry [*V. corymbosum* × *angustifolium* (*V.* × *atlanticum*) and *V. corymbosum* × *virgatum*] into the Continental United States from Morocco'' (March 2012). The PRA evaluated the risks associated with the importation of blueberries into the continental United States from Morocco. Based on the information contained in the PRA, we have determined that measures beyond standard port-of-entry inspection are required to mitigate the risks posed by these quarantine pests. To recommend specific measures to mitigate those risks, we prepared a risk management document (RMD).

Based on the RMD, we proposed to require the blueberries to be produced under a systems approach employing a combination of mitigation measures for two quarantine pests, *Ceratitis capitata* and *Monilinia fructigena,* and inspected prior to exportation from Morocco and found free of those pests. We proposed to require the blueberries to be imported in commercial consignments only and to be treated with one of two approved postharvest treatments to mitigate the risk of *C. capitata.* We also proposed to require the blueberries to be accompanied by a phytosanitary certificate with an additional declaration stating that the conditions for importation have been met.

We solicited comments concerning the proposed rule for 60 days ending March 3, 2014. We received six comments by that date, all from private citizens. The comments are discussed below.

General Comments on Proposed Rule

One commenter stated that the Animal and Plant Health Inspection Service (APHIS) should prohibit the importation of blueberries from other countries into the United States. Another commenter agreed, stating that the distance between Morocco and the United States is great, and therefore, blueberries would need to be picked prematurely, which would negatively affect the quality of the fruit.

Such prohibitions would be beyond the scope of APHIS' statutory authority under the Plant Protection Act (7 U.S.C. 7701 *et seq.,* referred to below as the PPA). Under the PPA, APHIS will prohibit the importation of a fruit or vegetable into the United States only if we determine that the prohibition is necessary in order to prevent the introduction or dissemination of a plant pest or noxious weed within the United States.

Additionally, as a signatory to the World Trade Organization Agreement on Sanitary and Phytosanitary Measures, the United States has agreed that any prohibitions it places on the importation of fruits and vegetables will be based on scientific evidence, and will not be maintained without sufficient scientific evidence. The blanket prohibitions requested by the commenters would not be in keeping with this agreement.

A few commenters expressed concern that the importation of blueberries from Morocco poses a high risk of introducing quarantine pests into the United States.

For the reasons explained in the proposed rule, the RMD, and this final rule, we are confident that the systems approach and other requirements of this final rule will adequately mitigate the risks associated with the importation of blueberries from Morocco.

Comment Regarding Inspections for M. fructigena

We proposed to include in the regulations that blueberries would have to be inspected in the fields for signs of *M. fructigena* infestation 30 days prior to harvest. This inspection will have to be conducted by the national plant protection organization (NPPO) of Morocco. If *M. fructigena* is detected during the inspection, APHIS would prohibit the importation of blueberries from Morocco into the continental United States from that place of production for the remainder of the growing season. We also proposed that the exportation of blueberries from the rejected place of production may resume in the next growing season if APHIS and the NPPO of Morocco agree that appropriate remedial actions have been taken. If *M. fructigena* is not detected during the field inspections, the NPPO of Morocco must certify that the consignment of blueberries has been inspected again prior to exportation and found free of the fungus.

One commenter stated that inspecting a crop 30 days prior to harvest may not ensure that the crop is free from *M. fructigena.*

We note that in addition to field inspections, which have been shown to be effective, the blueberries are inspected for signs of *M. fructigena* prior to exportation from Morocco and are re-inspected at the port of entry by U.S. officials. These mitigation options have been used successfully to mitigate the risk of *M. fructigena* on fruit imported from other countries.

Comment Regarding Treatments for C. capitata

To mitigate the risks associated with *C. capitata* on blueberries from Morocco, we proposed that each consignment of blueberries be treated in accordance with 7 CFR part 305 for *C. capitata.* Within part 305, § 305.2 provides that approved treatment schedules are set out in the Plant Protection and Quarantine (PPQ) Treatment Manual. As the RMD discusses, there are two approved treatments to reduce the risk of *C. capitata:* Fumigation with methyl bromide (treatment schedule T101–i–1–1) and cold treatment (treatment schedule T107–a).

One commenter stated that the use of methyl bromide to treat the blueberries for *C. capitata* would not eliminate the pest from the fruit and would contaminate the fruit, making it unsafe for human consumption.

Fumigation with methyl bromide is an established and proven treatment for blueberries and other fruits and vegetables that is routinely employed to successfully mitigate the risk of *C. capitata* and other pests. Methyl bromide is approved for use on articles for human consumption. The Environmental Protection Agency sets tolerances, or maximum residue limits, for pesticides used on products for human consumption, and the Food and Drug Administration tests imported fruit and vegetables for compliance with those residue limits.

Comment Regarding the Economic Impacts on Small Businesses

A commenter recommended changes to the proposal to address the economic impacts on small business entities relative to the importation of blueberries from Morocco. Specifically, he suggested that we restrict the volume of blueberries imported from Morocco each year and guarantee the sales price

[1] To view the proposed rule, PRA, RMD, and the comments we received, go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2013-0016.*

of blueberries from Morocco to be no lower than blueberries produced in the United States.

APHIS does not have the authority to set market price on commodities in the United States, nor can we place quotas or other limitations on the volume of fruits and vegetables imported into the United States.

Miscellaneous Changes

In the preamble to the proposed rule, we included the requirement that ''30 days prior to harvest, blueberries be inspected in the field by the NPPO of Morocco for signs of *M. fructigena* infestation.'' However, we did not include in the proposed regulations that the NPPO of Morocco would be required to conduct this inspection. For this reason, we are amending paragraph (c) of § 319.56–69 to include this information.

In addition, we stated in proposed paragraph (c) that ''the exportation of blueberries from the rejected place of production may resume in the next growing season if an investigation is conducted and APHIS and the NPPO of Morocco agree that appropriate remedial actions have been taken.'' In reviewing this statement, we realized that, as worded, it is not clear what entity is responsible for conducting the investigation. While such an investigation must be conducted by the NPPO of Morocco, or by APHIS, or in combination, the point we wished to emphasize was that no exports of blueberries can resume from such places of production until APHIS and the NPPO of Morocco agree that appropriate remedial actions have been taken. For this reason, we are amending this statement in paragraph (c) to reflect our intended emphasis.

Therefore, for the reasons given in the proposed rule and in this document, we are adopting the proposed rule as a final rule, with the changes discussed in this document.

Note: In our December 2013 proposed rule, we proposed to add the conditions governing the importation of blueberries from Morocco as § 319.56–63. In this final rule, those conditions are added as § 319.56–69.

Executive Order 12866 and Regulatory Flexibility Act

This final 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 on the Regulations.gov Web site (see footnote 1 in this document for a link to Regulations.gov) or by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**.

The analysis examines the expected economic impact for U.S small entities of a rule that will allow the importation of fresh blueberries from Morocco into the continental United States. Morocco expects to annually export 360,000 pounds of fresh blueberries to the continental United States. This quantity is equivalent to about one-tenth of 1 percent of U.S. domestic supply (utilized production plus imports minus exports) between 2007 and 2012. We expect shipments to arrive in July and August, during the latter part of the U.S. season. Any impact on U.S. producers is expected to be negligible, given the relatively small quantity that Morocco intends to export to the United States.

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 12988

This final rule allows blueberries to be imported into the continental United States from Morocco. State and local laws and regulations regarding blueberries imported under this rule will be preempted while the fruit is in foreign commerce. Fresh fruits are generally imported for immediate distribution and sale to the consuming public, and 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. 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 final rule, which were filed under 0579–0421, have been submitted for approval to the Office of Management and Budget (OMB). When OMB notifies us of its decision, if approval is denied, we will publish a document in the **Federal Register** providing notice of what action we plan to take.

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 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 amending 7 CFR part 319 as follows:

PART 319—FOREIGN QUARANTINE NOTICES

■ 1. The authority citation for part 319 continues to read as follows:

Authority: 7 U.S.C. 450, 7701–7772, and 7781–7786; 21 U.S.C. 136 and 136a; 7 CFR 2.22, 2.80, and 371.3.

■ 2. Section 319.56–69 is added to read as follows:

§ 319.56–69 Fresh blueberries from Morocco.

Fresh fruit of highbush blueberry (*Vaccinium corymbosum* L.) and its hybrid varieties southern highbush blueberry [*V. corymbosum* × *angustifolium* (*V.* × *atlanticum*) and *V. corymbosum* × *virgatum*] may be imported into the continental United States from Morocco only under the conditions described in this section. These conditions are designed to prevent the introduction of the following quarantine pests: *Ceratitis capitata,* the Mediterranean fruit fly, and the fungus *Monilinia fructigena* Honey ex Whetzel.

(a) The blueberries may be imported in commercial consignments only.

(b) The blueberries must be grown at places of production that are registered with the national plant protection organization (NPPO) of Morocco.

(c) During the growing season, blueberries must be inspected in the field by the NPPO of Morocco for signs of *M. fructigena* infestation 30 days prior to harvest. If the fungal disease is detected, the NPPO of Morocco must notify APHIS. APHIS will prohibit the importation of blueberries from Morocco into the continental United States from the place of production for the remainder of the growing season. The exportation of blueberries from the rejected place of production may not resume until APHIS and the NPPO of

Morocco agree that appropriate remedial actions have been taken.

(d) Each consignment of blueberries must be treated in accordance with 7 CFR part 305 for *C. capitata.*

(e) Each consignment of blueberries must be accompanied by a phytosanitary certificate issued by the NPPO of Morocco with an additional declaration stating that the conditions of this section have been met, and that the consignment has been inspected prior to export from Morocco and found free of *M. fructigena.*

(Approved by the Office of Management and Budget under control number 0579–0421)

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

Kevin Shea,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2014–17843 Filed 7–29–14; 8:45 am]

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DEPARTMENT OF TREASURY

Office of the Comptroller of the Currency

12 CFR Part 3

[Docket ID OCC–2014–0012]

RIN 1557–AD83

FEDERAL RESERVE SYSTEM

12 CFR Part 217

[Regulation Q; Docket No. R–1488]

RIN 7100–AE17

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 324

RIN 3064–AE13

Regulatory Capital Rules: Advanced Approaches Risk-Based Capital Rule, Revisions to the Definition of Eligible Guarantee

AGENCIES: Office of the Comptroller of the Currency, Treasury; the Board of Governors of the Federal Reserve System; and the Federal Deposit Insurance Corporation.

ACTION: Final rule.

SUMMARY: The Office of the Comptroller of the Currency (OCC), the Board of Governors of the Federal Reserve System (Board), and the Federal Deposit Insurance Corporation (FDIC) (collectively, the agencies) are adopting a final rule that revises the definition of eligible guarantee in the agencies' advanced approaches risk-based capital rule, adopted in the agencies' July 2013 regulatory capital rule (2013 capital rule). The final rule removes the requirement that an eligible guarantee be made by an eligible guarantor for purposes of calculating the risk-weighted assets of an exposure (other than a securitization exposure) under the advanced approaches risk-based capital rule as incorporated into the 2013 capital rule (advanced approaches). The change to the definition of eligible guarantee applies to all banks, savings associations, bank holding companies, and savings and loan holding companies that are subject to the advanced approaches.

DATES: This rule is effective on October 1, 2014. Any company subject to the rule may elect to adopt it before this date.

FOR FURTHER INFORMATION CONTACT:

OCC: Margot Schwadron, Senior Risk Expert; or Roger Tufts, Senior Economic Advisor, Capital Policy, (202) 649–6370; or Carl Kaminski, Counsel, Legislative and Regulatory Activities Division, (202) 649–5490, for persons who are deaf or hard of hearing, TTY, (202) 649–5597, Office of the Comptroller of the Currency, 400 7th Street SW., Washington, DC 20219.

Board: Anna Lee Hewko, Deputy Associate Director, (202) 530–6260; Constance M. Horsley, Assistant Director, (202) 452–5239; Thomas Boemio, Manager, (202) 452–2982; Andrew Willis, Supervisory Financial Analyst, (202) 912–4323; or Justyna Milewski, Financial Analyst, (202) 452–3607, Capital and Regulatory Policy, Division of Banking Supervision and Regulation; or Benjamin McDonough, Senior Counsel, (202) 452–2036; April C. Snyder, Senior Counsel, (202) 452–3099; Christine Graham, Counsel, (202) 452–3005; or Mark Buresh, Attorney, (202) 452–5270, Legal Division, Board of Governors of the Federal Reserve System, 20th and C Streets NW., Washington, DC 20551. For the hearing impaired only, Telecommunication Device for the Deaf (TDD), (202) 263–4869.

FDIC: Bobby R. Bean, Associate Director, *bbean@fdic.gov;* Ryan Billingsley, Chief, Capital Policy Section, *rbillingsley@fdic.gov;* Benedetto Bosco, Capital Markets Policy Analyst, *bbosco@fdic.gov,* Capital Markets Branch, Division of Risk Management Supervision, *regulatorycapital@fdic.gov* or (202) 898–6888; or Michael Phillips, Counsel, *mphillips@fdic.gov;* Rachel Ackmann, Senior Attorney, *rackmann@fdic.gov;* or Grace Pyun, Senior Attorney, *gpyun@fdic.gov,* Supervision Branch, Legal Division, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, DC 20429.

SUPPLEMENTARY INFORMATION:

I. Background

On May 1, 2014, the Office of the Comptroller of the Currency (OCC), the Board of Governors of the Federal Reserve System (Board), and the Federal Deposit Insurance Corporation (FDIC) (collectively, the agencies) published in the **Federal Register** a joint notice of proposed rulemaking (NPR or proposed rule)[1] seeking public comment on revisions to the definition of eligible guarantee for purposes of calculating the risk-weighted assets of an exposure (other than a securitization exposure) under the advanced approaches risk-based capital rule as incorporated into subpart E (advanced approaches) of the agencies' July 2013 regulatory capital rule (2013 capital rule).[2]

Among other changes, the 2013 capital rule amended the methodologies for calculating risk-weighted assets under the advanced approaches, as well as the standardized approach for regulatory capital in subpart D (standardized approach) of the 2013 capital rule, which is generally consistent with the methodologies for calculating risk-weighted assets established by the Basel Committee on Banking Supervision (BCBS) through its international framework.[3] Specifically, the 2013 capital rule included a definition of ''eligible guarantee'' for purposes of both the standardized approach and the advanced approaches and introduced a definition of ''eligible guarantor.''

The definition of eligible guarantee provided that an eligible guarantee could be provided only by an eligible guarantor. The definition of eligible guarantor includes a sovereign, the Bank for International Settlements, the

[1] 79 FR 24618 (May 1, 2014).

[2] 78 FR 55340 (September 10, 2013) (FDIC) and 78 FR 62018 (October 11, 2013) (OCC and Board). On April 8, 2014, the FDIC adopted as final the 2013 revised capital rule, with no substantive changes.

[3] *See* BCBS, ''Basel II: International Convergence of Capital Measurement and Capital Standards: A Revised Framework'' (November 2005 and revised in June 2006), available at *http://www.bis.org/publ/bcbs128.pdf. See* BCBS, ''Basel III: A Global Regulatory Framework for More Resilient Banks and Banking Systems'' (December 2010 and revised in June 2011), available at *http://www.bis.org/publ/bcbs189.htm.* The BCBS is a committee of banking supervisory authorities, which was established by the central bank governors of the G–10 countries in 1975. More information regarding the BCBS and its membership is available at *http://www.bis.org/bcbs/about.htm.* Documents issued by the BCBS are available through the Bank for International Settlements Web site at *http://www.bis.org.*

International Monetary Fund, the European Central Bank, the European Commission, a Federal Home Loan Bank, the Federal Agricultural Mortgage Corporation (Farmer Mac), a multilateral development bank (MDB), a depository institution, a bank holding company, a savings and loan holding company, a credit union, a foreign bank, and a qualifying central counterparty. The definition of eligible guarantor also includes an entity (other than a special purpose entity) that at the time the guarantee is issued or anytime thereafter, has issued and has outstanding an unsecured debt security that is investment grade; whose creditworthiness is not positively correlated with the credit risk of the exposures for which it has provided guarantees; and that is not an insurance company engaged predominately in the business of providing credit protection (such as a monoline bond insurer or re-insurer).

Following the release of the 2013 capital rule, the agencies received comments raising concerns about the definition of eligible guarantee. Commenters noted that the revisions made to the definition of eligible guarantee changed the recognition of these guarantees for certain exposures under the advanced approaches wholesale framework. For example, several advanced approaches banking organizations [4] observed that middle market and commercial real estate loans often involve guarantors that do not meet the definition of eligible guarantor. The guarantors for such transactions are often related parties such as owners or sponsors that have not issued investment grade debt securities. These commenters argued that such guarantees provide valuable credit risk mitigation that should be recognized under the advanced approaches capital requirements.

As explained in the proposal, the agencies did not intend for the revisions to the definition of eligible guarantee in the 2013 capital rule to prevent advanced approaches banking organizations from recognizing the risk-mitigation benefits of the aforementioned types of guarantees. The agencies believe that these guarantees should continue to qualify as credit risk mitigants for purposes of the advanced approaches because they provide banking organizations with credit enhancement with respect to their exposures.

On May 1, 2014, the agencies published in the **Federal Register**, a proposed rule to effectively revert to the previous treatment of eligible guarantees under the 2007 advanced approaches final rule [5] for non-securitization exposures.[6] Under the proposal, the requirement that an eligible guarantee be provided by an eligible guarantor for exposures that are not securitizations for the purpose of the advanced approaches would be removed from the definition of eligible guarantee. However, the proposed rule would have retained the definition of eligible guarantee in the 2013 capital rule for purposes of calculating risk-weighted assets under the standardized approach because the standardized approach generally assigns a single risk weight to exposures to most corporate borrowers and guarantors and does not incorporate the definition of eligible guarantee into a risk-sensitive methodology like the advanced approaches.

II. Comments

The agencies received two comment letters on the proposed change to the eligible guarantee definition, one from a trade association and the other from a monoline insurance company. The trade association fully supported the proposal, and urged timely adoption of the proposed rule without modification. The commenter also requested that the agencies provide banking organizations with the option to elect the early adoption of the proposed rule before its official effective date so that the amended definition would be available for public disclosures for advanced approaches banking organizations that have completed their parallel run and will publicly disclose their risk-based capital ratios determined using the advanced approaches beginning with the second quarter of 2014.

The monoline insurance company commented that the proposed revisions to the definition of eligible guarantee, and by extension the definition of eligible guarantor under the 2013 capital rule, should be further clarified and expanded under both the standardized approach and advanced approaches to include monoline insurance companies (monoline insurers) that meet certain conditions. According to the commenter, the agencies' definition of eligible guarantor in the 2013 capital rule intended to include monoline insurers that are subsidiaries of depository institution holding companies or nonbank financial companies supervised by the Board pursuant to the Dodd-Frank Wall Street Reform and Consumer Protection Act because these subsidiaries are subject to extensive supervisory and regulatory standards. The commenter further argued that expanding the definition to include monoline insurers could reduce systemic and prudential risks by reducing interconnectedness as well as reliance on guarantees from the public sector, such as guarantees from sovereigns and government-sponsored enterprises. The commenter also sought clarification as to whether, by virtue of the definition's exclusion of monoline insurers, the agencies also inadvertently excluded from the definition of eligible guarantor depository institution holding companies and nonbank systemically important financial institutions designated by the Financial Stability Oversight Council.

The definition of eligible guarantor in the 2013 capital rule explicitly states that an insurance company engaged predominately in the business of providing credit protection (such as a monoline bond insurer or re-insurer) does not qualify as an eligible guarantor. As stated in the preamble to the 2013 capital rule, the agencies believe that guarantees issued by monoline insurers, including financial guaranty and private mortgage insurers, can exhibit significant wrong-way risk.[7] Thus, modifying the definition of eligible guarantor to include these entities would be contrary to one of the key objectives of the capital framework, which is to mitigate interconnectedness and systemic vulnerabilities within the financial system. The agencies are, therefore, retaining the 2013 capital rule's definition of eligible guarantor. The definition of eligible guarantor in the 2013 capital rule includes depository institution holding companies as well as nonbank financial companies that meet the qualifying criteria included in the definition of eligible guarantor.

III. Final Rule

After carefully considering the comments the agencies are adopting as a final rule the eligible guarantee definition as proposed in the NPR. Under the final rule, an eligible guarantee must be in writing and also be either an unconditional guarantee or a contingent obligation of the U.S. government or its agencies, the enforceability of which is dependent upon some affirmative action on the

[4] Advanced approaches banking organizations generally refers to banking organizations with total consolidated assets of $250 billion or more, that have total consolidated on-balance sheet foreign exposure of $10 billion or more, are a subsidiary of an advanced approaches depository institution, or that elect to use the advanced approaches.

[5] 72 FR 69288 (December 7, 2007).

[6] 79 FR 24618 (May 1, 2014).

[7] 78 FR 62104 (October 11, 2013) (OCC and FRB) and 78 FR 55422 (September 10, 2013) (FDIC).

part of the beneficiary of the guarantee or a third party (for example, meeting servicing requirements). The guarantee also must cover all or a pro rata portion of all contractual payments of the obligated party on the reference exposure and give the beneficiary a direct claim against the protection provider. Additionally, the guarantee must not be unilaterally cancelable by the protection provider for reasons other than the breach of the contract by the beneficiary, and it must be legally enforceable against the protection provider in a jurisdiction where the protection provider has sufficient assets against which a judgment may be attached and enforced (except for a guarantee by a sovereign). The guarantee also must require the protection provider to make payment to the beneficiary on the occurrence of a default (as defined in the guarantee) of the obligated party on the reference exposure in a timely manner without the beneficiary first having to take legal actions to pursue the obligor for payment and must not increase the beneficiary's cost of credit protection on the guarantee in response to deterioration in the credit quality of the reference exposure. Furthermore, the guarantee may not be provided by an affiliate of the banking organization, unless the affiliate is an insured depository institution, foreign bank, securities broker or dealer, or insurance company that does not control the banking organization and is subject to consolidated supervision and regulation comparable to that imposed on depository institutions, U.S. securities broker-dealers, or U.S. insurance companies (as the case may be) and for purposes of §§ _.141 to _.145 of the advanced approaches and of the standardized approach, the guarantee would have to be provided by an eligible guarantor.

IV. Early Compliance

The final rule will be effective October 1, 2014; however, any advanced approaches banking organization may elect to adopt the requirements in the final rule before the effective date.

Subject to certain exceptions, 12 U.S.C. 4802(b) provides that new regulations and amendments to regulations prescribed by a Federal banking agency which impose additional reporting, disclosures, or other new requirements on an insured depository institution shall take effect on the first day of a calendar quarter which begins on or after the date on which the regulations are published in final form. The agencies note that this final rule does not impose any additional reporting or disclosure requirements. Instead, this final rule revises an existing requirement to remove a restriction on the recognition of guarantors for the purpose of calculating minimum risk-based capital requirements. Additionally, section 4802(b) permits persons who are subject to the Federal banking agency regulations to comply with a regulation before its effective date. Accordingly, the agencies will not object if an institution wishes to apply the provisions of this final rule beginning with the date it is published in the **Federal Register**.

V. Regulatory Analyses

A. Paperwork Reduction Act

In accordance with the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521) (PRA), the agencies may not conduct or sponsor, and a respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number. The agencies have reviewed the final rule and determined that the rule does not introduce any new collection of information pursuant to the PRA.

B. Regulatory Flexibility Act Analysis

OCC: The Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* (RFA), requires an agency, in connection with a notice of final rulemaking, to prepare a Final Regulatory Flexibility Act analysis describing the impact of the rule on small entities (defined by the Small Business Administration (SBA) for purposes of the RFA to include banking entities with total assets of $550 million or less) or to certify that the rule will not have a significant economic impact on a substantial number of small entities.

Using the SBA's size standards effective on July 14, 2014, the OCC currently supervises approximately 1,200 small entities (361 Federal savings associations, 818 national banks, and 21 trust companies).[8]

As described in the **SUPPLEMENTARY INFORMATION** section of the preamble, the final rule applies only to advanced approaches banking organizations. *Advanced approaches banking organization* is defined to include a national bank or Federal savings associations that has, or is, a subsidiary of a bank holding company or savings and loan holding company that has total consolidated assets of $250 billion or more, total consolidated on-balance sheet foreign exposure of $10 billion or more, or that has elected to use the advanced approaches. After considering the SBA's size standards and General Principals of Affiliation to identify small entities, the OCC determined that no small national banks or Federal savings associations are advanced approaches banking organizations. Because the final rule applies only to advanced approaches banking organizations, it does not impact any OCC-supervised small entities. Therefore, the OCC certifies that the final rule will not have a significant economic impact on a substantial number of OCC-supervised small entities.

Board: The Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* (RFA) requires an agency to provide a final regulatory flexibility analysis with a final rule or to certify that the rule will not have a significant economic impact on a substantial number of small entities. Under regulations issued by the Small Business Administration, a small entity includes a depository institution, bank holding company, or savings and loan holding company with total assets of $550 million or less (a small banking organization).[9] As of March 31, 2014, there were approximately 653 small state member banks. As of December 31, 2013, there were approximately 3,783 small bank holding companies and approximately 276 small savings and loan holding companies.

The Board is providing a final regulatory flexibility analysis with respect to this final rule. As discussed above, this final rule would amend the definition of "eligible guarantee" in section 2 of Regulation Q (12 CFR part 217) for the purposes of calculating risk-weighted assets under the advanced approaches in Regulation Q (12 CFR part 217, subpart E). The Board received no public comments related to the initial Regulatory Flexibility Act analysis in the proposed rule from members of the general public or from the Chief Counsel for Advocacy of the Small Business Administration. Thus,

[8] The OCC calculated the number of small entities using the SBA's size thresholds for commercial banks and savings institutions, and trust companies, which, effective July 14, 2014, are $550 million and $38.5 million, respectively. Consistent with the General Principles of Affiliation 13 CFR 121.103(a), the OCC counted the assets of affiliated financial institutions when determining whether to classify an OCC-supervised entity as a small entity. The OCC used December 31, 2013 to determine size because a "financial institution's assets are determined by averaging the assets reported on its four quarterly financial statements for the preceding year." See footnote 8 of the SBA's *Table of Size Standards.*

[9] *See* 13 CFR 121.201. Effective July 14, 2014, the Small Business Administration revised the size standards for banking organizations to $550 million in assets from $500 million in assets. 79 FR 33647 (June 12, 2014).

no issues were raised in public comments related to the Board's initial Regulatory Flexibility Act analysis and no changes are being made in response to such comments.

The final rule would apply only to advanced approaches banking organizations, which, generally, are banking organizations with total consolidated assets of $250 billion or more, that have total consolidated on-balance sheet foreign exposure of $10 billion or more, are a subsidiary of an advanced approaches depository institution, or that elect to use the advanced approaches. Currently, no small top-tier bank holding company, top-tier savings and loan holding company, or state member bank is an advanced approaches banking organization, so there would be no additional projected compliance requirements imposed on small bank holding companies, savings and loan holding companies, or state member banks. The Board expects that any small bank holding companies, savings and loan holding companies, or state member banks that would be covered by this final rule would rely on their parent banking organization for compliance and would not bear additional costs.

The Board believes that the final rule will not have a significant economic impact on small banking organizations supervised by the Board and therefore believes that there are no significant alternatives to the rule that would reduce the economic impact on small banking organizations supervised by the Board.

FDIC: The Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* (RFA), requires an agency, in connection with a notice of final rulemaking, to prepare a Final Regulatory Flexibility Act analysis describing the impact of the rule on small entities (defined by the Small Business Administration for purposes of the RFA to include banking entities with total assets of $550 million or less) or to certify that the rule will not have a significant economic impact on a substantial number of small entities.

As of March 31, 2014, the FDIC supervised 3,604 small entities. As described in the **SUPPLEMENTARY INFORMATION** section of the preamble, however, the final rule applies only to advanced approaches banking organizations. *Advanced approaches banking organization* is defined to include a state nonmember bank or a State savings association that has, or is a subsidiary of a bank holding company or savings and loan holding company that has, total consolidated assets of $250 billion or more, total consolidated on-balance sheet foreign exposure of $10 billion or more, or that has elected to use the advanced approaches. As of March 31, 2014 based on a $550 million threshold, 2 (out of 3,296) small state nonmember banks and no (out of 308) small state savings associations were under the advanced approaches. Therefore, the FDIC does not believe that the final rule will result in a significant economic impact on a substantial number of small entities under its supervisory jurisdiction.

The FDIC certifies that the final rule will not have a significant economic impact on a substantial number of small FDIC-supervised institutions.

C. OCC Unfunded Mandates Reform Act of 1995 Determination

The OCC has analyzed the final rule under the factors in the Unfunded Mandates Reform Act of 1995 (UMRA) (2 U.S.C. 1532). Under this analysis, the OCC considered whether the rule includes a Federal mandate that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more in any one year (adjusted annually for inflation). As detailed in the **SUPPLEMENTARY INFORMATION** section, the final rule revises the definition of eligible guarantee as incorporated into the OCC's advanced approaches risk-based capital rule. In 2013, when the Federal banking agencies revised their respective risk-based capital requirements, they added a requirement that an eligible guarantee be from an eligible guarantor. This rule removes that requirement for the purposes of calculating the risk-weighted asset amount for an exposure (other than for a securitization exposure) under the OCC's advanced approaches risk-based capital rule. For example, the OCC understands that advanced approaches banking organizations commonly obtain guarantees from guarantors that do not qualify as eligible guarantors for exposures in their commercial real estate and other wholesale portfolios. Under this rule, these guarantees will qualify as credit risk mitigants for purposes of the wholesale framework in the advanced approaches risk-based capital rule.

This final rule does not increase the minimum capital requirements for any institutions subject to the OCC's risk-based capital rules. After comparing existing capital levels with these requirements, and considering the burden and other compliance costs associated with the changes, the OCC has determined that its final rule will not result in expenditures by State, local, and tribal governments, or by the private sector, of $100 million or more (adjusted annually for inflation). Accordingly, the OCC is not including a written statement to accompany this proposed rule.

D. Plain Language

Section 722 of the Gramm-Leach-Bliley Act requires the Federal banking agencies to use plain language in all proposed and final rules published after January 1, 2000. The agencies have sought to present the final rule in a simple and straightforward manner, and did not receive any comments on the use of plain language.

List of Subjects

12 CFR Part 3

Administrative practice and procedure, Capital, National banks, Reporting and recordkeeping requirements, Risk.

12 CFR Part 217

Administrative practice and procedure, Banks, Banking, Capital, Federal Reserve System, Holding companies, Reporting and recordkeeping requirements, Securities.

12 CFR Part 324

Administrative practice and procedure, Banks, Banking, Capital Adequacy, Reporting and recordkeeping requirements, Savings associations, State non-member banks.

Department of the Treasury

Office of the Comptroller of the Currency

12 CFR Chapter I

Authority and Issuance

For the reasons set forth in the preamble and under the authority of 12 U.S.C. 93a, 1462, 1462a, 1463, 1464, 3907, 3909, 1831o, and 5412(b)(2)(B), the Office of the Comptroller of the Currency amends part 3 of chapter I of title 12, Code of Federal Regulations as follows:

PART 3—CAPITAL ADEQUACY STANDARDS

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

Authority: 12 U.S.C. 93a, 161, 1462, 1462a, 1463, 1464, 1818, 1828(n), 1828 note, 1831n note, 1835, 3907, 3909, and 5412(b)(2)(B).

■ 2. In § 3.2, revise the definition of ''Eligible guarantee'' to read as follows:

§ 3.2 Definitions.

* * * * *

Eligible guarantee means a guarantee that:

(1) Is written;

(2) Is either:

(i) Unconditional; or

(ii) A contingent obligation of the U.S. government or its agencies, the enforceability of which is dependent upon some affirmative action on the part of the beneficiary of the guarantee or a third party (for example, meeting servicing requirements);

(3) Covers all or a pro rata portion of all contractual payments of the obligated party on the reference exposure;

(4) Gives the beneficiary a direct claim against the protection provider;

(5) Is not unilaterally cancelable by the protection provider for reasons other than the breach of the contract by the beneficiary;

(6) Except for a guarantee by a sovereign, is legally enforceable against the protection provider in a jurisdiction where the protection provider has sufficient assets against which a judgment may be attached and enforced;

(7) Requires the protection provider to make payment to the beneficiary on the occurrence of a default (as defined in the guarantee) of the obligated party on the reference exposure in a timely manner without the beneficiary first having to take legal actions to pursue the obligor for payment;

(8) Does not increase the beneficiary's cost of credit protection on the guarantee in response to deterioration in the credit quality of the reference exposure;

(9) Is not provided by an affiliate of the national bank or Federal savings association, unless the affiliate is an insured depository institution, foreign bank, securities broker or dealer, or insurance company that:

(i) Does not control the national bank or Federal savings association; and

(ii) Is subject to consolidated supervision and regulation comparable to that imposed on depository institutions, U.S. securities broker-dealers, or U.S. insurance companies (as the case may be); and

(10) For purposes of §§ 3.141 through 3.145 and subpart D of this part, is provided by an eligible guarantor.

* * * * *

Board of Governors of the Federal Reserve System

12 CFR Chapter II

Authority and Issuance

For the reasons set forth in the preamble, part 217 of chapter II of title 12 of the Code of Federal Regulations is amended as follows:

PART 217—CAPITAL ADEQUACY OF BANK HOLDING COMPANIES, SAVINGS AND LOAN HOLDING COMPANIES, AND STATE MEMBER BANKS (REGULATION Q)

■ 3. The authority citation for part 217 is revised to read as follows:

Authority: 12 U.S.C. 248(a), 321–338a, 481–486, 1462a, 1467a, 1818, 1828, 1831n, 1831o, 1831p–l, 1831w, 1835, 1844(b), 1851, 3904, 3906–3909, 4808, 5365, 5368, 5371.

■ 4. The heading of part 217 is revised to read as set forth above.

■ 5. In § 217.2, revise the definition of "Eligible guarantee" to read as follows:

§ 217.2 Definitions.

* * * * *

Eligible guarantee means a guarantee that:

(1) Is written;

(2) Is either:

(i) Unconditional, or

(ii) A contingent obligation of the U.S. government or its agencies, the enforceability of which is dependent upon some affirmative action on the part of the beneficiary of the guarantee or a third party (for example, meeting servicing requirements);

(3) Covers all or a pro rata portion of all contractual payments of the obligated party on the reference exposure;

(4) Gives the beneficiary a direct claim against the protection provider;

(5) Is not unilaterally cancelable by the protection provider for reasons other than the breach of the contract by the beneficiary;

(6) Except for a guarantee by a sovereign, is legally enforceable against the protection provider in a jurisdiction where the protection provider has sufficient assets against which a judgment may be attached and enforced;

(7) Requires the protection provider to make payment to the beneficiary on the occurrence of a default (as defined in the guarantee) of the obligated party on the reference exposure in a timely manner without the beneficiary first having to take legal actions to pursue the obligor for payment;

(8) Does not increase the beneficiary's cost of credit protection on the guarantee in response to deterioration in the credit quality of the reference exposure;

(9) Is not provided by an affiliate of the Board-regulated institution, unless the affiliate is an insured depository institution, foreign bank, securities broker or dealer, or insurance company that:

(i) Does not control the Board-regulated institution; and

(ii) Is subject to consolidated supervision and regulation comparable to that imposed on depository institutions, U.S. securities broker-dealers, or U.S. insurance companies (as the case may be); and

(10) For purposes of §§ 217.141 through 217.145 and subpart D of this part, is provided by an eligible guarantor.

* * * * *

Federal Deposit Insurance Corporation

12 CFR Chapter III

Authority and Issuance

For the reasons set forth in the preamble, part 324 of chapter III of title 12 of the Code of Federal Regulations is amended as follows:

PART 324—CAPITAL ADEQUACY OF FDIC-SUPERVISED INSTITUTIONS

■ 6. The authority citation for part 324 continues to read as follows:

Authority: 12 U.S.C. 1815(a), 1815(b), 1816, 1818(a), 1818(b), 1818(c), 1818(t), 1819(Tenth), 1828(c), 1828(d), 1828(i), 1828(n), 1828(o), 1831o, 1835, 3907, 3909, 4808; 5371; 5412; Pub. L. 102–233, 105 Stat. 1761, 1789, 1790 (12 U.S.C. 1831n note); Pub. L. 102–242, 105 Stat. 2236, 2355, as amended by Pub. L. 103–325, 108 Stat. 2160, 2233 (12 U.S.C. 1828 note); Pub. L. 102–242, 105 Stat. 2236, 2386, as amended by Pub. L. 102–550, 106 Stat. 3672, 4089 (12 U.S.C. 1828 note); Pub. L. 111–203, 124 Stat. 1376, 1887 (15 U.S.C. 78o-7 note).

■ 7. In § 324.2, revise the definition of "Eligible guarantee" to read as follows:

§ 324.2 Definitions.

* * * * *

Eligible guarantee means a guarantee that:

(1) Is written;

(2) Is either:

(i) Unconditional, or

(ii) A contingent obligation of the U.S. government or its agencies, the enforceability of which is dependent upon some affirmative action on the part of the beneficiary of the guarantee or a third party (for example, meeting servicing requirements);

(3) Covers all or a pro rata portion of all contractual payments of the obligated party on the reference exposure;

(4) Gives the beneficiary a direct claim against the protection provider;

(5) Is not unilaterally cancelable by the protection provider for reasons other than the breach of the contract by the beneficiary;

(6) Except for a guarantee by a sovereign, is legally enforceable against the protection provider in a jurisdiction

where the protection provider has sufficient assets against which a judgment may be attached and enforced;

(7) Requires the protection provider to make payment to the beneficiary on the occurrence of a default (as defined in the guarantee) of the obligated party on the reference exposure in a timely manner without the beneficiary first having to take legal actions to pursue the obligor for payment;

(8) Does not increase the beneficiary's cost of credit protection on the guarantee in response to deterioration in the credit quality of the reference exposure;

(9) Is not provided by an affiliate of the FDIC-supervised institution, unless the affiliate is an insured depository institution, foreign bank, securities broker or dealer, or insurance company that:

(i) Does not control the FDIC-supervised institution; and

(ii) Is subject to consolidated supervision and regulation comparable to that imposed on depository institutions, U.S. securities broker-dealers, or U.S. insurance companies (as the case may be); and

(10) For purposes of §§ 324.141 through 324.145 and subpart D of this part, is provided by an eligible guarantor.

* * * * *

Dated: July 15, 2014.

Thomas J. Curry,

Comptroller of the Currency.

By order of the Board of Governors of the Federal Reserve System, July 23, 2014.

Robert deV. Frierson,

Secretary of the Board.

Dated at Washington, DC, this 15th day of July, 2014.

By order of the Board of Directors.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2014–17858 Filed 7–29–14; 8:45 am]

BILLING CODE P

COMMODITY FUTURES TRADING COMMISSION

17 CFR Parts 1, 30, and 140

RIN 3038–AD88

Enhancing Protections Afforded Customers and Customer Funds Held by Futures Commission Merchants and Derivatives Clearing Organizations; Correction

AGENCY: Commodity Futures Trading Commission.

ACTION: Correcting Amendments.

SUMMARY: The Commodity Futures Trading Commission (''CFTC'') is correcting final rules published in the **Federal Register** of November 14, 2013 (''final rules''). Those rules, which adopted new regulations and amended existing regulations requiring enhanced customer protections, risk management programs, internal monitoring and controls, capital and liquidity standards, customer disclosures, and auditing and examination programs for futures commission merchants, took effect on January 13, 2014. This correction amends erroneous cross-references found in three sections of the final rules. Additionally, this correction amends one section of the final rules to insert language that was in the proposed rulemaking, and which was stated as being adopted in the preamble to the final rules, but was erroneously omitted from the final rule text.

DATES: Effective on July 30, 2014.

FOR FURTHER INFORMATION CONTACT: Thomas Smith, Deputy Director, 202–418–5495, *tsmith@cftc.gov,* or Mark Bretscher, Attorney-Advisor, 312–596–0529, *mbretscher@cftc.gov,* Division of Swap Dealer and Intermediary Oversight, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW., Washington, DC 20581.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of November 14, 2013 (78 FR 68506), the CFTC published final rules adopting new regulations and amending existing regulations requiring enhanced customer protections, risk management programs, internal monitoring and controls, capital and liquidity standards, customer disclosures, and auditing and examination programs for futures commission merchants. Those rules in 17 CFR 1.23(d)(2) and 1.23(d)(3) include erroneous cross-references to 17 CFR 1.23(c)(1) and 1.23(c)(2), which do not exist. Instead, the cross-references should be to 17 CFR 1.23(d)(1) and 1.23(d)(2). Accordingly, the Commission is making a correcting amendment which removes the erroneous cross-references to 17 CFR 1.23(c)(1) and 1.23(c)(2), contained in 17 CFR 1.23(d)(2) and 1.23(d)(3), and replaces them with corrected cross-references to 17 CFR 1.23(d)(1) and 1.23(d)(2).

Further, the final rules in 17 CFR 30.7(g)(4) include an erroneous cross-reference to 17 CFR 30.7(h)(2), which should reference 17 CFR 30.7(l), and an erroneous cross-reference to 17 CFR 30.7(g)(2), which should reference 17 CFR 30.7(g)(3). Also, 17 CFR 30.7(g)(5) contains an erroneous cross-reference to 17 CFR 30.7(c)(1) and 30.7(c)(2), which should reference 30.7(g)(3) and 30.7(g)(4). Thus, the Commission is making a correcting amendment to 17 CFR 30.7(g)(4) and 30.7(g)(5) as discussed above.

Additionally, the final rules in 17 CFR 30.7(d)(1) erroneously omitted language that was contained in the proposed rulemaking published on November 14, 2012;[1] and was stated as having been adopted in the preamble to the final rules.[2] The erroneously omitted language states that a futures commission merchant is not required to obtain an acknowledgment letter from a derivatives clearing organization (''DCO'') if the DCO maintains rules that have been submitted to the Commission and that provide for the segregation of customer funds in accordance with all relevant provisions of the Commodity Exchange Act[3] and Commission regulations. Thus, the Commission is making a correcting amendment to 17 CFR 30.7(d)(1) to rectify that error.

Finally, the final rules in 17 CFR 140.91(a)(12) include an erroneous cross-reference to 17 CFR 140.91(a)(8), which should reference 17 CFR 140.91(a)(12). Thus, the Commission is making a correcting amendment to 17 CFR 140.91(a)(12) that removes the erroneous cross-reference to 17 CFR 140.91(a)(8) and replaces it with a cross-reference to 17 CFR 140.91(a)(12).

List of Subjects

17 CFR Part 1

Brokers, Commodity futures, Consumer protection, Reporting and recordkeeping requirements.

17 CFR Part 30

Commodity futures, Consumer protection, Currency, Reporting and recordkeeping requirements.

17 CFR Part 140

Authority delegations (Government agencies), Organization and functions (Government agencies).

In consideration of the foregoing, 17 CFR parts 1, 30, and 140 are corrected by making the following correcting amendments:

PART 1—GENERAL REGULATIONS UNDER THE COMMODITY EXCHANGE ACT

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

Authority: 7 U.S.C. 1a, 2, 5, 6, 6a, 6b, 6c, 6d, 6e, 6f, 6g, 6h, 6i, 6k, 6l, 6m, 6n, 6o, 6p, 6r, 6s, 7, 7a–1, 7a–2, 7b, 7b–3, 8, 9, 10a, 12,

[1] 77 FR 67866 (November 14, 2012).

[2] *See* 78 FR 68506 at 68578, fn 592.

[3] 7 U.S.C. 1 *et seq.*

12a, 12c, 13a, 13a–1, 16, 16a, 19, 21, 23, and 24, as amended by Title VII of the Dodd-Frank Wall Street Reform and Consumer Protection Act, Pub. L. 111–203, 124 Stat. 1376 (2010).

■ 2. In § 1.23, revise paragraph (d)(2) introductory text, paragraphs (d)(2)(i) and (d)(2)(v), and paragraph (d)(3) introductory text to read as follows:

§ 1.23 Interest of futures commission merchant in segregated futures customer funds; additions and withdrawals.

* * * * *

(d) * * *

(2) The futures commission merchant files written notice of the withdrawal or series of withdrawals, with the Commission and with its designated self-regulatory organization immediately after the chief executive officer, chief finance officer or other senior official as described in paragraph (d)(1) of this section pre-approves the withdrawal or series of withdrawals. The written notice must:

(i) Be signed by the chief executive officer, chief finance officer or other senior official as described in paragraph (d)(1) of this section that pre-approved the withdrawal, and give notice that the futures commission merchant has withdrawn or intends to withdraw more than 25 percent of its residual interest in segregated accounts holding futures customer funds;

* * * * *

(v) Contain a representation by the chief executive officer, chief finance officer or other senior official as described in paragraph (d)(1) of this section that pre-approved the withdrawal, or series of withdrawals, that, after due diligence, to such person's knowledge and reasonable belief, the futures commission merchant remains in compliance with the segregation requirements after the withdrawal. The chief executive officer, chief finance officer or other senior official as described in paragraph (d)(1) of this section must consider the daily segregation calculation as of the close of business on the previous business day and any other factors that may cause a material change in the futures commission merchant's residual interest since the close of business the previous business day, including known unsecured futures customer debits or deficits, current day market activity and any other withdrawals made from the futures accounts; and

* * * * *

(3) After making a withdrawal requiring the approval and notice required in paragraphs (d)(1) and (2) of this section, and before the completion of its next daily segregated funds calculation, no futures commission merchant may make any further withdrawals from accounts holding futures customer funds, except to or for the benefit of futures customers, without, for each withdrawal, obtaining the approval required under paragraph (d)(1) of this section and filing a written notice in the manner specified under paragraph (d)(2) of this section with the Commission and its designated self-regulatory organization signed by the chief executive officer, chief finance officer, or other senior official. The written notice must:

* * * * *

PART 30—FOREIGN FUTURES AND FOREIGN OPTIONS TRANSACTIONS

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

Authority: 7 U.S.C. 1a, 2, 6, 6c, and 12a, unless otherwise noted.

■ 4. In § 30.7, revise paragraph (d)(1), paragraph (g)(4) introductory text, paragraph (g)(4)(v), and paragraph (g)(5) introductory text to read as follows:

§ 30.7 Treatment of foreign futures or foreign options secured amount.

* * * * *

(d) *Written acknowledgment from depositories.* (1) A futures commission merchant must obtain a written acknowledgment from each depository prior to or contemporaneously with the opening of an account by the futures commission merchant with such depository; *Provided, however,* that a written acknowledgment need not be obtained from a derivatives clearing organization that has adopted and submitted to the Commission rules that provide for the separate holding of foreign futures or foreign options secured amount, in accordance with all relevant provisions of the Act, this part and the regulations and orders promulgated thereunder, of all funds held on behalf of 30.7 customers and all instruments purchased with funds set aside as the foreign futures or foreign options secured amount as provided for under paragraph (h) of this section.

* * * * *

(g) * * *

(4) A futures commission merchant must file written notice of the withdrawal or series of withdrawals that exceed 25 percent of the futures commission merchant's residual interest in 30.7 customer funds as computed under paragraph (l) of this section with the Commission and with its designated self-regulatory organization immediately after the chief executive officer, chief finance officer or other senior official as described in paragraph (g)(3) of this section pre-approves the withdrawal or series of withdrawals. The written notice must:

* * * * *

(v) Contain a representation by the chief executive officer, chief finance officer or other senior official as described in paragraph (g)(3) of this section that pre-approved the withdrawal, or series of withdrawals, that to such person's knowledge and reasonable belief, the futures commission merchant remains in compliance with the secured amount requirements after the withdrawal. The chief executive officer, chief finance officer or other appropriate senior official as described in paragraph (g)(3) of this section must consider the daily 30.7 calculation as of the close of business on the previous business day and any other factors that may cause a material change in the futures commission's residual interest since the close of business the previous business day, including known unsecured customer debits or deficits, current day market activity and any other withdrawals made from the 30.7 customer accounts; and

* * * * *

(5) After making a withdrawal requiring the approval and notice required in paragraphs (g)(3) and (4) of this section, and before the next daily secured amount calculation, no futures commission merchant may make any further withdrawals from accounts holding 30.7 customer funds, except to or for the benefit of 30.7 customers, without, for each withdrawal, obtaining the approval required under paragraph (g)(3) of this section and filing a written notice with the Commission under paragraph (g)(4)(vi) of this section and its designated self-regulatory organization signed by the chief executive officer, chief finance officer, or other senior official. The written notice must:

* * * * *

PART 140—ORGANIZATION, FUNCTIONS, AND PROCEDURES OF THE COMMISSION

■ 5. The authority citation for part 140 continues to read as follows:

Authority: 7 U.S.C. 2(a)(12), 12a, 13(c), 13(d), 13(e), and 16(b).

■ 6. In § 140.91, revise paragraph (a)(12) to read as follows:

§ 140.91 Delegation of authority to the Director of the Division of Clearing and Risk and to the Director of the Division of Swap Dealer and Intermediary Oversight.

(a) * * *

(12) All functions reserved to the Commission in § 41.41 of this chapter. Any action taken pursuant to the delegation of authority under this paragraph (a)(12) shall be made with the concurrence of the General Counsel or, in his or her absence, a Deputy General Counsel.

* * * * *

Issued in Washington, DC, on July 25, 2014, by the Commission.

Christopher J. Kirkpatrick,

Acting Secretary of the Commission.

[FR Doc. 2014–17934 Filed 7–29–14; 8:45 am]

BILLING CODE 6351–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2014–0646]

RIN 1625–AA00

Safety Zones; Annual Events Requiring Safety Zones in the Captain of the Port Lake Michigan Zone—Sister Bay Marinafest Ski Show

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

SUMMARY: The Coast Guard will enforce the safety zone on Sister Bay in Sister Bay, WI for the Sister Bay Marinafest Ski Show. This zone will be enforced from 1 p.m. until 3:15 p.m. on August 30, 2014. This action is necessary and intended to ensure the safety of life on navigable waters during the ski show. During the aforementioned period, the Coast Guard will enforce restrictions upon, and control movement of, vessels in the safety zone. No person or vessel may enter the safety zone while it is being enforced without permission of the Captain of the Port Lake Michigan.

DATES: The regulations in 33 CFR 165.929 will be enforced for safety zone (f)(14), Table 165.929, from 1 p.m. until 3:15 p.m. on August 30, 2014.

FOR FURTHER INFORMATION CONTACT: If you have questions on this document, call or email MST1 Joseph McCollum, Prevention Department, Coast Guard Sector Lake Michigan, Milwaukee, WI at (414) 747–7148, email *joseph.p.mccollum@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the Sister Bay Marinafest Ski Show safety zone listed as item (f)(14) in Table 165.929 of 33 CFR 165.929. Section 165.929 lists many annual events requiring safety zones in the Captain of the Port Lake Michigan zone. The Sister Bay Marinafest Ski Show zone will encompass all waters of Sister Bay within an 800-foot radius of position 45°11′35.1″ N, 087°7′23.5″ W (NAD 83). This zone will be enforced from 1 p.m. until 3:15 p.m. on August 30, 2014.

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

This document is issued under authority of 33 CFR 165.929, Safety Zones; Annual events requiring safety zones in the Captain of the Port Lake Michigan zone and 5 U.S.C. 552(a). In addition to this publication in the **Federal Register**, the Coast Guard will provide the maritime community with advance notification of this event via Broadcast Notice to Mariners or Local Notice to Mariners that the regulation is in effect. The Captain of the Port Lake Michigan or her on-scene representative may be contacted via Channel 16, VHF–FM.

Dated: July 17, 2014.

A.B. Cocanour,

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

[FR Doc. 2014–17968 Filed 7–29–14; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2014–0646]

Safety Zones; Annual Events Requiring Safety Zones in the Captain of the Port Lake Michigan Zone—Sister Bay Marinafest Fireworks, Sister Bay, WI

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

SUMMARY: The Coast Guard will enforce the safety zone on Green Bay in Sister Bay, WI for the Sister Bay Marinafest Fireworks. This zone will be enforced from 8:30 p.m. until 10:30 p.m. on August 30, 2014. This action is necessary and intended to ensure the safety of life on navigable waters during a fireworks display. During the aforementioned periods, the Coast Guard will enforce restrictions upon, and control movement of, vessels in the safety zone. No person or vessel may enter the safety zone while it is being enforced without permission of the Captain of the Port, Lake Michigan.

DATES: The regulations in 33 CFR 165.929 will be enforced for safety zone (f)(15), Table 165.929, from 8:30 p.m. until 10:30 p.m. on August 30, 2014.

FOR FURTHER INFORMATION CONTACT: If you have questions on this document, call or email MST1 Joseph McCollum, Prevention Department, Coast Guard Sector Lake Michigan, Milwaukee, WI at (414) 747–7148, email *joseph.p.mccollum@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the Sister Bay Marinafest Fireworks safety zone listed as item (f)(15) in Table 165.929 of 33 CFR 165.929. Section 165.929 lists many annual events requiring safety zones in the Captain of the Port Lake Michigan zone. The Sister Bay Marinafest Fireworks display zone will encompass all waters of Sister Bay within an 800-foot radius of the launch vessel in approximate position 45°11′35.1″ N, 087°7′23.5″ W (NAD 83). This zone will be enforced from 8:30 p.m. until 10:30 p.m. on August 30, 2014.

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

This document is issued under authority of 33 CFR 165.929, Safety Zones; Annual events requiring safety zones in the Captain of the Port Lake Michigan zone and 5 U.S.C. 552(a). In addition to this publication in the **Federal Register**, the Coast Guard will provide the maritime community with advance notification via Broadcast Notice to Mariners or Local Notice to Mariners that the regulation is in effect. The Captain of the Port Lake Michigan or her on-scene representative may be contacted via Channel 16, VHF–FM.

Dated: July 17, 2014.

A.B. Cocanour,

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

[FR Doc. 2014–17970 Filed 7–29–14; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2011–1126]

Security Zones; Seattle's Seafair Fleet Week Moving Vessels, Puget Sound, WA

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation; correction.

SUMMARY: On July 25, 2014, the Coast Guard published in the **Federal Register** (79 FR 43257) a notice of enforcement for the Seattle's Seafair Fleet Week Moving Vessels security zones. In the Notice of Enforcement, the Coast Guard identified three participating vessels that are designated as part of the security zone. One of those vessels was the HMCS YELLOWKNIFE (NCSM 706). After the Notice of Enforcement was published, the Coast Guard was informed by the Canadian government that the HMCS EDMONTON (NCSM 703) will be participating in the Seattle Seafair Fleet Week event and not the HMCS YELLOWKNIFE. This document corrects that error.

DATES: The regulations in 33 CFR 165.1333 will be enforced from 12 p.m. on July 29, 2014 through 6 p.m. on August 4, 2014, unless canceled sooner by the Captain of the Port, Puget Sound or his designated representative.

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

SUPPLEMENTARY INFORMATION:

Background

On July 25, 2014, the Coast Guard published in the **Federal Register** (79 FR 43257) a notice of enforcement for the Seattle's Seafair Fleet Week Moving Vessels security zones.

Need for Correction

As stated in the **Federal Register**, the Notice of Enforcement for the Seattle's Seafair Fleet Week Moving Vessels security zones designated three participating vessels: The HMCS BRANDON (NCSM 710), the HMCS YELLOWKNIFE (NCSM 706), and the USCGC MELLON (WHEC 717). However, subsequent to the publication of the Notice of Enforcement, the Coast Guard was informed by the Canadian government that the HMCS EDMONTON (NCSM 703) will be participating in the Seattle Seafair Fleet Week instead of the HMCS YELLOWKNIFE (NCEM 706).

This notice corrects that error by publishing the name of the vessel, HMCS EDMONTON (NCSM 703), that is taking the place of the HMCS YELLOWKNIFE (NCSM 703) in the upcoming Seattle Seafair Fleet Week.

Dated: July 25, 2014.

Katia Cervoni,

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

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

42 CFR Part 482

[CMS–1599–F2]

RIN 0938–AR53

Medicare Program; Hospital Inpatient Prospective Payment Systems for Acute Care Hospitals and the Long-Term Care Hospital Prospective Payment System and Fiscal Year 2014 Rates; Quality Reporting Requirements for Specific Providers; Hospital Conditions of Participation; Payment Policies Related to Patient Status; Correcting Amendment

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Final rule; correcting amendment.

SUMMARY: This document corrects technical errors in the final rule that appeared in the August 19, 2013 **Federal Register**, entitled ''Medicare Program: Hospital Inpatient Prospective Payment Systems for Acute Care Hospitals and the Long-Term Care Hospital Prospective Payment System and Fiscal Year 2014 Rates; Quality Reporting Requirements for Specific Providers; Hospital Conditions of Participation; Payment Policies Related to Patient Status.''

DATES: This correcting amendment is effective July 29, 2014.

FOR FURTHER INFORMATION CONTACT: Ronisha Davis, (410) 786–6882.

SUPPLEMENTARY INFORMATION:

I. Background

In FR Doc. 2013–18956 which appeared in the August 19, 2013 final rule entitled ''Medicare Program; Hospital Inpatient Prospective Payment Systems for Acute Care Hospitals and the Long-Term Care Hospital Prospective Payment System and Fiscal Year 2014 Rates; Quality Reporting Requirements for Specific Providers; Hospital Conditions of Participation; Payment Policies Related to Patient Status'' (78 FR 50495) (hereinafter referred to as the FY 2014 IPPS/LTCH PPS final rule) there was a technical error that is identified and corrected in the regulations text of this correcting amendment.

II. Summary of Errors in the Regulations Text

On page 50906 of the FY 2014 IPPS/LTCH PPS final rule in our discussion of the change to the Medicare Hospital Conditions of Participation (CoPs) relating to the administration of pneumococcal vaccines, we stated that we were finalizing our proposal to remove the term ''polyscaccharide'' from the regulatory language at § 482.23(c). Therefore on page 50970 in the amendatory instructions for § 482.23, we stated that we were revising paragraph (c)(3). In stating that we were revising paragraph (c)(3), we revised the language to remove the term ''polyscaccharide,'' but we also removed paragraphs (c)(3)(i), (ii), and (iii). To correct this error, in the regulations text of this correcting amendment, we are adding the inadvertently removed paragraphs (that is, paragraphs (c)(3)(i) through (c)(3)(iii)).

III. Waiver of Proposed Rulemaking and Delay in Effective Date

We ordinarily publish a notice of proposed rulemaking in the **Federal Register** to provide a period for public comment before the provisions of a rule take effect in accordance with section 553(b) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). However, we can waive this notice and comment procedure if the Secretary finds, for good cause, that the notice and comment process is impracticable, unnecessary, or contrary to the public interest, and incorporates a statement of the finding and the reasons therefore in the notice.

In our view, this correcting amendment does not constitute a rule that would be subject to the APA notice and comment or delayed effective date requirements. This correcting amendment corrects a technical error in the regulation text, but does not make substantive changes to the policy regarding the CoPs relating to the administration of pneumococcal vaccines that was adopted in the final rule. As a result, this correcting amendment is intended to ensure that the regulations text at § 482.23(c) accurately reflects the policy adopted in that final rule.

In addition, even if this were a rule to which the notice and comment procedures and delayed effective date requirements applied, we find that there is good cause to waive such requirements. Undertaking further notice and comment procedures to incorporate the corrections in this document into the final rule or delaying the effective date would be contrary to the public interest because it is in the public's interest for providers to have access to the appropriate regulations text in as timely a manner as possible, and to ensure that the FY 2014 IPPS/LTCH PPS final rule accurately reflects our CoPs relating to the administration of pneumococcal vaccines policy. Furthermore, such procedures would be unnecessary, as we are not altering our policy, but rather we are simply providing the corrected regulations text that we previously proposed, received comment on, and subsequently finalized. This correcting amendment is intended solely to ensure that the FY 2014 IPPS/LTCH PPS final rule accurately reflects this policy. Therefore, we believe we have good cause to waive the notice and comment and effective date requirements.

List of Subjects in 42 CFR Part 482

Grant programs, Health, Hospitals, Medicaid, Medicare, Reporting and recordkeeping requirements.

Accordingly, 42 CFR chapter IV is corrected by making the following correcting amendments to part 482:

PART 482—CONDITIONS OF PARTICIPATION FOR HOSPITALS

■ 1. The authority citation for part 482 continues to reads as follows:

Authority: Secs. 1102, 1871, and 1881 of the Social Security Act (42 U.S.C. 1302, 1395hh, and 1395rr), unless otherwise noted.

■ 2. In § 482.23, revise paragraph (c)(3) to read as follows:

§ 482.23 Condition of participation: Nursing services.

* * * * *

(c) * * *

(3) With the exception of influenza and pneumococcal vaccines, which may be administered per physician-approved hospital policy after an assessment of contraindications, orders for drugs and biologicals must be documented and signed by a practitioner who is authorized to write orders in accordance with State law and hospital policy, and who is responsible for the care of the patient as specified under § 482.12(c).

(i) If verbal orders are used, they are to be used infrequently.

(ii) When verbal orders are used, they must only be accepted by persons who are authorized to do so by hospital policy and procedures consistent with Federal and State law.

(iii) Orders for drugs and biologicals may be documented and signed by other practitioners not specified under § 482.12(c) only if such practitioners are acting in accordance with State law, including scope-of-practice laws, hospital policies, and medical staff bylaws, rules, and regulations.

* * * * *

(Catalog of Federal Domestic Assistance Program No. 93.778, Medical Assistance Program No. 93.773, Medicare—Hospital Insurance; and Program No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: July 24, 2014.

C'Reda Weeden,

Executive Secretary to the Department, Department of Health and Human Services.

[FR Doc. 2014–17937 Filed 7–29–14; 8:45 am]

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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

46 CFR Parts 108, 117, 133, 160, 164, 180, and 199

[Docket No. USCG–2010–0048]

RIN 1625–AB46

Lifesaving Equipment: Production Testing and Harmonization With International Standards

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: This rule finalizes the amendments to Coast Guard regulations for certain lifesaving equipment, including launching appliances (winches and davits), release mechanisms, survival craft (lifeboats, inflatable liferafts, and inflatable buoyant apparatus), rescue boats, and automatic disengaging devices, which were published as an interim rule and amended by a second interim rule. Additionally, it finalizes the amendments to the requirements for Coast Guard-approved release mechanisms proposed in a supplementary notice of proposed rulemaking (SNPRM). This final rule harmonizes the Coast Guard's design, construction, and performance standards for this lifesaving equipment with international standards, while providing for the use of qualified independent laboratories, instead of Coast Guard inspectors, during the approval process and for production inspections of certain types of lifesaving equipment.

DATES: This final rule is effective August 29, 2014. The incorporation by reference of certain publications listed in the rule is approved by the Director of the Federal Register on August 29, 2014.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Mr. George Grills, Commercial Regulations and Standards Directorate, Office of Design and Engineering Standards, Lifesaving and Fire Safety Division (CG–ENG–4), Coast Guard; telephone 202–372–1385, or email *TypeApproval@uscg.mil.* If you have questions on viewing or submitting material to the docket, call Ms. Cheryl Collins, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

Table of Contents for Preamble

I. Abbreviations

CFR Code of Federal Regulations
DHS Department of Homeland Security
E.O. Executive Order
FR Federal Register
IMO International Maritime Organization
IMO LSA Code ''International Life-saving Appliance Code,'' IMO Resolution MSC.48(66)

LSA Life-saving Appliance
MISLE Marine Information for Safety and Law Enforcement database
MSC Maritime Safety Committee of the International Maritime Organization
NPRM Notice of Proposed Rulemaking
Revised recommendation on testing ''Revised recommendation on testing of life-saving appliances,'' IMO Resolution MSC.81(70)
SNPRM Supplemental Notice of Proposed Rulemaking
SOLAS International Convention for Safety of Life at Sea, 1974, as amended
§ Section
U.S.C. United States Code
USCG United States Coast Guard
2010 NPRM ''Lifesaving Equipment: Production Testing and Harmonization With International Standards,'' August 31, 2010, (75 FR 53458).
2011 IR ''Lifesaving Equipment: Production Testing and Harmonization With International Standards; Interim Rule,'' October 10, 2011, (76 FR 62962).
2011 SNPRM ''Lifesaving Equipment: Production Testing and Harmonization with International Standards'' Supplemental notice of proposed rulemaking, October 10, 2011, (76 FR 62714).
2012 IR ''Lifesaving Equipment: Production Testing and Harmonization with International Standards'' Interim Rule, February 21, 2012, (77 FR 9859).
2012 SNPRM ''Lifesaving Equipment: Production Testing and Harmonization with International Standards'' Supplemental notice of proposed rulemaking, November 26, 2012, (77 FR 70390).

II. Regulatory History

The complete regulatory history of the Lifesaving Equipment rulemaking is summarized in Table 1 below.

TABLE 1—RULEMAKING HISTORY

Document type	**Federal Register** cite	Date published	Summary
Notice of proposed rulemaking (2010 NPRM).	75 FR 53458	8/31/2010	Proposed amendments to regulations for certain lifesaving equipment. Harmonized the design, construction, and performance standards for this lifesaving equipment with international standards and provided for the use of qualified independent laboratories, instead of Coast Guard inspectors, during the approval process and for production inspections.
Interim Rule (2011 IR)	76 FR 62962	10/11/2011	Established the requirements set forth in the 2010 NPRM, and indicated this would be an interim rule because of anticipated forthcoming changes to international standards for release mechanisms.
Supplemental notice of proposed rulemaking (2011 SNPRM).	76 FR 62714	10/11/2011	Proposed amending the 2011 IR published on the same date to harmonize Coast Guard regulations for inflatable liferafts and inflatable buoyant apparatuses with recently adopted international standards.
Interim Rule Correction	76 FR 70062	11/10/2011	Made four editorial corrections to the 2011 IR.
Interim Rule (2012 IR)	77 FR 9859	2/21/2012	Implemented the requirements set forth in the 2011 SNPRM, recognizing that before the 2011 IR would become a final rule, an additional SNPRM would be issued to address release mechanisms for lifeboats and rescue boats.
Supplemental notice of proposed rulemaking (2012 SNPRM).	77 FR 70390	11/26/2012	Proposed amendments to the 2011 IR to harmonize lifeboats and rescue boat release mechanism regulations with recently adopted international standards affecting design, performance, and testing for such lifesaving equipment, and to clarify the requirements concerning grooved drums in launching appliance winches.

On August 31, 2010, the Coast Guard published a notice of proposed rulemaking (NPRM) titled ''Lifesaving Equipment: Production Testing and Harmonization With International Standards'' (2010 NPRM) to harmonize the Coast Guard's requirements for certain lifesaving equipment, including launching appliances (winches and davits), release mechanisms, survival craft (lifeboats, inflatable liferafts, and inflatable buoyant apparatuses), rescue boats, and automatic disengaging devices with international design, construction, and performance standards, and to expand the use of qualified independent laboratories, instead of Coast Guard inspectors, in the approval process and for production inspections. A complete discussion of these changes is available in the NPRM, published August 30, 2010. *See* 75 FR 53458, 53460.

On October 11, 2011, the Coast Guard published an interim rule titled ''Lifesaving Equipment: Production Testing and Harmonization With International Standards; Interim Rule'' (2011 IR) making effective the changes proposed in the NPRM. *See* 76 FR 62962. The Coast Guard issued that interim rule in anticipation of future amendments to international standards from the International Maritime Organization's (IMO) Maritime Safety Committee (MSC) regarding release mechanisms. A complete discussion of the 2011 IR, published October 11, 2011, is also available. *See* 76 FR 62962.

Concurrently on October 11, 2011, the Coast Guard published a supplementary notice of proposed rulemaking (2011 SNPRM) proposing amendments to the portion of the Code of Federal Regulations (CFR) modified by the 2011 IR regarding inflatable liferafts and inflatable buoyant apparatuses. *See* 76 FR 62714. The 2011 SNPRM proposed manufacturers conduct tests on prototype and production liferafts for Coast Guard approval under subpart 160.151 (SOLAS liferafts) using the new assumed average mass of liferaft occupants (82.5 kg), instead of the previous assumed average mass (75 kg), without imposing this requirement on liferafts currently in service. On February 21, 2012, the Coast Guard published a second interim rule (2012 IR) which made amendments to the 2011 IR by making the changes proposed in the 2011 SNPRM regarding inflatable liferafts and inflatable buoyant apparatuses effective. *See* 77 FR 9859. A complete discussion of these changes is available in the 2011 SNPRM. *See* 76 FR 62714. A complete discussion of the 2012 IR, published February 21, 2012, is also available. *See* 77 FR 9859.

On November 26, 2012, the Coast Guard published a second SNPRM (2012 SNPRM) proposing amendments to the portion of the CFR modified by the 2011 IR regarding release mechanisms. *See* 77 FR 70390. We received two public comments to the 2012 SNPRM, which we address below. No public meeting was requested and none was held.

The Coast Guard is making final the 2011 interim rule with some changes. The only changes are those made by the 2012 IR, and the 2012 SNPRM amendments to 46 CFR parts 160 and 164. The rest of the 2011 IR remains the same.

III. Basis and Purpose

The Coast Guard is charged with ensuring that lifesaving equipment used on vessels subject to inspection by the United States meets specific design, construction, and performance standards. *See* 46 U.S.C. 3306. The Coast Guard carries out this charge through the approval of lifesaving equipment per 46 CFR part 2, subpart 2.75. The approval process includes pre-approval review of lifesaving equipment designs, overseeing prototype construction, witnessing prototype testing, and monitoring production of the equipment for use on U.S. vessels. *See* 46 CFR part 159. At each phase of the approval process, the Coast Guard sets specific standards to which lifesaving equipment must be built and tested. Please see the 2010 NPRM for further information on the Coast Guard's International Convention for Safety of Life at Sea, 1974, as amended, (SOLAS) obligations.

IV. Discussion of Rule

A. Background

In the 2012 SNPRM, amendments were proposed to the Coast Guard's standards for release mechanisms found in 46 CFR part 160, subpart 160.133 to implement current SOLAS requirements for lifeboat release mechanisms. The Coast Guard also proposed amendments to subpart 160.115 to clarify the winch drum design requirements, and also proposed technical amendments to correct non-substantive errors in 46 CFR part 160, subparts 160.133, 160.135, and 160.156, and in 46 CFR part 164.

Current requirements for lifeboat release mechanisms are the IMO standards referenced by Chapter III of SOLAS. Those IMO standards are the ''International Life-saving Appliance Code,'' IMO Resolution MSC.48(66), as amended (IMO LSA Code), and the ''Revised recommendation on testing of life-saving appliances,'' IMO Resolution MSC.81(70), as amended (Revised recommendation on testing). The IMO updates these standards by adopting MSC Resolutions which promulgate amendments to these standards. The 2011 IR incorporated by reference all MSC Resolutions affecting release mechanisms adopted at the time the 2010 NPRM was published.

On May 20, 2011, IMO adopted two new MSC Resolutions further amending the IMO LSA Code and the Revised recommendation on testing: IMO Resolution MSC.320(89), ''Adoption of amendments to the International Life-saving Appliance (LSA) Code,'' and IMO Resolution MSC.321(89), ''Adoption of amendments to the Revised Recommendation on Testing of Life-saving Appliances (Resolution MSC.81(70)), as amended.''

Resolution MSC.320(89) amends the design and performance requirements for release mechanisms in the IMO LSA Code, which entered into force on January 1, 2013. The amendments include specific requirements for increased hook stability, corrosion-resistance, and additional safety features. Resolution MSC.321(89) specifies revisions to the prototype testing of release mechanisms supporting the amendments to the IMO LSA Code's Revised recommendation on testing, which entered into force on January 1, 2013.

The Coast Guard proposed in the 2012 SNPRM to revise subpart 160.133 to incorporate by reference IMO Resolutions MSC.320(89) and MSC.321(89). These changes affect release mechanisms approved under approval series 160.133, applying new design, performance, and prototype testing requirements, as set forth in IMO Resolutions MSC.320(89) and MSC.321(89). The changes also affect davit-launched lifeboats approved under subpart 160.135, and SOLAS rescue boats and fast rescue boats approved under subpart 160.156 (other than those fitted with automatic release hooks under approval series 160.170). These lifeboats and rescue boats are required to have a release mechanism approved under subpart 160.133 as revised by this final rule. However, davit-launched lifeboats, SOLAS rescue boats, and fast rescue boats already installed prior to the implementation of this final rule are not affected.

Beyond the obligations to adopt the changes to the IMO LSA Code and Revised recommendation on testing as a signatory to the SOLAS convention, the Coast Guard desires to incorporate by reference the amendments in IMO Resolutions MSC.320(89) and MSC.321(89) because they provide higher standards of safety and performance than those of the existing requirements incorporated by reference in 46 CFR 160.133–5. Further, for manufacturers, harmonization with current international standards will facilitate marketing of their products internationally.

The United States actively participated in the negotiations that led to the development of these IMO standards and conducted a series of outreach sessions with the public. The Coast Guard considers these IMO standards to represent the best available standards for the design and performance of release mechanisms. In order to facilitate international commerce with other contracting governments to SOLAS that follow IMO standards, and to achieve the benefits of the increased safety of adhering to these IMO standards, the Coast Guard, pursuant to 46 U.S.C. 3306, considers them to be appropriate for lifeboats and rescue boats subject to inspection by the United States.

A complete discussion of these changes is available in the 2012 SNPRM. *See* 77 FR 70390.

In this final rule, the Coast Guard is making final the 2011 IR with some changes. The changes are those made by the 2012 IR, and the 2012 SNPRM amendments to 46 CFR parts 160 and 164. The rest of the 2011 IR remains the same.

B. Discussion of Comments

The Coast Guard received two comments in response to the 2012 SNPRM.

The first commenter was generally supportive of the suggested changes, but noted that the IMO Standardized Life-Saving Appliance Evaluation and Test Report Forms published in IMO MSC Circular 980 have not been updated since they were originally issued in 2001.

The Coast Guard acknowledges that the standardized IMO forms are out of date. However, the forms were developed by the IMO to provide guidance on how to conduct the proscribed tests, how to record data, and how to report the results, and are within IMO's control to change. Use of these forms is not required. It is the responsibility of the manufacturer to ensure that the test reports submitted for approval appropriately document both the tests performed and the results. Therefore, no changes to the 2012 SNPRM were made based on this comment.

The second commenter applauded the Coast Guard's actions to harmonize U.S. regulations with international standards, but expressed concern that the IMO Resolutions incorporated by reference, specifically Resolution MSC.321(89), and the resolution that it amends (MSC.81(70)), are written in non-mandatory language. The commenter requested clarification on how the Coast Guard will apply the provisions of an otherwise non-mandatory document when it is referenced in a regulatory requirement.

The Revised recommendation on testing, as amended by Resolution MSC.321(89), sets forth requirements for prototype testing of release mechanisms. It is accepted as the best available standard to demonstrate compliance with the LSA Code. The Coast Guard makes these requirements mandatory by incorporating by reference the Revised recommendation on testing and IMO Resolution MSC.321(89) into the regulations. Alternative standards or tests to demonstrate compliance with the LSA Code may be accepted in accordance with 46 CFR 159.005–7(c). The non-mandatory language in these documents does not matter for the purposes of Coast Guard regulations, as the standards become mandatory when incorporated by reference into Coast Guard regulations, as we do in this final rule. Therefore, no changes to the 2012 SNPRM were made based on this comment.

Based on the above discussion of the two comments received, no changes were made to the regulatory text proposed in the 2012 SNPRM. All comments received on the NPRM and the 2011 SNPRM were addressed in the 2011 and 2012 IRs, respectively. *See* 76 FR 62962 and 77 FR 9859.

V. Incorporation by Reference

The Director of the Federal Register has approved the material in 46 CFR 160.133–5(c)(6) and (c)(7) for incorporation by reference under 5 U.S.C. 552 and 1 CFR part 51. Copies of the material are available from the sources listed in paragraph (a) of that section.

VI. Regulatory Analyses

We developed this rule after considering numerous statutes and Executive Orders (E.O.s) related to rulemaking. Below we summarize our analyses based on several of these statutes or E.O.s.

A. Regulatory Planning and Review

Executive Orders 12866 (''Regulatory Planning and Review'') and 13563 (''Improving Regulation and Regulatory Review'') direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility.

This rule is not a significant regulatory action under section 3(f) of E.O. 12866. The Office of Management and Budget (OMB) has not reviewed it under E.O. 12866. Nonetheless, we developed an analysis of the costs and benefits of the rule to ascertain its probable impacts on industry. A final regulatory assessment follows.

As this regulatory assessment is based on the regulatory analyses contained in the previously published documents and supporting documentation for the 2011 IR, the 2012 IR, and the 2012 SNPRM, the regulatory assessment below is only a summation of the analyses performed in those documents.[1] A summary of each rulemaking is provided here. Those interested in the full analyses contained in those documents should refer to them on the docket as indicated in Table 1 of this preamble. As all the documents, with the exception of the 2012 SNPRM, are already effective, the emphasis of the discussion below will be on the 2012 SNPRM. As the phases of this rulemaking prior to the 2012 SNPRM are already effective, and the 2012 SNPRM does not impose costs, the final rule also does not impose any new costs. We received no additional information from the public or from other sources to cause us to modify our estimated costs and benefits for any of these phases.

Summary of the 2011 IR Regulatory Assessment

The 2011 IR became effective November 10, 2011. As a result, this final rule does not add any incremental costs or benefits to that IR. This summary of the 2011 IR provides background into the regulatory history surrounding the final rule.

In the 2011 IR, which promulgated the requirements set forth in the 2010 NPRM, the Coast Guard amended 46 CFR part 160 to harmonize its regulations with IMO standards governing certain types of lifesaving equipment. The Coast Guard also allowed the use of independent laboratories under Coast Guard approval procedures for certain types of lifesaving equipment, including requiring the use of independent laboratories at certain stages of the approval procedures, instead of Coast Guard personnel to perform these inspections and witness these tests. We expected that the changes to harmonize existing regulations with international standards would have no additional costs for manufacturers of lifesaving equipment. In order for their lifesaving equipment to be used on vessels for international voyages from any nation that is signatory to SOLAS, equipment manufacturers must comply with the international standards for lifesaving equipment established by SOLAS. We further expected that the 2011 IR reflected existing industry practices adopted in response to these international standards governing the performance of certain types of lifesaving equipment.

We expected the changes requiring the use of independent laboratories, instead of Coast Guard personnel, would result in additional costs for manufacturers of certain types of lifesaving equipment. The Coast Guard did not have a regulatory mechanism to charge for any step in the approval process for lifesaving equipment. The use of independent laboratories required by the 2011 IR created a new cost for manufacturers of lifesaving equipment. However, we expected that the costs of inspections by independent laboratories would be partially offset by an overall reduction in the number of inspections, made possible through the coordination of independent laboratories. Manufacturers, as a result of the 2011 IR, are able to schedule inspections and testing for independent laboratories acting on behalf of multiple nations, including the United States, rather than requiring separate Coast Guard inspections and testing. This coordinated use of independent laboratories avoids multiple inspections and testing of the same equipment.

Data obtained from the Coast Guard Maritime Information Exchange indicated that the population affected by the 2011 IR included eight U.S. manufacturers. We estimated the annual costs to manufacturers for using independent laboratories was approximately $130,000 for U.S. firms, in 2008 dollars. After converting to 2012 dollars, the cost comes to $138,597.[2] Over a 10-year period the nominal non-discounted cost is estimated at $1,385,969. The cost is $973,447 when discounted at 7 percent, and $1,182,260 when discounted at 3 percent. These estimates, along with the annual costs, can be seen in Table 2.

[1] The 2010 NPRM, 2011 SNPRM, 2011 IR and the 2012 SNPRM. The 2010 NPRM and 2011 SNPRMs also contained regulatory analyses, but as the analyses in these documents were the same as those in the 2011 IR and the 2012 IR, they are not discussed separately.

[2] The deflator used for conversion was the consumer price index (all urban consumers), series CUUR0000SA0. This data was downloaded on December 12, 2013 from the Bureau of Labor (*http://data.bls.gov/cgi-bin/surveymost*). Data from the ''Annual'' column in this table, for 2008 and 2012, was used (215.303 and 229.594). Dollars were converted to 2012 instead of 2013 because the 2013 data was not available as of the date the calculations were made. Unless otherwise stated, all conversions in this regulatory analysis to 2012 dollars were made using this BLS dataset.

TABLE 2—10-YEAR ESTIMATED COSTS OF INSPECTION AND TESTING BY THIRD-PARTY INSPECTORS TO U.S. MANUFACTURERS

[2012 dollars]

Year	Nominal	Discounted	
		7%	3%
1	$138,597	$129,530	$134,560
2	138,597	121,056	130,641
3	138,597	113,136	126,836
4	138,597	105,735	123,142
5	138,597	98,818	119,555
6	138,597	92,353	116,073
7	138,597	86,311	112,692
8	138,597	80,665	109,410
9	138,597	75,388	106,223
10	138,597	70,456	103,129
Total	1,385,969	973,447	1,182,260
Annualized	138,597	138,597	138,597

The other changes stemming from the 2011 IR, not resulting from harmonization with international standards or use of independent laboratories, updated Coast Guard regulations to reflect current industry practice or to incorporate newer versions of existing standards, and were determined to have no costs. These included an amendment specifying the attachment point for sea anchors to liferafts, the addition of a new subpart in 46 CFR part 164 addressing resins used in the construction of lifeboats and rescue boats, and incorporating the use of equivalent international standards as an alternative to national consensus standards.

The benefits of the 2011 IR included compliance with U.S. obligations as a signatory nation to SOLAS, and the removal of inconsistencies between international standards and the Coast Guard's regulations. In addition, the rule also provided possible savings for manufacturers from coordination efficiencies for inspections that were not quantified in the IR. It also increased efficiency for the Coast Guard by providing flexibility in assigning its human resources, particularly those stationed at overseas Coast Guard offices.

The 2011 IR's provisions relating to third-party inspections have already been enacted, and the final rule makes no further modifications to these provisions. Therefore, this final rule does not impose new costs or benefits.

Summary of the 2012 IR Regulatory Assessment

The 2012 IR became effective March 22, 2012. As a result, this final rule does not add any incremental costs or benefits to that IR. This summary of the 2012 IR provides background to the regulatory history surrounding the final rule.

In the 2012 IR, which implemented the requirements set forth in the 2011 SNPRM, the Coast Guard amended the 2011 IR addressing lifesaving equipment to harmonize Coast Guard regulations for inflatable liferafts and inflatable buoyant apparatuses with recently adopted international standards affecting capacity requirements for such lifesaving equipment. Having found no additional information (including public comments) that changed our findings in the 2011 SNPRM, we adopted the assessment in the 2011 SNPRM for the 2012 IR as final.

The 2012 IR addressed the change in the international standard for occupant weight used in testing equipment to establish the rated capacity of inflatable liferafts and inflatable buoyant apparatuses by revising the occupant weight or ''assumed average occupant mass'' from the previous 75 kg (approximately 165 pounds)[3] to the current weight standard of 82.5 kg (approximately 182 pounds).

While the 2012 IR required manufacturers to conduct prototype and production tests for inflatable liferafts and inflatable buoyant apparatuses manufactured on or after March 22, 2012, using the new occupant weight standard, it limited retesting of currently approved equipment manufactured to only liferafts then currently rated for six occupants. The 2012 IR did not apply to liferafts currently in service aboard U.S. vessels. These were grandfathered in. As a result, no vessel incurred replacement costs for liferafts based on the 2012 IR. Therefore, only manufacturers were impacted. A summary of changes to the baseline testing requirements is shown in Table 3. It should be noted that Table 3 only applies to manufacturers of liferafts, not vessels carrying liferafts.

[3] One kilogram is equal to 2.20462262 pounds.

TABLE 3—SUMMARY OF CHANGES TO THE BASELINE TESTING REQUIREMENTS STEMMING FROM THE 2012 IR

Device	Testing type	Existing equipment (approval prior to January 1, 2012)		New equipment (approval after January 1, 2012)	
		Testing	Impacts	Testing	Impacts
SOLAS Inflatable Liferafts (160.151).	Prototype testing ...	Manufacturers must obtain a new Certificate of Approval certifying rated occupancy using the new occupant weight standard. Manufacturers may either retest or have a certification made using previous test results adjusted for the new occupant weight standard.	Units with rated capacity of fewer than six occupants are ineligible for SOLAS service. Costs of testing unchanged as nature of the test is unchanged.	All tests use the new occupant weight standard to establish occupancy rating. Costs of testing unchanged as nature of the test is unchanged.	Units with rated capacity of fewer than six occupants are ineligible for SOLAS service.
	Production Testing	All tests use the new weight standard to establish occupancy rating.	Costs of testing unchanged as nature of the test is unchanged.	All tests use the new occupant weight standard to establish occupancy rating.	Costs of testing unchanged as nature of the test is unchanged.
Non-SOLAS Inflatable Liferafts (160.051).	Prototype testing ...	Existing Certificates of Approval may be renewed without retesting.	No cost or benefit as the use of the new occupant weight standard is optional.	All tests use the new occupant weight standard to establish occupancy rating.	Costs of testing unchanged as nature of the test is unchanged.
	Production Testing	No cost or benefit. The use of the new occupant weight standard is optional for equipment manufactured under an existing Certificate of Approval.		All tests use the new occupant weight standard to establish occupancy rating.	Costs of testing unchanged as nature of the test is unchanged.
Inflatable Buoyant Apparatus (160.010).	Prototype testing ...	Existing Certificates of Approval may be renewed without retesting.	No cost or benefit as the use of the new occupant weight standard is optional.	All tests use the new occupant weight standard to establish occupancy rating.	Costs of testing unchanged as nature of the test is unchanged.
	Production Testing	No cost or benefit. The use of the new occupant weight standard is optional for equipment manufactured under an existing Certificate of Approval.		All tests use the new occupant weight standard to establish occupancy rating.	Costs of testing unchanged as nature of the test is unchanged.

As shown in Table 3, manufacturers of SOLAS inflatable liferafts approved under subpart 160.151 and manufactured on or after March 22, 2012, were allowed the option of either retesting using the new occupant weight standard or requesting certification for a lower rated occupancy (adjusted for the new occupant weight standard) based on the certification testing submitted for their current approval.

We expected that the principal cost impact for manufacturers of SOLAS liferafts would be for currently approved inflatable liferafts whose rated capacity is six occupants using the current weight standard of 75 kg. Since SOLAS requires that inflatable liferafts have a minimum capacity of six occupants, any SOLAS liferaft currently approved for six occupants had to be retested under the new occupant weight standard in order to retain approval.

We indicated in the 2012 IR that there were three U.S. manufacturers of in-scope liferafts. These three firms manufactured a total of five different models of liferafts with three of the models having a capacity of six occupants. *See* Table 4. U.S. firms that manufactured liferafts with a capacity of six occupants were assumed to retest their liferafts in order to maintain their SOLAS certification. From data obtained from industry and used in the 2012 IR, we estimated the costs of retesting for compliance with the new occupant weight standard at $1,800 for each model.

We estimated the total cost to industry to retest all current SOLAS liferaft models manufactured by U.S. firms to be $5,400. This figure is in 2011 dollars. *See* Table 4. We show the converted 2011 dollars to 2012 dollars in Table 5. This cost was only incurred once, when the 2012 IR was implemented. There were no requirements to test in subsequent years. Therefore, in terms of the overall cost of the 2012 IR, we expected that there were no additional costs, other than those identified in Tables 4 and 5.

TABLE 4—SOLAS LIFERAFTS; COSTS TO RETEST FROM THE 2012 IR, IN 2011 DOLLARS

Manufacturer	Number of manufacturers	Total number of models of liferaft produced	Total number of models of liferaft produced with an occupancy rating of six	Cost to retest each SOLAS liferaft	Total cost to retest
U.S. owned Total	3	5	3	$1,800	$5,400

TABLE 5—SOLAS LIFERAFTS; COSTS TO RETEST FROM THE 2012 IR, IN 2012 DOLLARS, FOR U.S. MANUFACTURERS PRODUCING SOLAS LIFERAFTS

Number of U.S. owned manufacturers	Total number of models of lifeboat manufactured	Total number of models of liferafts produced with an occupancy rating of six	Cost-to retest each SOLAS liferaft	Total cost to retest
3	5	3	$1,876	$5,513

The principal benefit of the 2012 IR was the protection of life at sea by establishing capacity standards for inflatable liferafts and inflatable buoyant apparatuses, reflecting a global increase in mariner weights. Additionally, the 2012 IR ensured compliance with internationally applicable standards for SOLAS and adopted by the IMO.

This final rule does not change the requirements in the 2012 IR discussed above, and it does not add additional costs or benefits related to the 2012 IR.

Summary of the 2012 SNPRM Regulatory Assessment

The 2012 SNPRM proposed amendments to the regulations promulgated by the 2011 IR concerning release mechanisms for lifeboats and rescue boats with recently adopted international standards affecting design, performance, and testing for such lifesaving equipment. It also proposed to clarify the requirements concerning grooved drums in launching appliance winches. The 2012 SNPRM had three components that could potentially have cost impacts. The first component involved amendments made to the IMO LSA Code by the IMO MSC regarding release mechanisms for lifeboats and rescue boats. The second component was a rewording made to 46 CFR 160.115–7(b)(5)(i) with respect to the acceptance of non-grooved winch drums as an alternative to grooved drums on launching appliance winches. The third component dealt with the need for applications for pre-approval review for Certificates of Approval.[4]

The first component, the set of amendments made by the IMO's MSC to design, performance and testing requirements for release mechanisms, incorporated into the CFR, impacted one U.S. manufacturer of release mechanisms. That one manufacturer had to design, manufacture and test a release mechanism that fulfilled these new amendments. However, that single manufacturer designed, tested, and began to manufacture, market and sell release mechanisms that fulfilled the new requirements before the 2012 SNPRM became effective on January 1, 2013.[5] The manufacturer did this independently of the Coast Guard's implementation of the 2012 SNPRM.[6]

If we had assumed the Coast Guard had promulgated the 2012 SNPRM in the absence of an IMO amendment, there would have been a cost. The single U.S. manufacturer would have experienced fixed testing and design costs that it would not otherwise have incurred.[7]

The second component, the rewording made to 46 CFR 160.115–7(b)(5)(i), had no impact on the design, manufacturing or testing of release mechanism, or on any process involving government approval. The rewording only was intended to make it clear to the public that non-grooved winch drums were acceptable as well as grooved winch drums. This wording clarified the Coast Guard's previous practice of accepting both.

The third component was a requirement for manufacturers to provide the Coast Guard with an application for pre-approval review for certificates of approval for the new release mechanisms. However, as already stated in this preamble, the single U.S. manufacturer phased in production of release mechanisms that fulfilled the new IMO requirements prior to January 1, 2013, and independently of whether the Coast Guard put forth the requirements in the 2012 SNPRM.[8] As the introduction of a new release mechanism would have required, regardless of its specifications, the completion of such paperwork, the cost was already incurred.

The incorporation of the IMO's new amendments to the LSA Code into the CFR harmonized U.S. standards with the IMO's standards. This harmonization was necessary for two reasons. First, it was needed for the United States to comply with its treaty obligations as a signatory to SOLAS. By harmonizing Coast Guard requirements for release mechanisms for lifeboats and rescue boats, the United States now has the same requirements as the international standards established by the IMO LSA Code. Secondly, the harmonization was necessary to clarify requirements and remove inconsistencies between the requirements for SOLAS compliance and parts of Title 46 that regulate release mechanisms on lifeboats and rescue boats.

One benefit of U.S. harmonization with international standards is that it allows the domestic manufacturer, as well as any future manufacturers, of in-scope equipment to sell the equipment on the international market and to do so in a more efficient manner. Adoption of the international standards, and Coast Guard inspection and certification of the equipment in line with those standards,

[4] These pre-approval reviews are in accordance with 160.133–23.

[5] Telephone conversation between the Coast Guard and the manufacturer.

[6] Telephone conversation between the Coast Guard and the manufacturer.

[7] Based on telephone conversation between the Coast Guard and the manufacturer.

[8] The manufacturer told the Coast Guard this in a phone conversation in June of 2012.

enables domestic manufacturers to enter foreign markets and to sell more effectively as a result of the Coast Guard certification they obtain.

Harmonization also enables vessels with the in-scope equipment to operate in international waters and ports without fear of detention or fines. Without the adoption of the international standards, these vessels would be in violation of IMO requirements. There are 170 members [9] of the IMO. As member-nations of the IMO normally adopt IMO requirements into their own legal maritime codes, vessels with in-scope equipment would be able to operate in a large number of nations without fear of legal repercussions and the implied fines and loss of revenue stemming from associated delays.

The 2012 SNPRM could also have affected U.S. vessel owners or operators of U.S. vessels that were required to carry lifeboats and/or rescue boats, which would need to be equipped with release mechanisms that fulfilled the new requirements. However, only those release mechanisms purchased after January 1, 2013, would need to be replaced. If release mechanisms meeting both the pre-2012 SNPRM and post-2012 SNPRM requirements were available, the Coast Guard assumes vessel owners or operators would purchase the less expensive of the two, which were those mechanisms that met the pre-2012 SNRPM requirements (i.e., pre-January 1, 2013). As stated above, however, the one U.S.-based supplier of in-scope, galvanized steel release mechanisms stopped manufacturing them and began manufacturing and selling release mechanisms that fulfilled the new IMO LSA Code amendments proposed in the 2012 SNPRM. This U.S. manufacturer was the only manufacturer of galvanized steel (or its regulatory equivalent) in the world.[10] Therefore, the galvanized steel mechanisms (or their regulatory equivalent) would no longer be available for purchase after the single U.S. manufacturer stopped producing them. Only the non-galvanized, corrosion resistant mechanisms that were in compliance with the IMO requirements would be available after January 1, 2013.

The 2012 SNPRM is adopted without change in this final rule. The Coast Guard does not expect a change in the benefits or costs between the 2012 SNPRM and this final rule.[11]

Summation of the Costs and Benefits of the 2011 IR, 2012 IR, and 2012 SNPRM

As stated previously, the 2011 and 2012 IRs have already been implemented. The 2012 SNPRM had no quantifiable costs or benefits and is being implemented in this final rule with no additional changes being made that may impact either costs or benefits. Thus, this final rule has no incremental costs or benefits associated with it. The aggregate costs and benefits of the 2011 IR, 2012 IR, and the 2012 SNPRM are only being presented to provide the reader with perspective on the previous rulemakings.

This section aggregates the monetized costs and qualitative benefits relating to the 2011 IR, 2012 IR, and the 2012 SNPRM. The costs and benefits are each aggregated in Tables 6 and 7. In Table 6, we aggregate the total nominal 10-year costs at $1,391,482. Discounted, at 7 percent, the 10-year total came to $978,599 ($139,331 on an annualized basis) and, at 3 percent, to $1,187,612 ($139,224 on an annualized basis). The 2012 SNPRM had no monetized costs, and it is not included in the table.

It should be stressed that this final rule does not add additional costs to those already established by the previous phases of this rulemaking. Additionally, we received no public comments or other information suggesting any change was required.

TABLE 6—MONETIZED COSTS

[2012 Dollars]

Year	2011 IR			2012 IR			Total		
	Estimated annual cost inspection and testing by third-party inspectors for U.S. manufacturers			Costs to U.S. manufacturers producing in-scope liferafts with the capacity of holding only six passengers			Nominal	Discounted	
	Nominal	Discounted		Nominal	Discounted			7%	3%
		7%	3%		7%	3%			
1	$138,597	$129,530	$134,560	$5,513	$5,152	$5,352	$144,110	$134,682	$139,913
2	138,597	121,056	130,641	0	0	0	138,597	121,056	130,641
3	138,597	113,136	126,836	0	0	0	138,597	113,136	126,836
4	138,597	105,735	123,142	0	0	0	138,597	105,735	123,142
5	138,597	98,818	119,555	0	0	0	138,597	98,818	119,555
6	138,597	92,353	116,073	0	0	0	138,597	92,353	116,073
7	138,597	86,311	112,692	0	0	0	138,597	86,311	112,692
8	138,597	80,665	109,410	0	0	0	138,597	80,665	109,410
9	138,597	75,388	106,223	0	0	0	138,597	75,388	106,223
10	138,597	70,456	103,129	0	0	0	138,597	70,456	103,129
Total	*1,385,969*	*973,447*	*1,182,260*	*5,513*	*5,152*	*5,352*	*1,391,482*	*978,599*	*1,187,612*
Annualized	138,597	138,597	138,597	551	734	627	139,148	139,331	139,224

The benefits from the 2011 IR, 2012 IR, and the 2012 SNPRM are summarized in Table 7. The final rule does not change any of the amendments discussed above relating to benefits, nor does it add or delete any benefits. Therefore, the final rule will not change the benefits from the 2011 IR, 2012 IR and 2012 SNPRM.

[9] According to the official IMO's Web site, on March 14, 2014, the IMO had 170 members and three associate members (*http://www.imo.org/About/Membership/Pages/Default.aspx*).

[10] Based on telephone discussions with numerous distributors and manufacturers of release mechanisms in the U.S.

[11] There were no public comments received, or other information found, that implied any changes were needed in the 2012 SNPRM.

TABLE 7—BENEFITS

	Benefits (qualitative)
2011 IR	*Harmonization of domestic and international standards will lead to—* * The implementation of the regulation has led to the requirement for one homogeneous standard that replaces the more numerous standards being used domestically. This leads to reduced transaction costs due to the fact that there are fewer standards to follow. * Increased market size, and economies of scale, to manufacturers that will lead to lower costs in terms of investment that is fixed in manufacturing, research and development, marketing, and other fixed variables. * Common international standards also encourage new entrants into the market by reducing the barriers to entry encountered in markets fragmented by different standards. * Enabling the U.S. to fulfill its obligations as a signatory party to SOLAS. *New placement of anchor requirements will lead to—* * Potentially fewer personnel casualties. * Updating and replacing some standards for fire retardant resins incorporated by reference in 46 CFR 160.035(b) into a separate subpart, 46 CFR subpart 164.017. Possibly reduced costs of manufacturing and inventories because the adoption of international standards means the need for fewer models of in-scope equipment for both domestic and international markets. *The use of independent laboratories instead of Coast Guard personnel will lead to—* * Manufacturers will have greater flexibility over when they can arrange inspections. * Enables the Coast Guard to concentrate on fulfilling its lifesaving and environmental stewardship functions.
2012 IR	*Higher weight testing standards lead to—* * Possibly fewer personnel casualties and less property damage. * Enabling the U.S. to fulfill its obligations as a signatory party to SOLAS.
2012 SNPRM	*Adoption of new IMO LSA design, construction and testing standards leads to—* * Potentially fewer accidents, and therefore few personnel casualties and less property damage. *Added wording on Coast Guard's acceptance of non-grooved drums as alternative to grooved drums on launching appliance winches is expected to—* * Reduce uncertainty for both manufacturers and consumers. This, in turn, leads to more confidence in purchasing the appropriate in-scope equipment.

B. Small Entities

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

A brief summary of the analyses performed for the 2011 IR, 2012 IR and 2012 SNPRM for purposes of the Regulatory Flexibility Act is provided below. Each of these analyses is discussed separately in its own section. The discussions are only intended as a brief synopsis. In-depth analysis can be found on the docket.

2011 IR

As discussed in the ''Summary of the 2011 IR'' in Section VII.A of this preamble, we determined that six of the eight U.S. firms manufacturing in-scope lifesaving equipment were classified as small entities under the Small Business Administration (SBA) size standards. We estimated the annual costs to use independent laboratories was less than 0.5 percent of annual revenue for five of the six small entities, and less than 1.25 percent of annual revenue for the other. However, these estimates do not include adjustments for manufacturer savings from the coordinated use of independent laboratories, which would avoid multiple inspections and tests of the same equipment. This adjustment could not be made, as there was no data on which to base an estimate, but its omission should only serve to inflate costs. Based on available information, the Coast Guard certified under 5 U.S.C. 605(b) that the 2011 IR would not have a significant economic impact on a substantial number of small entities.

2012 IR

As discussed in the ''Summary of the 2012 IR'' in Section VII.A of this preamble, the 2012 IR identified only one material cost, and that was associated with testing three different inflatable liferafts that had the capacity to hold exactly six passengers in order to determine if they could meet the new weight standards of 82.5 kg instead of 75 kg. This cost was estimated at $1,876 [12] per model. There were a total of three in-scope models being produced, so the total industry cost was estimated at $5,513. This cost was only incurred in the first year of the implementation of the 2012 IR. No further testing would be required.

The Coast Guard identified three manufacturers that could be considered small entities according to SBA small business requirements.[13] For two of these companies, revenue data were not available. For the third, the revenues were $20 million per year.[14] The 2012 IR's costs came to 0.027 percent of total annual revenue.[15] Based on this information, the Coast Guard certified under 5 U.S.C. 605(b) that the 2012 IR would not have a significant economic impact on a substantial number of small entities.

2012 SNPRM

As discussed in the ''Summary of the 2012 SNPRM Regulatory Assessment'' in Section VII.A of this preamble, there were no costs estimated as a result of the implementation of the 2012 SNPRM. The single U.S. manufacturing firm that produced the in-scope release mechanisms had stopped manufacturing the release mechanisms that fulfilled older IMO requirements and began manufacturing only those release mechanisms that fulfilled the new IMO requirements prior to January 1, 2013 (the date the new IMO requirements took effect). Only those release mechanisms that fulfill the IMO requirements are available on the

[12] In 2012 dollar terms.

[13] 2011 SNPRM. 76 FR 62714, page 62719.

[14] Data was not available in 2010 when the search was originally conducted. In December 2013 another search was conducted for the same two companies' revenue in MANTA but the data was also not available at that time.

[15] Total costs were estimated at $5,513 over the entire 10 year period. Total revenue was at least $20 million for the most recent available year. Thus the cost/revenue ratio was conservatively estimated at 0.027%.

market. The manufacturer made this change prior to the publication of the 2012 SNPRM and independently of whether or not the Coast Guard would have implemented the 2012 SNPRM.[16]

Therefore, the Coast Guard certified under 5 U.S.C. 605(b) that this rule would not have a significant economic impact on a substantial number of small entities.

Final Rule

The final rule does not amend the 2011 IR, 2012 IR or 2012 SNPRM in any manner that may add costs and does not add any new requirements that we find to add costs. Therefore, 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.

C. Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996, Public Law 104–121, we offered to assist small entities in understanding this rule so that they can better evaluate its effects on them and participate in the rulemaking. 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.

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).

D. Collection of Information

This rule calls for no new collection of information under the Paperwork Reduction Act of 1995, 44 U.S.C. 3501–3520.

E. 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 have determined that it is consistent with the fundamental federalism principles and preemption requirements described in Executive Order 13132. Our analysis is explained below.

It is well settled that States may not regulate in categories reserved for regulation by the Coast Guard. It is also well settled that all of the categories covered for inspected vessels in 46 U.S.C. 3306, 3703, 7101, and 8101 (design, construction, alteration, repair, maintenance, operation, equipping, personnel qualification, and manning of vessels), as well as the reporting of casualties and any other category in which Congress intended the Coast Guard to be the sole source of a vessel's obligations are within fields foreclosed from regulation by the States. (*See* the Supreme Court's decision in *United States* v. *Locke* and *Intertanko* v. *Locke,* 529 U.S. 89, 120 S.Ct. 1135 (March 6, 2000).)

This rule amends regulations that establish the approval process for lifesaving equipment designs, oversight of prototype construction, prototype testing, and production monitoring of equipment for use on U.S. vessels. As these regulations are promulgated under the authority of 46 U.S.C. 3306, they fall within fields foreclosed from regulation by State or local governments. Therefore, this final rule is consistent with the fundamental federalism principles and preemption requirements described in E.O. 13132.

F. 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.

G. Taking of Private Property

This rule will not cause a taking of private property or otherwise have taking implications under E.O. 12630 (''Governmental Actions and Interference with Constitutionally Protected Property Rights'').

H. Civil Justice Reform

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

I. Protection of Children

We have analyzed this rule under E.O. 13045 (''Protection of Children from Environmental Health Risks and Safety Risks''). This rule is not an economically significant rule and will not create an environmental risk to health or risk to safety that might disproportionately affect children.

J. Indian Tribal Governments

This rule does not have tribal implications under E.O. 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.

K. Energy Effects

We have analyzed this rule under E.O. 13211 (''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use''). We have determined that it is not a ''significant energy action'' under that order because it is not a ''significant regulatory action'' under E.O. 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy, and the Administrator of OMB's Office of Information and Regulatory Affairs has not designated it as a significant energy action.

L. Technical Standards

The National Technology Transfer and Advancement Act, codified as a note to 15 U.S.C. 272, directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through the OMB, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

This rule uses technical standards other than voluntary consensus standards:

- International Life-Saving Appliance Code, (IMO Resolution MSC.48(66)), as amended by IMO Resolution MSC.320(89);
- IMO Resolution MSC.81(70), Revised recommendation on testing of life-saving appliances, as amended by IMO Resolution MSC.321(89).

[16] Telephone conversation between the Coast Guard and the manufacturer.

The sections that reference these standards, and the locations where these standards are available, are listed in 46 CFR 160.133–5. They are used because we did not find voluntary consensus standards that are applicable to this rule.

Additionally, this rule finalizes technical standards, some of which are voluntary consensus standards, which were addressed in the 2011 and 2012 IRs. Please see 76 FR 62962 and 77 FR 9859 for information on these standards.

M. Coast Guard Authorization Act Sec. 608 (46 U.S.C. 2118(a))

Section 608 of the Coast Guard Authorization Act of 2010 (Pub. L. 111–281) adds new section 2118 to 46 U.S.C. Subtitle II (Vessels and Seamen), Chapter 21 (General). New section 2118(a) sets forth requirements for standards established for approved equipment required on vessels subject to 46 U.S.C. Subtitle II (Vessels and Seamen), Part B (Inspection and Regulation of Vessels). Those standards must be ''(1) based on performance using the best available technology that is economically achievable; and (2) operationally practical.'' *See* 46 U.S.C. 2118(a). This rule addresses lifesaving equipment for Coast Guard approval that is required on vessels subject to 46 U.S.C. Subtitle II, Part B, and the Coast Guard has ensured that this rule would satisfy the requirements of 46 U.S.C. 2118(a), as necessary.

N. 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 (42 U.S.C. 4321–4370f), and have concluded that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule is categorically excluded under section 2.B.2, figure 2–1, paragraph (34)(a), (d) and (e) and under section 6a of the ''Appendix to National Environmental Policy Act: Coast Guard Procedures for Categorical Exclusions, Notice of Final Agency Policy'' (67 FR 48244, July 23, 2002). This rule involves regulations which are editorial, regulations concerning equipping of vessels, regulations concerning equipment approval and carriage requirements, and regulations concerning vessel operation safety standards. An environmental analysis checklist and a categorical exclusion determination are available in the docket where indicated under **ADDRESSES**.

List of Subjects

46 CFR Part 160

Marine safety, Incorporation by reference, Reporting and recordkeeping requirements.

46 CFR Part 164

Fire prevention, Marine safety, Reporting and recordkeeping requirements.

For the reasons discussed in the preamble, the Coast Guard adopts the interim rule amending 46 CFR parts 108, 117, 133, 160, 164, 180, and 199, which published at 76 FR 62962 on October 11, 2011, as a final rule without change, except as amended by the interim rule published at 77 FR 9859 on February 12, 2012, with the following changes:

PART 160—LIFESAVING EQUIPMENT

■ 1. The authority citation for part 160 is revised to read as follows:

Authority: 46 U.S.C. 2103, 3306, 3703 and 4302; E.O. 12234; 45 FR 58801; 3 CFR, 1980 Comp., p. 277; and Department of Homeland Security Delegation No. 0170.1.

Subpart 160.115—Launching Appliances—Winches

■ 2. Amend § 160.115–7 by revising paragraph (b)(5)(i) to read as follows:

§ 160.115–7 Design, construction, and performance of winches.

* * * * *

(b) * * *

(5) * * *

(i) Winch drums must either be grooved or otherwise designed to wind the falls evenly on and off each drum.

* * * * *

■ 3. Amend § 160.115–13 by adding paragraph (d)(4) to read as follows:

§ 160.115–13 Approval instructions and tests for prototype winches.

* * * * *

(d) * * *

(4) *Winch drum.* Each winch designed without grooved drums must demonstrate during prototype testing that the falls wind evenly on and off each drum.

* * * * *

■ 4. Amend the heading of Subpart 160.133 to read as follows:

Subpart 160.133—Release Mechanisms for Lifeboats and Rescue Boats

§ 160.133–3 [Amended]

■ 5. In § 160.133–3, in the introductory text, after the words ''IMO LSA Code'', add the words '', as amended by Resolution MSC.320(89)''.

■ 6. Amend § 160.133–5 as follows:

■ a. Remove paragraphs (b)(1) and (b)(5);

■ b. Redesignate paragraphs (b)(2), (b)(3), (b)(4), and (b)(6) as paragraphs (b)(1), (b)(2), (b)(3), and (b)(4), respectively;

■ c. In paragraph (c)(2), after the words ''pages 7–71'', remove the words ''(''IMO LSA Code'')'', and after the words ''and 160.133–7'' add the words ''(''IMO LSA Code'')'';

■ d. In paragraph (c)(3), after the words ''Revised recommendation on testing of'', remove the words ''live-saving'' and add, in their place, the words ''life-saving'', and after the words ''pages 79–254'', remove the words ''(''IMO Revised recommendation on testing'')''; and

■ e. Add paragraphs (c)(6) and (c)(7) to read as follows:

§ 160.133–5 Incorporation by reference.

* * * * *

(c) * * *

(6) Annex 4 to MSC 89/25, Report of the Maritime Safety Committee on its Eighty-Ninth Session, ''Resolution MSC.320(89), Adoption of Amendments to the International Life-Saving Appliance (LSA) Code,'' (adopted May 20, 2011), IBR approved for §§ 160.133–3, 160.133–5(c)(6), 160.133–7(d)(1), 160.133–7(b)(8), and 160.133–7(b)(9) (''Resolution MSC.320(89)'').

(7) Annex 5 to MSC 89/25, Report of the Maritime Safety Committee on its Eighty-Ninth Session, ''Resolution MSC.321(89), Adoption of Amendments to the Revised Recommendation on Testing of Life-Saving Appliances (Resolution MSC.81(70)),'' (adopted May 20, 2011), IBR approved for §§ 160.133–5(c)(7), 160.133–7(a)(2), and 160.133–13(d)(2) (''Resolution MSC.321(89)'').

■ 7. Amend § 160.133–7 as follows:

■ a. In paragraph (a)(1), after the words ''IMO LSA Code,'' add the words ''as amended by Resolution MSC.320(89),'';

■ b. In paragraph (a)(2), after the words ''IMO Revised recommendation on testing,'' add the words ''as amended by Resolution MSC.321(89),'';

■ c. Revise paragraph (b)(3) to read as set forth below;

■ d. In paragraph (b)(8), after the words ''required by'', add the word ''IMO'', and after the words ''LSA Code'', add the words '', as amended by Resolution MSC.320(89),'';

■ e. In paragraph (b)(9), after the words ''required by'', add the word ''IMO'', and after the words ''LSA Code'', add the words '', as amended by Resolution MSC.320(89),''; and

■ f. Remove paragraph (b)(15).

§ 160.133–7 Design, construction, and performance of release mechanisms.

* * * * *

(b) * * *

(3) *Steel.* Each major structural component of each release mechanism must be constructed of corrosion-resistant steel. Corrosion-resistant steel must be a type 302 stainless steel per ASTM A 276, ASTM A 313 or ASTM A 314 (incorporated by reference, see § 160.133–5 of this subpart). Other corrosion-resistant materials may be used if accepted by the Commandant as having equivalent or superior corrosion-resistant characteristics;

* * * * *

§ 160.133–13 [Amended]

■ 8. Amend § 160.133–13 as follows:

■ a. In paragraph (d)(2) introductory text, after the words ''tests described in IMO Revised recommendation on testing,'' add the words ''as amended by Resolution MSC.321(89),'' and after the words ''with these paragraphs of IMO Revised recommendation on testing,'' add the words ''as amended by Resolution MSC.321(89),'';

■ b. Remove paragraph (d)(2)(iii); and

■ c. Redesignate paragraphs (d)(2)(iv), (d)(2)(v), and (d)(2)(vi) as paragraphs (d)(2)(iii), (d)(2)(iv), and (d)(2)(v), respectively.

§ 160.133–15 [Amended]

■ 9. Amend § 160.133–15(e) by removing the last two sentences.

■ 10. Amend the heading of Subpart 160.135 to read as follows:

Subpart 160.135—Lifeboats

§ 160.135–5 [Amended]

■ 11. Amend § 160.135–5(d)(4) by removing the word ''and'' and adding, in its place, the punctuation '','', and, after the numbers ''160.135–13'', adding the words '', and 160.135–15''.

■ 12. Amend § 160.135–15 as follows:

■ a. In paragraph (d), remove the reference ''(e)(2)'' and add, in its place, the reference ''(e)'';

■ b. In paragraph (e)(1)(iv), remove the reference ''§ 160.135–13(c)(2)(i)(B)'' and add, in its place, the reference ''§ 160.135–11(c)(2)(i)(B)''; and

■ c. Revise paragraph (e)(2) to read as follows:

§ 160.135–15 Production inspections, tests, quality control, and conformance of lifeboats.

* * * * *

(e) * * *

(2) *Post assembly tests and inspections.* The finished lifeboat must be visually inspected inside and out. The manufacturer must develop and maintain a visual inspection checklist designed to ensure that all applicable requirements have been met and the lifeboat is equipped in accordance with approved plans. Each production lifeboat of each design must pass each of the tests described in the IMO Revised recommendation on testing, part 2, section 5.3 (incorporated by reference, see § 160.135–5 of this subpart).

§ 160.156–5 [Amended]

■ 13. Amend § 160.156–5(d)(4) by removing the word ''and'' and adding, in its place, the punctuation '','', and, after the numbers ''160.156–13'', adding the words '', and 160.156–15''.

§ 160.156–7 [Amended]

■ 14. Amend § 160.156–7(b)(13) by removing the word ''lifeboat'' and adding, in its place, the words ''rescue boat''.

§ 160.156–9 [Amended]

■ 15. Amend § 160.156–9 as follows:

■ a. In paragraph (b)(22)(iv), remove the word ''lifeboat'' and add, in its place, the words ''rescue boat''; and

■ b. In paragraph (d)(2), remove the word ''lifeboat'' and add, in its place, the words ''rescue boat''.

■ 16. Amend § 160.156–15 as follows:

■ a. In paragraph (e)(1) introductory text, remove the words ''In accordance with the interval prescribed in paragraph (d)(1) of this section, each'' and add, in their place, the word ''Each''; and

■ b. Revise paragraph (e)(2) to read as follows:

§ 160.156–15 Production inspections, tests, quality control, and conformance of rescue boats and fast rescue boats.

* * * * *

(e) * * *

(2) *Post assembly tests and inspections.* The finished rescue boat must be visually inspected inside and out. The manufacturer must develop and maintain a visual inspection checklist designed to ensure that all applicable requirements have been met and the rescue boat is equipped in accordance with approved plans. Each production rescue boat of each design must pass each of the tests described in the IMO Revised recommendation on testing, part 2, section 5.3 (incorporated by reference, see § 160.156–5 of this subpart).

PART 164—MATERIALS

■ 17. The authority citation for part 164 is revised to read as follows:

Authority: 46 U.S.C. 3306, 3703, 4302; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; and Department of Homeland Security Delegation No. 0170.1.

Dated: July 22, 2014.

J.G. Lantz,

Director of Commercial Regulations and Standards, U.S. Coast Guard.

[FR Doc. 2014–17653 Filed 7–29–14; 8:45 am]

BILLING CODE 9110–04–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 25

[IB Docket No. 12–267; FCC 13–111]

Comprehensive Review of Licensing and Operating Rules for Satellite Services

AGENCY: Federal Communications Commission.

ACTION: Final rule; correction.

SUMMARY: The Federal Communications Commission published a document in the **Federal Register** at 79 FR 8308, February 12, 2014, revising Commission rules. That document inadvertently included a reference to 2 GHz Mobile-Satellite Service in § 25.285(a)(2). This document corrects the final regulation by revising that provision.

DATES: The Commission will publish a document in the **Federal Register** announcing the effective date of the rule section corrected here and of this correction after receiving approval from the Office of Management and Budget for the information collection requirements contained in the rulemaking.

FOR FURTHER INFORMATION CONTACT: Cindy Spiers, Satellite Division, International Bureau, Federal Communications Commission, Washington, DC 20554, at (202) 418–1593 or via email at *Cindy.Spiers@fcc.gov.*

SUPPLEMENTARY INFORMATION: In FR Doc. 2014–02213 appearing on page 8308 in the **Federal Register** of Wednesday, February 12, 2014, the following correction is made:

§ 25.285 [Corrected]

■ On page 8326, in the first column, in § 25.285 paragraph (a)(2), ''ATC terminals capable of transmitting in the 1.5/1.6 GHz, 1.6/2.4 GHz, or 2 GHz MSS bands'' is corrected to read ''ATC terminals capable of transmitting in the 1.5/1.6 GHz or 1.6/2.4 GHz MSS bands''.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 2014–17869 Filed 7–29–14; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 110816505–2184–03]

RIN 0648–XD336

Fisheries of the Northeastern United States; Northeast Multispecies Fisheries Management Plan; Northern Red Hake Quota Harvested

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

ACTION: Temporary rule; possession limit reduction.

SUMMARY: Beginning August 5, 2014, the northern red hake possession limit is reduced to the incidental possession limit for the remainder of the 2014 fishing year.

DATES: Effective at 0001 hr local time, August 5, 2014, through 2400 hr local time April 30, 2015.

FOR FURTHER INFORMATION CONTACT: Jason Berthiaume, (978) 281–9177.

SUPPLEMENTARY INFORMATION: The regulations at § 648.86(d)(4)(i) require that, if the NMFS Greater Atlantic Region Administrator (Regional Administrator) projects that if the total allowable landings (TAL) trigger has been landed for a small-mesh multispecies stock, the Regional Administrator shall reduce the possession limit for that stock to the incidental possession limit for the remainder of the fishing year. The incidental possession limit for northern red hake is 400 lb (181.44 kg).

The 2014 fishing year northern red hake TAL is 199,077 lb (90,300 kg) and the TAL trigger is 45 percent, which is 89,585 lb (40,635.07 kg). Based on dealer, vessel trip report, and other available information, NMFS has projected that, as of August 5, 2014, 45 percent of the available 2014 TAL for northern red hake have been landed. Therefore, effective 0001 hr, August 5, 2014, the possession limit for northern red hake is reduced to the incidental possession limit of 400 lb (181.44 kg). This incidental possession limit will be in effect through the remainder of the fishing year, which ends April 30, 2015.

Vessels that have declared a trip through the vessel monitoring system (VMS) or interactive voice response system, and crossed the VMS demarcation line, prior to August 5, 2014, are not be subject to the incidental limit for that trip, and, may complete the trip under the previous higher possession limit of 5,000 lb (2,268 kg).

Classification

This action is required by 50 CFR part 648 and is exempt from review under Executive Order 12866.

NMFS finds good cause pursuant to 5 U.S.C. 553(b)(B) to waive prior notice and the opportunity for public comment because it would be contrary to the public interest and impracticable. This action reduces the northern red hake possession limit to the incidental level of 400 lb. The regulations at § 648.86(d)(4)(i) require that, if the NMFS projects that if the TAL trigger has been landed for a small-mesh multispecies stock, NMFS must reduce the possession limit for that stock to the incidental possession limit for the remainder of the fishing year. The whiting fishery opened for the 2014 fishing year on May 1, 2014. Data indicating that 45 percent of the northern red hake TAL is projected to be reached only recently became available. If implementation of this closure is delayed to solicit prior public comment, northern red hake landings limits for this fishing year will likely be exceeded, thereby undermining the conservation objectives of the FMP. NMFS further finds, pursuant to 5 U.S.C. 553(d)(3), good cause to waive the 30-day delayed effectiveness period for the reasons stated above.

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

Dated: July 25, 2014.

Emily H. Menashes,

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

[FR Doc. 2014–17999 Filed 7–29–14; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 79, No. 146
Wednesday, July 30, 2014

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2014–0498; Directorate Identifier 2013–SW–052–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus Helicopters (Previously Eurocopter France) Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to supersede airworthiness directive (AD) 2010–21–07 for Eurocopter France (now Airbus Helicopters) Model AS350B3 and EC130B4 helicopters. AD 2010–21–07 currently requires inspecting the pilot's and co-pilot's throttle twist for proper operation of the contactors. This proposed AD would retain the requirements of AD 2010–21–07, include additional inspection procedures, and revise the inspection interval. These proposed actions are intended to prevent unintended touchdown during a practice autorotation at a flight-idle power setting, damage to the helicopter, and injury to occupants.

DATES: We must receive comments on this proposed AD by September 29, 2014.

ADDRESSES: You may send comments by any of the following methods:

- *Federal eRulemaking Docket:* Go to *http://www.regulations.gov.* Follow the online instructions for sending your comments electronically.
- *Fax:* 202–493–2251.
- *Mail:* Send comments to the U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001.
- *Hand Delivery:* Deliver to the ''Mail'' address between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* or in person at the Docket Operations Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the foreign authority's AD, the economic evaluation, any comments received and other information. The street address for the Docket Operations Office (telephone 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt. For service information identified in this proposed AD, contact Airbus Helicopters, Inc., 2701 N. Forum Drive, Grand Prairie, TX 75052; telephone (972) 641–0000 or (800) 232–0323; fax (972) 641–3775; or at *http://www.airbushelicopters.com/techpub.* You may review service information at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.

FOR FURTHER INFORMATION CONTACT: George Schwab, Aviation Safety Engineer, Safety Management Group, Rotorcraft Directorate, FAA, 2601 Meacham Blvd., Fort Worth, Texas 76137; telephone (817) 222–5110; email *george.schwab@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to participate in this rulemaking by submitting written comments, data, or views. We also invite comments relating to the economic, environmental, energy, or federalism impacts that might result from adopting the proposals in this document. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. To ensure the docket does not contain duplicate comments, commenters should send only one copy of written comments, or if comments are filed electronically, commenters should submit only one time.

We will file in the docket all comments that we receive, as well as a report summarizing each substantive public contact with FAA personnel concerning this proposed rulemaking. Before acting on this proposal, we will consider all comments we receive on or before the closing date for comments. We will consider comments filed after the comment period has closed if it is possible to do so without incurring expense or delay. We may change this proposal in light of the comments we receive.

Discussion

On September 29, 2010, we issued AD 2010–21–07, Amendment 39–16467 (75 FR 63052, October 14, 2010), for Eurocopter France (now Airbus Helicopters) Model AS350B3 and EC130B4 helicopters with certain equipment installed. AD 2010–21–07 requires repetitively inspecting the pilot's and co-pilot's throttle twist for proper operation of the contactors, which provide for changes between the ''IDLE'' and ''FLIGHT' positions of the throttle twist grip control, by complying with Eurocopter's service information. AD 2010–21–07 was prompted by a dormant failure of one of the two contactors 53Ka or 53Kb following the installation of modification (MOD) 073254 on Model AS350B3 helicopters and the installation of MOD 073773 on Model EC130B4 helicopters. Those actions were intended to prevent an unintended touchdown to the ground during a practice autorotation at a flight-idle power setting, damage to the helicopter, and injury to the occupants.

Actions Since AD 2010–21–07 Was Issued

Since we issued AD 2010–21–07, Amendment 39–16467 (75 FR 63052, October 14, 2010), Eurocopter designed MOD 074263 to address the unsafe condition, and we issued two letters approving MOD 074263 as an Alternate Method of Compliance for AD 2010–21–07. A subsequent accident occurred involving power loss in flight of a Model AS350B3 helicopter with MOD 074263 installed. As a result, Eurocopter revised its service information and the European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, issued EASA Emergency AD No. 2013–0191–E, dated August 22, 2013. EASA advises the switches in the engine ''IDLE'' or ''FLIGHT'' control system could be affected by the corrosive effects of a salt-laden atmosphere, which could lead to engine power loss. EASA states that because these corrosive effects are not prevented by MOD 074263, it no longer considers MOD 074263 terminating action for the required repetitive maintenance actions.

This NPRM would retain the repetitive inspections in AD 2010–21–07 but would also include the additional inspection requirements in the Eurocopter service information. Also, since we issued AD 2010–21–07, Eurocopter France has changed its name to Airbus Helicopters. This NPRM reflects that change.

FAA's Determination

These helicopters have been approved by the aviation authority of France and are approved for operation in the United States. Pursuant to our bilateral agreement with France, EASA, its technical representative, has notified us of the unsafe condition described in its AD. We are proposing this AD because we evaluated all known relevant information and determined that an unsafe condition is likely to exist or develop on other products of the same type design.

Related Service Information

We reviewed one co-published Eurocopter Emergency Alert Service Bulletin (EASB) containing 3 numbers: No. 05.00.61, Revision 2, dated August 13, 2013, for Model AS350B3 helicopters; No. 05.00.41, Revision 1, dated August 13, 2013, for the non-FAA type-certificated Model AS550C3 helicopter; and No. 05A009, Revision 2, dated August 13, 2013, for Model EC130B4 helicopters. The EASB describes procedures for a functional check and installation of a protection for micro-contacts 53Ka, 53Kb, and 65K (IDLE/FLIGHT mode). EASA classified this EASB as mandatory and issued EASA Emergency AD No. 2013–0191–E, dated August 22, 2013, to ensure the continued airworthiness of these helicopters.

Proposed AD Requirements

This proposed AD would retain the inspection requirements of AD 2010–21–07 (78 FR 63052, October 14, 2010) but would also include additional requirements to inspect for proper operation of contactors 53Ka and 53Kb and the pilot and copilot throttle twist grip controls for proper functioning. This proposed AD would require the inspections to be done at intervals not to exceed 300 hours time-in-service (TIS), compared to the 600-hour TIS intervals required by AD 2010–21–07. Issuing this proposed AD would also invalidate the two letters dated December 19, 2012, and July 18, 2013, approving AMOCs for AD 2010–21–07.

Differences Between the Proposed AD and the EASA AD

This AD requires the inspections to be done at intervals not to exceed 300 hours TIS, and the EASA AD applies different intervals based on certain conditions.

Interim Action

We consider this AD interim action. The design approval holder is currently developing a modification that will address the unsafe condition identified in this proposed AD. Once this modification is developed, approved, and available, we might consider additional rulemaking.

Costs of Compliance

We estimate that this proposed AD would affect 517 helicopters of U.S. Registry.

We estimate that operators may incur the following costs in order to comply with this AD. The average labor rate is $85 per work hour. It would take about 4 work hours for the inspections and any necessary maintenance, for a total cost of $340 per helicopter and $175,780 for the U.S. fleet per inspection cycle.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. ''Subtitle VII: Aviation Programs,'' describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in ''Subtitle VII, Part A, Subpart III, Section 44701: General requirements.'' Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

We determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed, I certify this proposed regulation:

1. Is not a ''significant regulatory action'' under Executive Order 12866;
2. Is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979);
3. Will not affect intrastate aviation in Alaska to the extent that it justifies making a regulatory distinction; 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.

We prepared an economic evaluation of the estimated costs to comply with this proposed AD and placed it in the AD docket.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA proposes to amend 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

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

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

■ 2. Amend § 39.13 by removing Airworthiness Directive (AD) 2010–21–07, Amendment 39–16467 (75 FR 63052, October 14, 2010), and adding the following new AD:

Airbus Helicopters (Previously Eurocopter France) Helicopters: Docket No. FAA–2014–0498; Directorate Identifier 2013–SW–052–AD.

(a) Applicability

This AD applies to Model AS350B3 and EC130B4 helicopters, certificated in any category, with the ARRIEL 2B1 engine with the two-channel Full Authority Digital Engine Control (FADEC) and with new twist grip modification (MOD) 073254 for the Model AS350B3 helicopter or MOD 073773 for the Model EC130B4 helicopter, installed.

(b) Unsafe Condition

This AD defines the unsafe condition as failure of one of the two contactors, 53Ka or 53Kb, which can prevent switching from ''IDLE'' mode to ''FLIGHT'' mode during autorotation training making it impossible to recover from the practice autorotation and compelling the pilot to continue the autorotation to the ground. This condition could result in unintended touchdown to the ground at a flight-idle power setting during a practice autorotation, damage to the helicopter, and injury to occupants.

(c) Affected ADs

This AD supersedes AD 2010–21–07, Amendment 39–16467 (75 FR 63052, October 14, 2010).

(d) Comments Due Date

We must receive comments by September 29, 2014.

(e) Compliance

You are responsible for performing each action required by this AD within the specified compliance time unless it has already been accomplished prior to that time.

(f) Required Actions

Before the next practice autorotation or on or before 100 hours time-in-service (TIS), whichever occurs first, and thereafter at intervals not to exceed 300 hours TIS, inspect the wiring, perform an insulation test, inspect the pilot and copilot throttle twist grip controls, and test the pilot and copilot throttle twist grip controls for proper functioning by following the Accomplishment Instructions, paragraphs 3.B.1 through 3.B.6, of Eurocopter Emergency Alert Service Bulletin (EASB) No. 05.00.61, Revision 2, dated August 13, 2013, for Model AS350B3 helicopters or EASB No. 05A009, Revision 2, dated August 13, 2013, for Model EC130B4 helicopters, as appropriate for your model helicopter.

(g) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Safety Management Group, FAA, may approve AMOCs for this AD. Send your proposal to: George Schwab, Aviation Safety Engineer, Safety Management Group, Rotorcraft Directorate, FAA, 2601 Meacham Blvd., Fort Worth, Texas 76137; telephone (817) 222–5110; email *george.schwab@faa.gov.*

(2) For operations conducted under a 14 CFR part 119 operating certificate or under 14 CFR part 91, subpart K, we suggest that you notify your principal inspector, or lacking a principal inspector, the manager of the local flight standards district office or certificate holding district office before operating any aircraft complying with this AD through an AMOC.

(h) Additional Information

The subject of this AD is addressed in European Aviation Safety Agency (EASA) Emergency AD No. 2013–0191–E, dated August 22, 2013. You may view the EASA AD at *http://www.regulations.gov* in Docket No. FAA–2014–0498.

(i) Subject

Joint Aircraft Service Component (JASC) Code: 76 Engine Controls.

Issued in Fort Worth, Texas, on July 18, 2014.

S. Frances Cox,

Acting Directorate Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 2014–17928 Filed 7–29–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2014–0484; Directorate Identifier 2013–NM–245–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to supersede Airworthiness Directive (AD) 2012–09–07, for certain Airbus Model A319–111, –112, and –132 airplanes; Model A320–111, –211, –212, –214 and –232 airplanes; and Model A321–111, –211, –212, and –231 airplanes. AD 2012–09–07 currently requires performing an electrical bonding test between the gravity fill re-fuel adaptor and the top skin panels on the left-hand and right-hand wings, and if necessary performing a general visual inspection for corrosion of the component interface and adjacent area, and repairing the gravity fuel adaptor if any corrosion is found. Since we issued AD 2012–09–07, we have determined that more airplanes are subject to the identified unsafe condition due to the installation of an incorrect repair intended to address the identified unsafe condition. This proposed AD would add airplanes to the applicability in AD 2012–09–07, and would require inspecting those airplanes to determine if a repair was done, and doing the electrical bonding test and corrective action if necessary. We are proposing this AD to detect and correct corrosion and improper bonding, which, in combination with a lightning strike in this area, could create a source of ignition in a fuel tank, resulting in a fire or explosion, and consequent loss of the airplane.

DATES: We must receive comments on this proposed AD by September 15, 2014.

ADDRESSES: You may send comments by any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* (202) 493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.
- *Hand Delivery:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this AD, contact Airbus, Airworthiness Office—EAS, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email *account.airworth-eas@airbus.com;* Internet *http://www.airbus.com.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2014–0484; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone (800) 647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Sanjay Ralhan, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone (425) 227–1405; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2014–0484; Directorate Identifier 2013–NM–245–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD based on those comments.

We will post all comments we receive, without change, to *http://www.regulations.gov,* including any personal information you provide. We will also post a report summarizing each substantive verbal contact we receive about this proposed AD.

Discussion

On April 30, 2012, we issued AD 2012–09–07, Amendment 39–17042 (77 FR 28238, May 14, 2012). AD 2012–09–07 requires actions intended to address an unsafe condition on certain Airbus Model A319–111, –112, and –132 airplanes; Model A320–111, –211, –212, –214 and –232 airplanes; and Model A321–111, –211, –212, and –231 airplanes.

Since we issued AD 2012–09–07, Amendment 39–17042 (77 FR 28238, May 14, 2012), the European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA Airworthiness Directive 2013–0277R1, dated December 4, 2013 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for Airbus Model A318–111, –112, –121, and –122 airplanes; A319–111, –112, –113, –114, –115, –131, –132, and –133 airplanes; A320–111, –211, –212, –214, –231, –232, and –233 airplanes; and A321–111, –112, –131, –211, –212, –213, –231, and –232 airplanes. The MCAI states:

> Cases of corrosion findings were reported on the overwing refueling aperture (used to fill the fuel tank by gravity) on the wing top skin. The reported corrosion was on the mating surface of the aperture flange, underneath the refuel adaptor. Corrosion findings have been repaired on a case by case basis in accordance with approved data.
>
> For certain aeroplanes, the repair provided by Airbus contained instructions to apply primer coating on the mating surface. Since doing those repairs, it has been found that this primer coating may prevent proper electrical bonding provision between the overwing refueling cap adaptor and the wing skin.
>
> This condition, if not detected and corrected, could, in combination with a lightning strike in this area, create a source of ignition in a fuel tank, possibly resulting in a fire or explosion and consequent loss of the aeroplane. To address this potential unsafe condition, EASA issued AD 2011–0034 [*http://ad.easa.europa.eu/blob/easa_ad_2011_0034.pdf/AD_2011-0034*] to require a one-time electrical bonding check between the gravity fill re-fuel adaptor and the top skin panels on the affected aeroplanes [identified by MSN in the applicability section of that EASA AD] and, in case of findings, the accomplishment of applicable corrective actions.
>
> Since that [EASA] AD was issued, EASA has been made aware that some operators may inadvertently have applied an Airbus repair, approved for only one aeroplane MSN, to other aeroplanes, without requesting a revision of the repair to add aeroplanes, or to notify Airbus of such action(s). Consequently, the condition addressed by EASA AD 2011–0034 could affect more aeroplanes than initially determined.
>
> For the reasons described above, this [EASA] AD retains the requirements of EASA AD 2011–0034, which is superseded, and expands the Applicability to all A320 family aeroplane Models, all MSN.
>
> This [EASA] AD has been revised to amend and clarify paragraph (3) and to correct an error in the Type/Model designations on page 1, where the A318 was inadvertently omitted.

For the newly added airplanes, required actions include inspecting for the presence of a corrosion repair on an overwing refueling aperture, and doing the electrical bonding test and applicable corrective actions if a repair has been installed. You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2014–0484.

FAA's Determination and Requirements of This Proposed AD

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with the State of Design Authority, we have been notified of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all pertinent information and determined an unsafe condition exists and is likely to exist or develop on other products of the same type design.

''Contacting the Manufacturer'' Paragraph in This Proposed AD

Since late 2006, we have included a standard paragraph titled ''Airworthy Product'' in all MCAI ADs in which the FAA develops an AD based on a foreign authority's AD.

The MCAI or referenced service information in an FAA AD often directs the owner/operator to contact the manufacturer for corrective actions, such as a repair. Briefly, the Airworthy Product paragraph allowed owners/operators to use corrective actions provided by the manufacturer if those actions were FAA-approved. In addition, the paragraph stated that any actions approved by the State of Design Authority (or its delegated agent) are considered to be FAA-approved.

In an NPRM having Directorate Identifier 2012–NM–101–AD (78 FR 78285, December 26, 2013), we proposed to prevent the use of repairs that were not specifically developed to correct the unsafe condition, by requiring that the repair approval provided by the State of Design Authority or its delegated agent specifically refer to the FAA AD. This change was intended to clarify the method of compliance and to provide operators with better visibility of repairs that are specifically developed and approved to correct the unsafe condition. In addition, we proposed to change the phrase ''its delegated agent'' to include a design approval holder (DAH) with State of Design Authority design organization approval (DOA), as applicable, to refer to a DAH authorized to approve required repairs for the proposed AD.

One commenter to the NPRM having Directorate Identifier 2012–NM–101–AD (78 FR 78285, December 26, 2013) stated the following: ''The proposed wording, being specific to repairs, eliminates the interpretation that Airbus messages are acceptable for approving minor deviations (corrective actions) needed during accomplishment of an AD mandated Airbus service bulletin.''

This comment has made the FAA aware that some operators have misunderstood or misinterpreted the Airworthy Product paragraph to allow the owner/operator to use messages provided by the manufacturer as approval of deviations during the accomplishment of an AD-mandated action. The Airworthy Product paragraph does not approve messages or other information provided by the manufacturer for deviations to the requirements of the AD-mandated actions. The Airworthy Product paragraph only addresses the requirement to contact the manufacturer for corrective actions for the identified unsafe condition and does not cover deviations from other AD requirements. However, deviations to AD-required actions are addressed in 14 CFR 39.17, and anyone may request the approval for an alternative method of compliance to the AD-required actions using the procedures found in 14 CFR 39.19.

To address this misunderstanding and misinterpretation of the Airworthy Product paragraph, we have changed the paragraph and retitled it ''Contacting the Manufacturer.'' This paragraph now clarifies that for any requirement in this proposed AD to obtain corrective actions from a manufacturer, the action must be accomplished using a method approved by the FAA, the European Aviation Safety Agency (EASA), or Airbus's EASA DOA.

The Contacting the Manufacturer paragraph also clarifies that, if approved by the DOA, the approval must include the DOA-authorized signature. The DOA signature indicates that the data and information contained in the document are EASA-approved, which is also FAA-approved. Messages and other information provided by the manufacturer that do not contain the

DOA-authorized signature approval are not EASA-approved, unless EASA directly approves the manufacturer's message or other information.

This clarification does not remove flexibility previously afforded by the Airworthy Product paragraph. Consistent with long-standing FAA policy, such flexibility was never intended for required actions. This is also consistent with the recommendation of the Airworthiness Directive Implementation Aviation Rulemaking Committee to increase flexibility in complying with ADs by identifying those actions in manufacturers' service instructions that are ''Required for Compliance'' with ADs. We continue to work with manufacturers to implement this recommendation. But once we determine that an action is required, any deviation from the requirement must be approved as an alternative method of compliance.

Costs of Compliance

We estimate that this proposed AD affects 851 airplanes of U.S. registry.

The actions that are required by AD 2012–09–07, Amendment 39–17042 (77 FR 28238, May 14, 2012), and retained in this proposed AD take about 2 work-hours per product, at an average labor rate of $85 per work-hour. Based on these figures, the estimated cost of the actions that are required by AD 2012–09–07 is $170 per product.

We also estimate that it would take about 2 work-hours per product to comply with the basic requirements of this proposed AD. The average labor rate is $85 per work-hour. Required parts would cost about $0 per product. Based on these figures, we estimate the cost of this proposed AD on U.S. operators to be $72,335, or $170 per product.

In addition, we estimate that any necessary follow-on actions would take about 11 work-hours, for a cost of $935 per product. We have no way of determining the number of aircraft that might need these actions.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. ''Subtitle VII: Aviation Programs,'' describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in ''Subtitle VII, Part A, Subpart III, Section 44701: General requirements.'' Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

We determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify this proposed regulation:

1. Is not a ''significant regulatory action'' under Executive Order 12866;

2. Is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979);

3. Will not affect intrastate aviation in Alaska; and

4. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA proposes to amend 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

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

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

■ 2. Amend § 39.13 by removing Airworthiness Directive (AD) 2012–09–07, Amendment 39–17042 (77 FR 28238, May 14, 2012), and adding the following new AD:

Airbus: Docket No. FAA–2014–0484; Directorate Identifier 2013–NM–245–AD.

(a) Comments Due Date

We must receive comments by September 15, 2014.

(b) Affected ADs

This AD replaces AD 2012–09–07, Amendment 39–17042 (77 FR 28238, May 14, 2012).

(c) Applicability

(1) This AD applies to Airbus Model A318–111, –112, –121, and –122 airplanes; A319–111, –112, –113, –114, –115, –131, –132, and –133 airplanes; A320–111, –211, –212, –214, –231, –232, and –233 airplanes; and A321–111, –112, –131, –211, –212, –213, –231, and –232 airplanes; certificated in any category; all manufacturer serial numbers, except airplanes identified in paragraph (c)(2) of this AD.

(2) Airplanes that have been delivered from production with Airbus Modification 38209 (Removal of the Outer Wing Refueling Aperture) and without Airbus Modification 38206 (Re-introduction of the Outer Wing Refueling Aperture) are not affected by the requirements of this AD.

(d) Subject

Air Transport Association (ATA) of America Code 57, Wings.

(e) Reason

This AD was prompted by more airplanes being affected due to inadvertently installing the repair necessary for addressing the identified unsafe condition. We are issuing this AD to detect and correct corrosion and improper bonding, which in combination with a lightning strike in this area, could create a source of ignition in a fuel tank, resulting in a fire or explosion, and consequent loss of the airplane.

(f) Compliance

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

(g) Retained Electrical Bonding Test, and General Visual Inspection if Necessary

This paragraph restates the requirements of paragraph (g) of AD 2012–09–07, Amendment 39–17042 (77 FR 28238, May 14, 2012), with revised repair approval language. For Model A319–111, –112, and –132 airplanes; Model A320–111, –211, –212, –214 and –232 airplanes; and Model A321–111, –211, –212, and –231 airplanes; certificated in any category; having manufacturer serial numbers 0039, 0078, 0109, 0118, 0120, 0153, 0174, 0187, 0203, 0215, 0218, 0226, 0227, 0228, 0236, 0237, 0269, 0270, 0278, 0285, 0286, 0287, 0288, 0294, 0301, 0337, 0377, 0462, 0463, 0464, 0465, 0520, 0523, 0528, 0876, 0888, 0921, 0935, 0974, 1014, 1102, 1130, 1160, 1162, 1177, 1215, 1250, 1287, 1336, 1388, 1404, 1444, 1449, 1476, 1505, 1524, 1564, 1605, 1616, 1622, 1640, 1645, 1658, 1677, 1691, 1729, and 1905: Within 24 months after June 18, 2012 (the effective date of AD 2012–09–07), do an electrical bonding test to check for bonding between the re-fuel adaptor of the gravity fill and the top skin panels on the left-hand and right-hand wings, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–57–1152, dated June 14, 2010.

(1) If the resistance value is 10 milliOhms or less at the left-hand and right-hand wing,

no further action is required by this paragraph.

(2) If the resistance value is greater than 10 milliOhms at the left-hand or right-hand wing, before further flight, do a general visual inspection for corrosion of the component interface and adjacent area, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–57–1152, dated June 14, 2010. If any corrosion is found during the inspection, before further flight, repair the gravity fill fuel adaptor, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–57–1152, dated June 14, 2010; except where Airbus Service Bulletin A320–57–1152, dated June 14, 2010, specifies to contact Airbus, before further flight, repair using a method approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; or the European Aviation Safety Agency (EASA); or Airbus's EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(h) New Requirement of This AD: Maintenance Check/Electrical Bonding Test and Corrective Action if Necessary

For airplanes other than those identified in paragraph (g) of this AD: Within 24 months after the effective date of this AD, determine whether a corrosion repair has been done on an overwing refueling aperture, whereby a primer coating has been applied on the mating surface of the aperture flange. A maintenance records check is acceptable to make this determination, provided those records can conclusively determine whether a primer coat was applied.

(1) If it is determined that a primer coating was applied on the mating surface of the aperture flange; or if a determination cannot be made, or the outcome is inconclusive: Within 24 months after the effective date of this AD do the electrical bonding test specified in paragraph (g) of this AD, and before further flight, all applicable actions specified in paragraph (g)(2) of this AD.

(2) If it is determined that a corrosion repair has not been done, and a primer coating has not been applied on the mating surface of the aperture flange since first entry into service, no further action is required by this paragraph.

(i) Corrosion Repair Provision

As of the effective date of this AD, any corrosion repair done on an overwing refueling aperture on any airplane must be compliant with the repair requirements of paragraph (g)(2) of this AD.

(j) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) Alternative Methods of Compliance (AMOCs): The Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the International Branch, send it to ATTN: Sanjay Ralhan, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone (425) 227–1405; fax (425) 227–1149. Information may be emailed to: *9-ANM-116-AMOC-REQUESTS@faa.gov.*

(i) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office. The AMOC approval letter must specifically reference this AD.

(ii) AMOCs approved previously for AD 2012–09–07, Amendment 39–17042 (77 FR 28238, May 14, 2012), are approved as AMOCs for the corresponding provisions of this AD.

(2) Contacting the Manufacturer: For any requirement in this AD to obtain corrective actions from a manufacturer, the action must be accomplished using a method approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; or the European Aviation Safety Agency (EASA); or Airbus's EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(k) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA Airworthiness Directive 2013–0277R1, dated December 4, 2013, for related information. This MCAI may be found in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2014–0484.

(2) For service information identified in this AD, contact Airbus, Airworthiness Office—EAS, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email *account.airworth-eas@airbus.com;* Internet *http://www.airbus.com.* You may view this service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Issued in Renton, Washington, on July 13, 2014.

Jeffrey E. Duven,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2014–17930 Filed 7–29–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2014–0499; Directorate Identifier 2013–SW–061–AD]

RIN 2120–AA64

Airworthiness Directives; Bell Helicopter Textron Canada

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for Bell Helicopter Textron Canada (BHTC) Model 430 helicopters to require inspecting the tail rotor control tube assembly (control tube) and either repairing or replacing the control tube. This proposed AD is prompted by two reports of failure of the control tube bonded clevis. The proposed actions are intended to prevent failure of a control tube bonded clevis, which could lead to failure of the control tube and subsequent loss of helicopter control.

DATES: We must receive comments on this proposed AD by September 29, 2014.

ADDRESSES: You may send comments by any of the following methods:

- *Federal eRulemaking Docket:* Go to *http://www.regulations.gov.* Follow the online instructions for sending your comments electronically.
- *Fax:* 202–493–2251.
- *Mail:* Send comments to the U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001.
- *Hand Delivery:* Deliver to the "Mail" address between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* or in person at the Docket Operations Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the foreign authority's AD, the economic evaluation, any comments received, and other information. The street address for the Docket Operations Office (telephone 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

For service information identified in this proposed AD, contact Bell

Helicopter Textron Canada Limited, 12,800 Rue de l'Avenir, Mirabel, Quebec J7J1R4; telephone (450) 437–2862 or (800) 363–8023; fax (450) 433–0272; or at *http://www.bellcustomer.com/files/.* You may review the referenced service information at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.

FOR FURTHER INFORMATION CONTACT: Matt Fuller, Senior Aviation Safety Engineer, Safety Management Group, Rotorcraft Directorate, FAA, 2601 Meacham Blvd., Fort Worth, Texas 76137; telephone (817) 222–5110; email *matthew.fuller@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to participate in this rulemaking by submitting written comments, data, or views. We also invite comments relating to the economic, environmental, energy, or federalism impacts that might result from adopting the proposals in this document. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. To ensure the docket does not contain duplicate comments, commenters should send only one copy of written comments, or if comments are filed electronically, commenters should submit only one time.

We will file in the docket all comments that we receive, as well as a report summarizing each substantive public contact with FAA personnel concerning this proposed rulemaking. Before acting on this proposal, we will consider all comments we receive on or before the closing date for comments. We will consider comments filed after the comment period has closed if it is possible to do so without incurring expense or delay. We may change this proposal in light of the comments we receive.

Discussion

Transport Canada Civil Aviation (TCCA), which is the aviation authority for Canada, has issued Canadian AD No. CF–2013–30, dated October 7, 2013, to correct an unsafe condition for BHTC Model 430 helicopters with control tube part number (P/N) 430–001–007–101. TCCA advises of two cases concerning failures of the control tube bonded clevis caused by cracking from control tube oscillation. TCCA states that this situation, if not corrected, could result in the loss of control of the helicopter. TCCA AD No. CF–2013–30 consequently requires a one-time inspection of the control tube for damage and contacting BHTC for evaluation of the control tube if the damage exceeds allowable limits. If the tube is not damaged, the damage is within allowable limits, or BHTC Engineering determines the control tube can be returned to service, TCCA AD No. CF–2013–30 requires modifying the tube according to BHTC's service information. TCCA AD No. CF–2013–30 also requires replacing control tubes, P/N 430–001–007–101, with control tube, P/N 430–001–007–105, no later than 12 months from the effective date of its AD.

FAA's Determination

These helicopters have been approved by the aviation authority of Canada and are approved for operation in the United States. Pursuant to our bilateral agreement with Canada, TCCA, its technical representative, has notified us of the unsafe condition described in its AD. We are proposing this AD because we evaluated all known relevant information and determined that an unsafe condition is likely to exist or develop on other products of the same type design.

Related Service Information

We reviewed Bell Helicopter Alert Service Bulletin No. 430–13–51, dated September 3, 2013 (ASB), which states that BHTC received two reports of control tube, P/N 430–001–007–101, failing because the clevis failed due to fatigue caused by control tube oscillation. The ASB specifies a one-time inspection of control tube assembly, P/N 430–001–007–101, to verify if the tube has chaffing damage. Bell Helicopter Technical Bulletin 430–04–35, Revision B, dated March 20, 2009, recommends that control tube, P/N 430–001–007–101, be replaced with control tube, P/N 430–001–007–105, if damage exists.

Proposed AD Requirements

This proposed AD would require:

- Within 50 hours time-in-service (TIS), visually inspecting each control tube for damage, damage to the clevis, and to determine whether the clevis is correctly bonded to the control tube.
- If a control tube and clevis have no damage or damage within acceptable limits and the clevis is correctly bonded to the control tube, repairing the control tube by applying tape.
- If the control tube or clevis is damaged beyond acceptable limits or if the clevis is not correctly bonded, replacing control tube, P/N 430–001–007–101, with control tube, P/N 430–001–007–105.
- Within 250 hours TIS after the effective date of this AD, replacing each control tube, P/N 430–001–007–101, with control tube, P/N 430–001–007–105.

Differences Between This Proposed AD and the TCCA AD

The TCCA AD requires submitting sketches of a control tube damaged beyond defined limits to BHTC for evaluation. BHTC then determines if the control tube can be returned to service. We make no such requirement in this proposed AD.

Costs of Compliance

We estimate that this proposed AD would affect 5 helicopters of U.S. Registry and that labor costs average $85 a work hour. Based on these estimates, expect the following costs:

- The cost of inspecting the control tube would be minimal.
- Repairing the control tube would require 2 work-hours for a labor cost of $170.
- Replacing control tube, P/N 430–001–007–101, with control tube, P/N 430–001–007–105, would require 3 work-hours for a labor cost of $255. Parts would cost $3,974 for a total cost per helicopter of $4,229.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. ''Subtitle VII: Aviation Programs,'' describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in ''Subtitle VII, Part A, Subpart III, Section 44701: General requirements.'' Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

We determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed, I certify this proposed regulation:

1. Is not a ''significant regulatory action'' under Executive Order 12866;

2. Is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979);

3. Will not affect intrastate aviation in Alaska to the extent that it justifies making a regulatory distinction; 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.

We prepared an economic evaluation of the estimated costs to comply with this proposed AD and placed it in the AD docket.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA proposes to amend 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

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

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

■ 2. Amend § 39.13 by adding the following new airworthiness directive (AD):

Bell Helicopter Textron Canada: Docket No. FAA–2014–0499; Directorate Identifier 2013–SW–061–AD.

(a) Applicability

This AD applies to Bell Helicopter Textron Canada (BHTC) Model 430 Helicopters, serial number 49001 through 49121, with control tube assembly (control tube), part number (P/N) 430–001–007–101, installed, certificated in any category.

(b) Unsafe Condition

This AD defines the unsafe condition as fatigue failure of a tail rotor control tube bonded clevis. This condition could result in failure of the tail rotor control tube and subsequent loss of helicopter control.

(c) Comments Due Date

We must receive comments by September 29, 2014.

(d) Compliance

You are responsible for performing each action required by this AD within the specified compliance time unless it has already been accomplished prior to that time.

(e) Required Actions

(1) Within 50 hours time-in-service (TIS), visually inspect each control tube for any damage, for any damage to the clevis, and to determine whether the clevis is correctly bonded to the control tube.

(i) If a control tube and clevis have no damage or damage within acceptable limits and the clevis is correctly bonded to the control tube, repair the control tube by applying tape in accordance the Accomplishment Instructions, Paragraph 5, of Bell Helicopter Alert Service Bulletin 430–13–51, dated September 3, 2013.

(ii) If the control tube or clevis is damaged beyond acceptable limits or if the clevis is not correctly bonded to the control tube, replace control tube, P/N 430–001–007–101, with control tube, P/N 430–001–007–105.

(2) Within 250 hours TIS, replace each control tube, P/N 430–001–007–101, with control tube, P/N 430–001–007–105.

(f) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Safety Management Group, FAA, may approve AMOCs for this AD. Send your proposal to: Matt Fuller, Senior Aviation Safety Engineer, Safety Management Group, Rotorcraft Directorate, FAA, 2601 Meacham Blvd., Fort Worth, Texas 76137; telephone (817) 222–5110; email *matthew.fuller@faa.gov.*

(2) For operations conducted under a 14 CFR part 119 operating certificate or under 14 CFR part 91, subpart K, we suggest that you notify your principal inspector, or lacking a principal inspector, the manager of the local flight standards district office or certificate holding district office before operating any aircraft complying with this AD through an AMOC.

(g) Additional Information

(1) Bell Helicopter Technical Bulletin 430–04–35, Revision B, dated March 20, 2009, which is not incorporated by reference, contains additional information about the subject of this AD. For service information, contact Bell Helicopter Textron Canada Limited, 12,800 Rue de l'Avenir, Mirabel, Quebec J7J1R4; telephone (450) 437–2862 or (800) 363–8023; fax (450) 433–0272; or at *http://www.bellcustomer.com/files/.* You may review the referenced service information at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.

(2) The subject of this AD is addressed in the Transport Canada Civil Aviation (TCCA) AD No. CF–2013–30, dated October 7, 2013. You may view the TCCA AD on the Internet at *http://www.regulations.gov* in Docket No. FAA–2014–0499.

(h) Subject

Joint Aircraft Service Component (JASC) Code: 6720, Tail Rotor Control System.

Issued in Fort Worth, Texas, on July 18, 2014.

S. Frances Cox,

Acting Directorate Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 2014–17925 Filed 7–29–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[K00103 12/13 A3A10; 134D0102DR–DS5A300000–DR.5A311.IA000113]

25 CFR Part 83

RIN 1076–AF18

Federal Acknowledgment of American Indian Tribes

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Proposed rule; extension of comment period.

SUMMARY: On May 22, 2014, the Department of the Interior announced the availability of a proposed rule to revise regulations governing the process and criteria by which the Secretary acknowledges an Indian tribe. We have since received several requests for extension of the comment period and additional public hearings. This notice extends the comment deadline by 60 days and announces the addition of two more public hearings and two more tribal consultation sessions on the proposed rule.

DATES: Comments on this rule must be received by September 30, 2014. See the **SUPPLEMENTARY INFORMATION** section of this notice for information on the public hearings and tribal consultations.

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

- *Federal rulemaking portal: http://www.regulations.gov.* The rule is listed under the agency name ''Bureau of Indian Affairs.'' The rule has been assigned Docket ID: BIA–2013–0007.
- *Email: consultation@bia.gov.* Include the number 1076–AF18 in the subject line.
- *Mail or hand delivery:* Elizabeth Appel, Office of Regulatory Affairs & Collaborative Action, U.S. Department of the Interior, 1849 C Street NW., MS 3642, Washington, DC 20240. Include the number 1076–AF18 on the envelope.

Please note that we will not consider or include in the docket for this rulemaking comments received after the close of the comment period (see **DATES**) or comments sent to an address other than those listed above.

FOR FURTHER INFORMATION CONTACT: Ms. Elizabeth Appel, Director, Office of Regulatory Affairs & Collaborative Action, (202) 273–4680; *elizabeth.appel@bia.gov.*

SUPPLEMENTARY INFORMATION: On May 22, 2014, we announced the availability of a proposed rule to revise regulations governing the process and criteria by which the Secretary acknowledges an Indian tribe. The proposed rule was published in the **Federal Register** on May 29, 2014. See 79 FR 30766. Since announcement of the proposed rule, we have since received several requests for extension of the comment period and additional public hearings. This notice extends the comment deadline by 60 days and announces two additional public meetings and two additional tribal consultation sessions on this proposed rule.

The newly announced public meetings and tribal consultation sessions will be held by teleconference on the following schedule:

Meeting Type

Tribal Consultation

Monday, August 18, 2014

1:30 p.m. to 4:30 p.m. Eastern Time

The call-in number is (888) 323–4307 and the passcode is 4823348.

Tribal Consultation

Wednesday, August 20, 2014

1:30 p.m. to 4:30 p.m. Eastern Time

The call-in number is (888) 323–4307 and the passcode is 4823348.

Public Meeting

Wednesday, September 3, 2014

1:30 p.m. to 4:30 p.m. Eastern Time

The call-in number is (888) 323–4307 and the passcode is 4823348.

Public Meeting

Friday, September 5, 2014

1:30 p.m. to 4:30 p.m. Eastern Time

The call-in number is (888) 323–4307 and the passcode is 4823348.

These teleconferences are in addition to the previously announced six in-person public hearings and six tribal consultation sessions on the proposed rule.

The proposed rule, frequently asked questions, and other information are available online at: *http://www.bia.gov/WhoWeAre/AS–IA/ORM/83revise/index.htm*.

Dated: July 24, 2014.

Kevin K. Washburn

Assistant Secretary—Indian Affairs.

[FR Doc. 2014–17956 Filed 7–29–14; 8:45 am]

BILLING CODE 4310–W7–P

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[K00103 12/13 A3A10; 134D0102DR–DS5A300000–DR.5A311.IA000113]

43 CFR Part 4

RIN 1094–AA54

Hearing and Re-Petition Authorization Processes Concerning Acknowledgment of American Indian Tribes

AGENCY: Office of the Secretary, Interior.

ACTION: Proposed rule; extension of comment period.

SUMMARY: On June 19, 2014, we announced a proposed rule pertaining to hearings on negative proposed findings for Federal acknowledgment of Indian tribes. Our proposed rule is related to a Bureau of Indian Affairs (BIA) proposed rule. 79 FR 30766 (May 29, 2014). Requests for extension of the comment period were submitted for both proposed rules. Because BIA is extending the comment period for its proposed rule, we are extending the comment deadline for our proposed rule as well.

DATES: Comments on this rulemaking must be received by September 30, 2014.

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

• *Federal rulemaking portal: http://www.regulations.gov*.

• *Email: karl_johnson@oha.doi.gov*. Include the number 1094–AA54 in the subject line.

• *Mail or hand delivery:* Mr. Karl Johnson, Office of Hearings and Appeals, Departmental Cases Hearing Division, U.S. Department of the Interior, 351 S. West Temple, Suite 6.300, Salt Lake City, UT 84101. Include the number 1094–AA54 on the envelope.

Please note that we will not consider or include in the docket for this rulemaking any comments received after the close of the comment period (see **DATES**) or any comments sent to an address other than those listed above.

FOR FURTHER INFORMATION CONTACT: Karl Johnson, Senior Attorney, Office of Hearing and Appeals, Departmental Case Hearings Division, (801) 524–5344; *karl_johnson@oha.doi.gov*.

SUPPLEMENTARY INFORMATION: On June 19, 2014, we announced in the **Federal Register** a proposed rule to establish procedures for a new category of hearing for petitioners who receive a negative proposed finding for Federal acknowledgment and request a hearing. See 79 FR 35129. The rule would also establish procedures for a new re-petition authorization process for petitioners whose petitions have been denied. This proposed rule is related to a BIA proposed rule that would revise processing of petitions for Federal acknowledgment of Indian tribes published on May 29, 2014 (79 FR 30766).

We and BIA both received requests for to extend the comment period on our proposed rules. In response to these requests, BIA is extending its comment period and we are also extending our comment deadline to match the new comment deadline for the BIA rule.

Dated: July 24, 2014.

Rhea Suh,

Assistant Secretary—Policy, Management and Budget.

[FR Doc. 2014–17954 Filed 7–29–14; 8:45 am]

BILLING CODE 4310–W7–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 79

[ET Docket No. 13–49 Report No. 3004]

Petitions for Reconsideration of Action in Rulemaking Proceeding

AGENCY: Federal Communications Commission.

ACTION: Petition for reconsideration.

SUMMARY: Petitions for Reconsideration (Petitions) have been filed in the Commission's Rulemaking proceeding by Chuck Powers, on behalf of Motorola Solutions, Inc., John Cimko, on behalf of Mimosa Network. Inc., Chuck Hogg, on behalf of Wireless Internet Service Providers Association, Daniel Zimmerman, on behalf of JAB Wireless, Inc., Jennifer A. Manner, on behalf of ECHOSTAR Technologies, L.L.C., David Kaufman, on behalf of Cambium Networks Ltd, and Frederick M. Joyce, on behalf of Global Automakers, Inc.

DATES: Oppositions to the Petitions must be filed by August 14, 2014. Replies to an opposition must be filed by August 25, 2014.

ADDRESSES: Federal Communications Commission, 445 12th Street SW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: For additional information on this proceeding, contact Aole Wilkins, Office of Engineering and Technology, (202) 418–2406, or by email *Aole.Wilkins@fcc.gov*.

SUPPLEMENTARY INFORMATION: This is a summary of Commission's document, Report No. 3004, released July 14, 2014. The full text of this document is available for viewing and copying in Room CY–B402, 445 12th Street SW., Washington, DC, or may be purchased from the Commission's copy contractor, Best Copy and Printing, Inc. (BCPI) (1–800–378–3160). The Commission will not send a copy of this *Notice* pursuant to the Congressional Review Act, 5 U.S.C. 801(a)(1)(A), because this *Notice* does not have an impact on any rules of particular applicability.

Subject: In the Matter of Revision of Part 15 of the Commission's Rules to Permit Unlicensed National Information Infrastructure (U–NII) Devices in the 5 GHz Band, ET Docket No. 13–49, published at 79 FR 24569, May 1, 2014, and this notice is published pursuant to 47 CFR 1.429(e) of the Commission's rules. *See also* 47 CFR 1.4(b)(1) of the Commission's rules.

Number of Petitions Filed: 7.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 2014–17931 Filed 7–29–14; 8:45 am]

BILLING CODE 6712–01–P

Notices

Federal Register

Vol. 79, No. 146

Wednesday, July 30, 2014

DEPARTMENT OF AGRICULTURE

Forest Service

Gauley Ranger District, Monongahela National Forest; West Virginia; Big Rock Project

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare an environmental impact statement.

SUMMARY: The USDA Forest Service, Monongahela National Forest, Gauley Ranger District intends to prepare an environmental impact statement (EIS) to disclose the environmental consequences of a vegetation management project. In the EIS the USDA Forest Service will address the potential environmental impacts due to creating early successional forest; enhancing the growth and mast production of forest stands; and increasing wildlife habitat diversity.

The Big Rock Project is located in the Cranberry River watershed, north of the community of Richwood, in Nicholas and Webster Counties, WV. The 23,490 acres in the project area include an estimated 21,767 acres of National Forest System Land and 1,723 acres of privately-owned land. No activities are proposed on private lands.

DATES: Comments concerning the scope of the analysis should be received or post-marked by September 8, 2014. Comments received or post-marked after this initial scoping period will be considered, but will not afford the commenter standing to file a later objection on the project, unless they are submitted during a future designated comment period. The draft environmental impact statement is expected in March 2015 and the final environmental impact statement is expected in June 2015. A decision is expected in September of 2015.

ADDRESSES: Send written comments to Jane Bard, ID Team Leader, Big Rock Project, 932 North Fork Cherry Rd., Richwood, WV 26261. Comments may also be sent via email to *comments-eastern-monongahela-gauley@fs.fed.us,* or via facsimile to 304–846–4307. Please list ''Big Rock Project'' in the subject line and include a mailing address.

FOR FURTHER INFORMATION CONTACT: Jane Bard, ID Team Leader, at *jbard@fs.fed.us* or 304–846–2695. Office hours are 8 a.m.–4:30 p.m., Eastern Time, Monday through Friday (excluding federal holidays). See **ADDRESSES** above. Another means of obtaining information is to visit the Forest's projects Web page at: *http://www.fs.usda.gov/projects/mnf/landmanagement/projects* and then click on ''Big Rock''.

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 4:30 p.m., Eastern Time, Monday through Friday (excluding federal holidays).

SUPPLEMENTARY INFORMATION:

Purpose and Need for Action

The purpose of the Big Rock Project is to implement land management activities that are consistent with the Monongahela National Forest Land and Resource Management Plan (Forest Plan) and will help to bring the Forest closer to the desired condition. The Forest Plan outlines goals, objectives and desired conditions for Forest resources. The Big Rock Project Area is in Management Prescription (MP) 3.0, which emphasizes age class diversity and sustainable timber production; habitat for wildlife species tolerant of disturbances, such as deer, grouse, and squirrel; and a variety of forest scenery (Forest Plan, as updated in 2011, III–4). The desired condition relevant to this project is for a full range of forest age-classes of primarily hardwood trees and associated understories to be distributed in a mosaic pattern, thus providing for the habitat needs of a variety of wildlife species. Harvest of trees is expected to provide sustainably-produced timber to the market. Roads and trails systems provide access for recreation, administration, and management purposes, including transportation of forest products. (Forest Plan, as updated in 2011, III–6 and 7)

The project area is currently composed of approximately one percent early successional forest (0–19 yrs), with over 80% in the mid-late successional age-class (80–120 yrs). In contrast, the Forest-wide MP 3.0 direction for age-class composition is for a range of 12–20% to be maintained in early successional forest and 24–40% to be maintained in mid-late successional forest. In addition, many stands in the project area contain closely-spaced trees. Crowded trees can result in reduced growth, crown size, and mast production due to competition for light, water, and nutrients. Throughout the project area there is a general lack of vernal pools for wildlife. Collectively, these conditions depart from the desired condition and present opportunities to increase wildlife habitat diversity.

Proposed Action

The following actions have been identified to address the needs described above. (1) To meet the need to create early successional forest, conduct commercial regeneration harvest using clearcut with reserves on 1,342 acres. Treatments included in regeneration harvests are pre-harvest vine treatment, site preparation for natural regeneration, designation of wildlife and riparian leave trees, retention of standing dead snag trees, and creation of any required snags by girdling. Herbicides may also be used for snag creation or vine treatment. (2) To meet the need to enhance the growth and mast production of forested stands, conduct commercial thinning harvest on 702 acres using ground based skidding and on 491 acres using helicopter logging. (3) To meet the need to increase wildlife habitat diversity, the vegetation management activities described in numbers 1 and 2 above are proposed. Additional habitat diversity will be created by constructing twenty small vernal pools.

In order to carry out the proposed vegetation management activities, roads, skid trails, and landings will be needed. Therefore, the proposed action includes the construction of 3.7 miles of low standard road. This road mileage would be added to the National Forest System of roads. Associated landings and skid trails would be constructed as well.

Responsible Official

The Responsible Official for this project is the Gauley District Ranger of the Monongahela National Forest.

Nature of Decision To Be Made

Following completion of the EIS, the responsible official will review the proposed action, other alternatives, and environmental consequences in order to decide whether to implement the proposed action as described; to implement an alternative version of this proposal that addresses issues; to defer any action at this time; or to amend the Forest Plan.

Scoping Process

This notice of intent initiates the scoping process, which guides the development of the EIS. In conjunction with this notice, the Forest is notifying the public of the open scoping period by sending letters to those that have indicated interest in this type of project on the Monongahela National Forest. In addition, news releases will be sent to the local newspapers and project information will be posted locally, including at the Gauley Ranger District Office and National Forest campgrounds in the vicinity of the project. A field trip to the project area will be held on August 15, 2014. This field trip will only take place if interest is expressed. Please RSVP to Jane Bard (at contact information contained in **ADDRESSES**, above), no later than August 7th if you would like to attend the field trip. This field trip is intended for informational purposes only. Those wishing to submit comments on the project in order to gain standing to later file an objection should ensure their specific, written comments have been received or post-marked by the close of the scoping period (September 8, 2014).

A 45-day comment period will be offered on this project in the future when the Draft EIS is available for public review. Specific, written comments submitted during that comment period will also give standing to later submit an objection on the project.

Comments received in response to this solicitation, including names and addresses of those who comment, will be a part of the public record for this proposed action. Comments submitted anonymously will be accepted and considered; however, will not give the commenter standing to file an objection.

Authority: 40 CFR 1501.7, 1506.6, and 1508.22; Forest Service Handbook 1909.15, Chapter 20, Section 22

Dated: July 23, 2014.

William W. Schiffer,

District Ranger.

[FR Doc. 2014–17903 Filed 7–29–14; 8:45 am]

BILLING CODE 3410–15–P

DEPARTMENT OF AGRICULTURE

Forest Service

Southwest Montana Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Southwest Montana Resource Advisory Committee (RAC) will meet in Dillon, Montana. The committee is authorized under the Secure Rural Schools and Community Self-Determination Act (Pub. L. 110–343) (the Act) and operates in compliance with the Federal Advisory Committee Act. The purpose of the committee is to improve collaborative relationships and to provide advice and recommendations to the Forest Service concerning projects and funding consistent with Title II of the Act. The meeting is open to the public. The purpose of the meeting is to review and recommend projects for Title II funding.

DATES: The meeting will be held at 1:00 p.m. on August 21, 2014.

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

ADDRESSES: The meeting will be held at 420 Barrett Street, Dillon, Montana.

Written comments may be submitted as described under **SUPPLEMENTARY INFORMATION**. All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received at the Beaverhead-Deerlodge National Forest Supervisor's Office. Please call ahead to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: Patty Bates, RAC Coordinator, by phone at 406–683–3979 or via email at *pbates@fs.fed.us.*

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

SUPPLEMENTARY INFORMATION: Additional RAC information, including the meeting agenda and the meeting summary/minutes can be found at the following Web site: *https://fsplaces.fs.fed.us/fsfiles/unit/wo/secure_rural_schools.nsf.* The agenda will include time for people to make oral statements of three minutes or less. Individuals wishing to make an oral statement should request in writing by August 18, 2014, to be scheduled on the agenda. Anyone who would like to bring related matters to the attention of the committee may file written statements with the committee staff before or after the meeting. Written comments and requests for time for oral comments must be sent to Patty Bates, RAC Coordinator, 420 Barrett Street, Dillon, Montana 59725; by email to *pbates@fs.fed.us,* or via facsimile to 406–683–3944.

Meeting Accommodations: If you are a person requiring reasonable accommodation, please make requests in advance for sign language interpreting, assistive listening devices or other reasonable accommodation for access to the facility or proceedings by contacting the person listed in the section titled **FOR FURTHER INFORMATION CONTACT**. All reasonable accommodation requests are managed on a case by case basis.

Dated: July 23, 2014.

Melany Glossa,

Forest Supervisor.

[FR Doc. 2014–17914 Filed 7–29–14; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Forest Service

Tri-County Resource Advisory Committee; Meeting

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Tri-County Resource Advisory Committee (RAC) will meet in Deer Lodge, Montana. The committee is authorized under the Secure Rural Schools and Community Self-Determination Act (Pub. L. 110–343) (the Act) and operates in compliance with the Federal Advisory Committee Act. The purpose of the committee is to improve collaborative relationships and to provide advice and recommendations to the Forest Service concerning projects and funding consistent with Title II of the Act. The meeting is open to the public. The purpose of the meeting is review and recommend projects for Title II funding.

DATES: The meeting will be held at 6:00 p.m. on August 20, 2014.

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

ADDRESSES: The meeting will be held at 1002 Hollenback Road, Deer Lodge, Montana.

Written comments may be submitted as described under Supplementary Information. All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received at the Beaverhead-Deerlodge National Forest Supervisors Office. Please call ahead to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: Patty Bates, RAC Coordinator, by phone at 406–683–3979 or via email at *pbates@fs.fed.us.*

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

SUPPLEMENTARY INFORMATION: Additional RAC information, including the meeting agenda and the meeting summary/minutes can be found at the following Web site: *https://fsplaces.fs.fed.us/fsfiles/unit/wo/secure_rural_schools.nsf.* The agenda will include time for people to make oral statements of three minutes or less. Individuals wishing to make an oral statement should request in writing by August 18, 2014, to be scheduled on the agenda. Anyone who would like to bring related matters to the attention of the committee may file written statements with the committee staff before or after the meeting. Written comments and requests for time for oral comments must be sent to Patty Bates, RAC Coordinator, 420 Barrett Street, Dillon, Montana, 59725; by email to *pbates@fs.fed.us,* or via facsimile to 406–683–3944.

Meeting Accommodations: If you are a person requiring reasonable accommodation, please make requests in advance for sign language interpreting, assistive listening devices or other reasonable accommodation for access to the facility or proceedings by contacting the person listed in the section titled **FOR FURTHER INFORMATION CONTACT**. All reasonable accommodation requests are managed on a case by case basis.

Dated: July 23, 2014.

Melany Glossa,

Forest Supervisor.

[FR Doc. 2014–17927 Filed 7–29–14; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce 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: National Oceanic and Atmospheric Administration (NOAA).

Title: Certification Requirements for NOAA's Hydrographic Product Quality Assurance Program.

OMB Control Number: 0648–0507.

Form Number(s): NA.

Type of Request: Regular submission (extension of a current information collection).

Number of Respondents: 5.

Average Hours per Response: 12 hours for a complete submission; 1 hour for an inquiry about the program.

Burden Hours: 16.

Needs and Uses: This request is for extension of a currently approved information collection.

The National Oceanic and Atmospheric Administration (NOAA) was mandated to develop and implement a quality assurance program under which the Administrator may certify privately-made hydrographic products. The Administrator fulfilled this mandate by establishing procedures by which hydrographic products are proposed for certification; by which standards and compliance tests are developed, adopted, and applied for those products; and by which certification is awarded or denied. These procedures are now at 15 CFR 996. The application and recordkeeping requirements at 15 CFR 996 are the basis for this collection of information.

Affected Public: Business or other for-profit organizations.

Frequency: On occasion.

Respondent's Obligation: Required to obtain or retain a benefit.

This information collection request may be viewed at *reginfo.gov.* Follow the instructions to view Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *OIRA_Submission@omb.eop.gov* or faxed to (202) 395–5806.

Dated: July 25, 2014.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2014–17947 Filed 7–29–14; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce 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: International Trade Administration (ITA).

Title: Survey of Organizations Participating in the United States (U.S.)—European Union (EU) Safe Harbor Framework and United States (U.S.)—Switzerland (Swiss) Safe Harbor Framework.

OMB Control Number: 0625–0268.

Form Number(s): None.

Type of Request: Regular submission (extension of a currently approved information collection).

Number of Respondents: 1,284.

Average Hours per Response: 20 minutes, completion of survey with initial self-certification or recertification submission via DOC's Safe Harbor Web site.

Burden Hours: 428.

Needs and Uses: The information collection concerns the voluntary survey that U.S. organizations are asked to complete and submit to the U.S. Department of Commerce (DOC) when they self-certify their compliance with the U.S.-EU Safe Harbor Framework and/or the U.S.-Swiss Safe Harbor Framework. The survey for which an extension is being sought is an approved information collection.

The DOC's International Trade Administration (ITA) administers the U.S.-EU Safe Harbor program and U.S.-Swiss Safe Harbor program. The U.S.-EU Safe Harbor Framework and U.S.-Swiss Safe Harbor Framework provide eligible U.S. organizations with a streamlined means of complying with the relevant requirements of the European Union's Data Protection Directive and the Swiss Federal Act on Data Protection. The Safe Harbor Frameworks help facilitate the flow of personal data worth critical to billions of dollars in trade between the United States and the EU and Switzerland.

In line with President Obama's National Export Initiative, the DOC is interested in gathering information from U.S. organizations that participate in one or both of the Safe Harbor programs to: (a) Better evaluate how the Safe Harbor Frameworks support U.S. exports, and (b) potentially identify areas for improvement. The voluntary survey provides participants, including small businesses, in the Safe Harbor programs with an opportunity to communicate directly with the DOC regarding these programs. The information collected through this survey will not be made public, except at the aggregate level.

Affected Public: Business or other for-profit organizations.

Frequency: Annually.

Respondent's Obligation: Voluntary.

This information collection request may be viewed at *reginfo.gov.* Follow the instructions to view Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *OIRA_Submission@omb.eop.gov* or fax to (202) 395–5806.

Dated: July 25, 2014.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2014–17953 Filed 7–29–14; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

Economic Development Administration

Notice of Petitions by Firms for Determination of Eligibility to Apply for Trade Adjustment Assistance

AGENCY: Economic Development Administration, Department of Commerce.

ACTION: Notice and Opportunity for Public Comment.

Pursuant to Section 251 of the Trade Act 1974, as amended (19 U.S.C. 2341 et seq.), the Economic Development Administration (EDA) has received petitions for certification of eligibility to apply for Trade Adjustment Assistance from the firms listed below. Accordingly, EDA has initiated investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each of these firms contributed importantly to the total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of each petitioning firm.

LIST OF PETITIONS RECEIVED BY EDA FOR CERTIFICATION ELIGIBILITY TO APPLY FOR TRADE ADJUSTMENT ASSISTANCE

[7/15/2014 through 7/24/2014]

Firm name	Firm address	Date accepted for investigation	Product(s)
Prime Equipment Group, Inc	2000 E. Fulton St., Columbus, OH 43205.	7/21/2014	The firm manufactures poultry processing equipment, spare parts and provides installation of same.

Any party having a substantial interest in these proceedings may request a public hearing on the matter. A written request for a hearing must be submitted to the Trade Adjustment Assistance for Firms Division, Room 71030, Economic Development Administration, U.S. Department of Commerce, Washington, DC 20230, no later than ten (10) calendar days following publication of this notice.

Please follow the requirements set forth in EDA's regulations at 13 CFR 315.9 for procedures to request a public hearing. The Catalog of Federal Domestic Assistance official number and title for the program under which these petitions are submitted is 11.313, Trade Adjustment Assistance for Firms.

Dated: July 24, 2014.

Michael DeVillo,

Eligibility Examiner.

[FR Doc. 2014–17916 Filed 7–29–14; 8:45 am]

BILLING CODE 3510–WH–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–865]

Certain Hot-Rolled Carbon Steel Flat Products From the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review; 2012–2013

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

SUMMARY: The Department of Commerce (''Department'') is conducting an administrative review of the antidumping duty order on certain hot-rolled carbon steel flat products (''hot-rolled steel'') from the People's Republic of China (''PRC''), covering the period of review (''POR'') November 1, 2012 through October 31, 2013. The Department preliminarily determines that Baosteel Group Corporation, Shanghai Baosteel International Economic & Trading Co., Ltd., and Baoshan Iron and Steel Co., Ltd. (collectively, ''Baosteel'') had no shipments of subject merchandise to the United States during the POR.

DATES: *Effective Date:* July 30, 2014.

FOR FURTHER INFORMATION CONTACT: Steven Hampton, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington DC 20230; telephone (202) 482–0116.

SUPPLEMENTARY INFORMATION:

Background

The Department is conducting an administrative review of the antidumping duty order on hot-rolled steel from the PRC pursuant to section 751(a)(1) of the Tariff Act of 1930, as amended (''Act''). On November 29, 2001, the Department published in the **Federal Register** an antidumping duty order on hot-rolled steel from the PRC.[1] On November 27, 2013, and December 2, 2013, Nucor Corporation (''Nucor'') and United States Steel Corporation (''U.S. Steel''), respectively, submitted requests for an administrative review of Baosteel.[2] On December 30, 2013,

[1] *See Notice of Antidumping Duty Order: Certain Hot-Rolled Carbon Steel Flat Products from the People's Republic of China,* 66 FR 59561 (November 29, 2001).

[2] *See* Certain Hot-Rolled Carbon Steel Flat Products from the People's Republic of China: Request for Administrative Review, dated

Continued

pursuant to the requests from Nucor and U.S. Steel, the Department published a notice of initiation of an administrative review of the antidumping duty order on hot-rolled steel from the PRC covering the period November 1, 2012, to October 31, 2013, for one company, Baosteel.[3] On January 27, 2013, in response to the Department's *Initiation Notice,* Baosteel certified that it had no sales of subject merchandise during the POR.[4]

Scope of the Order

The products covered by the order are certain hot-rolled carbon steel flat products of a rectangular shape, of a width of 0.5 inch or greater, neither clad, plated, nor coated with metal and whether or not painted, varnished, or coated with plastics or other non-metallic substances, in coils (whether or not in successively superimposed layers), regardless of thickness, and in straight lengths of a thickness of less than 4.75 mm and of a width measuring at least 10 times the thickness. The merchandise subject to the order is classified in the Harmonized Tariff Schedule of the United States (''HTSUS'') at subheadings: 7208.10.15.00, 7208.10.30.00, 7208.10.60.00, 7208.25.30.00, 7208.25.60.00, 7208.26.00.30, 7208.26.00.60, 7208.27.00.30, 7208.27.00.60, 7208.36.00.30, 7208.36.00.60, 7208.37.00.30, 7208.37.00.60, 7208.38.00.15, 7208.38.00.30, 7208.38.00.90, 7208.39.00.15, 7208.39.00.30, 7208.39.00.90, 7208.40.60.30, 7208.40.60.60, 7208.53.00.00, 7208.54.00.00, 7208.90.00.00, 7211.14.00.90, 7211.19.15.00, 7211.19.20.00, 7211.19.30.00, 7211.19.45.00, 7211.19.60.00, 7211.19.75.30, 7211.19.75.60, and 7211.19.75.90. Certain hot-rolled carbon steel flat products covered by the order, including: vacuum degassed fully stabilized; high strength low alloy; and the substrate for motor lamination steel may also enter under the following tariff numbers: 7225.11.00.00, 7225.19.00.00, 7225.30.30.50, 7225.30.70.00, 7225.40.70.00, 7225.99.00.90, 7226.11.10.00, 7226.11.90.30, 7226.11.90.60, 7226.19.10.00, 7226.19.90.00, 7226.91.50.00, 7226.91.70.00, 7226.91.80.00, and 7226.99.00.00. Subject merchandise may also enter under 7210.70.30.00, 7210.90.90.00, 7211.14.00.30, 7212.40.10.00, 7212.40.50.00, and 7212.50.00.00. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise subject to the order is dispositive.[5]

Methodology

For a full description of the methodology underlying our conclusion, please see the Preliminary Decision Memorandum. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (''IA ACCESS''). IA ACCESS is available to registered users at *http://iaaccess.trade.gov* and in the Central Records Unit, room 7046 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly on the Internet at *http://enforcement.trade.gov/frn/.* The signed Preliminary Decision Memorandum and the electronic versions of the Preliminary Decision Memorandum are identical in content.

Preliminary Determination of No Shipments

As noted in the ''Background'' section above, Baosteel has submitted a timely-filed certification indicating that it had no sales of subject merchandise to the United States during the POR.[6] Based on the certification of Baosteel and our analysis of U.S. Customs & Border Protection (''CBP'') information, the Department preliminarily determines that Baosteel did not have any reviewable transactions during the POR. In addition, consistent with the Department's refinement to its assessment practice in non-market economy (''NME'') cases, the Department finds that it is appropriate not to rescind the review in these circumstances but rather, to complete the review with respect to Baosteel and issue appropriate instructions to CBP based on the final results of the review.[7]

Disclosure and Public Comment

Pursuant to 19 CFR 351.309(c), interested parties may submit cases briefs no later than 30 days after the date of publication of this notice. Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than five days after the date for filing case briefs.[8] Parties who submit case briefs or rebuttal briefs in this proceeding are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.[9] Case and rebuttal briefs should be filed electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (''IA ACCESS'').[10]

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, or to participate if one is requested, must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically via IA ACCESS. An electronically filed document must be received successfully in its entirety by the Department's electronic records system, IA ACCESS, by 5 p.m. Eastern Standard Time within 30 days after the date of publication of this notice.[11] Requests should contain: (1) The party's name, address and telephone number; (2) the number of participants; and (3) a list of issues to be discussed. Issues raised in the hearing will be limited to those raised in the respective case and rebuttal briefs.

The Department will issue the final results of this administrative review, including the results of its analysis of the issues raised in any written briefs, not later than 120 days after the date of publication of this notice, pursuant to section 751(a)(3)(A) of the Act.

Assessment Rates

Upon issuance of the final results, the Department will determine, and CBP shall assess, antidumping duties on all appropriate entries. The Department intends to issue assessment instructions

November 27, 2013, and Hot-Rolled Carbon Steel Flat Products from the People's Republic of China: Request for Administrative Review, dated December 2, 2013.

[3] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews and Request for Revocation in Part,* 78 FR 79392 (December 30, 2013) (''*Initiation Notice*'').

[4] *See* Letter from Baosteel regarding Certain Hot-Rolled Carbon Steel Flat Products from the People's Republic of China Certification of No Sales, dated January 27, 2013 (''Baosteel No Sales Certification'').

[5] For a complete description of the scope of the subject antidumping duty order, see Memorandum to Paul Piquado, Assistant Secretary for Enforcement and Compliance, from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, entitled ''Decision Memorandum for Preliminary Results of 2012–2013 Antidumping Duty Administrative Review: Certain Hot-Rolled Carbon Steel Flat Products from the People's Republic of China'' (''Preliminary Decision Memorandum''), dated concurrently with these results and hereby adopted by this notice.

[6] *See* Baosteel No Sales Certification.

[7] *See Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties,* 76 FR 65694, 65694–95 (October 24, 2011) (''*Assessment Practice Refinement''*) and the ''Assessment Rates'' section below.

[8] *See* 19 CFR 351.309(d).

[9] *See* 19 CFR 351.309(c)(2) and (d)(2).

[10] *See* 19 CFR 351.303.

[11] *See* 19 CFR 351.310(c).

to CBP 15 days after the date of publication of the final results of review. Pursuant to the refinement to its assessment practice in NME cases, if the Department continues to determine that an exporter under review had no shipments of 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 PRC-wide rate.[12]

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 the subject merchandise from the PRC entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by section 751(a)(2)(C) of the Act: (1) For Baosteel, which claimed no shipments, the cash deposit rate will remain unchanged from the rate assigned to the company in the most recently completed review of the company; (2) for previously investigated or reviewed PRC and non-PRC exporters not listed above that have separate rates, the cash deposit rate will continue to be the exporter-specific rate published for the most recent period; (3) for all PRC exporters of subject merchandise which have not been found to be entitled to a separate rate, the cash deposit rate will be the PRC-wide rate of 90.83 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(s) that supplied that non-PRC exporter. These deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

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

The Department is issuing and publishing these results in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

[12] For a full discussion of this practice, *see Assessment Practice Refinement,* 76 FR at 65694–95.

July 23, 2014.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2014–17974 Filed 7–29–14; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Architecture Services Trade Mission to Qatar

AGENCY: International Trade Administration, Department of Commerce.

Mission Description

The United States Department of Commerce, International Trade Administration (ITA), with support from the American Institute of Architects (*http://www.aia.org*), is organizing an executive-led Architecture Services Trade Mission to Qatar, with an optional mission stop in Saudi Arabia, from November 16–19, 2014. The purpose of the mission is to introduce U.S. firms to Saudi Arabia and Qatar's rapidly expanding infrastructure projects, and to assist U.S. companies in pursuing export opportunities in this sector. The mission is designed for U.S. architectural, project management, and design services companies. The mission also will help U.S. companies already doing business in Saudi Arabia and Qatar to increase their footprint and deepen their business interests. Target sectors holding high potential for U.S exporters include: Master planning (regional design—city planning or regional planning, port re-development—design of the walkways, buildings, etc. along the port); hospitals and health care architecture; hospitality; airports/other transportation infrastructure facility architecture; architectural services for mixed-use projects; sports and entertainment; and educational facilities. The optional stop in Riyadh, Saudi Arabia will take place November 16–17, prior to the Doha, Qatar stop. U.S. companies that would like to add the optional stop should indicate this on their application.

The mission will help participating firms and associations/organizations gain market insights, make industry contacts, solidify business strategies, and advance specific projects, with the goal of increasing U.S. architectural services exports. The mission will include market briefings, one-on-one business appointments with pre-screened potential buyers, agents, distributors, industry leaders, and joint venture partners; meetings with state and local government officials (in Qatar only); and networking events. Participating in an official U.S. industry delegation, rather than traveling on their own, will enhance the companies' ability to identify opportunities in Qatar and Saudi Arabia.

The mission will be supported by the American Institute of Architects (AIA) (*https://www.aia.org*). All U.S. architecture/construction/engineering (ACE) trade associations or organizations are encouraged to apply. The mission is open to all U.S. firms, service providers, and organizations in the ACE sector, whether or not they are members of AIA or any other ACE trade association/organization. Selection criteria for participation, as set out below, apply equally for all applicants.

Commercial Setting

Qatar

The U.S.-Qatar trade relationship is going through a massive transformation. The U.S. posted a trade surplus of nearly $3.7 billion in 2013, with record U.S. exports to Qatar of $5 billion. U.S. exports to Qatar in 2013 established a new record, growing by 38.6% over 2012, when U.S. exports totaled $3.58 billion, the previous record high. U.S. exports to Qatar continued to be strong in early 2014. Despite Qatar's small population (Qatar is a country of only two million people and only 250,000 Qataris), they rank as the fifth largest market in the Middle East and North Africa region, only behind the much larger markets of the UAE, Saudi Arabia, Israel and Egypt. Over the past 3 years exports have grown by 57%.

With Qatar's 2030 Vision to transform itself from a carbon-based economy combined with the award of the 2022 FIFA World Cup, Qatar is spending over $250 billion on physical infrastructure and other developments over the next five years. Projects include the new Hamad International Airport (Phase I just completed, Phase II being planned), the New Doha Port Project (the world's largest greenfield port project), road conversion (conversion of UK-style roundabouts to U.S. road layouts), new rail lines (three subway lines and three light-rail tram systems), new stadiums (between 9–12 to be built), as well as hospitals, schools, commercial and hospitality venues.

Potential meetings may include: Hamad International Airport (Phase II), QRail; the Public Works Authority (Ashghal); Qatar Supreme Committee for Delivery and Legacy (2022 FIFA World Cup); Katara Hospitality; and the

Qatar Foundation for Education, Science and Community Development.

Saudi Arabia

Saudi Arabia is the 10th largest trading partner of the United States with bilateral trade of $71 billion in 2013 and also the 19th largest destination for U.S. exports. In 2013, U.S. exports to Saudi Arabia exceeded the $19 billion mark, an increase of 6% from 2012. The Saudi economy—the largest in the Middle East and North Africa region—has been growing at a robust pace. The private sector has been, and is expected to continue to be, the key driver behind stronger non-oil sector growth, with an annual growth rate close to seven percent since 2000. Oil and gas reserves have also generated significant financial liquidity from 2006 to 2013. As a result, there are currently about $960 billion worth of projects planned or under way in Saudi Arabia. Of these, more than $700 billion are megaprojects, or large master planned developments of more than $1 billion, making Saudi Arabia the biggest opportunity in the region for businesses involved in the infrastructure and construction sectors. The revenues from hydrocarbon resources are expected to be sufficient to support planned development spending and private sector growth. The FY2014 budget projects government spending at $219 billion.

Saudi Arabia's architecture, construction and engineering sector remains one of the most important industries in the Kingdom's economy. Prior to 2000, Saudi Arabia utilized traditional architectural design in commercial and residential buildings. However, the country's desire to develop a modern appearance has led to architectural and architectural engineering services demands expanding on average nine percent per annum, which accounted for an estimated $2 billion in 2013. This is particularly evident as Saudi Arabia seeks to move towards stricter building codes, leading towards more energy efficient, green (LEED) and sustainable residential, industrial and commercial infrastructure. U.S. architecture, architectural engineering, and interior design firms will find a comparative advantage in commercial design and in residential development. Saudi Arabia is already looking for U.S. capabilities in assisting in the design and development of 500,000 residential units and multi-use compounds associated with the significant demand for housing. With respect to the approximately 300 five star hotels to be built in the next five to ten years, U.S. companies are also favored for their interior design services. With the push for greater water efficiency and reduction in lost water, many project developers will also need assistance in landscape architecture. With increased spending in education and the building of new centers of learning, U.S. companies will again be poised to benefit. U.S. architecture firms have been the designers of choice on many projects in Saudi Arabia and the future continues to offer significant potential. It is important to note that the Saudi market lends itself to mid-sized and larger U.S. architecture/engineering firms.

Mission Goals

The goals of the Architecture Services Trade Mission are to provide U.S. participants with first-hand market information, and one-on-one meetings with business contacts, including potential partners, so that they can position themselves to enter or expand their presence in the market. As such, the mission will focus on helping U.S. companies obtain market information and establish business and government contacts (please note that for the optional stop in Saudi Arabia, no meetings with Saudi government ministries or officials will be arranged).

The mission will also facilitate first-hand market exposure and access to government decision makers and key private-sector industry contacts, especially potential partners. It will provide opportunities for participants to have policy and regulatory framework discussions in order to advance U.S. architectural sector interests in Qatar. It will provide participants with an opportunity to meet with Qatari architecture trade associations, to foster long-term partnerships, and to share best practices, especially with trade association/organization participants. Mission participants will visit key Qatar development sites to gain direct exposure to the rapid infrastructure and planning changes underway.

In Saudi Arabia, the mission will focus on identifying potential partners and opportunities for U.S. companies to gain a share of the large market in infrastructure products and services. Primary focus will be on matchmaking meetings with potential private sector partners in Saudi Arabia and site visits to some of the key infrastructure projects underway in Riyadh.

Mission Scenario

The optional stop in Riyadh, Saudi Arabia will include briefings by Commercial Service (CS) officers in Saudi Arabia on current political and economic developments as well as upcoming trends. This will be followed by one-on-one meetings between U.S. and Saudi companies. The next day will include site visits in Riyadh. The mission will begin in Doha with a welcome dinner (or related event) on Monday, November 17. On November 18, participants will attend a briefing organized by CS Doha. Then, participants will hear from guest speakers for an overview of doing business in Qatar, upcoming projects, and other topics of interest. Additional planned events include site tours and matchmaking events with ACE potential partners, including briefings on and site visits to current and planned projects in areas such as infrastructure, sports, hospitality, healthcare, and education.

On November 19, mission participants will have the opportunity for additional site visits. In addition to being the largest port in the region, Doha hosts an expanding industrial cluster.

The participants will attend policy, market and commercial briefings by CS and industry experts as well as networking events offering further opportunities to speak with potential distributors, agents, partners and end users. U.S. participants will be counseled before and after the mission by CS staff.

Proposed Timetable

Optional Pre-Mission Stop in Saudi Arabia

Saturday–November 15	• Arrive in Riyadh.
Sunday–November 16	• Market briefings from CS and industry experts. • Networking Lunch. • Business-to-Business meetings.
Monday–November 17	• Site Visits. • Travel to Doha.

Mission—Qatar	
Monday–November 17	• Arrive in Doha. • Welcome Briefing and/or Related Networking Event.
Tuesday–November 18	• Market briefings from CS and industry experts. • Networking lunch with local industry representatives. • Business-to-Business meetings. • Site Visits.
Wednesday–November 19	• Meetings with local industry and government officials. • Networking lunch with local industry representatives. • Business-to-Business meetings. • Possible Press Event. • Site Visit. • Mission Officially ends.

Participation Requirements

All parties interested in participating in the trade mission must complete and submit an application package for consideration by the U.S. Department of Commerce. All applicants will be evaluated on their ability to meet certain conditions and best satisfy the selection criteria as outlined below. A minimum of 15 and maximum of 20 firms, service providers and/or trade associations/organizations will be selected from the applicant pool to participate in the Qatar stop. The Riyadh optional stop is limited to 7–10 firms, service providers and/or trade associations/organizations.

Fees and Expenses

After an applicant has been selected to participate in the mission, a payment to the Department of Commerce in the form of a participation fee is required. Upon notification of acceptance to participate, those selected have 5 business days to submit payment or the acceptance may be revoked.

The participation fee for the trade mission to Qatar alone is $2900 for small or medium-sized enterprises (SME) [1] and $3,000 for large firms and trade associations/organizations. The fee for each additional representative (large firm or SME or trade association/organization) is $750.

The additional participation fee for the Saudi Arabia optional stop is $2000 for small or medium-sized enterprises (SME) [2] and an additional $2600 for large firms and trade associations/organizations. The fee for each additional representative (large firm or SME or trade association/organization) to add on the Saudi Arabia optional stop is $350.

Exclusions

The mission fee does not include any personal travel expenses such as lodging, most meals, local ground transportation (except for transportation to and from meetings, and airport transfers between Riyadh and Doha during the mission), and air transportation. Participants will, however, be able to take advantage of U.S. Government rates for hotel rooms. Visas will be required for both Saudi Arabia and Qatar. Government fees and processing expenses to obtain such visas are also not included in the mission costs. The U.S. Department of Commerce, however, will provide instructions to each participant on the procedures required to obtain necessary business visas.

Conditions for Participation

Applicants must submit a completed and signed mission application and supplemental application materials, including adequate information on their products and/or services, primary market objectives, and goals for participation by August 30, 2014. If the Department of Commerce receives an incomplete application, the Department may either: Reject the application, request additional information/clarification, or take the lack of information into account when evaluating the applications.

Each applicant must also certify that the products and services it seeks to export through the mission are either produced in the United States, or, if not, are marketed under the name of a U.S. firm and have at least fifty-one percent U.S. content by value. In the case of a trade association or organization, the applicant must certify that, for each firm or service provider to be represented by the association/organization, the products and/or services the represented firm or service provider seeks to export are either produced in the United States or, if not, marketed under the name of a U.S. firm and have at least fifty-one percent U.S. content.

We recommend calculating the U.S. content of an ACE service using the following formula:

U.S. content for services = (contract value of the service whether delivered in the U.S. or overseas) minus (aggregate value contributed by non-U.S. or foreign sources (i.e., costs or payments to foreign suppliers/providers/employees not resident in the United States)).

In addition, each applicant must:

- Certify that the products and services that it wishes to market through the mission would be in compliance with U.S. export controls and regulations;
- Certify that it has identified any matter pending before any bureau or office in the Department of Commerce;
- Certify that it has identified any pending litigation (including any administrative proceedings) to which it is a party that involves the Department of Commerce; and
- Sign and submit an agreement that it and its affiliates (1) have not and will not engage in the bribery of foreign officials in connection with a company's/participant's involvement in this mission, and (2) maintain and enforce a policy that prohibits the bribery of foreign officials.

In the case of a trade association/organization, the applicant must certify that each firm or service provider to be represented by the association/organization can make the above certifications.

Selection Criteria for Participation

Targeted mission participants are U.S. firms, services providers and trade associations/organizations providing or

[1] An SME is defined as a firm with 500 or fewer employees or that otherwise qualifies as a small business under SBA regulations (see *http://www.sba.gov/services/contractingopportunities/sizestandardstopics/index.html*). Parent companies, affiliates, and subsidiaries will be considered when determining business size. The dual pricing reflects the Commercial Service's user fee schedule that became effective May 1, 2008 (see *http://www.export.gov/newsletter/march2008/initiatives.html* for additional information).

[2] An SME is defined as a firm with 500 or fewer employees or that otherwise qualifies as a small business under SBA regulations (see *http://www.sba.gov/services/contractingopportunities/sizestandardstopics/index.html*). Parent companies, affiliates, and subsidiaries will be considered when determining business size. The dual pricing reflects the Commercial Service's user fee schedule that became effective May 1, 2008 (see *http://www.export.gov/newsletter/march2008/initiatives.html* for additional information).

promoting ACE services that have an interest in entering or expanding their business in the Qatar market (applicants that would like to add the optional Saudi Arabia stop must meet these criteria for the Saudi Arabia market as well). The following criteria will be evaluated in selecting participants:

- Suitability of a firm's or service provider's (or in the case of a trade association/organization, represented firm or service provider's) products or services to these markets.
- Firm's or service provider's (or in the case of a trade association/organization, represented firm or service provider's) potential for business in the markets, including likelihood of exports resulting from the mission.
- Consistency of the firm's or service provider's (or in the case of a trade association/organization, represented firm or service provider's) goals and objectives with the stated scope of the mission.

Additional factors, such as diversity of company size, type, location, and demographics, may also be considered during the review process.

Referrals from political organizations and any documents, including the application, containing references to partisan political activities (including political contributions) will be removed from an applicant's submission and not considered during the selection process.

Timeframe for Recruitment and Application

Mission recruitment will be conducted in an open and public manner, including publication in the **Federal Register**, posting on the Commerce Department trade mission calendar (*http://www.export.gov/trademissions/*) and other Internet Web sites, press releases to general and trade media, direct mail, broadcast fax, notices by industry trade associations and other multiplier groups, and publicity at industry meetings, symposia, conferences, and trade shows.

Recruitment for this mission will begin immediately and conclude no later than August 30, 2014. The U.S. Department of Commerce will review applications and make selection decisions as quickly as possible. Applications received after August 30, 2014 will be considered only if space and scheduling constraints permit.

Contacts

Trade Missions Office, Arica Young, U.S. Department of Commerce, Washington, DC, Tel: 613–317–7538, Email: *Arica.Young@trade.gov.*

Industry and Analysis, Eugene Alford, U.S. Department of Commerce, Washington, DC 20230, Tel: 202–482–5071, Email: *Eugene.Alford@trade.gov.*

Elnora Moye,

Trade Program Assistant.

[FR Doc. 2014–17972 Filed 7–29–14; 8:45 am]

BILLING CODE 3510–FP–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Alaska Rockfish Program: Permits and Reports

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before September 29, 2014.

ADDRESSES: Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at *JJessup@doc.gov*).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Patsy A. Bearden, (907) 586–7008 or *Patsy.Bearden@noaa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

This request is for an extension of a currently approved information collection.

The Rockfish Program determines the access and allocation of the Central Gulf of Alaska (GOA) rockfish fisheries and associated halibut prohibited species catch (PSC), also known as the rights of access to the fishery. Cooperatives were established to receive exclusive harvest privileges for rockfish primary and secondary species. These resource allocations are used to assign the available resources in an economic way. In the case of halibut, a specific amount of halibut mortality is assigned to the cooperative, because halibut is often caught incidentally with rockfish.

The rockfish fisheries are conducted in Federal waters near Kodiak, Alaska, primarily by trawl vessels, and to a lesser extent by longline vessels. The Rockfish Program allocates harvest privileges to holders of License Limitation Program (LLP) licenses with a history of Central GOA rockfish landings associated with those licenses.

II. Method of Collection

Respondents have a choice of online, electronic, or paper forms. Methods of submittal include email of electronic forms, and mail and facsimile transmission of paper forms. Online application allows cooperatives to check in and out in conjunction with their current online account balance Web sites.

III. Data

OMB Control Number: 0648–0545.

Form Number: None.

Type of Review: Regular submission (extension of a currently approved collection).

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 55.

Estimated Time per Response: 2 hours for paper or 10 minutes online for Application for Rockfish Cooperative Fishing Quota (CQ); 10 minutes online for Application for Inter-Cooperative Transfer of Rockfish CQ; 40 hours for Annual Rockfish Cooperative Report; 30 minutes for Rockfish Catch Report; 10 minutes online for Rockfish Vessel Check-in/Checkout Report with Termination of Fishing Declaration; 4 hours for Appeals for Denial of Rockfish Permit; and 10 minutes online for Rockfish Ex-vessel Volume and Value Report.

Estimated Total Annual Burden Hours: 490.

Estimated Total Annual Cost to Public: $222 in recordkeeping/reporting costs.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: July 24, 2014.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2014–17887 Filed 7–29–14; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Alaska Pacific Halibut Fisheries: Charter Permits

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before September 29, 2014.

ADDRESSES: Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at *JJessup@doc.gov*).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Patsy A. Bearden, (907) 586–7008 or *Patsy.Bearden@noaa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

This request is for an extension of a currently approved information collection.

The Alaska Pacific Halibut Charter Program established Federal Charter Halibut Permits (CHPs) for operators in the charter halibut fishery in IPHC regulatory Areas 2C (Southeast Alaska) and 3A (Central Gulf of Alaska). Since February 1, 2011, all vessel operators in Areas 2C and 3A with charter anglers onboard catching and retaining Pacific halibut must have a valid CHP onboard during every charter vessel fishing trip. CHPs must be endorsed with the appropriate regulatory area and number of anglers.

The National Marine Fisheries Service (NMFS) implemented this program based on recommendations by the North Pacific Fishery Management Council to meet allocation objectives in the charter halibut fishery. This program provides stability in the fishery by limiting the number of charter vessels that may participate in Areas 2C and 3A and decreasing the overall number of available CHPs over time. The program goals are to increase the value of the resource, limit boats to qualified active participants in the guided sport halibut sector, and enhance economic stability in rural coastal communities.

II. Method of Collection

Respondents have a choice of electronic or paper forms. Methods of submittal include email of electronic forms, and mail and facsimile transmission of paper forms.

III. Data

OMB Control Number: 0648–0592.

Form Number: None.

Type of Review: Regular submission (extension of a currently approved collection).

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 1,461.

Estimated Time per Response: 2 hours for Application for Charter Halibut Permit [inactive]; 2 hours for Application for Transfer of Charter Halibut Permit; 2 hours for Application for Military Charter Permit; 2 hours for Application for Transfer between IFQ and Guided Angler Fish; and 4 hours for Appeals.

Estimated Total Annual Burden Hours: 2,160.

Estimated Total Annual Cost to Public: $4,936 in recordkeeping/reporting costs.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: July 24, 2014.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2014–17888 Filed 7–29–14; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID DoD–2014–OS–0115]

Privacy Act of 1974; System of Records

AGENCY: Department of Defense.

ACTION: Notice to add a new Privacy Act System of Records.

SUMMARY: In accordance with the Privacy Act of 1974, as amended, the Office of the Secretary of Defense proposes to establish a new system of records for Continuous Evaluation (CE).[1] These records will be used to conduct CE, as defined in Executive Order 13467, to: (1) Identify DoD-affiliated personnel who have engaged in conduct of security concern; (2) identify and initiate needed follow-on inquiries and/or investigative activity and enable security officials and adjudicators to determine and take appropriate actions; and (3) perform research, development, and analyses related to DoD's CE program. These analyses are conducted to: (a) Evaluate and improve DoD and Federal personnel security, insider threat,[2] and other

[1] E.O. 13467 defines continuous evaluation as ''reviewing the background of an individual who has been determined to be eligible for access to classified information (including additional or new checks of commercial databases, Government databases, and other information lawfully available to security officials) at any time during the period of eligibility to determine whether that individual continues to meet the requirements for eligibility for access to classified information.''

[2] The November 21, 2012 Presidential Memorandum, ''National Insider Threat Policy and Minimum Standards for Executive Branch Insider Threat Programs'' identified insider threat programs as including the following: Monitoring user activity on U.S. government networks; continued evaluation of personnel security information; and employee

Continued

background vetting and continuous evaluation procedures, programs, and policies; (b) assist in providing training, instruction, and advice on personnel security and insider threats, and assess continuing reliability of subjects; (c) encourage cooperative research within and among DoD Components, the Intelligence Community, and the Executive branch on initiatives having DoD or Federal Government-wide implications in order to ensure that appropriate information is shared efficiently when authorized to do so and to avoid duplication of efforts; (d) address items of special interest to personnel security officials within DoD Components, the Intelligence Community, and the Executive branch (e.g., evaluating responses to excessive indebtedness, auditing information to ensure individuals with mental health issues are being protected appropriately, monitoring numbers and types of security incidents); (e) conduct personnel security pilot test projects related to DoD's CE program for purposes of research and development.

DATES: Comments will be accepted on or before August 29, 2014. This proposed action will be effective the date following the end of the comment period unless comments are received which result in a contrary determination.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

* *Federal Rulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
* *Mail:* Federal Docket Management System Office, 4800 Mark Center Drive, East Tower, 2nd Floor, Suite 02G09, Alexandria, VA 22350–3100.

Instructions: All submissions received must include the agency name and docket number for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: Ms. Cindy Allard, Chief, OSD/JS Privacy Office, Freedom of Information Directorate, Washington Headquarters Service, 1155 Defense Pentagon, Washington, DC 20301–1155, or by phone at (571) 372–0461. The Office of the Secretary of Defense notices for systems of records subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address in **FOR FURTHER INFORMATION CONTACT** or at the Defense Privacy and Civil Liberties Office Web site at *http://dpclo.defense.gov/.*

The proposed system report, as required by 5 U.S.C. 552a(r) of the Privacy Act of 1974, as amended, was submitted on June 30, 2014, to the House Committee on Oversight and Government Reform, the Senate Committee on Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I to OMB Circular No. A–130, ''Federal Agency Responsibilities for Maintaining Records About Individuals,'' dated February 8, 1996 (February 20, 1996, 61 FR 6427).

SUPPLEMENTARY INFORMATION: *Further background:* The DoD is implementing a program to help ensure that DoD-affiliated personnel who have been approved for eligibility for access to classified information or assignment to national security positions remain reliable, loyal, and trustworthy as well as non-threatening to the safety and well-being of the people they work with. The Department will implement CE based on signed consent of participants in compliance with the Privacy Act. System capabilities will be coordinated and aligned with the Office of the Director of National Intelligence as the Security Executive Agent pursuant to Executive Order 13467 and other Government agencies to ensure the development of a fully integrated, non-duplicative, and cost-effective CE solution that is implemented in accordance with Departmental and Federal law and policy.

Following the 2013 Washington Navy Yard shooting, the President directed the Office of Management and Budget (OMB) to conduct, within 120 days, a review of suitability and security clearance procedures for Federal employees and contractors. In response, OMB established an interagency review team to assess risks and vulnerabilities inherent in current security, suitability, and credentialing processes and identified solutions to safeguard our personnel and protect our nation's most sensitive information. The resulting report to the President committed the DoD to expanding its current CE pilots in FY14 and expanding overall CE capability beginning in FY15. Concurrent with the OMB review, the Secretary of Defense directed internal and independent reviews to identify and recommend actions that address gaps or deficiencies in DoD programs, policies, and procedures regarding security at DoD installations and the issuance and renewal of security clearances for DoD and contractor personnel. On March 18, 2014, the Secretary of Defense approved the internal review's four resulting recommendations, including: Task 1—Implement Continuous Evaluation and Task 2—Establish the DoD Insider Threat Management and Analysis Center.

To implement CE, the Department is developing an efficient and cost-effective technical solution that supplements existing Federal Investigative Standards and Departmental security processes (such as periodic reinvestigations and self-reporting) to more quickly and reliably identify and prioritize new information that gives cause to question whether individuals who are affiliated with the DoD should retain eligibility for access to classified information or be allowed unescorted access to controlled facilities. A technical CE solution will play a crucial role in improving personnel security and identifying potential insider threats.

The CE capability will use automated records checks of authoritative commercial and Government data sources (e.g., criminal, financial, or credit records) consistent with source records' permissible uses and will flag issues of security concern when behaviors are detected that could potentially disqualify an individual for eligibility for access to classified information or assignment to national security positions. Disqualifiers within the realm of security clearance eligibility are described in the Federal Adjudicative Guidelines. The CE capability will utilize business rules that are aligned with these guidelines and the revised Federal Investigative Standards and will only be applied to personnel who have consented to CE.

At all points during the development and implementation of the Department's CE solution, any issues related to privacy, civil liberties, and accuracy will be addressed and appropriate safeguards, consistent with national security, will be put into place.

Dated: July 25, 2014.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

DMDC 17 DoD

SYSTEM NAME

Continuous Evaluation Records for Personnel Security.

awareness training on risks posed by malicious insiders and recognition of malicious behaviors.

SYSTEM LOCATION

Defense Manpower Data Center, DoD Center Monterey Bay, 400 Gigling Road, Seaside, CA 93955–6771.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM

DoD-affiliated individuals who have signed and submitted the March 2010 or later version of the SF–86, ''Questionnaire for National Security Positions'' (SF–86) and have thereby agreed to be subject to Continuous Evaluation (CE).[3] This includes: DoD civilian employees, military members (Active Duty, National Guard, and Reserve military service members of the Army, Navy, Marine Corps, and Air Force) or DoD-cleared contractor employees with an active eligibility for access to classified information, or those who otherwise occupy national security positions.

CATEGORIES OF RECORDS IN THE SYSTEM

Applicable records containing the following information about the individual subject to continuous evaluation may be maintained:

a. Evidence of the individual's signed consent to continuous evaluation.

b. Responses from official questionnaires (e.g., SF 86 Questionnaire for National Security Positions) that include: Name, former names, and aliases; date and place of birth; social security number; height; weight; hair and eye color; gender; mother's maiden name; current and former home addresses, phone numbers, and email addresses; employment history; military record information; selective service registration record; residential history; education and degrees earned; names of associates and references with their contact information; citizenship; passport information; criminal history; civil court actions; prior security clearance and investigative information; results of prior continuous evaluation checks; mental health history; records related to drug and/or alcohol use; financial record information; information from the Internal Revenue Service pertaining to income tax returns; credit reports; the name, date and place of birth, social security number, and citizenship information for spouse or cohabitant; the name and marriage information for current and former spouse(s); the citizenship, name, date and place of birth, and address for relatives; information on foreign contacts and activities; association records; information on loyalty to the United States; and other agency reports furnished to DoD in connection with background investigation, continuous evaluation, or insider threat detection processes, and other information developed from above.

c. Reports of security violations and security-related incidents and data collected and actions taken to resolve them.

d. Pre-employment screening reports, such as counter-intelligence screening or military accessions vetting.

e. Dates and types of past investigations; dates and types of access granted based on qualifying investigations; indications of whether prior investigations were adjudicated based on exceptions, deviations, or waivers; denials, revocations, debarments, administrative actions, and other adverse actions based on adjudication of investigations.

f. Records of personnel background investigations conducted by other Federal agency investigation service providers.

g. Agency Use Block (AUB) question responses including type of investigation requested, case number, extra coverage/advance results, sensitivity level, access/eligibility, nature and date of action, geographic location, position code and title, Submitting Office Number (SON), location of official personnel folder, Security Office Identifier (SOI), use of the Intra-governmental Payment and Collection (IPAC) system, Treasury Account Symbol (TAS), obligating document number, Business Event Type Code (BETC), investigative requirement, requesting officials' name, title, email address, phone number, and applicant affiliation.

h. Educational data on schools and dates of attendance; conduct information that includes disciplinary actions, transcripts, commendations, degrees, certificates, and subject's explanations regarding education conduct.

i. Employment information on current and previous employment that includes: Name of employer, dates employed, address, name, and phone number of supervisor. Conduct information that includes promotions, dates and reasons for disciplinary actions to include termination; performance evaluation; and subject's explanations regarding employment conduct; employment references names, current address, phone number and email address; salary and wage information.

j. Selective Service record, military history, and conduct information.

k. Foreign contact and activities information that include names of individuals known, dates, country(ies) of citizenship, country(ies) of residence, type and nature or contact, financial interests, assets, benefits from foreign governments, countries and dates of arrival and departure for U.S. border crossings.

l. Results of subject and reference interviews conducted during the course of Continuous Evaluation, Counterintelligence Screening, or security incident resolution.

m. Information contained in local, state, and Federal criminal justice agency records and local, state, and Federal civil and criminal court records.

n. Information that pertains to excessive use of alcohol or use of illegal drugs. (This does not include or authorize CE checks of individuals' health or medical records).

o. Information about and evidence of unauthorized use of information technology systems.

p. For purposes of detecting unexplained affluence: U.S. and foreign finance and real estate information that consists of names of financial institutions, number of accounts held, monthly and year-end account balances for bank and investment accounts, address, year of purchase and price, capital investment costs, lease or rental information, year of lease or rental, monthly payments, deeds, lender/loan information and foreclosure history.

q. For purposes of detecting unexplained affluence: Information on leased vehicles, boats, airplanes and other U.S. and foreign assets that include type, make model/year, plate or identification number, year leased, monthly rental payment; year of purchase and price, and year-end fair market value.

r. For purposes of detecting unexplained affluence: Information pertaining to large currency transactions or other suspicious financial transactions.

s. For purposes of detecting unexplained affluence: U.S. and foreign mortgages, loans, and liabilities information that consist of type of loan, names and addresses of creditors, original balance, monthly and year-end balance, monthly payments, payment history, and name and address of institution where safe deposit box is located.

t. Publically available electronic information about or generated by the subject of continuous evaluation (e.g.,

[3] E.O. 13467 defines continuous evaluation as ''reviewing the background of an individual who has been determined to be eligible for access to classified information (including additional or new checks of commercial databases, Government databases, and other information lawfully available to security officials) at any time during the period of eligibility to determine whether that individual continues to meet the requirements for eligibility for access to classified information.''

public records, civil court records, social media content, news articles, and web blog information). This only includes information that is accessible to any member of the public while browsing the Web.

u. Results of automated record checks required to test new or alternative investigative data sources for purposes of improving efficiency or cost-effectiveness of CE.

v. Information about affiliation with known criminal and/or terrorist organizations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM

5 U.S.C. 9101, Access to Criminal History Information for National Security and Other Purposes; 10 U.S.C. 137, Under Secretary of Defense for Intelligence; 10 U.S.C. 504, Persons Not Qualified; 10 U.S.C. 505, Regular components: Qualifications, term, grade; E.O. 10450, Security Requirements for Government Employment; E.O. 10865, Safeguarding Classified Information Within Industry; E.O. 12333, United States Intelligence Activities; E.O. 13526, Classified National Security Information; E.O. 12968, as amended, Access to Classified Information; E.O. 13467, Reforming Processes Related to Suitability for Government Employment, Fitness for Contractor Employees, and Eligibility for Access to Classified National Security Information; E.O. 13470, Further Amendments to Executive Order 12333; 32 CFR part 154, Department of Defense Personnel Security Program Regulation; 32 CFR part 155, Defense Industrial Personnel Security Clearance; 32 CFR part 156, Department of Defense Personnel Security Program (DoDPSP); DoD Directive 1145.03E, United States Military Entrance Processing Command (USMEPCOM); DoD Instruction (DoDI) 1304.26, Qualification Standards for Enlistment, Appointment and Induction; DoDI 5200.02, DoD Personnel Security Program (PSP); DoDI 5220.06, Defense Industrial Personnel Clearance Review Program; DODI 5220.22, National Industrial Security Program (NISP); DoD 5200.2–R, Department of Defense Personnel Security Program Regulation; HSPD 12: Policy for a Common Identification Standard for Federal Employees and Contractors; FIPS 201–1: Personal Identity Verification (PIV) of Federal Employees and Contractors; Director of Central Intelligence Directive 8/1: Intelligence Community Policy on Intelligence Information Sharing; and E.O. 9397 (SSN), as amended.

PURPOSE(S)

Records in the system will be used to conduct CE to: (1) Identify DoD-affiliated personnel with eligibility for access to classified information who have engaged in conduct of security concern; (2) identify and initiate needed follow-on inquiries and/or investigative activity and enable security officials and adjudicators to determine and take appropriate actions; and (3) perform research, development, and analyses related to DoD's CE program. These analyses are conducted to: (a) Evaluate and improve DoD and federal personnel security, insider threat, and other background vetting and continuous evaluation procedures, programs, and policies; (b) assist in providing training, instruction, and advice on personnel security and insider threats, and assess continuing reliability of subjects; (c) encourage cooperative research within and among DoD Components, the Intelligence Community, and the Executive branch on initiatives having DoD or Federal Government-wide implications in order to ensure that appropriate information is shared efficiently when authorized to do so and to avoid duplication of efforts; (d) address items of special interest to personnel security officials within DoD Components, the Intelligence Community, and the Executive branch (e.g., evaluating responses to excessive indebtedness, auditing information to ensure individuals with mental health issues are being protected appropriately, monitoring numbers and types of security incidents); and (e) conduct personnel security pilot test projects related to DoD's CE program for purposes of research and development.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act of 1974, as amended, the records contained in the system may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows, where release is not otherwise restricted by law or executive order:

- To Federal, State, local, tribal government agencies, if necessary, to obtain information from them for the purposes of CE, which will assist DoD in identifying security risks and areas in the personnel security field that may warrant more training, instruction, research, or intense scrutiny.
- To Federal Bureau of Investigation and U.S. Office of Personnel Management counterintelligence personnel to assist them with their investigations and inquiries.
- To the Office of Personnel Management, the Office of the Director of National Intelligence, and other Federal Government agencies responsible for conducting background investigations and continuing evaluation in order to provide them with information relevant to their inquiries and investigations.
- To law enforcement agencies, if a system of records maintained by a DoD Component to carry out its functions contains information indicative of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the agency concerned, whether Federal, state, local, tribal, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto.
- To the Director of National Intelligence, as Security Executive Agent, or his assignee, to perform any functions authorized by law or executive order in support of personnel security programs. Examples include the Intelligence Reform and Terrorism Prevention Act and E.O. 13467.
- To the Office of Personnel Management, to perform any functions authorized by law or executive order in support of personnel security programs. Examples include the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) and E.O. 10450.

The DoD Blanket Routine Uses set forth at the beginning of the Office of the Secretary of Defense (OSD) compilation of systems of records notices apply to this system. The complete list of DoD blanket routine uses can be found Online at: *http://dpclo.defense.gov/Privacy/SORNsIndex/BlanketRoutineUses.aspx.*

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM

STORAGE

Electronic storage media and paper records maintained in file folders.

RETRIEVABILITY

Records may be retrieved by name and Social Security Number (SSN), and/or, where applicable, DoD identification number.

SAFEGUARDS

Records are stored under lock and key, in secure containers, or on electronic media that contain intrusion safeguards. Access to these investigative, incident report and response, and adjudicative records is role-based and is limited to those individuals requiring access in the performance of their official duties. All individuals who are granted access must have a need-to-know, been investigated and granted security clearance eligibility level at a level equal to or higher than subjects of records to which they have access, and been advised as to the sensitivity of the records and their responsibilities to safeguard the information contained in them from unauthorized disclosure. All individuals granted access to this system of records will receive Information Assurance and Privacy Act training.

Audit logs will be maintained to document access to data. All data transfers and information retrievals using remote communication facilities are encrypted. Records are maintained in a secure database in a controlled area accessible only to authorized personnel. Entry to these areas is restricted by the use of locks, guards, and administrative procedures.

RETENTION AND DISPOSAL

Disposition pending (until the National Achieves Records Administration (NARA) disposition schedule is approved, treat as permanent).

SYSTEM MANAGER(S) AND ADDRESS

Deputy Director for Identity, Defense Manpower Data Center, 4800 Mark Center Drive, Alexandria, VA 22350–6000 and Deputy Director, Defense Manpower Data Center, 400 Gigling Road, Seaside, CA 93955–6771.

NOTIFICATION PROCEDURE

Individuals seeking to determine whether this system contains information about them should address written inquiries to the Privacy Office, Defense Manpower Data Center, DoD Center Monterey Bay, 400 Gigling Road, Seaside, CA 93955–6771.

Written requests must contain the following information:

a. Full name, former name, and any other names used.

b. Date and place of birth.

c. Social Security Number.

d. The address to which the record information should be sent.

e. Telephone number.

f. You must sign your request.

RECORD ACCESS PROCEDURES

Individuals wishing to request access to their records should address written inquiries to the Privacy Office, Defense Manpower Data Center, DoD Center Monterey Bay, 400 Gigling Road, Seaside, CA 93955–6771.

Written requests must contain the following information:

a. Full name, former name, and any other names used.

b. Date and place of birth.

c. Social Security Number.

d. The address to which the record information should be sent.

e. You must sign your request.

In addition, the requester must provide a notarized statement or an unsworn declaration made in accordance with 28 U.S.C. 1746, in the following format:

If executed outside of the United States: 'I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on (date). (Signature).'

If executed within the United States, its territories, possessions, or commonwealths: 'I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature).'

Attorneys or other persons acting on behalf of an individual must provide written authorization from that individual for the representative to act on their behalf.

The written authorization must also include an original notarized statement or an unsworn declaration in accordance with 28 U.S.C. 1746, in the following format: I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature).

CONTESTING RECORD PROCEDURES

The OSD rules for accessing records, for contesting contents and appealing initial agency determinations are published in OSD Administrative Instruction 81; 32 CFR part 311; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES

Information in this system may be provided by the individual based on responses on their signed SF–86 and investigative interviews; Department of Defense civilian, contractor, and military personnel, criminal, and security record systems; Military Component recruiting information systems; Federal Government systems of records (as authorized by their routine use clauses in system of records notices) that provide security-relevant information; publicly available electronic information sources; commercial data providers (e.g., credit reporting companies and online news sources); local, state, and tribal civil and criminal record systems; systems for monitoring misuse of government-owned information technology systems; past and present employers; personal references; education institutions.

EXEMPTIONS CLAIMED FOR THE SYSTEM

Exempt records received from other systems of records in the course of Continuous Evaluation record checks may, in turn, become part of the case records in this system. When records are exempt from disclosure in systems of records for record sources accessed by this system, the Defense Manpower Data Center hereby claims the same exemptions for any copies of such records received by and stored in this system.

[FR Doc. 2014–17944 Filed 7–29–14; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF EDUCATION

[Docket No. ED–2014–ICCD–0110]

Agency Information Collection Activities; Comment Request; DC School Choice Incentive Program

AGENCY: Office of Innovation and Improvement (OII), Department of Education (ED).

ACTION: Notice.

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

DATES: Interested persons are invited to submit comments on or before 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–0110 or via postal mail, commercial delivery, or hand delivery. If the regulations.gov site is not available to the public for any reason, ED will temporarily accept comments at *ICDocketMgr@ed.gov. Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted; ED will ONLY accept comments during the comment period in this mailbox when the regulations.gov site is not available.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the

Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Mailstop L–OM–2–2E319, Room 2E115, Washington, DC 20202.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Geanne Gilroy, 202–205–5482.

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: DC School Choice Incentive Program.

OMB Control Number: 1855–0015.

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

Respondents/Affected Public: Individuals or households.

Total Estimated Number of Annual Responses: 3,000.

Total Estimated Number of Annual Burden Hours: 1,000.

Abstract: The DC School Choice Incentive Program, authorized by the Consolidated Appropriations Act of 2004, awarded a grant to the DC Children and Youth Investment Trust Corporation that will administer scholarships to students who reside in the District of Columbia and come from households whose incomes do not exceed 185% of the poverty line. Priority is given to students who are currently attending schools in need of improvement, as defined by Title I. To assist in the student selection and assignment process, the information to be collected will be used to determine the eligibility of those students who are interested in the available scholarships. Also, since the authorizing statute requires an evaluation we are proposing to collect certain family demographic information because they are important predictors of school success. Finally, we are asking to collect information about parental participation and satisfaction because these are key topics that the statute requires the evaluation to address.

Dated: July 24, 2014.

Tomakie Washington,

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

[FR Doc. 2014–17848 Filed 7–29–14; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG14–79–000.
Applicants: Newark Energy Center, LLC.
Description: Notice of Self-Certification of Exempt Wholesale Generator Status of Newark Energy Center, LLC.
Filed Date: 7/23/14.
Accession Number: 20140723–5036.
Comments Due: 5 p.m. ET 8/13/14.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER12–458–006.
Applicants: Quantum Choctaw Power, LLC, Quantum Auburndale Power, LP, Quantum Lake Power, LP, Quantum Pasco Power, LP.
Description: Notification of Non-Material Change in Status of the Quantum Entities.
Filed Date: 7/23/14.
Accession Number: 20140723–5041.
Comments Due: 5 p.m. ET 8/13/14.

Docket Numbers: ER14–1933–000; ER14–1934–001; ER14–1935–001.
Applicants: Headwaters Wind Farm LLC.
Description: Notice of Non-Material Change in Status of Headwaters Wind Farm LLC, et. al.
Filed Date: 7/21/14.
Accession Number: 20140721–5165.
Comments Due: 5 p.m. ET 8/11/14.

Docket Numbers: ER14–2324–001.
Applicants: Wisconsin Electric Power Company.
Description: Wisconsin Electric FERC Electric Tariff Volume 9—2014 update amended filing to be effective 8/29/2014.
Filed Date: 7/22/14.
Accession Number: 20140722–5091.
Comments Due: 5 p.m. ET 8/12/14.

Docket Numbers: ER14–2338–001.
Applicants: Wisconsin Electric Power Company.
Description: Wisconsin Electric and WPPI Rate Schedule FERC No 90—2014 revisions amended to be effective 8/29/2014.
Filed Date: 7/22/14.
Accession Number: 20140722–5098.
Comments Due: 5 p.m. ET 8/12/14.

Docket Numbers: ER14–2478–000.
Applicants: Southern California Edison Company.
Description: UFA with Copper Mountain Solar 2, LLC to be effective 7/24/2014.
Filed Date: 7/23/14.
Accession Number: 20140723–5044.
Comments Due: 5 p.m. ET 8/13/14.

Docket Numbers: ER14–2479–000.
Applicants: Southern California Edison Company.
Description: Amended LGIA and Distribution Serv Agmt with Coram California Development, L.P. to be effective 9/22/2014.
Filed Date: 7/23/14.
Accession Number: 20140723–5048.
Comments Due: 5 p.m. ET 8/13/14.

Docket Numbers: ER14–2480–000.
Applicants: PJM Interconnection, L.L.C.
Description: Service Agreement No. 2975; Queue No. W1–082 to be effective 6/24/2014.
Filed Date: 7/23/14.
Accession Number: 20140723–5060.
Comments Due: 5 p.m. ET 8/13/14.

Docket Numbers: ER14–2481–000.
Applicants: ITC Midwest LLC.
Description: Filing of CIAC Agreement with Pioneer Prairie Wind Farm I LLC to be effective 9/22/2014.
Filed Date: 7/23/14.
Accession Number: 20140723–5081.
Comments Due: 5 p.m. ET 8/13/14.

Docket Numbers: ER14–2482–000.
Applicants: NorthWestern Corporation.
Description: NorthWestern Corporation submits tariff filing per 35.15: Cancellation of SA 711 and 712—TSAs with Gaelectric LLC to be effective 7/21/2014.
Filed Date: 7/23/14.

Accession Number: 20140723–5083.
Comments Due: 5 p.m. ET 8/13/14.

Docket Numbers: ER14–2484–000.
Applicants: California Independent System Operator Corporation.
Description: 2014–07–23_EIMEnhancements to be effective 9/23/2014.
Filed Date: 7/23/14.
Accession Number: 20140723–5111.
Comments Due: 5 p.m. ET 8/13/14.

Docket Numbers: ER14–2485–000.
Applicants: Arizona Public Service Company.
Description: Large Generator Interconnection Agreements with Hyder, Administrative Correction to be effective 8/13/2014.
Filed Date: 7/23/14.
Accession Number: 20140723–5119.
Comments Due: 5 p.m. ET 8/13/14.

Take notice that the Commission received the following open access transmission tariff filings:

Docket Numbers: OA14–4–000.
Applicants: Limon Wind II, LLC, Limon Wind III, LLC.
Description: Petition for Waivers from Order Nos. 888, 889 and 890, and Request for Waiver of the 60-Day Rule of Limon Wind II, LLC and Limon Wind III, LLC.
Filed Date: 7/22/14.
Accession Number: 20140722–5114.
Comments Due: 5 p.m. ET 8/12/14.

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. 2014–17959 Filed 7–29–14; 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: Joint Application for Authorization Under Section 203 of the Federal Power Act Gila River Power LLC, et al.
Filed Date: 7/18/14.
Accession Number: 20140718–5136.
Comments Due: 5 p.m. ET 8/8/14.

Docket Numbers: EC14–68–000; ES14–28–000.
Applicants: Integrys Energy Group, Inc., Balfour Beatty Infrastructure Partners GP Limited, Upper Peninsula Power Company.
Description: Supplement to March 14, 2014 Applications for Authorization under Section(s) 203 and 204 of the Federal Power Act of Upper Peninsula Power Company, et al.
Filed Date: 7/18/14.
Accession Number: 20140718–5137.
Comments Due: 5 p.m. ET 7/28/14.

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG14–78–000.
Applicants: OCI Alamo 4 LLC.
Description: Self-Certification of EWG of OCI Alamo 4 LLC.
Filed Date: 7/21/14.
Accession Number: 20140721–5060.
Comments Due: 5 p.m. ET 8/11/14.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER13–1748–002.
Applicants: Southwest Power Pool, Inc.
Description: Order 755 Compliance Filing—Docket ER13–1748 to be effective 3/1/2015.
Filed Date: 7/21/14.
Accession Number: 20140721–5085.
Comments Due: 5 p.m. ET 8/11/14.

Docket Numbers: ER14–1386–001.
Applicants: California Independent System Operator Corporation.
Description: 2014–07–21_EIMCompliance to be effective 9/23/2014.
Filed Date: 7/21/14.
Accession Number: 20140721–5088.
Comments Due: 5 p.m. ET 8/11/14.

Docket Numbers: ER14–2305–001.
Applicants: PJM Interconnection, L.L.C.
Description: Errata Filing to Service Agreement No. 3318; Queue No. X3–075 to be effective 6/4/2014.
Filed Date: 7/21/14.
Accession Number: 20140721–5000.
Comments Due: 5 p.m. ET 8/11/14.

Docket Numbers: ER14–2420–000.
Applicants: RE Columbia, LLC.
Description: Supplement to Baseline Filing—Shared Facilities Agr and Co-Tenancy Agr to be effective N/A.
Filed Date: 7/18/14.
Accession Number: 20140718–5076.
Comments Due: 5 p.m. ET 8/8/14.

Docket Numbers: ER14–2466–000.
Applicants: RE Camelot LLC.
Description: Baseline Filing—Market-Based Rate Tariff to be effective 9/7/2014.
Filed Date: 7/18/14.
Accession Number: 20140718–5111.
Comments Due: 5 p.m. ET 8/8/14.

Docket Numbers: ER14–2467–000.
Applicants: Southern California Edison Company.
Description: Notices of Cancellation SGIA and Distribution Service Agmt with CAL SP VII, LLC to be effective 6/26/2014.
Filed Date: 7/21/14.
Accession Number: 20140721–5001.
Comments Due: 5 p.m. ET 8/11/14.

Docket Numbers: ER14–2468–000.
Applicants: NorthWestern Corporation.
Description: OATT Order No. 792 Compliance Filing (South Dakota) to be effective 7/22/2014.
Filed Date: 7/21/14.
Accession Number: 20140721–5026.
Comments Due: 5 p.m. ET 8/11/14.

Docket Numbers: ER14–2469–000.
Applicants: NorthWestern Corporation.
Description: OATT Order No. 792 Compliance Filing (Montana) to be effective 7/22/2014. 80.
Filed Date: 7/21/14.
Accession Number: 20140721–5029.
Comments Due: 5 p.m. ET 8/11/14.

Docket Numbers: ER14–2470–000.
Applicants: Duke Energy Progress, Inc.
Description: PEMC RS 172 2nd Amendment Clean up to be effective 12/27/2013.
Filed Date: 7/21/14.
Accession Number: 20140721–5047.
Comments Due: 5 p.m. ET 8/11/14.

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 21, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–17830 Filed 7–29–14; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2013–0715; FRL 9914–29–OEI]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; Survey of the Public and Commercial Building Industry

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) has submitted the following information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (PRA): ''Survey of the Public and Commercial Building Industry'' and identified by EPA ICR No. 2494.01 and OMB Control No. 2070–NEW. The ICR, which is available in the docket along with other related materials, provides a detailed explanation of the collection activities and the burden estimate that is only briefly summarized in this document. EPA has addressed the comments received in response to the previously provided public review issued in the **Federal Register** on December 6, 2013 (78 FR 73520). With this submission, EPA is providing an additional 30 days for public review.

DATES: Comments may be received on or before August 29, 2014.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPPT–2013–0715, to both EPA and OMB as follows:

- To EPA online using *http://www.regulations.gov* (our preferred method) or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW., Washington, DC 20460.
- To OMB via email to *oira_submission@omb.eop.gov.* Address comments to OMB Desk Officer for EPA.

EPA's policy is that all comments received will be included in the docket without change, including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI), or other information whose disclosure is restricted by statute. Do not submit electronically any information you consider to be CBI or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Judith Brown, Economics, Exposure and Technology Division (7406M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (202) 564–3218; fax number: (202) 564–8893; email address: *brown.judith@epa.gov.*

SUPPLEMENTARY INFORMATION:

Docket: Supporting documents, including the ICR that explains in detail the information collection activities and the related burden and cost estimates that are summarized in this document, are available in the docket for this ICR. The docket can be viewed online at *http://www.regulations.gov* or in person at the EPA Docket Center, EPA West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets.*

ICR status: This ICR is for a new information collection activity. Under the PRA, 44 U.S.C. 3501 *et seq.,* an Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information, unless it displays a currently valid OMB control number. The OMB control numbers are displayed either by publication in the **Federal Register** or by other appropriate means, such as on the related collection instrument or form, if applicable. The display of OMB control numbers for certain EPA regulations is consolidated in 40 CFR part 9.

Abstract: EPA has initiated a proceeding to investigate whether and what type of regulatory action might be appropriate to control exposures to lead dust resulting from renovation, repair, and painting (RRP) activities in public and commercial buildings (P&CBs). These proceedings have been described in previous **Federal Register** documents, entitled ''Lead; Renovation, Repair, and Painting Program for Public and Commercial Buildings'' (advance notice of proposed rulemaking) (75 FR 24848, May 6, 2010) (FRL–8823–6); ''Lead; Renovation, Repair, and Painting Program for Public and Commercial Buildings; Request for Information and Advance Notice of Public Meeting'' (77 FR 76996, December 31, 2012) (FRL–9373–7); and ''Lead; Renovation, Repair, and Painting Program for Public and Commercial Buildings; Notice of Public Meeting and Reopening of Comment Period'' (78 FR 27906, May 13, 2013) (FRL–9385–6). EPA plans to conduct a survey to collect information on: Building and activity patterns that may affect exposures to lead dust from RRP activities in P&CBs; the number of firms that perform RRP activities in P&CBs; the types and numbers of RRP activities that are performed; the extent to which various work practices are currently being used in RRP jobs in P&CBs; and the extent to which various work practices that help with the containment and cleanup of lead dust are currently being used in RRP jobs performed in P&CBs.

The information collected through the survey (along with information submitted to EPA in response to the previous **Federal Register** documents for this proceeding, as well as other data sources) will allow EPA to predict a baseline for the incidence of different types of RRP activities that disturb lead-based paint in P&CBs, the methods that are used to conduct these activities, the work practices that are used to contain and clean the resulting dust, and the characteristics of the buildings where the work is performed. EPA will use this information to estimate the resulting exposures to lead dust, which will inform Agency decisionmaking about the need for and scope of potential regulatory or other actions to reduce exposures to lead dust from RRP activities in P&CBs. If EPA determines that a regulation is needed, the Agency will use this data to assess the incremental benefits and costs of potential options to reduce such exposures. The information collected through the survey is necessary to inform Agency decisionmakers about the need for and scope of regulatory or other actions to protect against risks created by RRP activities disturbing lead-based paint in P&CBs.

Establishments will be selected using a stratified random sampling method. EPA plans to have a total of 402 respondents complete a questionnaire. The information collection will utilize separate questionnaires for contractors that perform RRP activities in P&CBs; lessors and managers of P&CBs that use their own staff to perform RRP activities; and building owners and occupants of P&CBs that use their own staff to perform RRP activities. The survey asks for readily available information, e.g., information known or easily accessible by respondents.

Respondents/Affected Entities: RRP contractors that work in P&CBs, lessors and managers of P&CBs, and owners and occupants of P&CBs.

Respondent's obligation to respond: Voluntary.

Estimated total number of potential respondents: 8,485.

Frequency of response: Once.

Estimated Total Burden: 564 hours. Burden is defined at 5 CFR 1320.3(b).

Estimated Total Annual Costs: $34,103. This includes an estimated burden cost of $34,103 and an estimated cost of $0 for capital investment or maintenance and operational costs.

Changes in Burden Estimates: This is a request for a new approval from OMB.

List of Subjects

Environmental protection, Reporting and recordkeeping requirements.

Spencer W. Clark,

Acting Director, Collection Strategies Division.

[FR Doc. 2014–17957 Filed 7–29–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2008–0440; FRL–9911–15]

Dicrotophos; Draft Human Health and Ecological Risk Assessment; Notice of Availability

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the availability of EPA's draft human health and ecological risk assessment for the registration review of Dicrotophos and opens a public comment period on this document. Registration review is EPA's periodic review of pesticide registrations to ensure that each pesticide continues to satisfy the statutory standard for registration, that is, the pesticide can perform its intended function without unreasonable adverse effects on human health or the environment. As part of the registration review process, the Agency has completed a comprehensive draft human health and ecological risk assessment for all Dicrotophos uses. After reviewing comments received during the public comment period, EPA will issue a revised risk assessment, explain any changes to the draft risk assessment, and respond to comments and may request public input on risk mitigation before completing a proposed registration review decision for Dictotophos. Through this program, EPA is ensuring that each pesticide's registration is based on current scientific and other knowledge, including its effects on human health and the environment.

DATES: Comments must be received on or before September 29, 2014.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPP–2008–0440, by one of the following methods:

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

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

FOR FURTHER INFORMATION CONTACT: *For pesticide specific information contact:* Rusty Wasem, Chemical Review Manager, Pesticide Re-Evaluation Division (7508P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (703) 305–6979; email address: *wasem.russell@epa.gov.*

For general questions on the registration review program, contact: Kevin Costello, Pesticide Re-Evaluation Division (7508P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (703) 305–5026; email address: *costello.kevin@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action is directed to the public in general, and may be of interest to a wide range of stakeholders including environmental, human health, farm worker, and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the sale, distribution, or use of pesticides. Since others also may be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the Chemical Review Manager listed under **FOR FURTHER INFORMATION CONTACT**.

B. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through regulations.gov or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When submitting comments, remember to:

i. Identify the document by docket ID number and other identifying information (subject heading, **Federal Register** date and page number).

ii. Follow directions. The Agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.

iii. Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.

iv. Describe any assumptions and provide any technical information and/or data that you used.

v. If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.

vi. Provide specific examples to illustrate your concerns and suggest alternatives.

vii. Explain your views as clearly as possible, avoiding the use of profanity or personal threats.

viii. Make sure to submit your comments by the comment period deadline identified.

3. *Environmental justice.* EPA seeks to achieve environmental justice, the fair treatment and meaningful involvement of any group, including minority and/or low income populations, in the development, implementation, and enforcement of environmental laws, regulations, and policies. To help address potential environmental justice issues, the Agency seeks information on any groups or segments of the population who, as a result of their location, cultural practices, or other factors, may have atypical or disproportionately high and adverse human health impacts or environmental effects from exposure to the pesticide discussed in this document, compared to the general population.

II. Authority

EPA is conducting its registration review of Dicrotophos pursuant to section 3(g) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the Procedural Regulations for Registration Review at 40 CFR part 155, subpart C. Section 3(g) of FIFRA provides, among other things, that the registrations of pesticides are to be reviewed every 15 years. Under FIFRA, a pesticide product may be registered or remain registered only if it meets the statutory standard for registration given in FIFRA section 3(c)(5). When used in accordance with widespread and commonly recognized practice, the pesticide product must perform its intended function without unreasonable adverse effects on the environment; that is, without any unreasonable risk to man or the environment, or a human dietary risk from residues that result from the use of a pesticide in or on food.

III. Registration Reviews

A. What action is the agency taking?

As directed by FIFRA section 3(g), EPA is reviewing the pesticide registration for Dicrotophos to ensure that it continues to satisfy the FIFRA standard for registration—that is, that Dicrotophos can still be used without unreasonable adverse effects on human health or the environment. Dicrotophos is a broad spectrum organophosphate insecticide used on cotton and as a tree-injection for ornamental and non-food producing trees. EPA has completed a comprehensive draft human health and a screening level ecological risk assessment for all Dicrotophos uses.

Pursuant to 40 CFR 155.53(c), EPA is providing an opportunity, through this notice of availability, for interested parties to provide comments and input concerning the Agency's draft human health and ecological risk assessment for Dicrotophos. Such comments and input could address, among other things, the Agency's risk assessment methodologies and assumptions, as applied to this draft risk assessment. The Agency will consider all comments received during the public comment period and make changes, as appropriate, to the draft human health and ecological risk assessment. EPA will then issue a revised risk assessment, explain any changes to the draft risk assessment, and respond to comments. In the **Federal Register** notice announcing the availability of the revised risk assessment, if the revised risk assessment indicates risks of concern, the Agency may provide a comment period for the public to submit suggestions for mitigating the risk identified in the revised risk assessment before developing a proposed registration review decision on Dicrotophos.

As described in detail in the Dicrotophos Summary Document (see docket ID number EPA–HQ–OPP–2008–0440), the Agency believes that the human health and ecological data sets are complete, and no additional human health or ecological data are needed for this registration review or dicrotophos. However, the Agency is interested in additional information in the following areas: Existing or planned water quality monitoring data, where aerial application of dicrotophos is important, and suggestions for risk mitigation measures that address the risks identified in the draft human health and ecological risk assessments for dicrotophos.

1. *Other related information.* Additional information on Dicrotophos is available on the Pesticide Registration Review Status Web page for this pesticide, *http://www.epa.gov/pesticides/chemicalsearch/*. Information on the Agency's registration review program and its implementing regulation is available at *http://www.epa.gov/oppsrrd1/registration_review*.

2. *Information submission requirements.* Anyone may submit data or information in response to this document. To be considered during a pesticide's registration review, the submitted data or information must meet the following requirements:

• To ensure that EPA will consider data or information submitted, interested persons must submit the data or information during the comment period. The Agency may, at its discretion, consider data or information submitted at a later date.

• The data or information submitted must be presented in a legible and useable form. For example, an English translation must accompany any material that is not in English and a written transcript must accompany any information submitted as an audiographic or videographic record. Written material may be submitted in paper or electronic form.

• Submitters must clearly identify the source of any submitted data or information.

• Submitters may request the Agency to reconsider data or information that the Agency rejected in a previous review. However, submitters must explain why they believe the Agency should reconsider the data or information in the pesticide's registration review.

As provided in 40 CFR 155.58, the registration review docket for each pesticide case will remain publicly accessible through the duration of the registration review process; that is, until all actions required in the final decision on the registration review case have been completed.

List of Subjects

Environmental protection, Pesticides and pests, Dicrotophos.

Dated: July 15, 2014.

Richard P. Keigwin, Jr.,

Director, Pesticide Re-Evaluation Division, Office of Pesticide Programs.

[FR Doc. 2014–17955 Filed 7–29–14; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL MARITIME COMMISSION

Notice of Agreements Filed

The Commission hereby gives notice of the filing of the following agreements under the Shipping Act of 1984. Interested parties may submit comments on the agreements to the Secretary, Federal Maritime Commission, Washington, DC 20573, within twelve days of the date this notice appears in the **Federal Register**. Copies of the agreements are available through the Commission's Web site (*www.fmc.gov*) or by contacting the Office of Agreements at (202) 523–5793 or *tradeanalysis@fmc.gov.*

Agreement No.: 012288.

Title: Hoegh/NYK Atlantic Space Charter Agreement.

Parties: Hoegh Autoliners AS and Nippon Yusen Kaisha.

Filing Party: Joshua Stein, Esq.; Cozen O'Connor; 1627 I Street NW., Suite 1100; Washington, DC 20006.

Synopsis: The agreement would authorize the parties to charter space to each other in the trades between ports in Spain, Belgium, and Germany, on the one hand, and ports on the U.S. East and Gulf Coasts, on the other hand.

Agreement No.: 012289.

Title: Hanjin Shipping—Evergreen Line Slot Charter Agreement.

Parties: Hanjin Shipping Co., Ltd. and Evergreen Line Joint Service Agreement.

Filing Party: Paul M. Keane, Esq.; Cichanowicz, Callan, Keane, Vengrow & Textor, LLP; 61 Broadway, Suite 3000, New York, NY 10006–2802.

Synopsis: The agreement authorizes Hanjin to charter slots to Evergreen in the trade between Japan and the U.S. West Coast.

By Order of the Federal Maritime Commission.

Dated: July 25, 2014.

Karen V. Gregory,

Secretary.

[FR Doc. 2014–17939 Filed 7–29–14; 8:45 am]

BILLING CODE 6730–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than August 14, 2014.

A. Federal Reserve Bank of Atlanta (Chapelle Davis, Assistant Vice President) 1000 Peachtree Street NE., Atlanta, Georgia 30309:

1. *J. C. Jones, Jr.; Carole Jones; Patrick C. Jones, all of Blackshear, Georgia; J. C. Jones, III; 2012 Patrick C. Jones Irrevocable Trust; JCJ Irrevocable Trust; and The Jones Company,* all of Waycross, Georgia; to retain voting shares of Jones Bancshares LP, and thereby indirectly retain voting shares of PrimeSouth Bancshares, both in Waycross, Georgia, and PrimeSouth Bank, Blackshear, Georgia.

Board of Governors of the Federal Reserve System, July 25, 2014.

Margaret McCloskey Shanks,

Deputy Secretary of the Board.

[FR Doc. 2014–17906 Filed 7–29–14; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than August 25, 2014.

A. Federal Reserve Bank of Dallas (E. Ann Worthy, Vice President) 2200 North Pearl Street, Dallas, Texas 75201–2272:

1. *First Bank Lubbock Bancshares, Inc.,* Lubbock, Texas; to acquire 100 percent of the voting shares of Texas Savings Bank, SSB, Snyder, Texas.

2. *Red River Bancorp, Inc.,* Gainesville, Texas; to merge with Chisholm Bancshares, Inc., and thereby indirectly acquire North Texas Bank, N.A., both in Decatur, Texas.

Board of Governors of the Federal Reserve System, July 25, 2014.

Margaret McCloskey Shanks,

Deputy Secretary of the Board.

[FR Doc. 2014–17907 Filed 7–29–14; 8:45 am]

BILLING CODE 6210–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Findings of Research Misconduct

AGENCY: Office of the Secretary, HHS.

ACTION: Notice.

SUMMARY: Notice is hereby given that the Office of Research Integrity (ORI) has taken final action in the following case:

Zhihua Zou, Ph.D., Harvard Medical School and Fred Hutchinson Cancer Research Center: Based on the reports of investigations conducted by Harvard Medical School (HMS) and Fred Hutchinson Cancer Research Center (FHCRC) and additional analysis conducted by ORI in its oversight review, ORI found that Dr. Zhihua Zou, former Postdoctoral Fellow, Department of Neurobiology, HMS, and former Staff Scientist, Division of Basic Sciences, FHCRC, engaged in research misconduct in research supported by National Institute of Dental and Craniofacial Research (NIDCR), National Institutes of Health (NIH), grants R01 DC001622 and R01 DC004842.

ORI found that Respondent engaged in research misconduct by falsifying data that were included in two (2) publications:

1. Zou, Z., Horowitz, L.F., Montmayeur, J.P., Snapper, S., & Buck, L.B. ''Genetic tracing reveals a stereotyped sensory map in the olfactory cortex.'' *Nature* 414:173–179, 2001 (hereafter referred to as ''*Nature* 2001'').
2. Zou, Z., Li, F., & Buck, L.B. ''Odor maps in the olfactory cortex.'' *Proc Natl Acad Sci USA* 102:7724–7729, 2005 (hereafter referred to as ''*PNAS* 2005'').

As a result of the investigations, both publications have been retracted.

Specifically, ORI finds that Respondent:

- Falsified Figures 2k, 2l, 3a, 3f, 3h, and 3i in *Nature* 2001 and Figure 5C(b) in *PNAS* 2005 by manipulating the images to alter the number and location of positively stained cells in the olfactory bulb and olfactory cortex of mice.

Dr. Zou has entered into a Voluntary Settlement Agreement (Agreement) and has voluntarily agreed for a period of *three (3) years, beginning on July 9, 2014:*

(1) That the administrative actions delineated in (2)–(4) below will be required for three (3) years after the effective date of the Agreement, beginning on the date of Respondent's employment in a research position in which he receives or applies for U.S. Public Health Service (PHS) support; however, if within three (3) years of the effective date of the Agreement, Respondent has not obtained employment in a research position in which he receives or applies for PHS support, the administrative actions in (2)–(4) will no longer apply;

(2) to have any PHS-supported research supervised; Respondent agrees that prior to the submission of an application for PHS support for a research project on which the Respondent's participation is proposed and prior to Respondent's participation in any capacity on PHS-supported research, Respondent shall ensure that a plan for supervision of Respondent's duties is submitted to ORI for approval; the supervision plan must be designed to ensure the scientific integrity of Respondent's research; Respondent agrees that he shall not participate in any PHS-supported research until such a supervision plan is submitted to and approved by ORI; Respondent agrees to maintain responsibility for compliance with the agreed upon supervision plan;

(3) that any institution employing him shall submit, in conjunction with each application for PHS funds, or report, manuscript, or abstract involving PHS-supported research in which Respondent is involved, a certification to ORI that the data provided by Respondent are based on actual experiments or are otherwise legitimately derived and that the data, procedures, and methodology are accurately reported in the application, report, manuscript, or abstract; and

(4) to exclude himself voluntarily from serving in any advisory capacity to PHS including, but not limited to, service on any PHS advisory committee, board, and/or peer review committee, or as a consultant.

FOR FURTHER INFORMATION CONTACT: Acting Director, Office of Research Integrity, 1101 Wootton Parkway, Suite 750, Rockville, MD 20852, (240) 453–8800.

Donald Wright,

Acting Director, Office of Research Integrity.

[FR Doc. 2014–17889 Filed 7–29–14; 8:45 am]

BILLING CODE 4150–31–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: *"Care Coordination Quality Measure for Patients in the Primary Care Setting."* In accordance with the Paperwork Reduction Act, 44 U.S.C. 3501–3521, AHRQ invites the public to comment on this proposed information collection.

DATES: Comments on this notice must be received by September 29, 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

Care Coordination Quality Measure for Patients in the Primary Care Setting

Proposed Project

"Care Coordination Measure Development—Phase III"

This project is Task Order #11 under the Agency for Healthcare Research and Quality (AHRQ) Prevention and Care Management Technical Assistance Center Indefinite Delivery Indefinite Quantity contract. The project, entitled "Care Coordination Measure Development—Phase III", will develop a patient survey of the quality of care coordination for adults in primary care settings, i.e., the Care Coordination Quality Measure for Primary Care (CCQM–PC). The project will update the *Care Coordination Measures Atlas* (*http://www.ahrq.gov/professionals/systems/long-termcare/resources/coordination/atlas/index.html*). In combination with primary research, the project will use the *Atlas* and prior work that identified gaps in the measurement of care coordination to develop and pilot test a rigorous and psychometrically sound patient assessment (from the perspective of patient and family) of the quality of care coordination for adults within primary care settings—the CCQM–PC. The survey will address key care coordination domains; be appropriate for research; will set the stage for the future development of measures for quality reporting, accountability, and payment purposes; and be consistent with Consumer Assessment of Healthcare Providers and Systems (CAHPS®) principles. The instrument is to be developed, cognitively tested, revised and pilot tested. A stakeholder panel will provide input throughout the phases of the project.

There are four explicit objectives for our analysis of the pilot-test data:

- Evaluate the quality of the responses to the CCQM–PC survey (through item functioning analysis).
- Determine how the items that ask for reports of patient experiences could be summarized into a smaller set of composite measures (through factor analysis).
- Evaluate the measurement properties of the composite scales (assessment of reliability, validity, and variability of the measure).
- Identify information (i.e., case mix adjusters) that should be used to adjust scores to ensure valid comparisons among primary care practices (PCPs).
- Determine how CCQM–PC scores vary among practices that self-report processes of care that are more or less aligned with a medical home model.

This study is being conducted by AHRQ through its contractor, American Institutes for Research (AIR), pursuant to AHRQ's statutory authority to conduct and support research on healthcare and on systems for the delivery of such care, including activities with respect to quality measurement and improvement. 42 U.S.C. 299a(a)(1) and (2).

Method of Collection

Thirty primary care practices of different types and ownership configurations will be recruited to provide a patient sample to AHRQ's contractor, AIR for the purpose of establishing the psychometrics of the CCQM–PC and understanding the relation of its domains to a practice-level measure of processes of care, the Medical Home Index (Long Version, MHI–LV). The CCQM–PC will be conducted by mail with phone follow-up for nonrespondents. Survey operations for the CCQM–PC will follow standard CAHPS practice:

- Mail the questionnaire package, including a personalized letter introducing the study and explaining the respondent's rights as a research participant. Include a postage-paid envelope to encourage participation.
- Send a postcard reminder to nonrespondents 10 days after sending the questionnaire.
- Send a second questionnaire with a reminder letter to those still not responding thirty days after the first mailing.
- Begin follow-up by telephone with nonrespondents three weeks after sending the second questionnaire. Interviewers will attempt to locate respondents who have not responded to the mailed survey.
- Verify telephone numbers for sample respondents prior to calling.
- Make a maximum of 9 attempts by phone.
- Include a toll-free number in the cards and letters for respondents to call if they have questions about the survey. The firm responsible for fielding the survey will establish a helpdesk that will start operating at the first mailing and that will remain open until close of fieldwork.
- Answer incoming calls live during business hours and a recording machine will capture after hours calls. The after-hours calls will be returned next business day.
- Ask two clinicians from each participating practice complete the MHI–LV by paper-and-pencil jointly and return the form to the AHRQ contractor.

The information collected in the pilot survey will be used to test and improve the draft survey. The pilot design will support the standard suite of psychometric analyses conducted to identify and develop composite scoring algorithms as well as to provide evidence of the reliability and construct validity of the composite scores and any scores based on individual items. Additionally, the variations in composite scores and total CCQM–PC scores will be examined for any differences that may be correlated with variations in the practice's self-assessment of its engagement in processes of care that are consistent with the medical home model. The analyses will include the following components:

- Item functioning analysis
- Confirmatory Factor Analysis
- Exploratory Factor Analysis
- Evaluation of the reliability, validity, and variability of composite and single-item scores
- Case mix adjustment (if the data indicate this is needed).

Because the survey items are being developed to measure specific aspects of care coordination in accordance with the domain framework developed through previous phases of AHRQ's Care Coordination Measure Development portfolio, the factor structure of the survey items will be evaluated through multilevel confirmatory factor analysis. On the basis of the data analyses, items or factors may be dropped. Exploratory factor analysis is also planned.

Data from the pilot survey will be used to make final adjustments to the CCQM–PC. The final survey instrument will be made publicly available, at no charge, to prospective users, for use in research projects that aim to assess care coordination as it relates to quality care and healthcare outcomes, thereby helping to expand the evidence base for the care coordination construct and its associated processes. There is value, given where the field is now, in developing a survey of reasonable length that can be used for research purposes, but also can serve as the ''parent'' survey from which a smaller subset of items appropriate for quality improvement could be drawn.

A well-developed, psychometrically-sound, practical survey of adult patients' experiences of care coordination in primary care settings, that covers key conceptual domains articulated through AHRQ's past work in this area, will help generate evidence that is needed to understand the relationship between care coordination processes and health outcomes, in addition to offering a way to explore other critical questions regarding care coordination.

The development of this research-focused survey is a critical step in moving toward the future development of measures of care coordination in primary care settings that can be used for accountability purposes, including those submitted for consideration of endorsement by the National Quality Forum. This will ensure that the measures or measure set is useful from a public reporting perspective to a variety of potential stakeholders, including patients seeking providers that engage in care coordination practices supported by the evidence base. The key target audiences for the use of the survey are researchers and, ultimately, payers (including health insurance plans, employers, and entities such as the Centers for Medicare & Medicaid Services), although use by health systems and individual primary care practices is also envisioned.

Estimated Annual Respondent Burden

Exhibit 1 shows the total estimated annualized burden hours for the CCQM–PC pilot survey (2,022 hours), including burden for survey respondents (1,890 hours) and practice staff (132 hours). With respect to the burden on CCQM–PC survey respondents, thirty practices will be sampled, with the survey sent to 375 prospective respondents per sample. A 40% response rate (in keeping with response rates on other CAHPS® and CAHPS®-like surveys of similar length and mode) will yield 150 respondents per practice. Total respondents were calculated by multiplying the number of practices by the respondents per practice, for a total of 4,500 (i.e., 150 × 30 = 4,500). The survey has 102 items (79 assessment items, 4 items about healthcare services sought in the past 12 months, and 19 items that assess participant characteristics such as demographics), with an estimated completion time of 25 minutes (.42 hours) per survey response. This estimate is based on the length of previous CAHPS® surveys of comparable length that have been administered to similar populations.

Burden hours for participating practices are calculated based on the total burden to one physician/administrator and one other clinician to complete the MHI–LV. The measure author recommends that both physician and non-physician viewpoints are considered in the PCP's response, thus the estimate is based on an assumption that two clinicians per practice will complete the MHI–LV process of care items together, with only one of the clinicians (i.e., the physician/administrator) completing the items on practice characteristics. Contract staff from AIR will ensure that practices realize there is no burden to them on the MHI–LV other than the time required to fill out the MHI–LV tool (i.e., they can ignore the measure author's reference in the instructions to a companion patient tool associated with the MHI–LV).

EXHIBIT 1—ESTIMATED ANNUALIZED BURDEN HOURS FOR CCQM–PC SURVEY PILOT TEST BY ENTITY

CCQM–PC survey	4,500	1	0.42	1,890
MHI–LV: [1] Physician/administrator	30	1	2.33	70
MHI–LV: Non-physician clinician	30	1	2.08	62
Total				2,022

[1] The instructions for completing the MHI–LV recommend that a physician/administrator and a non-physician clinician each fill out the index separately. So, even though it is one form as reproduced in Appendix B, we have two rows in the table to describe the burden of the two individuals. There are a series of questions on the first two pages of the index which simply require administrative information and would only need to be completed once. We assume that the administrator would complete these and so the time required for the administrator to complete the MHI–LV is longer than that required for the clinician.

Exhibit 2 shows the estimated annualized cost burden associated with the pilot survey administration. The total cost burden is estimated to be $51,228 for the one-time survey pilot.

EXHIBIT 2—ESTIMATED ANNUALIZED COST BURDEN FOR CCQM–PC SURVEY PILOT TEST BY ENTITY

Survey Respondents	1,890	[1] $22.33	$42,204
Physician/Administrator	70	[2] 88.43	6,190
Non-physician Clinician	62	[3] 45.71	2,834
Total Overall	2,022	n/a	51,228

[1] Average wage for civilian workers, *http://www.bls.gov/news.release/ocwage.htm.*
[2] Average wage for family and general practitioners, *http://www.bls.gov/news.release/ocwage.htm.*
[3] Average wage for nurse practitioners, *http://www.bls.gov/news.release/ocwage.htm.*

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 24, 2014.

Richard Kronick,

AHRQ Director.

[FR Doc. 2014–17936 Filed 7–29–14; 8:45 am]

BILLING CODE 4160–90–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–14–0963]

Proposed Data Collections Submitted for Public Comment and Recommendations

The Centers for Disease Control and Prevention (CDC), as part of its continuing effort to reduce public burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. To request more information on the below proposed project or to obtain a copy of the information collection plan and instruments, call 404–639–7570 or send comments to Leroy Richardson, 1600 Clifton Road, MS–D74, Atlanta, GA 30333 or send an email to *omb@cdc.gov.*

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget (OMB) approval. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information; and to transmit or otherwise disclose the information. Written comments should be received within 60 days of this notice.

Proposed Project

Colorectal Cancer Control Program Indirect/Non-Medical Cost Study (OMB No. 0920–0963, exp. 4/30/2014)—Reinstatement with Change—National Center for Chronic Disease Prevention and Health Promotion (NCCDPHP), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

In 2013 the Centers for Disease Control and Prevention (CDC) received Office of Management and Budget (OMB) approval to conduct a study to measure the time and costs incurred by patients screened for colorectal cancer (CRC) with colonoscopy or fecal immunochemical test (FIT) (OMB No. 0920–0963, exp. 4/30/2014). Information has been collected from patients screened through the Colorectal Cancer Control Program (CRCCP), however, the target number of respondents was not achieved during the initial approval period. CDC requests OMB approval to reinstate the information collection for one year in order to meet recruitment goals and complete the data analysis as outlined in the original approval.

Changes described in this Reinstatement request include a reduction in the number of respondents and a corresponding reduction in the total estimated burden hours. There are minor modifications to the data collection instruments to clarify intent but these modifications do not change the estimated burden per response.

Colorectal Cancer (CRC) is the second leading cause of cancer-related deaths in the United States, following lung cancer. Based on scientific evidence which indicates that regular screening is effective in reducing CRC incidence and mortality, regular CRC screening is now recommended for average-risk persons. Screening tests that may be used alone or in combination include fecal occult blood testing (FOBT), fecal immunochemical testing (FIT), flexible sigmoidoscopy, and/or colonoscopy.

While screening rates have increased over the past decade, screening prevalence is still lower than desirable, particularly among individuals with low socioeconomic status. The indirect and non-medical costs associated with CRC screening, such as travel costs, may act as barriers to screening. Understanding these costs may provide insights that can be used to reduce such barriers and increase participation.

In 2005, CDC established a four-year demonstration program at five sites to screen low-income individuals aged 50–64 years who had no health insurance or inadequate health insurance for CRC. In 2009, by applying lessons learned from the demonstration program, CDC designed and initiated the larger population-based Colorectal Cancer Control Program (CRCCP) at 29 sites. The goals of the expanded program are to reduce health disparities in CRC screening, incidence and mortality by promoting CRC screening for the eligible population and providing CRC screening to low-income adults over 50 years of age who have no health insurance or inadequate health insurance for CRC screening.

To date there has been no comprehensive assessment of all the costs associated with CRC screening, especially indirect and non-medical costs, incurred by the low-income population served by the CRCCP. CDC proposes to address this gap by collecting information from a subset of patients enrolled in the program. Those who undergo screening by FIT or colonoscopy will be asked to complete a specialized questionnaire about the time and personal expense associated with their screening. Patients who undergo fecal immunochemical testing will be asked to complete the FIT questionnaire, which is estimated to take about 10 minutes. Patients who undergo colonoscopy will be asked to complete the Colonoscopy questionnaire, which includes additional questions about the preparation and recovery associated with this procedure. The estimated burden per response for the Colonoscopy questionnaire is 25 minutes. Demographic information will be collected from all patients who participate in the study.

CDC plans to conduct the information collection in partnership with providers in four states (Alabama, Arizona, Georgia, and Pennsylvania). Each participating provider will make patient navigators available to assist patients with coordinating the screening process and completing the questionnaires. Providers will be reimbursed for patient navigator time and administrative expense associated with data collection. The target number of responses for the overall study will result in 300 completed Colonoscopy Questionnaires and 290 completed FIT Questionnaires. During the initial approval period CDC collected approximately 50% of the target number of completed questionnaires. To complete the study CDC plans to collect an additional 150 Colonoscopy Questionnaires and an additional 177 FIT Questionnaires.

This information collection will be used to produce estimates of the personal costs incurred by patients who undergo CRC screening by FIT or colonoscopy, and to improve understanding of these costs as potential barriers to participation. Study findings will be disseminated through reports, presentations, and publications. Results will also be used by participating sites, CDC, and other federal agencies to improve delivery of CRC screening services and to increase screening rates among low-income adults over 50 years of age who have no health insurance or inadequate health insurance for CRC screening.

OMB approval is requested for one year. Each respondent will have the option of completing a hardcopy questionnaire or an on-line questionnaire. No identifiable information will be collected by CDC or CDC's data collection contractor. Participation is voluntary and there are no costs to respondents other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Form type	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden (in hours)
Patients Served by the Colorectal Cancer Control Program.	FIT questionnaire	177	1	10/60	30
	Colonoscopy questionnaire	150	1	25/60	63
Total					93

Leroy Richardson,

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2014–17898 Filed 7–29–14; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifiers: CMS–10433]

Emergency Clearance: Public Information Collection Requirements Submitted to the Office of Management and Budget (OMB)

AGENCY: Centers for Medicare & Medicaid Services, HHS.

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (the PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information. Interested persons are invited to send comments regarding our burden estimates or any other aspect of this collection of information, including any of the following subjects: The necessity and utility of the proposed information collection for the proper performance of the agency's functions; the accuracy of the estimated burden; ways to enhance the quality, utility, and clarity of the information to be collected; and the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

We are, however, requesting an emergency review of the information collection referenced below. In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, we have submitted to the Office of Management and Budget (OMB) the following requirements for emergency review. This is necessary to ensure compliance with an initiative of the Administration. We are requesting an emergency review under 5 CFR Part 1320(a)(2)(i) because public harm is reasonably likely to result if the normal clearance procedures are followed. We are seeking emergency approval for modifications to the information collection request (ICR) currently approved under Office of Management and Budget (OMB) control number 0938–1187 to include account registration elements associated with submitting data through the Amazon Cloud EDGE Server or the On-Premise EDGE server. As a result of contractor changes and technical design changes to our distributed data collection (DDC) approach for implementing the risk adjustment and reinsurance programs, we must change the data elements that issuers will submit as part of the DDC information collection requirements. These modifications will permit us to register EDGE servers with the appropriate issuer accounts, permitting CMS to make risk adjustment and reinsurance payments to issuers.

DATES: Comments must be received by August 27, 2014.

ADDRESSES: When commenting, please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be submitted in any one of the following ways:

1. *Electronically.* You may send your comments electronically to *http://www.regulations.gov.* Follow the instructions for ''Comment or Submission'' or ''More Search Options'' to find the information collection document(s) that are accepting comments.

2. *By regular mail.* You may mail written comments to the following address: CMS, Office of Strategic Operations and Regulatory Affairs, Division of Regulations Development, Attention: CMS–10433/OMB Control Number 0938–1187, Room C4–26–05, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' Web site address at *http://www.cms.hhs.gov/PaperworkReductionActof1995.*

2. Email your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@cms.hhs.gov.*

3. Call the Reports Clearance Office at (410) 786–1326.

FOR FURTHER INFORMATION CONTACT: Reports Clearance Office at (410) 786–1326.

SUPPLEMENTARY INFORMATION:

Contents

This notice sets out a summary of the use and burden associated with the following information collections. More detailed information can be found in each collection's supporting statement and associated materials (see **ADDRESSES**).

CMS–10433 Initial Plan Data Collection To Support Qualified Health Plan (QHP) Certification and Other Financial Management and Exchange Operations

Under the PRA (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term ''collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, we have submitted to the Office of Management and Budget (OMB) the following requirements for emergency review. This is necessary to ensure compliance with an initiative of the Administration. We are requesting an emergency review under 5 CFR Part 1320(a)(2)(i) because public harm is reasonably likely to result if the normal clearance procedures are followed.

Information Collection

1. *Type of Information Collection Request:* Revision of a currently approved information collection; *Title of Information Collection:* Initial Plan Data Collection to Support Qualified Health Plan (QHP) Certification and Other Financial Management and Exchange Operations; *Use:* As required by the CMS–9989–F, Patient Protection and Affordable Care Act; Establishment of Exchanges and Qualified Health Plans; Exchange Standards for Employers (77 FR 18310) (Exchange Establishment Rule), each Exchange must assume responsibilities related to the certification and offering of Qualified Health Plans (QHPs). In addition to data collection for the certification of QHPs, the reinsurance and risk adjustment programs outlined by the Affordable Care Act, detailed in 45 CFR part 153, as established by CMS–9975–F, Patient Protection and Affordable Care Act; Standards for Reinsurance, Risk Corridors, and Risk Adjustment (77 FR 17220), have general information reporting requirements that apply to issuers, group health plans, third party administrators, and plan offerings outside of the Exchanges. Subsequent regulations for these programs including the final HHS Notice of Benefit and Payment Parameters for 2014 and the Program Integrity: Exchange, Premium

Stabilization Programs, and Market Standards; Amendments to the HHS Notice of Benefit and Payment Parameters for 2014, and the final HHS Notice of Benefit and Payment Parameters for 2015 provide further reporting requirements.

Form Number: CMS–10433 (OMB control number: 0938–1187); *Frequency:* Once; *Affected Public:* Individuals and Households, Private sector—Business or other for-profits and Not-for-profit institutions, State, Local or Tribal Governments; *Number of Respondents:* 2400; *Total Annual Responses:* 9,600; *Total Annual Hours:* 600. (For policy questions regarding this collection contact Jaya Ghildiyal 301–492–5149).

We are requesting OMB review and approval of this collection by August 27, 2014, with a 180-day approval period. Written comments and recommendations will be considered from the public if received by the date and address noted below.

Dated: July 25, 2014.

Martique Jones,

Deputy Director, Regulations Development Group, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2014–17971 Filed 7–29–14; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2009–N–0360]

Agency Information Collection Activities; Announcement of Office of Management and Budget Approval; FDA Safety Communication Readership Survey

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a collection of information entitled ''FDA Safety Communication Readership Survey'' has been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (PRA).

FOR FURTHER INFORMATION CONTACT: FDA PRA Staff, Office of Operations, Food and Drug Administration, 8455 Colesville Rd., COLE–14526, Silver Spring, MD 20993–0002, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: On May 21, 2014, the Agency submitted a proposed collection of information entitled ''FDA Safety Communication Readership Survey'' to OMB for review and clearance under 44 U.S.C. 3507. An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. OMB has now approved the information collection and has assigned OMB control number 0910–0341. The approval expires on July 31, 2017. A copy of the supporting statement for this information collection is available on the Internet at *http://www.reginfo.gov/public/do/PRAMain.*

Dated: July 24, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–17891 Filed 7–29–14; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2013–D–0501]

Center for Devices and Radiological Health Appeals Processes: Questions and Answers About 517A; Guidance for Industry and Food and Drug Administration Staff

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of the guidance entitled ''Center for Devices and Radiological Health (CDRH) Appeals Processes: Questions and Answers About 517A.'' This document provides CDRH's interpretation of key provisions of section 517A of the Federal Food, Drug, and Cosmetic Act (FD&C Act), which were added by the FDA Safety and Innovation Act (FDASIA), as these provisions pertain to requests for documentation of rationales for significant decisions and requests for supervisory review of regulatory decisions and actions taken by CDRH.

DATES: Submit either electronic or written comments on this guidance at any time. General comments on Agency guidance documents are welcome at any time.

ADDRESSES: An electronic copy of the guidance document is available for download from the Internet. See the **SUPPLEMENTARY INFORMATION** section for information on electronic access to the guidance. Submit written requests for a single copy of the guidance document entitled ''Center for Devices and Radiological Health Appeals Processes: Questions and Answers About 517A'' to the Office of the Center Director, Guidance and Policy Development, CDRH, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 5431, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your request.

Submit electronic comments on the guidance to *http://www.regulations.gov.* Submit written comments to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852. Identify comments with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Ruth Fischer, CDRH, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 5400, Silver Spring, MD 20993–0002, 301–796–5735.

SUPPLEMENTARY INFORMATION:

I. Background

In July 2012, section 517A of the FD&C Act (21 U.S.C. 360g–l) was added by section 603 of FDASIA (Pub. L. 112–114). CDRH developed this guidance as a companion document to the final guidance entitled ''Center for Devices and Radiological Health Appeals Processes,'' which was issued on May 17, 2013. The guidance ''Center for Devices and Radiological Health Appeals Processes: Questions and Answers About 517A'' provides CDRH's interpretation of key provisions of section 517A of the FD&C Act as these provisions pertain to requests for documentation of rationales for significant decisions and requests for supervisory review of regulatory decisions and actions taken by CDRH. In particular, this document provides interpretations surrounding the statutory terms ''significant decision'' and ''substantive summary.'' It also addresses who may request documentation of significant decisions under section 517A of the FD&C Act, and how this provision relates to requests under the Freedom of Information Act.

In the **Federal Register** of May 17, 2013 (78 FR 29140), FDA announced the availability of the draft of this guidance. Interested persons were invited to comment by August 15, 2013. FDA considered the public comments received and revised the guidance, as appropriate.

II. Significance of Guidance

This guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115).

The guidance represents the Agency's current thinking on Center for Devices and Radiological Health's Appeals Processes: Questions and Answers About 517A. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirements of the applicable statute and regulations.

III. Electronic Access

Persons interested in obtaining a copy of the guidance may do so by downloading an electronic copy from the Internet. A search capability for all CDRH guidance documents is available at *http://www.fda.gov/MedicalDevices/DeviceRegulationandGuidance/GuidanceDocuments/default.htm*. Guidance documents are also available at *http://www.regulations.gov*. Persons unable to download an electronic copy of ''Center for Devices and Radiological Health Appeals Processes: Questions and Answers About 517A,'' may send an email request to *CDRH-Guidance@fda.hhs.gov* to receive an electronic copy of the document. Please use the document number 1821 to identify the guidance you are requesting.

IV. Paperwork Reduction Act of 1995

This guidance refers to previously approved collections of information found in FDA regulations. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The collections of information in 21 CFR part 807, subpart E have been approved under OMB control number 0910–0120; the collections of information found in 21 CFR part 814 have been approved under OMB control number 0910–0231; and the collections of information in 21 CFR part 814, subpart H have been approved under OMB control number 0910–0332. The collections of information in the guidance document ''Center for Devices and Radiological Health Appeals Processes'' have been approved under OMB control number 0910–0738.

V. Comments

Interested persons may submit either electronic comments regarding this document to *http://www.regulations.gov* or written comments to the Division of Dockets Management (see **ADDRESSES**). It is only necessary to send one set of comments. Identify comments with the docket number found in brackets in the heading of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday, and will be posted to the docket at *http://www.regulations.gov*.

Dated: July 24, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–17901 Filed 7–29–14; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2014–N–0007]

Medical Device User Fee Rates for Fiscal Year 2015

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the fee rates and payment procedures for medical device user fees for fiscal year (FY) 2015. The Federal Food, Drug, and Cosmetic Act (the FD&C Act), as amended by the Medical Device User Fee Amendments of 2012 (MDUFA III), authorizes FDA to collect user fees for certain medical device submissions and annual fees both for certain periodic reports and for establishments subject to registration. This notice establishes the fee rates for FY 2015, which apply from October 1, 2014, through September 30, 2015. To avoid delay in the review of your application, you should pay the standard fee before or at the time you submit your application to FDA. The fee you must pay is the fee that is in effect on the later of the date that your application is received by FDA or the date your fee payment is recognized by the U.S. Treasury. If you want to pay a reduced small business fee, you must qualify as a small business before making your submission to FDA; if you do not qualify as a small business before making your submission to FDA, you will have to pay the higher standard fee. Please note that the establishment registration fee is not eligible for a reduced small business fee. As a result, if the establishment registration fee is the only medical device user fee that you will pay in FY 2015, you should not submit a FY 2015 Small Business Qualification and Certification request. This document provides information on how the fees for FY 2015 were determined, the payment procedures you should follow, and how you may qualify for reduced small business fees.

FOR FURTHER INFORMATION CONTACT: *For information on Medical Device User Fees:* Visit FDA's Web site at *http://www.fda.gov/mdufa*.

For questions relating to this notice: David Miller, Office of Financial Management, Food and Drug Administration, 8455 Colesville Rd. (COLE–14202E), Silver Spring, MD 20993–0002, 301–796–7103.

SUPPLEMENTARY INFORMATION:

I. Background

Section 738 of the FD&C Act (21 U.S.C. 379j) establishes fees for certain medical device applications, submissions, supplements, and notices (for simplicity, this document refers to these collectively as ''submissions'' or ''applications''); for periodic reporting on class III devices; and for the registration of certain establishments. Under statutorily defined conditions, a qualified applicant may receive a fee waiver or may pay a lower small business fee. (See 21 U.S.C. 379j(d) and (e).) Additionally, the Secretary of Health and Human Services (the Secretary) may, at the Secretary's sole discretion, grant a fee waiver or reduction if the Secretary finds that such waiver or reduction is in the interest of public health. (See 21 U.S.C. 379j(f).)

Under the FD&C Act, the fee rate for each type of submission is set at a specified percentage of the standard fee for a premarket application (a premarket application is a premarket approval application (PMA), a product development protocol (PDP), or a biologics license application (BLA)). The FD&C Act specifies the base fee for a premarket application for each year from FY 2013 through FY 2017; the base fee for a premarket application received by FDA during FY 2015 is $258,019. From this starting point, this document establishes FY 2015 fee rates for other types of submissions, and for periodic reporting, by applying criteria specified in the FD&C Act.

The FD&C Act specifies the base fee for establishment registration for each year from FY 2013 through FY 2017; the base fee for an establishment registration in FY 2015 is $3,750. There is no reduction in the registration fee for small businesses. Each establishment that is registered (or is required to register) with the Secretary under section 510 of the FD&C Act (21 U.S.C. 360) because such establishment is engaged in the manufacture, preparation, propagation, compounding, or processing of a device is required to pay the annual fee for establishment registration.

II. Revenue Amount for FY 2015

The base revenue amount for FY 2015 is $125,767,107, as set forth in the statute prior to the inflation adjustment. (See 21 U.S.C. 379j(b)(3)(C).) MDUFA directs FDA to use the yearly revenue amount as a starting point to set the standard fee rates for each fee type. The fee calculations for FY 2015 are described in this document.

Inflation Adjustment

MDUFA specifies that the $125,767,107 is to be further adjusted for inflation increases for FY 2015 using two separate adjustments—one for payroll costs and one for non-pay cost (see 21 U.S.C. 379j(c)(2)).

The component of the inflation adjustment for payroll costs shall be the sum of one plus the average annual percent change in the cost of all personnel compensation and benefits (PC&B) paid per full-time equivalent position (FTE) at FDA for the first 3 of the 4 preceding FYs, multiplied by 0.60, or 60 percent (see 21 U.S.C. 379j(c)(2)(C)). The data on total PC&B paid and numbers of FTE paid, from which the average cost per FTE can be derived, are published in FDA's Justification of Estimates for Appropriations Committees.

Table 1 summarizes the actual cost and FTE data for the specified FYs, and provides the percent change from the previous FY and the average percent change over the first 3 of the 4 FYs preceding FY 2015. The 3-year average is 1.8829 percent.

TABLE 1—FDA PC&B'S EACH YEAR AND PERCENT CHANGE

Fiscal year	2011	2012	2013	3-Year average
Total PC&B	$1,761,655,000	$1,824,703,000	$1,927,703,000	
Total FTE	13,331	13,382	13,974	
PC&B per FTE	$132,147	$136,355	$137,949	
Percent change from previous year	1.2954%	3.1843%	1.1690%	1.8829%

The payroll adjustment is 1.8829 percent multiplied by 60 percent, or 1.1297 percent.

The statute specifies that the portion of the inflation adjustment for non-payroll costs for FY 2015 is the average annual percent change that occurred in the Consumer Price Index (CPI) for urban consumers (Washington-Baltimore, DC-MD-VA-WV; not seasonally adjusted; all items; annual index) for the first 3 of the preceding 4 years of available data multiplied by 0.40, or 40 percent (see 21 U.S.C. 379j(c)(2)(C)).

Table 2 provides the summary data and the 3-year average percent change in the specified CPI for the Baltimore-Washington area. This data is published by the Bureau of Labor Statistics and can be found on their Web site at *http://data.bls.gov/cgi-bin/surveymost?cu* by checking the box marked ''Washington-Baltimore All Items, November 1996=100—CUURA311SA0'' and then clicking on the ''Retrieve Data'' button.

TABLE 2—ANNUAL AND 3-YEAR AVERAGE PERCENT CHANGE IN BALTIMORE-WASHINGTON AREA CPI

Fiscal year	2011	2012	2013	3-Year average
Annual CPI	146.975	150.212	152.500	
Annual percent change	3.3449%	2.2024%	1.5232%	
3-Year average percent change in CPI				2.3568%

The non-pay adjustment is 2.3568 percent multiplied by 40 percent, or 0.9427 percent.

To complete the inflation adjustment, the payroll adjustment (1.1297 percent) is added to the non-pay adjustment (0.9427 percent), for a total of 2.0724 percent, and plus one equals to 1.020724.

MDUFA III provides for this inflation adjustment to be compounded beginning in FY 2015 (see 21 U.S.C. 379j(c)(2)(B)(ii)). The FY 2015 inflation rate is multiplied by the FY 2014 inflation rate of 1.02198 percent as published in the **Federal Register** of August 2, 2013 (78 FR 46970), to reach the compound rate of 1.04316. The base revenue amount for FY 2015 ($125,767,107) is then multiplied by the compound inflation rate of 1.04316, yielding an inflation adjusted amount of $131,195,000 (rounded to the nearest thousand dollars).

III. Fees for FY 2015

Under the FD&C Act, all submission fees and the periodic reporting fee are set as a percent of the standard (full) fee for a premarket application (see 21 U.S.C. 379j(a)(2)(A)). For FY 2015, the base fee will be adjusted as specified in the FD&C Act for inflation (see 21 U.S.C. 379j(b) and (c)). Table 3 provides the last 3 years of fee paying submission counts and the 3-year average. These numbers are used to project the fee paying submission counts that FDA will receive in FY 2015. The fee paying submission counts are published in the MDUFA Financial Report to Congress each year.

TABLE 3—3-YEAR AVERAGE OF FEE PAYING SUBMISSIONS

Application type	FY 2011 actual	FY 2012 actual	FY 2013 actual	3-Year average
Full Fee Applications	24	25	23	24
Small Business	7	6	9	7
Panel-Track Supplement	7	12	19	13
Small Business	1	0	0	0
180-Day Supplements	92	145	128	122
Small Business	15	21	21	19

TABLE 3—3-YEAR AVERAGE OF FEE PAYING SUBMISSIONS—Continued

Application type	FY 2011 actual	FY 2012 actual	FY 2013 actual	3-Year average
Real-Time Supplements	145	196	182	174
Small Business	17	22	23	21
510(k)s	2,398	2,865	3,149	2,804
Small Business	938	1,086	1,202	1,075
30-Day Notice	755	801	956	837
Small Business	67	60	69	65
513(g) Request for Classification Information	40	46	65	50
Small Business	35	30	38	34
Annual Fee for Periodic Reporting	466	478	614	519
Small Business	*78*	39	54	57
Establishment Registration [1]			24,462	24,462

[1] Estimate for establishment registration based on FY 2013 actual numbers because the criteria for this fee changed beginning in FY 2013 and no comparable data for a 3-year average is available.

The information in Table 3 is necessary to estimate the amount of revenue that will be collected based on the fee amounts. Table 4 displays both the estimated revenue using the FY 2015 base fees set in statute and the estimated revenue adding the inflation adjustment to the FY 2015 base fees. Using the fees set in statute and the 3-year averages of fee paying submissions, the collections would total $134,915,821, which is $3,720,821 higher than the statutory revenue amount. Accordingly the PMA and establishment fee should be decreased by 2.761%, rounded to the nearest whole dollar, so that collections come as close to the statutory limit of $131,195,000 as possible without exceeding the limit. The fees in the second column from the right are those we are establishing in FY 2015, which are the standard fees.

TABLE 4—FEES NEEDED TO ACHIEVE NEW FY 2015 REVENUE TARGET

Application type	FY 2015 statutory fees	Resulting 2015 revenue	Adjusted FY 2015 fees to meet revenue target	FY 2015 revenue from adjusted fees
Full Fee Applications	$258,019	$6,192,456	$250,895	$6,021,480
Small Business	64,505	451,535	62,724	439,068
Panel-Track Supplement	193,514	2,515,682	188,171	2,446,223
Small Business	48,379	0	47,043	0
180-Day Supplements	38,703	4,721,766	37,634	4,591,348
Small Business	9,676	183,844	9,409	178,771
Real-Time Supplements	18,061	3,142,614	17,563	3,055,962
Small Business	4,515	94,815	4,391	92,211
510(k)s	5,160	14,468,640	5,018	14,070,472
Small Business	2,580	2,773, 500	2,509	2,697,175
30-Day Notice	4,128	3,455,136	4,014	3,359,718
Small Business	2,064	134,160	2,007	130,455
513(g) Request for Classification Information	3,483	174,150	3,387	169,350
Small Business	1,742	59,228	1,694	57,596
Annual Fee for Periodic Reporting	9,031	4,687,089	8,781	4,557,339
Small Business	2,258	128,706	2,195	130,455
Establishment Registration	3,750	91,732,500	3,646	89,188,452
Total		134,915,821		131,180,735

The standard fee (adjusted base amount) for a premarket application, including a BLA, and for a premarket report and a BLA efficacy supplement, is $250,895 for FY 2015. The fees set by reference to the standard fee for a premarket application are:

- For a panel-track supplement, 75 percent of the standard fee;
- For a 180-day supplement, 15 percent of the standard fee;
- For a real-time supplement, 7 percent of the standard fee;
- For a 510(k) premarket notification, 2 percent of the standard fee;
- For a 30-day notice, 1.6 percent of the standard fee;
- For a 513(g) request for classification information, 1.35 percent of the standard fee; and
- For an annual fee for periodic reporting concerning a class III device, 3.5 percent of the standard fee.

For all submissions other than a 510(k) premarket notification, a 30-day notice, and a 513(g) request for classification information, the small business fee is 25 percent of the standard (full) fee for the submission. (See 21 U.S.C. 379j(d)(2)(C).) For a 510(k) premarket notification submission, a 30-day notice, and a 513(g) request for classification information, the small business fee is 50 percent of the standard (full) fee for the submission. (See 21 U.S.C. 379j(d)(2)(C) and (e)(2)(C).)

The annual fee for establishment registration, after adjustment, is set at $3,646 for FY 2015. There is no small business rate for the annual establishment registration fee; all establishments pay the same fee.

Table 5 summarizes the FY 2015 rates for all medical device fees.

TABLE 5—MEDICAL DEVICE FEES FOR FY 2015

	Standard fee (as a percent of the standard fee for a premarket application)	FY 2015 standard fee	FY 2015 small business fee
Application fee type:			
Premarket application (a PMA submitted under section 515(c)(1) of the FD&C Act (21 U.S.C. 360e(c)(1)), a PDP submitted under section 515(f) of the FD&C Act (21 U.S.C. 360e(f)), or a BLA submitted under section 351 of the Public Health Service Act (the PHS Act) (42 U.S.C. 262)).	Base fee adjusted as specified in the statute.	$250,895	$62,724
Premarket report (submitted under section 515(c)(2) of the FD&C Act).	100%	$250,895	$62,724
Efficacy supplement (to an approved BLA under section 351 of the PHS Act).	100%	$250,895	$62,724
Panel-track supplement	75%	$188,171	$47,043
180-day supplement	15%	$37,634	$9,409
Real-time supplement	7%	$17,563	$4,391
510(k) premarket notification submission	2%	$5,018	$2,509
30-day notice	1.60%	$4,014	$2,007
513(g) (21 U.S.C. 360c(g)) request for classification information.	1.35%	$3,387	$1,694
Annual Fee Type:			
Annual fee for periodic reporting on a class III device	3.50%	$8,781	$2,195
Annual establishment registration fee (to be paid by the establishment engaged in the manufacture, preparation, propagation, compounding, or processing of a device, as defined by 21 U.S.C. 379i(13)).	Base fee adjusted as specified in the statute.	$3,646	$3,646

IV. How to Qualify as a Small Business for Purposes of Medical Device Fees

If your business has gross receipts or sales of no more than $100 million for the most recent tax year, you may qualify for reduced small business fees. If your business has gross sales or receipts of no more than $30 million, you may also qualify for a waiver of the fee for your first premarket application (PMA, PDP, or BLA) or premarket report. You must include the gross receipts or sales of all of your affiliates along with your own gross receipts or sales when determining whether you meet the $100 million or $30 million threshold. If you want to pay the small business fee rate for a submission, or you want to receive a waiver of the fee for your first premarket application or premarket report, you should submit the materials showing you qualify as a small business 60 days before you send your submission to FDA. If you make a submission before FDA finds that you qualify as a small business, you must pay the standard (full) fee for that submission.

If your business qualified as a small business for FY 2014, your status as a small business will expire at the close of business on September 30, 2014. You must re-qualify for FY 2015 in order to pay small business fees during FY 2015.

If you are a domestic (U.S.) business, and wish to qualify as a small business for FY 2015, you must submit the following to FDA:

1. A completed FY 2015 MDUFA Small Business Qualification Certification (Form FDA 3602). This form is provided in FDA's guidance document, ''FY 2015 Medical Device User Fee Small Business Qualification and Certification,'' available on FDA's Web site at *http://www.fda.gov/MedicalDevices/DeviceRegulationandGuidance/Overview/MedicalDeviceUserFeeandModernizationActMDUFMA/default.htm*. This form is not available separate from the guidance document.

2. A certified copy of your Federal (U.S.) Income Tax Return for the most recent tax year. The most recent tax year will be 2014, except:

If you submit your FY 2015 MDUFA Small Business Qualification before April 15, 2015, and you have not yet filed your return for 2014, you may use tax year 2013.

If you submit your FY 2015 MDUFA Small Business Qualification on or after April 15, 2015, and have not yet filed your 2014 return because you obtained an extension, you may submit your most recent return filed prior to the extension.

3. For each of your affiliates, either:

• If the affiliate is a domestic (U.S.) business, a certified copy of the affiliate's Federal (U.S.) Income Tax Return for the most recent tax year, or

• If the affiliate is a foreign business and cannot submit a Federal (U.S.) Income Tax Return, a National Taxing Authority Certification completed by, and bearing the official seal of, the National Taxing Authority of the country in which the firm is headquartered. The National Taxing Authority is the foreign equivalent of the U.S. Internal Revenue Service. This certification must show the amount of gross receipts or sales for the most recent tax year, in both U.S. dollars and the local currency of the country, the exchange rate used in converting the local currency to U.S. dollars, and the dates of the gross receipts or sales collected. The applicant must also submit a statement signed by the head of the applicant's firm or by its chief financial officer that the applicant has submitted certifications for all of its affiliates, identifying the name of each affiliate, or that the applicant has no affiliates.

If you are a foreign business, and wish to qualify as a small business for FY 2015, you must submit the following:

1. A completed FY 2015 MDUFA Foreign Small Business Qualification Certification (Form FDA 3602A). This form is provided in FDA's guidance document, ''FY 2015 Medical Device User Fee Small Business Qualification and Certification,'' available on FDA's Internet site at *http://www.fda.gov/mdufa*. This form is not available separate from the guidance document.

2. A National Taxing Authority Certification, completed by, and bearing the official seal of, the National Taxing Authority of the country in which the firm is headquartered. This certification must show the amount of gross receipts or sales for the most recent tax year, in both U.S. dollars and the local currency of the country, the exchange rate used in converting the local currency to U.S. dollars, and the dates of the gross receipts or sales collected.

3. For each of your affiliates, either:
- If the affiliate is a domestic (U.S.) business, a certified copy of the affiliate's Federal (U.S.) Income Tax Return for the most recent tax year (2014 or later), or
- If the affiliate is a foreign business and cannot submit a Federal (U.S.) Income Tax Return, a National Taxing Authority Certification completed by, and bearing the official seal of, the National Taxing Authority of the country in which the firm is headquartered. The National Taxing Authority is the foreign equivalent of the U.S. Internal Revenue Service. This certification must show the amount of gross receipts or sales for the most recent tax year, in both U.S. dollars and the local currency of the country, the exchange rate used in converting the local currency to U.S. dollars, and the dates for the gross receipts or sales collected. The applicant must also submit a statement signed by the head of the applicant's firm or by its chief financial officer that the applicant has submitted certifications for all of its affiliates, identifying the name of each affiliate, or that the applicant has no affiliates.

V. Procedures for Paying Application Fees

If your application or submission is subject to a fee and your payment is received by FDA from October 1, 2014, through September 30, 2015, you must pay the fee in effect for FY 2015. The later of the date that the application is received in the reviewing center's document room or the date the U.S. Treasury recognizes the payment determines whether the fee rates for FY 2014 or FY 2015 apply. FDA must receive the correct fee at the time that an application is submitted, or the application will not be accepted for filing or review.

FDA requests that you follow the steps below before submitting a medical device application subject to a fee to ensure that FDA links the fee with the correct application. (**Note:** In no case should the check for the fee be submitted to FDA with the application.)

A. Secure a Payment Identification Number (PIN) and Medical Device User Fee Cover Sheet From FDA Before Submitting Either the Application or the Payment

Log on to the MDUFA Web site at: *http://www.fda.gov/MedicalDevices/DeviceRegulationandGuidance/Overview/MedicalDeviceUserFeeandModernizationActMDUFMA/default.htm* and click on ''MDUFA FORMS'' at the left side of the page, and then under the MDUFA Forms heading, click on the link ''Create MDUFA User Fee Cover Sheet.'' Complete the Medical Device User Fee cover sheet. Be sure you choose the correct application submission date range. (Two choices will be offered until October 1, 2014. One choice is for applications and fees that will be received on or before September 30, 2014, which are subject to FY 2014 fee rates. A second choice is for applications and fees received on or after October 1, 2014, which are subject to FY 2015 fee rates.) After completing data entry, print a copy of the Medical Device User Fee cover sheet and note the unique PIN located in the upper right-hand corner of the printed cover sheet.

B. Electronically Transmit a Copy of the Printed Cover Sheet With the PIN

Once you are satisfied that the data on the cover sheet is accurate, electronically transmit that data to FDA according to instructions on the screen. Because electronic transmission is possible, applicants are required to set up a user account and password to assure data security in the creation and electronic submission of cover sheets.

C. Submit Payment for the Completed Medical Device User Fee Cover Sheet

1. If paying with credit card or electronic check (Automated Clearing House (ACH)):

FDA has partnered with the U.S. Department of the Treasury to utilize Pay.gov, a Web-based payment system, for online electronic payment. You may make a payment via electronic check or credit card after submitting your cover sheet. To pay online, select the ''Pay Now'' button. Credit card transactions for cover sheets are limited to $49,999.99.

2. If paying with a paper check:
- All paper checks must be in U.S. currency from a U.S. bank and made payable to the Food and Drug Administration. (FDA's tax identification number is 53–0196965, should your accounting department need this information.)
- Please write your application's unique PIN, from the upper right-hand corner of your completed Medical Device User Fee cover sheet, on your check.
- Mail the paper check and a copy of the completed cover sheet to: Food and Drug Administration, P.O. Box 979033, St. Louis, MO 63197–9000. (Please note that this address is for payments of application and annual report fees only and is not to be used for payment of annual establishment registration fees.)

If you prefer to send a check by a courier, the courier may deliver the check to: U.S. Bank, Attn: Government Lockbox 979033, 1005 Convention Plaza, St. Louis, MO 63101. (**Note:** This address is for courier delivery only. Contact U.S. Bank at 314–418–4013 if you have any questions concerning courier delivery.)

3. If paying with a wire transfer:
- Please include your application's unique PIN, from the upper right-hand corner of your completed Medical Device User Fee cover sheet, in your wire transfer. Without the PIN, your payment may not be applied to your cover sheet and review of your application may be delayed.
- The originating financial institution may charge a wire transfer fee. Please ask your financial institution about the fee and add it to your payment to ensure that your cover sheet is fully paid.

Use the following account information when sending a wire transfer: New York Federal Reserve Bank, U.S. Department of Treasury, TREAS NYC, 33 Liberty St., New York, NY 10045, Acct. No. 75060099, Routing No. 021030004, SWIFT: FRNYUS33, Beneficiary: FDA, 8455 Colesville Rd., Silver Spring, MD 20993–0002.

FDA records the official application receipt date as the later of the following: (1) The date the application was received by FDA or (2) the date the U.S. Treasury recognizes the payment. It is helpful if the fee arrives at the bank at least 1 day before the application arrives at FDA.

D. Submit Your Application to FDA With a Copy of the Completed Medical Device User Fee Cover Sheet

Please submit your application and a copy of the completed Medical Device User Fee cover sheet to one of the following addresses:

1. Medical device applications should be submitted to: Food and Drug Administration, Center for Devices and Radiological Health, Document Mail Center, 10903 New Hampshire Ave., Bldg. 66, Rm. 0609, Silver Spring, MD 20993–0002.

2. Biologics license applications should be sent to: Food and Drug Administration, Center for Biologics Evaluation and Research, Document Control Center, 10903 New Hampshire Ave, Bldg. 71, Rm. G112, Silver Spring, MD 20993–0002.

VI. Procedures for Paying the Annual Fee for Periodic Reporting

You will be invoiced at the end of the quarter in which your PMA Periodic Report is due. Invoices will be sent based on the details included on your

PMA file. You are responsible to ensure your billing information is kept up-to-date, and you may update your contact information for the PMA by submitting an amendment.

1. If paying with a paper check:

All paper checks must be in U.S. currency from a U.S. bank and made payable to the Food and Drug Administration. (FDA's tax identification number is 53–0196965, should your accounting department need this information.)

- Please write your invoice number on the check.
- Mail the paper check and a copy of invoice to: Food and Drug Administration, P.O. Box 979033, St. Louis, MO 63197–9000.

(Please note that this address is for payments of application and annual report fees only and is not to be used for payment of annual establishment registration fees.)

If you prefer to send a check by a courier, the courier may deliver the check to: U.S. Bank, Attn: Government Lockbox 979033, 1005 Convention Plaza, St. Louis, MO 63101. (Note: This address is for courier delivery only. Contact the U.S. Bank at 314–418–4013 if you have any questions concerning courier delivery.)

2. If paying with a wire transfer:

- Please include your invoice number in your wire transfer. Without the invoice number, your payment may not be applied and you may be referred to collections.
- The originating financial institution may charge a wire transfer fee. Please ask your financial institution about the fee and add it to your payment to ensure that your invoice is fully paid.

Use the following account information when sending a wire transfer: New York Federal Reserve Bank, U.S. Department of the Treasury, TREAS NYC, 33 Liberty St., New York, NY 10045, Acct. No. 75060099, Routing No. 021030004, SWIFT: FRNYUS33, Beneficiary: FDA, 8455 Colesville Rd., Silver Spring, MD 20993–0002.

VII. Procedures for Paying Annual Establishment Fees

In order to pay the annual establishment fee, firms must access the Device Facility User Fee (DFUF) Web site at *https://userfees.fda.gov/OA_HTML/furls.jsp*. (FDA has verified the Web site address, but FDA is not responsible for any subsequent changes to the Web site after this document publishes in the **Federal Register**.) You will create a DFUF order and you will be issued a PIN once you place your order. After payment has been processed, you will be issued a payment confirmation number (PCN). You will not be able to register your establishment if you do not have a PIN and a PCN. An establishment required to pay an annual establishment registration fee is not legally registered in FY 2015 until it has completed the steps below to register and pay any applicable fee. (See 21 U.S.C. 379j(g)(2).)

Companies that do not manufacture any product other than a licensed biologic are required to register in the Blood Establishment Registration (BER) system. FDA's Center for Biologics Evaluation and Research (CBER) will send establishment registration fee invoices annually to these companies.

A. Submit a DFUF Order With a PIN From FDA Before Registering or Submitting Payment

To submit a DFUF Order, you must create or have previously created a user account and password for the user fee Web site listed previously in this section. After creating a user name and password, log into the Establishment Registration User Fee FY 2015 store. Complete the DFUF order by entering the number of establishments you are registering that require payment. Once you are satisfied that the information in the order is accurate, electronically transmit that data to FDA according to instructions on the screen. Print a copy of the final DFUF order and note the unique PIN located in the upper right-hand corner of the printed order.

B. Pay For Your DFUF Order

Unless paying by credit card, all payments must be in U. S. currency and drawn on a U.S. bank.

1. If paying by credit card or electronic check (ACH):

The DFUF order will include payment information, including details on how you can pay online using a credit card or electronic check. Follow the instructions provided to make an electronic payment.

2. If paying with a paper check:

You may pay by a check, in U.S. dollars and drawn on a U.S. bank, mailed to: Food and Drug Administration, P.O. Box 979108, St. Louis, MO 63197–9000. (Note: This address is different from the address for payments of application and annual report fees and is to be used only for payment of annual establishment registration fees.)

If a check is sent by a courier that requests a street address, the courier can deliver the check to: U.S. Bank, Attn: Government Lockbox 979108, 1005 Convention Plaza, St. Louis, MO 63101. (**Note:** This U.S. Bank address is for courier delivery only; do not send mail to this address.)

Please make sure that both of the following are written on your check: (1) The FDA post office box number (P.O. Box 979108) and (2) the PIN that is printed on your order. A copy of your printed order should also be mailed along with your check.

3. If paying with a wire transfer:

Wire transfers may also be used to pay annual establishment fees. To send a wire transfer, please read and comply with the following information:

Include your order's unique PIN, from the upper right-hand corner of your completed DFUF order, in your wire transfer. Without the PIN, your payment may not be applied to your facility and your registration will be delayed.

The originating financial institution may charge a wire transfer fee. Please ask your financial institution about the fee and add it to your payment to ensure that your order is fully paid. Use the following account information when sending a wire transfer: New York Federal Reserve Bank, U.S. Dept. of Treasury, TREAS NYC, 33 Liberty St., New York, NY 10045, Acct. No. 75060099, Routing No. 021030004, SWIFT: FRNYUS33, Beneficiary: FDA, 8455 Colesville Rd., Silver Spring, MD 20993–0002.

FDA's tax identification number is 53–0196965.

C. Complete the Information Online To Update Your Establishment's Annual Registration for FY 2015, or To Register a New Establishment for FY 2015

Go to the Center for Devices and Radiological Health's Web site at *http://www.fda.gov/MedicalDevices/DeviceRegulationandGuidance/HowtoMarketYourDevice/RegistrationandListing/default.htm* and click the "Access Electronic Registration" link on the left side of the page. This opens up a new page with important information about the FDA Unified Registration and Listing System (FURLS). After reading this information, click on the "Access Electronic Registration" link in the middle of the page. This link takes you to an FDA Industry Systems page with tutorials that demonstrate how to create a new FURLS user account if your establishment did not create an account in FY 2014. Manufacturers of licensed biologics should register in the BER system at *http://www.fda.gov/BiologicsBloodVaccines/GuidanceComplianceRegulatoryInformation/EstablishmentRegistration/BloodEstablishmentRegistration/default.htm*.

Enter your existing account ID and password to log into FURLS. From the FURLS/FDA Industry Systems menu, click on the Device Registration and Listing Module (DRLM) of FURLS button. New establishments will need to register and existing establishments will update their annual registration using choices on the DRLM menu. Once you choose to register or update your annual registration, the system will prompt you through the entry of information about your establishment and your devices. If you have any problems with this process, email: *reglist@cdrh.fda.gov* or call 301–796–7400 for assistance. (**Note:** this email address and this telephone number are for assistance with establishment registration only, and not for any other aspects of medical device user fees.) Problems with BERS should be directed to *http://www.accessdata.fda.gov/scripts/email/cber/bldregcontact.cfm* or call 240–402–8360.

D. Enter Your DFUF Order PIN and PCN

After completing your annual or initial registration and device listing, you will be prompted to enter your DFUF order PIN and PCN, when applicable. This process does not apply to establishments engaged only in the manufacture, preparation, propagation, compounding, or processing of licensed biologic devices. CBER will send invoices for payment of the establishment registration fee to such establishments.

Dated: July 23, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–17902 Filed 7–29–14; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2014–N–0001]

Cellular, Tissue and Gene Therapies 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). At least one portion of the meeting will be closed to the public.

Name of Committee: Cellular, Tissue and Gene Therapies 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 18, 2014, from 1 p.m. to 4 p.m.

Location: FDA White Oak Campus, 10903 New Hampshire Ave., Bldg. 31 Conference Center, Rm. 1506–IR, Silver Spring, MD 20993–0002. The public is welcome to attend the meeting at the specified location where a speakerphone will be provided. Public participation in the meeting is limited to the use of the speakerphone in the conference room. 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: Gail Dapolito, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 6124, Silver Spring, MD 20993–0002, 240–402–8046, *gail.dapolito@fda.hhs.gov;* or Rosanna Harvey, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 6136, Silver Spring, MD 20993–0002, 240–402–8072, *rosanna.harvey@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: On September 18, 2014, the committee will meet by teleconference. In open session, the committee will hear updates of research programs in the Laboratory of Biochemistry, Division of Therapeutic Proteins, the Laboratory of Molecular Oncology and the Laboratory of Molecular and Developmental Immunology, Division of Monoclonal Antibodies, Office of Biotechnology Products, Office of Pharmaceutical Sciences, Center for Drug Evaluation and Research, FDA.

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: On September 18, 2014, from 1 p.m. to 3:20 p.m., the meeting is open to the public. 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 September 11, 2014. Oral presentations from the public will be scheduled between approximately 2:20 p.m. and 3:20 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 September 3, 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 September 4, 2014.

Closed Committee Deliberations: On September 18, 2014, from approximately 3:20 p.m. to 4 p.m., the meeting will be closed to permit discussion where disclosure would constitute a clearly unwarranted invasion of personal privacy (5 U.S.C. 552b(c)(6)). The committee will discuss reports of intramural research programs and make recommendations regarding personnel staffing decisions.

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 Gail Dapolito 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 24, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–17890 Filed 7–29–14; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Proposed Collection; 60-Day Comment Request; The NIH/NCATS GRDR℠ Program; Global Rare Diseases Patient Registry Data Repository (GRDR)

SUMMARY: In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, for opportunity for public comment on proposed data collection projects, the National Center for Advancing Translational Sciences (NCATS), National Institutes of Health (NIH), will publish periodic summaries of proposed projects to be submitted to the Office of Management and Budget (OMB) for review and approval.

Written comments and/or suggestions from the public and affected agencies are invited on one or more of the following points: (1) Whether the proposed collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility; (2) The accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) Ways to enhance the quality, utility, and clarity of the information to be collected; and (4) Ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

To Submit Comments and For Further Information: To obtain a copy of the data collection plans and instuments, submit comments in writing, or request more information on the proposed project, contact Yaffa Rubinstein, Ph.D., Office of Rare Diseases Research (ORDR), National Center for Advancing Translational Sciences (NCATS), National Institutes of Health (NIH), 6701 Democracy Boulevard, Room 1004, Bethesda, Maryland 20892, or call non-toll free number (301) 402–4338, or Email your request including your address to *yaffa.rubinstein@nih.gov.* Formal requests for additional plans and instuments must be requested in writing.

Comment Due Date: Comments regarding this information collection are best assured of having their full effect if received within 60 days of the date of this publication.

Proposed Collection: The NIH/NCATS GRDR℠ Program, 0925–NEW GRDR, National Center for Advancing Translational Sciences (NCATS), National Institutes of Health (NIH).

Need and Use of Information Collection: The NIH created the GRDR program *https://grdr.ncats.nih.gov* an informatics system and central data repository, housed at the NCATS/NIH Center to support and accelerate research in the cause, diagnosis, and treatment of rare diseases. The GRDR program collects a wide range of data types, including phenotypic, clinical, and genomic, as well as medical images, derived from individuals who participate in rare disease patient registries, regardless of the source of funding. The GRDR program provides the infrastructure to store, search across, retrieve, and analyze these varied types of data. This valuable information will help NIH understand and evaluate the use of repositories/datasets in the research community. The GRDR program will support: (1) Mapping data to standards; (2) increased visibility for participating registries; (3) opportunity for cross-disease research; (4) better and faster RD clinical research.

OMB approval is requested for 3 years. There are no costs to respondents other than their time. The total estimated annualized burden hours are 100.

ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Type of respondent	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total annual burden hour
Request for access	Individuals	1000	1	5/60	83
Request to submit	Individuals	100	1	10/60	17

Dated: July 17, 2014.

Pamela McInnes,

Deputy Director, NCATS, NIH.

[FR Doc. 2014–17952 Filed 7–29–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel; Ancillary Studies in Clinical Trials.

Date: August 22, 2014.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hilton Garden Inn Washington DC/Bethesda, 7301 Waverly Street, Bethesda, MD 20814.

Contact Person: Kristen Page, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7185, Bethesda, MD 20892, 301–496–2434, *kristen.page@nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS).

Dated: July 23, 2014.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy,

[FR Doc. 2014–17838 Filed 7–29–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Institute Special Emphasis Panel; NCI Program Project Meeting I (P01).

Date: September 17–18, 2014.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda North Marriott Hotel and Conference Center, 5701 Marinelli Road, North Bethesda, MD 20852.

Contact Person: Shakeel Ahmad, Ph.D., Scientific Review Officer, Research Programs Review Branch, Division of Extramural Activities, National Cancer Institute, 9609 Medical Center Drive, Room 7W122, Bethesda, MD 20892–8329, 240–276–6349, *ahmads@mail.nih.gov.*

Information is also available on the Institute's/Center's home page: *http://deainfo.nci.nih.gov/advisory/sep/sep.htm,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS).

Dated: July 24, 2014.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–17859 Filed 7–29–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of a meeting of the National Advisory Council on Aging.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Advisory Council on Aging.

Date: September 16–17, 2014.

Closed: September 16, 2014, 3:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Natcher Building—Building 45, P2 Level, Conference Room E1/E2, 45 Center Drive, Bethesda, MD 20892.

Open: September 17, 2014, 8:00 a.m. to 1:00 p.m.

Agenda: Call to order and report from the Director; discussion of future meeting dates; consideration of minutes of last meeting; reports from the Task Force on Minority Aging Research, Council of Councils, and Working Group on Program; Council Speaker; Program Highlights.

Place: National Institutes of Health, Natcher Building—Building 45, P2 Level, Conference Room E1/E2, 45 Center Drive, Bethesda, MD 20892.

Contact Person: Robin Barr, Ph.D., Director, National Institute on Aging, Office of Extramural Activities, Gateway Building, 7201 Wisconsin Avenue, Bethesda, MD 20814, (301) 496–9322, *barrr@nia.nih.gov.*

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

In the interest of security, NIH has instituted stringent procedures for entrance onto the NIH campus. All visitor vehicles, including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

Information is also available on the Institute's/Center's home page: *www.nih.gov/nia/naca/,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS).

Dated: July 24, 2014.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–17839 Filed 7–29–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Human Genome Research Institute; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of a meeting of the National Advisory Council for Human Genome Research.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Advisory Council for Human Genome Research.

Date: September 8–9, 2014.

Closed: September 08, 2014, 8:00 a.m. to 10:00 a.m.

Agenda: To review and evaluate grant applications and/or proposals.

Place: National Human Genome Research Institute, Terrace Level Conference Room, 5635 Fishers Lane, Rockville, MD 20852.

Open: September 08, 2014, 10:00 a.m. to 3:00 p.m.

Agenda: To discuss matters of program relevance.

Place: National Human Genome Research Institute, Terrace Level Conference Room, 5635 Fishers Lane, Rockville, MD 20852.

Closed: September 08, 2014, 3:00 p.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications and/or proposals.

Place: National Human Genome Research Institute, Terrace Level Conference Room, 5635 Fishers Lane, Rockville, MD 20852.

Closed: September 09, 2014, 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications and/or proposals.

Place: National Human Genome Research Institute, Terrace Level Conference Room, 5635 Fishers Lane, Rockville, MD 20852.

Contact Person: Rudy O. Pozzatti, Ph.D., Scientific Review Officer, Scientific Review Branch, National Human Genome Research Institute, 5635 Fishers Lane, Suite 4076, MSC 9306, Rockville, MD 20852, (301) 402–0838, *pozzattr@mail.nih.gov*.

Information is also available on the Institute's/Center's home page: *http://www.genome.gov/11509849,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.172, Human Genome Research, National Institutes of Health, HHS)

Dated: July 24, 2014.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–17860 Filed 7–29–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Human Genome Research Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Inherited Disease Research Access Committee.

Date: September 12, 2014.

Time: 9:00 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites Baltimore & Grand Historic Venue, 222 St. Paul Place, Baltimore, MD 21228.

Contact Person: Camilla E. Day, Ph.D., Scientific Review Officer, CIDR, National Human Genome Research Institute, National Institutes of Health, 5635 Fishers Lane, Suite 4075, Bethesda, MD 20892, 301–402–8837, *camilla.day@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.172, Human Genome Research, National Institutes of Health, HHS)

Dated: July 24, 2014.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–17861 Filed 7–29–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Aging Special Emphasis Panel; Aging Bone II.

Date: August 27, 2014.

Time: 12:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute on Aging, Gateway Building, Suite 2C212, 7201 Wisconsin Avenue, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Alicja L. Markowska, Ph.D., DSC, Scientific Review Branch, National Institute on Aging, 7201 Wisconsin Avenue, Suite 2C212, Bethesda, MD 20892, 301–496–9666, *markowsa@nia.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: July 24, 2014.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–17840 Filed 7–29–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Immigration and Customs Enforcement

Agency Information Collection Activities: Comment Request; Extension of an Information Collection

ACTION: 60-Day Notice of Information Collection for review; Suspicious/Criminal Activity Tip Reporting; OMB Control No. 1653–0049.

The Department of Homeland Security, U.S. Immigration and Customs Enforcement (USICE), is submitting the following information collection request for review and clearance in accordance with the Paperwork Reduction Act of 1995. The information collection is published in the **Federal Register** to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for sixty day until September 29, 2014.

Written comments and suggestions regarding items contained in this notice and especially with regard to the estimated public burden and associated response time should be directed to the Office of Chief Information Office, Forms Management Office, U.S. Immigrations and Customs Enforcement, 801 I Street NW., Mailstop 5800, Washington, DC 20536–5800.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other

technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension of a currently approved information collection.

(2) *Title of the Form/Collection:* Suspicious/Criminal Activity Tip Reporting.

(3) *Agency form number, if any, and the applicable component of the Department of Homeland Security sponsoring the collection:* U.S. Immigration and Customs Enforcement.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Individuals or households.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:*

Number of respondents	Form name/form number	Average burden per response (in hours)
66,000	Homeland Security Investigations Tip Form	0.16
20	Bulk Cash Smuggling Center Contact Form	0.16
118,000	Suspicious Activity Tip Line	0.10

(6) *An estimate of the total public burden (in hours) associated with the collection:* 22,363 annual burden hours.

Dated: July 25, 2014.

Scott Elmore,

Program Manager, Forms Management Office, Office of the Chief Information Officer, U.S. Immigration and Customs Enforcement, Department of Homeland Security.

[FR Doc. 2014–17964 Filed 7–29–14; 8:45 am]

BILLING CODE 9111–28–P

INTER-AMERICAN FOUNDATION

Sunshine Act Meetings

TIME AND DATE: August 11, 2014, 9 a.m.–10 a.m.

PLACE: Inter-American Foundation, 1331 Pennsylvania Ave NW., 12th Floor North, Suite 1200, Washington, DC 20004.

STATUS: Meeting of the Board of Directors, Open to the Public.

MATTERS TO BE CONSIDERED:

- Approval of the Minutes of the March 31, 2014, Meeting of the Board of Directors
- Management Report
- Dates for Meetings in 2015
- Adjournment

CONTACT PERSON FOR MORE INFORMATION: Paul Zimmerman, General Counsel, (202) 683–7118.

Paul Zimmerman,

General Counsel.

[FR Doc. 2014–18053 Filed 7–28–14; 4:15 pm]

BILLING CODE 7025–01–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R4–R–2014–N108; FXRS12650400000S3–123–FF04R02000]

Sam D. Hamilton Noxubee National Wildlife Refuge, Mississippi; Draft Comprehensive Conservation Plan and Environmental Assessment

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; request for comments.

SUMMARY: We, the Fish and Wildlife Service (Service), announce the availability of a draft comprehensive conservation plan and environmental assessment (Draft CCP/EA) for Sam D. Hamilton Noxubee National Wildlife Refuge in Oktibbeha, Winston, and Noxubee Counties, Mississippi, for public review and comment. In this Draft CCP/EA, we describe the alternative we propose to use to manage this refuge for the 15 years following approval of the final CCP.

DATES: To ensure consideration, we must receive your written comments by September 29, 2014.

ADDRESSES: You may obtain a copy of the Draft CCP/EA by contacting Steve Reagan, Refuge Manager, by U.S. mail at 13723 Bluff Lake Rd., Brooksville, MS 39739. Alternatively, you may download the document from our Internet Site at *http://southeast.fws.gov/planning* under ''Draft Documents.'' Comments on the Draft CCP/EA may be submitted to the above postal address or by email to Laura Housh, Planner, 13723 Bluff Lake Rd., Brooksville, MS 39739; or *laura_housh@fws.gov*.

FOR FURTHER INFORMATION CONTACT: Steve Reagan, (662) 323–5548 x225 or *Steve_Reagan@fws.gov*.

SUPPLEMENTARY INFORMATION:

Introduction

With this notice, we continue the CCP process for Sam D. Hamilton Noxubee National Wildlife Refuge (SDHN NWR), started through a notice in the **Federal Register** on January 15, 2013 (78 FR 3024). For more about the refuge and our CCP process, please see that notice.

SDHN NWR is located within three counties (Noxubee, Oktibbeha, and Winston) in east-central Mississippi, and is approximately 17 miles south-southwest of Starkville and approximately 120 miles north-northeast of Jackson, the capital city of Mississippi. The refuge is currently 48,219 acres. The primary establishing legislation for the Noxubee National Wildlife Refuge is Executive Order 8444, dated June 14, 1940. Established as Noxubee NWR in 1940, the refuge was subsequently renamed Sam D. Hamilton Noxubee NWR by Public Law 112–279 on February 14, 2012.

Background

The CCP Process

The National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd–668ee) (Administration Act), as amended by the National Wildlife Refuge System Improvement Act of 1997, requires us to develop a CCP for each national wildlife refuge. The purpose for developing a CCP is to provide refuge managers with a 15-year plan for achieving refuge purposes and contributing toward the mission of the National Wildlife Refuge System, consistent with sound principles of fish and wildlife management, conservation, legal mandates, and our policies. In addition to outlining broad management direction on conserving wildlife and their habitats, CCPs identify wildlife-dependent recreational opportunities available to the public, including opportunities for hunting, fishing, wildlife observation, wildlife photography, and environmental education and interpretation. We will review and update the CCP at least every 15 years in accordance with the Administration Act.

Priority resource issues addressed in the Draft CCP/EA include Fish and Wildlife Populations, Habitat Management, Resource Protections, Visitor Services, and Refuge Administration.

CCP Alternatives, Including Our Proposed Alternative

We developed three alternatives for managing the refuge (Alternatives A, B, and C), with Alternative C as our proposed alternative. A full description of each alternative is in the Draft CCP/EA. We summarize each alternative below.

Alternative A: Current Management (No Action)

Under this alternative, no major changes to our biological, public use and administrative management practices would occur from their current levels. The refuge would continue to actively manage for waterfowl habitat. Forested bottomland habitats would receive little to no active management. Habitat for red-cockaded woodpeckers would continue as the refuge's highest priority. Habitats would not be managed for historic conditions but maintained to favor a pine dominated forest type. Law enforcement efforts would remain the same. Visitor services would continue at current levels.

Alternative B: Focus on Waterfowl and Federally Listed Species

This alternative emphasizes active habitat management actions that would benefit the endangered red-cockaded woodpecker (RCW) and waterfowl. Visitor service programs and facilities in support of the six priority public uses (i.e., hunting, fishing, wildlife observation, wildlife photography, interpretation, and environmental education) would be much reduced below those levels for Alternatives A and C. Non-wildlife dependent public uses would be phased out. Under this alternative, the refuge would favor management that restores historic forest conditions. The refuge would maintain and, where appropriate, restore the biological integrity, diversity, and environmental health of the refuge.

This alternative would provide approximately 1 million Duck Energy Days (DEDs) over a 110-day period yearly, through the possible combination of managed moist soil units, planted agricultural crops that can be flooded, aquatic vegetation and invertebrates within refuge lakes, and seasonally flooded greentree reservoirs (GTRs) which provide mast crops and invertebrates. Wood duck breeding opportunities would be enhanced. Silvicultural treatments within bottomland hardwood habitats would receive low priority, but may be used to promote recruitment of red oak species within the overstory of those flooded forested habitats used by waterfowl. Manipulation of water level would be the primary tool used to produce the desired shrub-scrub cover. The refuge would participate in wood duck banding programs. Bottomland forests would benefit forest-breeding birds. Active manipulation of habitats for the benefit of forest-breeding birds would be at a priority lower than that required for RCW and waterfowl. The number of red-cockaded woodpecker clusters would be based on continuous pine habitat as defined by historic conditions and the optimal partition size of 308 acres based on the 100-year rotation. A new refuge target goal would be 27 RCW clusters. All RCW partitions would be managed according to the RCW Recovery Plan. Forested habitats would be actively manipulated to produce a forest reflective of historic conditions. No additional, non-historic pine habitats would be maintained or converted for support of the RCW to pine. Refuge staff and possibly contractors would continue to scientifically monitor RCWs through nest and fledge checks. Quantitative monitoring would be limited to RCWs, and other wildlife would be monitored through simple reconnaissance. Efforts would be made to prevent the establishment of exotic invasives and pest species. Water levels in all greentree reservoirs (GTRs) would be managed through water manipulation so that no more than two GTRs would be purposefully flooded for wintering waterfowl habitat yearly. All old fields and the Morgan Hill Prairie Demonstration Area would no longer be maintained. Other than in areas where forests are being restored to their historic condition, the refuge would actively manage forested habitats to maintain the desired wildlife habitat for federally listed species and waterfowl. Upland forests would be managed for historic conditions and, when applicable, management would emphasize needed habitat for federally listed species.

Comprehensive, refuge-wide surveys would be opportunistically sought, but individual cultural resource surveys for only specific projects or sites would be the standard. Partnerships would be developed with other agencies, institutions, and ethnic groups (e.g., Choctaw Nation, African American groups, etc.), to accomplish tasks and seek ideas and means to improve management of cultural resources. Efforts would be made to acquire additional lands in the Approved Acquisition Boundary through fee-simple title and timber for land exchange. The two existing Research Natural Areas (RNAs) would continue to be recognized as if under the Society of American Foresters (SAF) designation, but research objectives and management strategies would remain undeveloped. Improvements to the existing law enforcement program would be based on recommendations provided by the Office of the Chief of Refuge Law Enforcement (LE), Southeast Region, following a program review.

The existing hunting programs would be reduced through reductions in staff and facility support. The visitor center would be closed on weekends. The picnic area and nearby public restrooms would be closed. Fish habitat would not be enhanced for increased recreational uses. Wildlife observation and photography opportunities would be reduced through the reduced availability and maintenance of viewing facilities, such as boardwalks and nature trails. Special use events requiring substantial planning and resources to host would be discontinued. Some of the secondary gravel roads would be closed to vehicles. Signage and information available to the public would be reduced. Public use staff would be eliminated and replaced with biological or forestry technicians. No off-site interpretive programs would be offered. Refuge staff would not participate in Environmental Education; it would be solely dependent on the currently structured partnership with Starkville School District and volunteers.

The staff would be held at 13 or fewer employees, with organizational changes made to increase field staff, including law enforcement officers and biological and forestry technicians. Facilities and equipment would all be placed on a priority list and maintained when funding allowed. Closing or removal of poorly maintained assets would occur. The collection of fees for permitted quota deer and waterfowl hunts would be continued.

Alternative C: Focus on Wildlife, Habitat Diversity, and Experiencing Nature (Proposed Alternative)

This alternative will manage refuge resources to optimize native wildlife populations and habitats under a balanced and integrated approach, not only for federally listed species (RCW) and migratory birds, but also for other native species such as white-tailed deer, wild turkey, Northern bobwhite, paddlefish, and forest-breeding birds. This alternative also provides opportunities for the six priority public uses (i.e., hunting, fishing, wildlife observation, wildlife photography, interpretation and environmental education) and other wildlife-dependent activities found appropriate and compatible with the purpose for which the refuge was established.

Under this alternative, the refuge would favor management that restores historic forest conditions while achieving refuge purposes. This alternative would provide approximately 1 million Duck Energy Days (DEDs) over a 110-day period yearly, through the possible combination of managed moist soil units, planted agricultural crops that can be flooded, aquatic vegetation and invertebrates within refuge lakes, and seasonally flooded greentree reservoirs which provide mast crops and invertebrates. Wood duck breeding opportunities would be enhanced using wood duck nest boxes, but greater emphasis would be placed on protecting trees with natural cavities throughout the bottomland forests. Trees found with existing cavities and those having unique wildlife values would be protected from timber harvest. Active manipulation of habitats and populations would occur as necessary to maintain biological integrity, diversity, and environmental health. Silvicultural treatments within bottomland hardwood habitats would receive low priority, but may be used to promote recruitment of red oak species within the overstory of those flooded forested habitats used by waterfowl. The refuge would attempt to increase brood survival of waterfowl by managing shallow water aquatic habitats to produce and sustain protective shrub-scrub cover with fringe area of the refuge's lakes. Manipulation of water level would be the primary tool used to produce the desired shrub-scrub cover. The refuge would participate in wood duck banding programs and try to obtain refuge quotas as assigned by the U.S. Fish and Wildlife Service national Migratory Bird program, and limit human access to key areas used by waterfowl to reduce disturbance during critical life cycle stages. Forest-breeding bird populations would be enhanced through improved nesting, brooding, and foraging opportunities by application of active habitat manipulation techniques within bottomland hardwood forested habitats and streamside management zones. Even and uneven aged silviculture, including selective thinning, patch cuts, group tree selections, clearcuts, timber stand improvements, chemical treatments, and other methods, could be used to ensure hardwood species diversity, red oak recruitment into the overstory, and forest structure for the benefit of a diversity of wildlife. The number of red-cockaded woodpecker (RCW) clusters would be based on continuous pine habitat as defined by historic conditions and the optimal partition size of 308 acres based on the 100-year rotation. Mathematically this suggests that the maximum number of clusters feasible on the refuge is 38. However, due to natural habitat variation within the management units, habitat loss between the circular partitions, habitat loss due to inholding, and edge effects due to bordering lands or hardwood habitats, the optimal number and new refuge target goal would be 27 RCW clusters. All RCW partitions would be managed according to the RCW Recovery Plan. Habitat manipulations used to benefit RCWs could include silvicultural practices (e.g., active forest management, including but not limited to manual or mechanized pre-commercial thinning, commercial biomass thinning, mulching, firewood cutting, timber stand improvements, herbicide, irregular shelterwood, shelterwood, seedtree, patch cuts, afforestation, reforestation, and free thinning), prescribed fire, raking, mowing, creation of new artificial cavities, maintenance of suitable cavities, midstory reduction (chemical and/or mechanical control), integrated pest management, use of restrictor plates on cavities, snake exclusion devices, and kleptoparasite control. In order to sustain forest resources for future RCW habitat, harvesting of existing mature forests as part of regeneration efforts within present and future partitions would occur. No additional, non-historic pine habitats would be maintained or converted for support of the RCW to pine. Refuge staff and possibly contractors would continue to scientifically monitor RCWs through nest and fledge checks. Additional quantitative monitoring of a broad suite of wildlife and their habitats will be sought through Nongovernmental Organizations (NGOs), universities and volunteers and participate in the Refuge System's Inventory and Monitoring program for development of standardized survey methods, cataloging and analyzing refuge information. Efforts would be made to prevent the establishment of exotic invasive, and pest species. Deep-water habitats within Bluff Lake would be created through dirt excavation to ensure consistency in recreational fisheries resources (i.e., crappie, bass, and sunfish). Excavated soil from the creation of the deepwater habitat would be used to create islands within the lake to serve as bird rookery sites. Other existing water control structures on Bluff Lake and in areas upstream of the lake would also be modified or removed to allow fish passage. Paddlefish and Gulf Coast Walleye would benefit from the restoration. Additional ephemeral pools for amphibians would be artificially created throughout the refuge through excavation in areas where excess water impedes road maintenance or threatens sedimentation of streams. The Morgan Hill Prairie Demonstration Area would remain but be reduced by more than 50 percent in size and the remaining area would be restored into habitats similar to that indicated by historic conditions. Existing old fields that would not be a direct benefit to federally protected species or waterfowl would continue to be managed as old field sites for the benefit of native grassland species. Old fields that would be a direct benefit to federally protected species or waterfowl would be restored to historical species compositions through natural regeneration or the manual planting of trees. No new field sites would be created. Active forest management including silvicultural treatments, prescribed fire, chemical and/or mechanical midstory reduction would occur throughout the refuge's habitats to achieve desired historic forest conditions, greater habitat diversity and forest structure to benefit RCW, forest interior birds and a wider range of native wildlife. Upland forests would be managed for historic conditions and when applicable management would emphasize providing the needed habitat for federally listed species. If needed to support federally listed species, active forest management would occur using a variety of techniques including timber harvest, prescribed fire, chemical and/or mechanical midstory reduction.

To protect cultural resources, completing a comprehensive, refuge-wide survey of archeological sites would be the goal as well as individual cultural resource surveys as needed for specific projects or sites. Partnerships would be developed with other agencies, institutions, and cultural groups (e.g., Choctaw Nation, African American groups, etc.), to seek ideas and possible share staff positions. The refuge would improve management and interpretation of the refuge's cultural resources. Conservation partnerships would be developed with neighboring landowners and worked through partnerships to have the greatest impact on maintaining or restoring the biological integrity of the local community. Fee title acquisition from willing sellers will focus on lands within the existing approved acquisition boundary that will most efficiently assist the refuge in meeting the purposes for which it was established and the mission of the Service. Under this alternative the two RNAs would no longer remain under this designation and would be managed as part of the larger surrounding units of similar type and managed for their historic conditions. A second Wildlife Law Enforcement Officer would be established in combination with possible collateral duty officer positions to assist in protecting natural and cultural resources along with public safety.

The current level of visitor services programs would be expanded for the general public and attempts made to provide more access for users with disabilities and youth. The Service would develop a week-long, large game (turkey and deer) hunt program to provide increased opportunities for disabled hunters in exchange for a week reduction in the general gun deer and turkey seasons. Deer hunting opportunities overall would be increased. The Service would work with the Mississippi Department of Wildlife, Fisheries, and Parks to develop family hunting and fishing opportunities. Fishing opportunities would be expanded to include year-round designated bank fishing areas on Bluff and Loakfoma Lakes. Other wildlife-dependent uses and their supporting facilities would be maintained and enhanced through upgrades or additional facilities. Alternative funding mechanisms, such as a general user fee under the Fee Program, and partnerships would be used to spread costs of programs across all users possibly eliminating the need for separate hunting related fees. The existing visitor services programs would be increased. This alternative would establish a ''Connecting People with Nature'' area to consolidate activities and users requiring greater support to enjoy wildlife observation activities. Existing activities that are not considered wildlife dependent uses such as a picnicking area and off-road mountain biking, would not be allowed but more opportunities for bicycling, walking and connecting with nature would be offered through designed trails with increased accessibility for disabled Americans. All existing wildlife dependent uses and the supporting facilities would be maintained and, if resources are available, enhanced through possible increase and better maintenance in overlooks, boardwalks, and trails. An effort would be made to increase visitor safety and enjoyment through establishment of parking areas, improved management of vehicle flow, creation of paved walking and biking trails, and roadside bike lanes along Bluff Lake and Loakfoma Roads. Refuge regulatory and informational signs would receive priority. Partnerships to conduct environmental education and off-site activities and increase volunteer involvement in all its programs would be established. More effort would be placed toward developing cooperative programs sponsored through the Friends.

The current staff of 13 employees would be reorganized under this goal of reaching an optimal staff level of 18 as recommended within the 2008 Final Report for the Staffing Model for Field Stations. This alternative would continue participation in the existing Fee Program. Changes within the program would include establishment of a general access pass for all users to assist in the maintenance and development of public use programs and facilities (e.g., Daily Pass, Weekly Pass or Annual Pass). Current federal duck stamps and other congressionally authorized entrance fee passes would be accepted as a refuge access pass.

Next Step

After the comment period ends, we will analyze the comments and address them.

Public Availability of Comments

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Authority

This notice is published under the authority of the National Wildlife Refuge System Improvement Act of 1997 (16 U.S.C. 668dd *et seq.*).

Dated: June 24, 2014.

Jeffrey M. Fleming,

Acting Regional Director.

[FR Doc. 2014–17788 Filed 7–29–14; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Ocean Energy Management

[OMB Number 1010—New]

Information Collection: Social Indicators in Coastal Alaska: Arctic Communities Survey; Submitted for OMB Review; Comment Request MMAA104000

ACTION: 30-Day notice.

SUMMARY: To comply with the Paperwork Reduction Act of 1995 (PRA), the Bureau of Ocean Energy Management (BOEM) is notifying the public that we have submitted an information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval. The ICR pertains to a new survey to be conducted in northern coastal Alaska communities. This notice provides the public a second opportunity to comment on the paperwork burden of this collection.

DATES: Submit written comments by August 29, 2014.

ADDRESSES: Submit comments on this ICR to the Desk Officer for the Department of the Interior at OMB–OIRA at (202) 395–5806 (fax) or *OIRA_submission@omb.eop.gov* (email). Please provide a copy of your comments to the BOEM Information Collection Clearance Officer, Arlene Bajusz, Bureau of Ocean Energy Management, 381 Elden Street, HM–3127, Herndon, Virginia 20170 (mail) or *arlene.bajusz@boem.gov* (email). Please reference ICR 1010–New in your comment and include your name and return address.

FOR FURTHER INFORMATION CONTACT: Arlene Bajusz, Office of Policy, Regulations, and Analysis at *arlene.bajusz@boem.gov* (email) or (703) 787–1025 (phone). You may review the ICR online at *http://www.reginfo.gov.* Follow the instructions to review Department of the Interior collections under review by OMB.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 1010–New.

Title: Social Indicators in Coastal Alaska: Arctic Communities Survey.

Abstract: This is a new collection that involves a survey of the Alaska coastal area along the Arctic. Section 20 of the Outer Continental Shelf (OCS) Lands Act (OCSLA) requires the Secretary of the Department of the Interior (DOI) to monitor and assess the impacts of resource development activities in Federal waters on human, marine, and coastal environments. The OCSLA authorizes the Secretary of the Interior to conduct studies in areas or regions of lease sales to ascertain the ''environmental impacts on the marine and coastal environments of the outer Continental shelf and the coastal areas which may be affected by oil and gas development'' (43 U.S.C. 1346) (Pub. L. 95–372).

The National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 4321–4347) requires that all Federal agencies use a systematic, interdisciplinary approach to ensure the integrated use of the natural and social sciences in any planning and decision making that may have an effect on the human environment. The Council on Environmental Quality's Regulations for Implementing Procedural Provisions of NEPA (40 CFR 1500–1508) state that the ''human environment'' is to be ''interpreted comprehensively'' to include ''the natural and physical environment and the relationship of people with that environment'' (40 CFR 1508.14). An action's ''aesthetic, historic, cultural, economic, social or health'' effects must be assessed, ''whether direct, indirect, or cumulative'' (40 CFR 1508.8).

The BOEM is the DOI agency that conducts OCS lease sales and monitors and mitigates adverse impacts that might be associated with offshore resource development. The BOEM Environmental Studies Program implements and manages the responsibilities of research. This new survey will facilitate the meeting of DOI/BOEM information needs by quantifying measures of well-being and the living conditions of residents in coastal Alaska areas, with specific focus on six Iñupiat coastal Alaska Native communities in the North Slope Borough (Barrow, Point Hope, Wainwright, Nuiqsut, Kaktovik, Point Lay).

The BOEM will use the information collected from this survey to learn about local social systems and well-being in a way that may shape development strategies and serve as an interim baseline for impact mitigation and/or monitoring to compare against future research in these areas. With these data, BOEM will improve information to make informed oil and gas leasing and development decisions for these areas. The studies will help BOEM identify and mitigate impacts of offshore oil and gas exploration and development on Alaska Native communities.

Survey Instrument: The survey instrument was developed through collaborative discussions with key community members tasked to serve on the North Slope Management Board, specifically established to deal with this study.

Interview Methods: The interviews will be conducted in person in a setting most comfortable for the respondents. This personal method is more expensive and time consuming for the researchers, but these drawbacks are outweighed by improvements in the quality of information obtained and the rapport established between the surveyor and the person interviewed. Telephone interviews have not proven to be broadly successful in obtaining useful information on the North Slope. Each respondent will be paid an honorarium for taking part in the study. Responses are voluntary.

Frequency: One-time event.

Description of Respondents: Respondents are members of the Alaskan coastal communities in the North Slope Borough. We plan to contact 1,001 individuals and estimate 801 will complete the survey.

Estimated Reporting and Recordkeeping Hour Burden: We estimate 834 hours for this collection.

Activity	Number of responses	Completion time per response	Total annual burden hours
Initial Contact	1,001	2 minutes	33
Survey	801	1 hour	801
Total	1,802		834

Estimated Reporting and Recordkeeping Non-Hour Cost Burden: We have identified no non-hour paperwork cost burdens for this collection.

Public Disclosure Statement: The PRA (44 U.S.C. 3501, *et seq.*) provides that an agency may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. Until OMB approves a collection of information, you are not obligated to respond.

Comments: We invite comments concerning this information collection on:

- Whether or not the collection of information is necessary, including whether or not the information will have practical utility;
- The accuracy of our burden estimates;
- Ways to enhance the quality, utility, and clarity of the information to be collected; and
- Ways to minimize the burden on respondents.

To comply with the public consultation process, on March 14, 2014, BOEM published a **Federal Register** notice (79 FR 14533) announcing that we would submit this ICR to OMB for approval. This notice provided the required 60-day comment period. We received one comment in response to this notice. The Mayor's Office of the North Slope Borough posed several questions and concerns about aspects of the survey. A summary of each and the response are outlined below. The Social Indicators study has been under construction and planned by the Environmental Studies Program of BOEM for more than 5 years and reported in annual Study Development Plans provided to the North Slope Borough (NSB) for review and comment. It is directly linked to Arctic Social Indicator domain identification undertaken by the Arctic Council and is responsive to the Arctic Research Plan, issued by the Executive Office of the President, National Science and Technology Council in February 2013. BOEM believes this pioneering effort is a way to monitor impacts for oil and gas exploration and development in that the study meets the information needs to identify and monitor broad social changes in the Arctic. We appreciate this opportunity to respond to specific questions raised by the Mayor of the North Slope Borough, Alaska.

Need for the Survey

1. Is this collection a result of the HIA in the EIS?

This survey collection is not a result of the Health Impact Assessment (HIA) in an EIS. The collection is linked to the Arctic Social Indicators Project, an outgrowth of the Arctic Human Development Report of 2004 conducted under the auspices of the Arctic Council's Sustainable Development Working Group (Arctic Social Indicators 2010). HIA involves a more specific set of questions about health status in the communities, whereas the Social Indicators study, designed to assess respondents' sense of well-being, explores six domains, one of which is health.

2. BOEM Should Use the NSB's Baseline Community Health Analysis Report in the Social Indicators and Acknowledge That the Health Environment is Already Impacted by Resource Development

The NSB Baseline Community Health Analysis Report was not completed until June 2012, after the Social Indicators contract was awarded. The designs of both the Baseline Community Health Analysis Report and the Social Indicators survey are complementary because they are derived from the same parent document, the NSB Census of 2010. The Social Indicators survey results will be shared with the NSB. Some of the survey questions will correspond with the NSB Community Health Analysis Report and will support decision making at all levels of government. The 2010 NSB Census includes the same overall health questions that were asked by the Survey of Living Conditions in the Arctic (SLiCA) conducted by Dr. Kruse in collaboration with the NSB in 2003. These same questions were approved by the North Slope Management Board (NSMB) for the BOEM Social Indicators survey. The project report will be the venue to address emerging trends, including if the health environment has been impacted by resource development, not the survey instrument.

Survey Design

3. Who are the members of the NSMB, how were they selected, and how was the survey developed?

The chair and the members of the NSMB are serving on a voluntary basis. Representatives are from the communities of Barrow, Kaktovik, Nuiqsut, Wainwright, Point Lay, and Point Hope. Since the members of the NSMB are volunteers, the BOEM prefers not to disclose their names in this document. As for the survey design, the contractor, Stephen R. Braund & Assoc. (SRBA), held a workshop for the NSMB in Barrow in April 2012 to discuss survey content and design. The Social Indicators survey is based upon a pool of questions derived from previous research conducted in collaboration with the NSB (e.g., SLiCA). The questions correlate directly with domains identified in the Arctic Social Indicators Report, 2010, an outgrowth of the Arctic Human Development Report of 2004 conducted under the auspices of the Arctic Council's Sustainable Working Group, and the BOEM Social Indicators contract. Subsequently, SRBA generated a survey instrument for review by OMB to obtain a control number. SRBA consulted again with the NSMB in September 2012 before the survey instrument was provided to BOEM for the OMB submission. This submission was delayed for a year to perform a Privacy Act Impact Assessment, now completed.

4. Why address only the ''head of the household''?

BOEM is concerned about the burden of effort and therefore limits the survey to heads of households (HH), as the HH is the individual with the knowledge and authority to address all of the questions asked. The HH may be an adult male or female of any age over 18. This is the standard best practice among social scientists conducting surveys, including Dr. Gary Kofinas's ''The Study of Sharing Networks to Assess the Vulnerabilities of Local Communities to Oil & Gas Development in Arctic Alaska,'' also funded by BOEM.

5. It is Important To Have a Variety of People From the North Slope Involved in Helping To Pick the Contractor/Review the Survey Questions

A variety of individuals from each North Slope coastal community and the Alaska Eskimo Whaling Commission were involved in selecting the survey questions. BOEM selected the contractor through a competitive bidding process based on the merits of the technical proposal and expertise of the contractor.

6. Survey Fatigue: Suggest BOEM Coordinate With the Other Agencies/Industry.

BOEM and its project contractors are highly concerned about survey fatigue and the importance of coordinating with others who conduct research among the Iñupiat of the North Slope. BOEM has coordinated with other entities doing research. However, BOEM has found that even though there are surveys that may ask a similar question, none fully address the sense of well-being as this Social Indicators survey is designed to assess. BOEM and SRBA are leaders in the field of social research and well understand and are sensitive to the problems of public burden and survey fatigue. Once BOEM receives OMB approval, BOEM and SRBA will coordinate with local and regional authorities to schedule the Social Indicators survey implementation.

In this notice, BOEM is also responding to a comment received on a **Federal Register** notice (78 FR 25473) published May 1, 2013, requesting public comment on a survey renewal collection (1010–0184) that we have since discontinued. In that notice, we introduced this new Social Indicators survey and received a comment; therefore, we are addressing that comment in this new collection now.

The commenter suggested the use of Dillman's *Tailored Design Method* as being a superior alternative to random sampling. BOEM agrees with the Dillman strategy and has used similar elements in designing our face-to-face surveys. Dillman's strategies target improving response rates for mail, telephone, and internet surveys, which can have response rates lower than 50 percent. In contrast, prior experience in applying the proposed sample design and face-to-face interviews in northern Alaska has shown response rates above 80 percent. Several opportunities of advance survey notice have been achieved through the NSMB participation in the survey design process. Upon OMB approval, the design team will work with the NSMB to extend community involvement to the city councils, tribal governments, and village corporations. In addition, Dillman's approach concerns how the interview process is designed, not how people are sampled from the population to be described. The sampling approach used in our surveys is termed ''area probability sampling,'' developed by the Institute for Social Research, University of Michigan, to meet the statistical goals of producing valid estimates and confidence intervals. A probability sample means that each person/household in the population to be sampled has a known probability of being selected. A probability sample is commonly referred to as a ''random sample.'' In accordance with Dillman's approach, BOEM incorporates specific procedures to maintain the validity of the probability sample by making repeated contacts to interview the selected respondent. We also train interviewers to build trust and engagement in the study and engage community leaders and secure their approval. The addition of a remuneration provides additional incentive for participation.

Public Availability of Comments: Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: July 3, 2014.

Deanna Meyer-Pietruszka,

Chief, Office of Policy, Regulations, and Analysis.

[FR Doc. 2014–17929 Filed 7–29–14; 8:45 am]

BILLING CODE 4310–MR–P

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

[14XR0687NA, RX.18527901.3000000, RR02054000]

Central Valley Project Improvement Act, Water Management Plans

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of availability.

SUMMARY: The following Water Management Plans are available for review:

- Patterson Irrigation District
- Central San Joaquin Water Conservation District
- Madera Irrigation District
- Panoche Water District
- Sacramento County Water Agency
- City of Redding
- Sacramento Municipal Utility District
- Stockton East Water District

To meet the requirements of the Central Valley Project Improvement Act of 1992 and the Reclamation Reform Act of 1982, the Bureau of Reclamation developed and published the Criteria for Evaluating Water Management Plans (Criteria). For the purpose of this announcement, Water Management Plans (Plans) are considered the same as Water Conservation Plans. The above entities have each developed a Plan, which Reclamation has evaluated and preliminarily determined to meet the requirements of these Criteria. Reclamation is publishing this notice in order to allow the public to review the Plans and comment on the preliminary determinations. Public comment on Reclamation's preliminary (i.e., draft) determination of Plan adequacy is invited at this time.

DATES: All public comments must be received by August 29, 2014.

ADDRESSES: Please mail comments to Ms. Melissa Crandell, Bureau of Reclamation, 2800 Cottage Way, MP–410, Sacramento, California 95825, or email at *mcrandell@usbr.gov.*

FOR FURTHER INFORMATION CONTACT: To be placed on a mailing list for any subsequent information, please contact Ms. Crandell at the email address above or 916–978–5208 (TDD 978–5608).

SUPPLEMENTARY INFORMATION: We are inviting the public to comment on our preliminary (i.e., draft) determination of Plan adequacy. Section 3405(e) of the Central Valley Project Improvement Act (Title 34 Pub. L. 102–575), requires the Secretary of the Interior to establish and administer an office on Central Valley Project water conservation best management practices that shall ''develop criteria for evaluating the adequacy of all water conservation plans developed by project contractors, including those plans required by section 210 of the Reclamation Reform Act of 1982.'' Also, according to Section 3405(e)(1), these criteria must be developed ''with the purpose of promoting the highest level of water use efficiency reasonably achievable by project contractors using best available cost-effective technology and best management practices.'' These criteria state that all parties (Contractors) that contract with Reclamation for water supplies (municipal and industrial contracts over 2,000 acre-feet and agricultural contracts over 2,000 irrigable acres) must prepare a Plan that contains the following information:

1. Description of the District;
2. Inventory of Water Resources;
3. Best Management Practices (BMPs) for Agricultural Contractors;
4. BMPs for Urban Contractors;
5. Plan Implementation;
6. Exemption Process;
7. Regional Criteria; and
8. Five-Year Revisions.

Reclamation evaluates Plans based on these criteria. A copy of these Plans will be available for review at Reclamation's Mid-Pacific Regional Office, 2800 Cottage Way, MP–410, Sacramento, California 95825. Our practice is to make comments, including names and home addresses of respondents, available for public review. If you wish to review a copy of these Plans, please contact Ms. Crandell.

Public Disclosure

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: July 22, 2014.

Richard J. Woodley,

Regional Resources Manager, Mid-Pacific Region, Bureau of Reclamation.

[FR Doc. 2014–17948 Filed 7–29–14; 8:45 am]

BILLING CODE 4310–MN–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–894]

Certain Tires and Products Containing Same: Commission Determination To Issue a Limited Exclusion Order and Cease and Desist Orders Against Respondents Found in Default; Termination of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has issued (1) a limited exclusion order against infringing products of respondents previously found in default, *i.e.,* WestKY Customs, LLC of Benton, Kentucky (''WestKY''); Tire & Wheel Master, Inc. of Stockton, California (''Tire & Wheel Master''); Vittore Wheel & Tire of Asheboro, North Carolina (''Vittore''); RTM Wheel & Tire of Asheboro, North Carolina (''RTM''); Turbo Wholesale Tires, Inc. of Irwindale, California (''Turbo''); Lexani Tires Worldwide, Inc. of Irwindale, California (''Lexani''); WTD Inc. of Cerritos, California (''WTD''); and Simple Tire of Cookeville, Tennessee (''Simple Tire'') (collectively, ''Defaulting Respondents''); and (2) cease and desist orders directed against each of the Defaulting Respondents. The investigation is terminated.

FOR FURTHER INFORMATION CONTACT: Michael Liberman, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–3115. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E

Street SW., Washington, DC 20436, telephone (202) 205–2000. General information concerning the Commission may also be obtained by accessing its Internet server at *http://www.usitc.gov.* The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, on September 20, 2013, based on a complaint filed by Toyo Tire & Rubber Co., Ltd. of Japan; Toyo Tire Holdings of Americas Inc. of Cypress, California; Toyo Tire U.S.A. Corp. of Cypress, California; Nitto Tire U.S.A. Inc. of Cypress, California; and Toyo Tire North America Manufacturing Inc. of White, Georgia (collectively, ''Toyo''). The complaint, as supplemented, alleges violation of section 337 by reason of infringement of certain claims of U.S. Design Patent Nos. D487,424 (''the '424 patent''); D610,975; D610,976 (''the '976 patent''); D610,977 (''the '977 patent''); D615,031; D626,913 (''the '913 patent''); D458,214 (''the '214 patent''); and D653,200 by numerous respondents. 78 *FR* 57882–83 (Sept. 20, 2013). Subsequently, the complaint and notice of investigation were amended to add Shandong Hengyu Science & Technology Co., Ltd. (''Shandong Hengyu'') as a respondent. Several respondents were terminated from the investigation based on settlement agreements and consent orders.

On November 18, 2013, the ALJ ordered certain respondents, including WestKY, Tire & Wheel Master, Vittore, and RTM, to show cause by December 4, 2013, why they should not be held in default for failing to respond to the Complaint and Notice of Investigation. *See* Order No. 10 (Nov. 18, 2013). No submissions were filed on behalf of WestKY, Tire & Wheel Master, Vittore, or RTM in response to ALJ Order No. 10. On December 5, 2013, the ALJ issued an ID finding respondents WestKY, Tire & Wheel Master, Vittore, and RTM to be in default. *See* ALJ Order 17 (Dec. 5, 2013) (not reviewed on December 27, 2013).

On December 24, 2013, the ALJ ordered respondents Turbo, Lexani, and WTD to show cause by January 10, 2014, why they should not be held in default for failing to respond to the Complaint and Notice of Investigation. *See* Order No. 24 (Dec. 24, 2013). No submissions were filed in response to ALJ Order No. 24. On February 3, 2014, the ALJ issued an ID finding respondents Turbo, Lexani, and WTD to be in default. *See* ALJ Order 30 (Feb. 3, 2014) (not reviewed on March 6, 2014).

On January 28, 2014, the ALJ ordered respondent Simple Tire to show cause by February 12, 2014, why it should not be held in default for failing to respond to the Complaint and Notice of Investigation. *See* Order No. 29 (Jan. 28, 2014). No submissions were filed in response to ALJ Order No. 29. On February 18, 2014, the ALJ issued an ID finding respondent Simple Tire to be in default. *See* ALJ Order 34 (Feb. 18, 2014) (not reviewed on March 20, 2014).

The Commission found that the statutory requirements of section 337(g)(1) (19 U.S.C. 1337(g)(1)) and Commission rule 210.16(a) (19 CFR 210.16(a)) are met with respect to the Defaulting Respondents. 79 *FR* 21484–86 (Apr. 16, 2014). Accordingly, pursuant to section 337(g)(1) (19 U.S.C. 1337(g)(1)) and Commission rule 210.16(c) (19 CFR 210.16(c)), the Commission presumes the facts alleged in the· complaint to be true and finds that Defaulting Respondents are in violation of section 337.

The Commission requested briefing from the parties and the public on the issues of remedy, the public interest, and bonding. 79 *FR* at 21484–85. Complainant Toyo and the Commission investigative attorney (''IA'') filed timely opening submissions. The IA further filed a timely responsive submission on May 2, 2014. Also, two submissions, both dated May 2, 2014, were filed on behalf of certain of Defaulting Respondents: A ''Reply Submission of Katana Racing, Inc. d/b/a WTD Respecting Remedy, the Public Interest and Bonding,'' and a ''Reply Submission of Turbo Tire Corporation Respecting Remedy, the Public Interest, and Bonding.'' On May 7, 2014, complainant Toyo filed ''Complainants' Response to the Reply Submissions of Katana Racing, Inc. d/b/a WTD, TURBO Tire Corp., and LEXANI, Inc.'' No other submissions in response to the Commission notice were received.

The Commission has determined that the appropriate form of relief in this investigation is a limited exclusion order prohibiting the unlicensed entry of certain tires and products containing same that are manufactured abroad by or on behalf of, or imported by or on behalf of, the Defaulting Respondents by reason of infringement of one or more of the '424 patent; the '976 patent; the '977 patent; the '913 patent; and the '214 patent. The Commission has also determined to issue cease and desist orders directed against each of the Defaulting Respondents which prohibit, *inter alia,* the importation, sale, advertising, marketing, and distribution of covered products in the United States by the Defaulting Respondents. The Commission has further determined that the public interest factors enumerated in section 337(g)(l) (19 U.S.C. 1337(g)(l)) do not preclude issuance of the remedial orders. Finally, the Commission has determined that the bond for importation during the period of Presidential review shall be in the amount of 100 percent of the entered value of the imported subject articles of the Defaulting Respondents. The Commission's orders were delivered to the President and the United States Trade Representative on the day of their issuance.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in Part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: July 24, 2014.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2014–17911 Filed 7–29–14; 8:45 am]

BILLING CODE 7020–02–P

JUDICIAL CONFERENCE OF THE UNITED STATES

Meeting of the Judicial Conference Committee on Rules of Practice and Procedure

AGENCY: Judicial Conference of the United States Advisory Committee on Rules of Appellate Procedure.

ACTION: Notice of open meeting.

SUMMARY: The Advisory Committee on Rules of Appellate Procedure will hold a one-day meeting. The meeting will be open to public observation but not participation.

DATES: October 20, 2014.

Time: 8:00 a.m.–5:00 p.m.

ADDRESSES: Thurgood Marshall Federal Judiciary Building, Mecham Conference Center, One Columbus Circle NE., Washington, DC 20544.

FOR FURTHER INFORMATION CONTACT: Jonathan C. Rose, Secretary and Chief Rules Officer, Rules Committee Support Office, Administrative Office of the United States Courts, Washington, DC 20544, telephone (202) 502–1820.

Dated: July 25, 2014.

Jonathan C. Rose,

Secretary and Chief Rules Officer.

[FR Doc. 2014–17945 Filed 7–29–14; 8:45 am]

BILLING CODE 2210–55–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Franklyn Seabrooks, M.D.; Decision and Order

On April 8, 2014, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, issued an Order to Show Cause to Franklyn Seabrooks, M.D. (hereinafter, Registrant), of Fairfield, California. The Show Cause Order proposed the revocation of Registrant's DEA Certificate of Registration BS4003795, which authorizes him to dispense controlled substances in schedules II–V as a practitioner, on the ground that he does ''not have authority to practice medicine or handle controlled substances in the [S]tate of California.'' Show Cause Order at 1 (citing 21 U.S.C. 823(f) and 824(a)(3)).

The Show Cause Order alleged that Registrant is registered as a practitioner in Schedules II–V at the registered address of 5140 Business Center Drive, Suite 109, Fairfield, California. Show Cause Order at 1. The Show Cause Order further alleged that this registration does not expire until February 28, 2015. *Id.*

Next, the Show Cause Order alleged that Registrant is currently without authority to handle controlled substances in California, the State in which he is registered, because on July 12, 2012, the Medical Board of California (MBC) filed a ''Petition for Ex Parte Interim Suspension Order,'' which was granted the following day by the Medical Quality Hearing Panel (''Hearing Panel'') of the State's Office of Administrative Hearings, thereby suspending Registrant's Physician's and Surgeon's license on an interim basis. *Id.* The Show Cause Order then alleged that on November 7, 2012, an MBC Hearing Panel ordered that the suspension be continued, and that following a further hearing, the MBC revoked his license effective November 22, 2013. *Id.* The Order thus asserted that based upon his lack of authority to handle controlled substances in the State of California, Registrant's Registration must be revoked. *Id.* (citing 21 U.S.C. 802(21), 823(f) and 824(a)(3)). The Order also notified Registrant of his right to request a hearing on the allegations or to submit a written statement in lieu of a hearing, the procedure for electing either option, and the consequence of failing to elect either option. *Id.* (citing 21 CFR 1301.43).

According to the Declaration of a DEA Diversion Investigator (DI), on April 11, 2014, the Order to Show Cause was served on Registrant at his home unit at the Napa State Hospital. GX 2. The DI stated on that date, he and a DEA Special Agent attempted to personally serve Respondent after being advised by Respondent's attorney that Respondent was a patient at that facility. *Id.* The DI further stated that upon arriving at the hospital gate, he was told that service of the Show Cause Order would have to be performed by a police officer, who would then confirm service by an email to the DI. *Id.* On April 14, 2014, the DI received an email from a police officer confirming that service had occurred. *Id.*

On May 5, 2014, the DEA Office of Administrative Law Judges received a letter from David Brown, Esq., an attorney with the law firm of Beyer, Pongratz & Rosen, in Sacramento, CA. GX 8. The letter, which is dated April 30, 2014 and appears to be printed on the law firm's letterhead, states: ''The undersigned, David L. Brown, hereby waives a hearing regarding the Order to Show Cause regarding Franklyn E. Seabrooks, M.D. and his DEA Certificate of Registration.'' *Id.* The printed signature line for David L. Brown states: ''Attorney for Respondent, Franklyn E. Seabrooks, II''; however, the letter is unsigned. *Id.* at 3. Attached to this letter is a copy of the April 8, 2014 Order to Show Cause issued to Registrant. *Id.* at 4–5.

Notwithstanding that the letter was not signed, I note that the law firm on the letterhead is the same firm that represented Registrant before the MBC. I therefore find that Mr. Brown is Registrant's attorney and based on his representation in the letter, I find that Registrant has waived his right to a hearing or to submit a written statement in lieu of a hearing. 21 CFR 1301.43(e). I therefore issue this Decision and Order based on relevant material contained in the record submitted by the Government. I make the following factual findings:

Findings

Registrant is the holder of DEA Certificate of Registration BS4003795, which authorizes him to dispense controlled substances in schedules II–V as a practitioner, at the registered address of 5140 Business Center Drive, Suite 109, Fairfield CA. GX 3. This registration does not expire until February 28, 2015. *Id.*

On July 13, 2012, an administrative law judge (ALJ) of the Office of Administrative Hearings, Department of Consumer Affairs, State of California, heard a petition for Ex Parte Interim Suspension of Registrant's Physician's and Surgeons' Certificate (hereinafter, medical license). GX 4. Following an evidentiary hearing during which Registrant was neither present nor represented but submitted documents for consideration by the ALJ, the ALJ ordered the immediate suspension of Registrant's medical license. The ALJ found, *inter alia,* that Registrant had ''engaged in actions constituting violations of various laws and regulations involving the practice of medicine,'' that permitting him to continue ''in the practice of medicine will endanger the public health, safety and welfare,'' and that ''serious injury will result to the public before the matter may be heard on regular notice.'' *Id.* at 2. The ALJ then scheduled a further hearing on the State's petition. *Id.*

On October 29, 2012, the hearing was held before another state ALJ. GX 5. At the hearing, Registrant was represented by counsel, oral and documentary evidence was presented, and oral argument was offered. Following the hearing, the ALJ found that Registrant ''has engaged in acts or omissions constituting a violation of the Medical Practice Act and that he is unable to practice medicine safely due to a mental or physical condition, and that permitting [him] to continue to engage in the practice of medicine will endanger the public health, safety or welfare.'' *Id.* at 19–20. Further finding ''that the likelihood of injury to the public in not issuing the order outweighed the likelihood of injury to [Registrant] in issuing the order,'' on November 7, 2012, the ALJ ordered that the Interim Suspension Order on Registrant's medical license remain in effect. *Id.* at 20.

On September 30, 2013, a further hearing was held before a third state ALJ. GX 6. Registrant was represented by counsel but did not personally appear. The ALJ found that ''due to his mental impairment, [Registrant] has engaged in unprofessional conduct on multiple occasions,'' that ''[c]ause exists to revoke [his] Physician's and Surgeon's certificate,'' that his ability to practice medicine safely is impaired because he is ''mentally ill, or physically ill affecting competency,'' and that ''at this time, protection of the public can be achieved only through license revocation.'' *Id.* at 20. The ALJ then proposed that Registrant's license be revoked. *Id.* at 21. The MBC adopted the proposed decision, which became effective on November 22, 2013. GX 7.

In his letter waiving Registrant's right to a hearing, Registrant's counsel acknowledges that Registrant's medical certificate had been revoked by the MBC. GX 8, at 2. The letter then states that the state ALJ ''specifically left open the possibility of reinstatement of [Registrant's] medical certificate upon satisfaction of Business and Professions Code section 822.'' *Id.* Continuing, Registrant ''respectfully requests the Drug Enforcement Administration allow the same remedy to remain available for purposes of DEA certificate and registration.'' *Id.* The waiver letter also contains a ''prayer . . . for reservation of rights. . . . If [Registrant's] Medical Certificate is reinstated, the next logical progression would to [sic] apply for reinstatement of his DEA Certificate. [Registrant] humbly seeks this avenue to remain available to him, should he return to the practice of medicine.'' *Id.* at 2–3.

An internet search of the MBC's public record actions Web page reveals that Registrant's medical license remains revoked.

Discussion

The Controlled Substances Act (CSA) grants the Attorney General authority to revoke a registration ''upon a finding that the registrant . . . has had his State license or registration suspended [or] revoked . . . and is no longer authorized by State law to engage in the . . . distribution [or] dispensing of controlled substances.'' 21 U.S.C. 824(a)(3). Moreover, DEA has long held that a practitioner must be currently authorized to handle controlled substances in the ''jurisdiction in which [he] practices'' in order to maintain a DEA registration. *See* 21 U.S.C. 802(21) (''the term 'practitioner' means a . . . physician . . . or other person licensed, registered or otherwise permitted, by . . . the jurisdiction in which he practices . . . to distribute, dispense, [or] administer . . . a controlled substance in the course of professional practice.''); *see also id.* § 823(f) (''The Attorney General shall register practitioners . . . if the applicant is authorized to dispense . . . controlled substances under the laws of the State in which he practices.''). As these provisions make plain, possessing authority under state law to dispense controlled substances is an essential condition for holding a DEA registration. *See David W. Wang,* 72 FR 54297, 54298 (2007); *Sheran Arden Yeates,* 71 FR 39130, 39131 (2006); *Dominick A. Ricci,* 58 FR 51104, 51105 (1993); *Bobby Watts,* 53 FR 11919, 11920 (1988).

Here, the evidence shows that Respondent's medical license has been revoked and that he no longer holds authority under California law to dispense controlled substances. Registrant is therefore not entitled to maintain his DEA registration. *See* 21 U.S.C. 802(21), 823(f), and 824(a)(3). Accordingly, Registrant's registration will be revoked.[1]

Order

Pursuant to the authority vested in me by 21 U.S.C. 823(f) and 824(a), as well as 28 CFR 0.100(b) and 0.104, I order that DEA Certificate of Registration BS4003795, issued to Franklyn Seabrooks, M.D., be, and it hereby is, revoked. I further order that any pending application of Franklyn Seabrooks, M.D., to renew or modify his registration, be, and it hereby is, denied. This Order is effective August 29, 2014.

Dated: July 22, 2014.

Thomas M. Harrigan,

Deputy Administrator.

[FR Doc. 2014–17893 Filed 7–29–14; 8:45 am]

BILLING CODE 4410–09–P

[1] In the event the MBC reinstates Registrant's Physician's and Surgeon's Certificate, he may apply for a new DEA Certificate of Registration.

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Robert V. Cattani, M.D.; Decision and Order

On February 19, 2014, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, issued an Order to Show Cause to Robert V. Cattani, M.D. (hereinafter, Registrant, of Staten Island, New York. The Show Cause Order proposed the revocation of Registrant's DEA Certificate of Registration AC6553437, which authorizes him to dispense controlled substances in schedules II through V as a practitioner, on the ground that he does not possess ''authority to practice medicine or handle controlled substances in the State of New York, the State in which [he is] registered.'' Show Cause Order at 1.

The Show Cause Order alleged that Registrant is registered as a practitioner in schedules II through V at the registered location of 450 Slosson Avenue, Staten Island, New York and that his registration does not expire until August 31, 2014. *Id.* The Show Cause Order then alleged that on November 11, 2011, the New York State Department of Health, State Board for Professional Medical Conduct had summarily suspended Registrant's medical license, and that following a hearing, the Board revoked his medical license effective September 10, 2012. *Id.* The Show Cause Order further alleged that on April 11, 2013, the New York State Professional Medical Conduct Administrative Review Board denied Registrant's appeal of the Board's order, and that order remains in effect. *Id.* Based on Registrant's ''lack of authority to handle controlled substances in the State of New York,'' the Show Cause Order thus asserted that his registration must be revoked. *Id.* at 2 (citing 21 U.S.C. 802(21), 823(f), and 824(a)(3)). Finally, the Show Cause Order notified Registrant that he had the right to request a hearing on the allegations or to submit a written statement in lieu of a hearing, the procedures for electing either option, and the consequence of failing to electing either option. *Id.*

On March 4, 2014, two DEA Diversion Investigators (DIs) went to a residence located in Lloyd Harbor, New York, which they believed was Registrant's residence. GX 2, at 3. Beforehand, they went to the post office which services this address and confirmed that Registrant was still receiving mail at this address. *Id.* The DIs then went to the residence, where they rang the bell and knocked on the door. *Id.* While the DIs heard a voice inside, no one answered the door. The DI then attached the envelope which contained the Show Cause Order to the front door. *Id.*

As the DIs were walking away, a male opened the door from inside and retrieved the envelope; the DI asked the person if he was Registrant. *Id.* While the person said ''no'' and slammed the door, the DI recognized him as being Registrant from photographs she had previously seen. *Id.*

On leaving the residence, the DI also noted the license plate number of a vehicle parked in the driveway. *Id.* The next day she determined that the car had been rented by Registrant. *Id.*

Based on the above, I find that Registrant has been served with the Order to Show Cause. Based on the Government's representation that since the date of service, neither Registrant, nor any person purporting to represent him, ''has requested a hearing or otherwise corresponded with DEA'' regarding the Show Cause Order, and finding that more than thirty (30 days) have no passed, I find that Registrant has waived his right to request a hearing or to submit a written statement in lieu of a hearing. 21 CFR 1301.43(d). I therefore issue this Decision and Final

Order based on the record submitted by the Government. 21 CFR 1301.43(e). I make the following findings.

Findings

Registrant is the holder of DEA Certificate of Registration AC6553437, which authorizes him to dispense controlled substances in schedules II through V as a practitioner at the registered address of 450 Slosson Avenue, Staten Island, New York. GX 2A. His registration does not expire until August 31, 2014. *Id.*

On November 2, 2011, the New York Bureau of Professional Medical Conduct issued a Statement of Charges to Registrant, alleging, *inter alia,* that he had committed gross negligence in performing plastic surgery on five patients, that he ''practice[ed] the profession of medicine with negligence'' and ''with incompetence on more than one occasion,'' and that he failed to maintain accurate records regarding his treatment of four of the patients. GX 2B. On December 6, 2011, the Commissioner of the New York Department of Health concluded that Registrant's ''continued practice of medicine . . . constitutes an imminent danger to the health of the people of this state'' and ordered Registrant to ''immediately'' cease the practice of medicine. GX 2C.

Thereafter, a Hearing Committee of the State Board conducted a hearing. On September 10, 2012, the Committee issued its Determination and Order in which it found most of the charges proved and determined that ''the only way to ensure the safety of the public is to revoke [Registrant's] medical license.'' GX 2I, at 42. The Committee thus ordered the revocation of Registrant's medical license, effective upon service of the order. *Id.* at 43.

Registrant then sought review from the New York Department of Health Administrative Review Board (ARB). GX 2J. On or about April 4, 2013, the ARB issued its Determination and Order, affirming the Hearing Committee's determinations that Registrant ''committed professional misconduct'' and to revoke his medical license. *Id.* at 9. A search conducted on the New York State Office of the Professions online verification page establishes that Registrant's medical license remains revoked.

Discussion

The Controlled Substances Act (CSA) grants the Attorney General authority to revoke a registration ''upon a finding that the registrant . . . has had his State license or registration suspended [or] revoked . . . and is no longer authorized by State law to engage in the . . . distribution [or] dispensing of controlled substances.'' 21 U.S.C. 824(a)(3). Moreover, DEA has long held that a practitioner must be currently authorized to handle controlled substances in the ''jurisdiction in which [he] practices'' in order to maintain a DEA registration. *See* 21 U.S.C. 802(21) (''the term 'practitioner' means a . . . physician . . . or other person licensed, registered or otherwise permitted, by . . . the jurisdiction in which he practices . . . to distribute, dispense, [or] administer . . . a controlled substance in the course of professional practice.''); *see also id.* § 823(f) (''The Attorney General shall register practitioners . . . if the applicant is authorized to dispense . . . controlled substances under the laws of the State in which he practices.''). As these provisions make plain, possessing authority under state law to dispense controlled substances is an essential condition for holding a DEA registration. *See David W. Wang,* 72 FR 54297, 54298 (2007); *Sheran Arden Yeates,* 71 FR 39130, 39131 (2006); *Dominick A. Ricci,* 58 FR 51104, 51105 (1993); *Bobby Watts,* 53 FR 11919, 11920 (1988).

Here, the evidence shows that Respondent's medical license has been revoked and that he no longer holds authority under New York law to dispense controlled substances. Registrant is therefore not entitled to maintain his DEA registration. *See* 21 U.S.C. 802(21), 823(f), and 824(a)(3). Accordingly, Registrant's registration will be revoked.

Order

Pursuant to the authority vested in me by 21 U.S.C. 823(f) and 824(a), as well as 28 CFR 0.100(b) and 0.104, I order that DEA Certificate of Registration AC6553437, issued to Robert V. Cattani, M.D., be, and it hereby is, revoked. I further order that any pending application of Robert V. Cattani, M.D., to renew or modify his registration, be, and it hereby is, denied. This Order is effective August 29, 2014.

Dated: July 22, 2014.

Thomas M. Harrigan,

Deputy Administrator.

[FR Doc. 2014–17892 Filed 7–29–14; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Nondiscrimination Compliance Information Reporting Under the Workforce Investment Act of 1998

ACTION: Notice.

SUMMARY: On July 31, 2014, the Department of Labor (DOL) will submit the Office of the Assistant Secretary for Administration and Management (OASAM) sponsored information collection request (ICR) revision titled, ''Nondiscrimination Compliance Information Reporting Under the Workforce Investment Act of 1998,'' to the Office of Management and Budget (OMB) for review and approval for use in accordance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501 et seq.). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before September 2, 2014.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free of charge from the RegInfo.gov Web site at *http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201404-1225-001* (this link will only become active on August 1, 2014) or by contacting Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064 (these are not toll-free numbers) or sending an email to *DOL_PRA_PUBLIC@dol.gov*.

Submit comments about this request by mail or courier to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL–DM, Office of Management and Budget, Room 10235, 725 17th Street NW., Washington, DC 20503; by Fax: 202–395–6881 (this is not a toll-free number); or by email: *OIRA_submission@omb.eop.gov.* Commenters are encouraged, but not required, to send a courtesy copy of any comments by mail or courier to the U.S. Department of Labor-OASAM, Office of the Chief Information Officer, Attn: Departmental Information Compliance Management Program, Room N1301, 200 Constitution Avenue NW., Washington, DC 20210; or by email: *DOL_PRA_PUBLIC@dol.gov.*

FOR FURTHER INFORMATION CONTACT: Contact Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or sending an email to *DOL_PRA_PUBLIC@dol.gov.*

Authority: 44 U.S.C. 3507(a)(1)(D).

SUPPLEMENTARY INFORMATION: This ICR seeks approval under the PRA for a revision to the Nondiscrimination Compliance Information Reporting Under the Workforce Investment Act of 1998 (WIA) information collection that provides data used to help ensure a recipient of DOL Federal financial assistance does not discriminate in the administration, management, or operation of programs and activities. Information collections covered by this ICR include (1) a grant applicant providing assurance that the applicant is aware of and, as a condition of receipt of Federal financial assistance, agrees to comply with the assurance requirements; (2) a DOL funds recipient maintaining a record of equal opportunity (EO) characteristics data and a log of any EO complaints for activities under a DOL funded WIA program; (3) a person who believes a relevant EO requirement may have been violated filing a complaint with either the funds recipient or with the DOL, Civil Rights Center; (4) a State periodically filing a plan outlining administrative methods the State will use to ensure WIA funds are not used in a discriminatory manner; and (5) a DOL funds recipient posting required notices. This information collection has been classified as a revision, because the DOL wants to make a minor change to the Complaint Information Form (Form DL–1–2014A) to clarify the information requested. WIA section 185 authorizes this information collection. *See* 29 U.S.C. 2935.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this information collection under Control Number 1225–0077. The current approval is scheduled to expire on July 31, 2014; however, the DOL notes that existing information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review. New requirements would only take effect upon OMB approval. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on April 17, 2014 (79 FR 21809).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section by September 2, 2014. In order to help ensure appropriate consideration, comments should mention OMB Control Number 1225–0077. The OMB is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Agency: DOL–OASAM.

Title of Collection: Nondiscrimination Compliance Information Reporting Under the Workforce Investment Act of 1998.

OMB Control Number: 1225–0077.

Affected Public: State, Local, and Tribal Governments; Private Sector—businesses or other for-profits and not-for-profit institutions; and Individuals or Households.

Total Estimated Number of Respondents: 2,911.

Total Estimated Number of Responses: 32,046,366.

Total Estimated Annual Time Burden: 180,458 hours.

Total Estimated Annual Other Costs Burden: $0.

Dated: July 23, 2014.

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2014–17862 Filed 7–29–14; 8:45 am]

BILLING CODE 4510–23–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2011–0057]

Excavations (Design of Cave-In Protection Systems); Extension of the Office of Management and Budget's (OMB) Approval of Information Collection (Paperwork) Requirements

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Request for public comments.

SUMMARY: OSHA solicits public comments concerning its proposal to extend OMB approval of the information collection requirements contained in the Standard on Excavations (Design of Cave-in Protection Systems) (29 CFR part 1926, subpart P).

DATES: Comments must be submitted (postmarked, sent, or received) by September 29, 2014.

ADDRESSES: *Electronically:* You may submit comments and attachments electronically at *http://www.regulations.gov,* which is the Federal eRulemaking Portal. Follow the instructions online for submitting comments.

Facsimile: If your comments, including attachments, are not longer than 10 pages you may fax them to the OSHA Docket Office at (202) 693–1648.

Mail, hand delivery, express mail, messenger, or courier service: When using this method, you must submit a copy of your comments and attachments to the OSHA Docket Office, OSHA Docket No. OSHA–2011–0057, U.S. Department of Labor, Occupational Safety and Health Administration, Room N–2625, 200 Constitution Avenue NW., Washington, DC 20210. Deliveries (hand, express mail, messenger, and courier service) are accepted during the Department of Labor's and Docket Office's normal business hours, 8:15 a.m. to 4:45 p.m., e.t.

Instructions: All submissions must include the Agency name and the OSHA docket number (OSHA–2011–0057) for the Information Collection Request (ICR). All comments, including any personal information you provide, are placed in the public docket without change, and may be made available online at *http://www.regulations.gov.* For further information on submitting comments see the ''Public Participation'' heading in the section of this notice titled **SUPPLEMENTARY INFORMATION.**

Docket: To read or download comments or other material in the docket, go to *http://www.regulations.gov* or the OSHA Docket Office at the address above. All documents in the docket (including this **Federal Register** notice) are listed in the *http://www.regulations.gov* index; however, some information (e.g., copyrighted material) is not publicly available to read or download from the Web site. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. You may also contact Michael Buchet at the address below to obtain a copy of the ICR.

FOR FURTHER INFORMATION CONTACT: Michael Buchet, Directorate of Construction, OSHA, U.S. Department of Labor, Room N–3468, 200 Constitution Avenue NW., Washington, DC 20210; telephone (202) 693–2020.

SUPPLEMENTARY INFORMATION:

I. Background

The Department of Labor, as part of its continuing effort to reduce paperwork and respondent (i.e., employer) burden, conducts a preclearance consultation program to provide the public with an opportunity to comment on proposed and continuing information collection requirements in accord with the Paperwork Reduction Act of 1995 (PRA–95) (44 U.S.C. 3506(c)(2)(A)). This program ensures that information is in the desired format, reporting burden (time and costs) is minimal, collection instruments are clearly understood, and OSHA's estimate of the information collection burden is accurate. The Occupational Safety and Health Act of 1970 (the OSH Act) (29 U.S.C. 651 et seq.) authorizes information collection by employers as necessary or appropriate for enforcement of the Act or for developing information regarding the causes and prevention of occupational injuries, illnesses, and accidents (29 U.S.C. 657). The OSH Act also requires that OSHA obtain such information with minimum burden upon employers, especially those operating small businesses, and to reduce to the maximum extent feasible unnecessary duplication of efforts in obtaining information (29 U.S.C. 657).

Paragraphs (b) and (c) of § 1926.652 (''Requirements for Protective Systems''; the ''Standard'') contain paperwork requirements that impose burden hours or costs on employers. These paragraphs require employers to use protective systems to prevent cave-ins during excavation work; these systems include sloping the side of the trench, benching the soil away from the excavation, or using a support system or shield (such as a trench box). The Standard specifies allowable configurations and slopes for excavations, and provides appendices to assist employers in designing protective systems. However, paragraphs (b)(3) and (b)(4) of the Standard permit employers to design sloping or benching systems based on tabulated data (Option 3), or to use a design approved by a registered professional engineer (Option 4).

Under Option 3, employers must provide the tabulated data in a written form that also identifies the registered professional engineer who approved the data and the parameters used to select the sloping or benching system drawn from the data, as well as the limitations of the data (including the magnitude and configuration of slopes determined to be safe). The document must also provide any explanatory information necessary to select the correct benching system based on the data. Option 2 requires employers to develop a written design approved by a registered professional engineer. The design information must include the magnitude and configuration of the slopes determined to be safe, and the identity of the registered professional engineer who approved the design.

Paragraph (c)(2)(iii) allows employers to use manufacturer's tabulated data or to deviate from the data provided. The manufacturer's specification, recommendations and limitations as well as the manufacturer's approval to deviate from these items shall be in writing. Paragraphs (c)(3) and (c)(4) allow employers to design support systems, shield systems, and other protective systems based on tabulated data provided by a system manufacturer (Option 3) or obtained from other sources including a registered professional engineer and approved by a registered professional engineer (Option 4).

Each of these provisions requires employers to maintain a copy of the documents described in these options at the jobsite during construction. After construction is completed, employers may store the documents off-site provided they make them available to an OSHA compliance officer on request. These documents provide both the employer and the compliance officer with information needed to determine if the selection and design of a protective system are appropriate to the excavation work, thereby assuring workers of maximum protection against cave-ins.

II. Special Issues for Comment

OSHA has a particular interest in comments on the following issues:

- Whether the proposed information collection requirements are necessary for the proper performance of the Agency's functions, including whether the information is useful;
- The accuracy of OSHA's estimate of the burden (time and costs) of the information collection requirements, including the validity of the methodology and assumptions used;
- The quality, utility, and clarity of the information collected; and
- Ways to minimize the burden on employers who must comply; for example, by using automated or other technological information collection and transmission techniques.

III. Proposed Actions

The Agency is requesting that OMB extend its approval of the information collection requirements contained in the Standard on Excavations (Design of Cave-in Protection Systems). An increase in the number of construction starts from 706,000 starts to 761,873 contracted for projects/sites has resulted in an adjustment increase in burden hours from 11,813 to 14,266, a total increase of 2,453 burden hours.

OSHA reduced the number of apartment and non-residential construction sites that would use outside contractor engineering services for the required protective system design approval from 5,900 to 2,038. While there was an increase in the hourly wage for a civil engineer from $49.04 to $53.17, there is an overall adjustment decrease of −$359,687 from $578,672 to $218,985.

The Agency will summarize any comments submitted in response to this notice and will include this summary in the request to OMB to extend the approval of the information collection requirements contained in the Standard.

Type of Review: Extension of a currently approved collection.

Title: Excavations (Design of Cave-in Protection Systems) (29 CFR part 1926, subpart P).

OMB Control Number: 1218–0137.

Affected Public: Business or other for-profits.

Number of Respondents: 8,152.

Number of Responses: 24,453.

Frequency of Responses: On occasion.

Average Time per Response: Two hours to obtain information on the design of cave-in protection systems.

Estimated Total Burden Hours: 14,266 hours.

Estimated Cost (Operation and Maintenance): $218,895.

IV. Public Participation—Submission of Comments on This Notice and Internet Access to Comments and Submissions

You may submit comments in response to this document as follows: (1) Electronically at *http://*

www.regulations.gov, which is the Federal eRulemaking Portal; (2) by facsimile (fax); or (3) by hard copy. All comments, attachments, and other material must identify the Agency name and the OSHA docket number (Docket No. OSHA–2011–0057) for the ICR. You may supplement electronic submissions by uploading document files electronically. If you wish to mail additional materials in reference to an electronic or facsimile submission, you must submit them to the OSHA Docket Office (see the section of this notice titled **ADDRESSES**). The additional materials must clearly identify your electronic comments by your name, date, and the docket number so the Agency can attach them to your comments.

Because of security procedures, the use of regular mail may cause a significant delay in the receipt of comments. For information about security procedures concerning the delivery of materials by hand, express delivery, messenger, or courier service, please contact the OSHA Docket Office at (202) 693–2350, (TTY (877) 889–5627).

Comments and submissions are posted without change at *http://www.regulations.gov.* Therefore, OSHA cautions commenters about submitting personal information such as social security numbers and date of birth. Although all submissions are listed in the *http://www.regulations.gov* index, some information (e.g., copyrighted material) is not publicly available to read or download from this Web site. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. Information on using the *http://www.regulations.gov* Web site to submit comments and access the docket is available at the Web site's ''User Tips'' link. Contact the OSHA Docket Office for information about materials not available from the Web site and for assistance in using the Internet to locate docket submissions.

V. Authority and Signature

David Michaels, Ph.D., MPH, Assistant Secretary of Labor for Occupational Safety and Health, directed the preparation of this notice. The authority for this notice is the Paperwork Reduction Act of 1995 (44 U.S.C. 3506 et seq.) and Secretary of Labor's Order No. 1–2012 (77 FR 3912).

Signed at Washington, DC, on July 25, 2014.

David Michaels,

Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2014–17958 Filed 7–29–14; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA✖2009–0025]

Underwriters Laboratories Inc.: Application for Expansion of Recognition

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice.

SUMMARY: In this notice, OSHA announces the application of Underwriters Laboratories Inc. for expansion of its recognition as a Nationally Recognized Testing Laboratory (NRTL) and presents the Agency's preliminary finding to grant the application.

DATES: Submit comments, information, and documents in response to this notice, or requests for an extension of time to make a submission, on or before August 14, 2014.

ADDRESSES: Submit comments by any of the following methods:

1. *Electronically:* Submit comments and attachments electronically at *http://www.regulations.gov,* which is the Federal eRulemaking Portal. Follow the instructions online for making electronic submissions.

2. *Facsimile:* If submissions, including attachments, are not longer than 10 pages, commenters may fax them to the OSHA Docket Office at (202) 693–1648.

3. *Regular or express mail, hand delivery, or messenger (courier) service:* Submit comments, requests, and any attachments to the OSHA Docket Office, Docket No. OSHA–2009–0025, Technical Data Center, U.S. Department of Labor, 200 Constitution Avenue NW., Room N–2625, Washington, DC 20210; telephone: (202) 693–2350 (TTY number: (877) 889–5627). Note that security procedures may result in significant delays in receiving comments and other written materials by regular mail. Contact the OSHA Docket Office for information about security procedures concerning delivery of materials by express mail, hand delivery, or messenger service. The hours of operation for the OSHA Docket Office are 8:15 a.m.–4:45 p.m., e.t.

4. *Instructions:* All submissions must include the Agency name and the OSHA docket number (OSHA–2009–0025). OSHA places comments and other materials, including any personal information, in the public docket without revision, and these materials will be available online at *http://www.regulations.gov.* Therefore, the Agency cautions commenters about submitting statements they do not want made available to the public, or submitting comments that contain personal information (either about themselves or others) such as Social Security numbers, birth dates, and medical data.

5. *Docket:* To read or download submissions or other material in the docket, go to *http://www.regulations.gov* or the OSHA Docket Office at the address above. All documents in the docket are listed in the *http://www.regulations.gov* index; however, some information (e.g., copyrighted material) is not publicly available to read or download through the Web site. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. Contact the OSHA Docket Office for assistance in locating docket submissions.

6. *Extension of comment period:* Submit requests for an extension of the comment period on or before August 14, 2014 to the Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Room N–3655, Washington, DC 20210, or by fax to (202) 693–1644.

FOR FURTHER INFORMATION CONTACT: Information regarding this notice is available from the following sources:

Press inquiries: Contact Mr. Frank Meilinger, Director, OSHA Office of Communications, U.S. Department of Labor, 200 Constitution Avenue NW., Room N–3647, Washington, DC 20210; telephone: (202) 693–1999; email: *Meilinger.francis2@dol.gov.*

General and technical information: Contact Mr. David W. Johnson, Director, Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Room N–3655, Washington, DC 20210; phone: (202) 693–2110 or email: *johnson.david.w@dol.gov.*

SUPPLEMENTARY INFORMATION:

I. Notice of the Application for Expansion

The Occupational Safety and Health Administration is providing notice that Underwriters Laboratories Inc. (UL), is applying for expansion of its current recognition as an NRTL. UL requests the addition of two test standards to its NRTL scope of recognition.

OSHA recognition of an NRTL signifies that the organization meets the requirements specified in 29 CFR 1910.7. Recognition is an acknowledgment that the organization can perform independent safety testing and certification of the specific products covered within its scope of recognition. Each NRTL's scope of recognition includes (1) the type of products the NRTL may test, with each type specified by its applicable test standard; and (2) the recognized site(s) that has/have the technical capability to perform the product-testing and product-certification activities for test standards within the NRTL's scope. Recognition is not a delegation or grant of government authority; however, recognition enables employers to use products approved by the NRTL to meet OSHA standards that require product testing and certification.

The Agency processes applications by an NRTL for initial recognition and for an expansion or renewal of this recognition, following requirements in Appendix A to 29 CFR 1910.7. This appendix requires that the Agency publish two notices in the **Federal Register** in processing an application. In the first notice, OSHA announces the application and provides its preliminary finding. In the second notice, the Agency provides its final decision on the application. These notices set forth the NRTL's scope of recognition or modifications of that scope. OSHA maintains an informational Web page for each NRTL, including UL, which details the NRTL's scope of recognition. These pages are available from the OSHA Web site at *http://www.osha.gov/dts/otpca/nrtl/index.html*.

UL currently has 15 facilities (sites) recognized by OSHA for product testing and certification, with its headquarters located at: Underwriters Laboratories Inc., 333 Pfingsten Road, Northbrook, IL 60062. A complete list of UL's scope of recognition is available at *http://www.osha.gov/dts/otpca/nrtl/ul.html*.

II. General Background on the Application

UL submitted an application, dated April 3, 2014 (Exhibit 14–2—UL Application for Expansion of Test Standards), to expand its recognition to include two additional test standards. OSHA staff performed a comparability analysis and reviewed other pertinent information. OSHA did not perform any on-site reviews in relation to this application.

Table 1 below lists the appropriate test standards found in UL's application for expansion for testing and certification of products under the NRTL Program.

TABLE 1—PROPOSED LIST OF APPROPRIATE TEST STANDARDS FOR INCLUSION IN UL'S NRTL SCOPE OF RECOGNITION

Test standard	Test standard title
AAMI ES60601–1	Medical electrical equipment-Part 1: General requirements for basic safety and essential performance.
UL 1004–1	Rotating Electrical Machines.

III. Preliminary Findings on the Application

UL submitted an acceptable application for expansion of its scope of recognition. OSHA's review of the application file and the comparability analysis indicate that UL can meet the requirements prescribed by 29 CFR 1910.7 for expanding its recognition to include the addition of these two test standards for NRTL testing and certification listed above. This preliminary finding does not constitute an interim or temporary approval of UL's application.

OSHA welcomes public comment as to whether UL meets the requirements of 29 CFR 1910.7 for expansion of its recognition as an NRTL. Comments should consist of pertinent written documents and exhibits. Commenters needing more time to comment must submit a request in writing, stating the reasons for the request. Commenters must submit the written request for an extension by the due date for comments. OSHA will limit any extension to 10 days unless the requester justifies a longer period. OSHA may deny a request for an extension if the request is not adequately justified. To obtain or review copies of the exhibits identified in this notice, as well as comments submitted to the docket, contact the Docket Office, Room N–2625, Occupational Safety and Health Administration, U.S. Department of Labor, at the above address. These materials also are available online at *http://www.regulations.gov* under Docket No. OSHA–2009–0025.

OSHA staff will review all comments to the docket submitted in a timely manner and, after addressing the issues raised by these comments, will recommend to the Assistant Secretary for Occupational Safety and Health whether to grant UL's application for expansion of its scope of recognition. The Assistant Secretary will make the final decision on granting the application. In making this decision, the Assistant Secretary may undertake other proceedings prescribed in Appendix A to 29 CFR 1910.7. OSHA will publish a public notice of its final decision in the **Federal Register**.

IV. Authority and Signature

David Michaels, PhD., MPH, Assistant Secretary of Labor for Occupational Safety and Health, 200 Constitution Avenue NW., Washington, DC 20210, authorized the preparation of this notice. Accordingly, the Agency is issuing this notice pursuant to 29 U.S.C. 657(g)(2), Secretary of Labor's Order No. 1–2012 (77 FR 3912, Jan. 25, 2012), and 29 CFR 1910.7.

Signed at Washington, DC, on July 25, 2014.

David Michaels,

Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2014–17904 Filed 7–29–14; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2006–0041]

Southwest Research Institute: Grant of Renewal of Recognition

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice.

SUMMARY: This notice announces the Occupational Safety and Health Administration's final decision granting renewal of recognition of Southwest Research Institute, as a Nationally Recognized Testing Laboratory (NRTL).

DATES: The renewal of recognition becomes effective on July 30, 2014.

FOR FURTHER INFORMATION CONTACT: Information regarding this notice is available from the following sources:

Press inquiries: Contact Mr. Frank Meilinger, Director, OSHA Office of Communications, U.S. Department of Labor, 200 Constitution Avenue NW., Room N–3647, Washington, DC 20210; telephone: (202) 693–1999; email: *Meilinger.francis2@dol.gov.*

General and technical information: Contact Mr. David Johnson, Director, Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Room N–3655, Washington, DC 20210; telephone: (202) 693–2110; email: *johnson.david.w@dol.gov.* OSHA's Web page includes information about the NRTL Program (see *http://www.osha.gov/dts/otpca/nrtl/index.html*).

SUPPLEMENTARY INFORMATION:

I. Background

OSHA recognition of an NRTL signifies that the organization meets the requirements specified by 29 CFR 1910.7. Recognition is an acknowledgment that the organization can perform independent safety testing and certification of the specific products covered within its scope of recognition, and is not a delegation or grant of government authority. As a result of recognition, employers may use products properly approved by the NRTL to meet OSHA standards that require testing and certification. OSHA maintains an informational Web site for each NRTL at *http://www.osha.gov/dts/otpca/nrtl/index.html* that details its scope of recognition.

OSHA processes applications submitted by an NRTL for renewal of recognition following requirements in Appendix A to 29 CFR 1910.7. OSHA conducts renewals in accordance with the procedures in 29 CFR 1910.7, App. A II.C. In accordance with these procedures, NRTLs submit a renewal request to OSHA between nine months and one year before the expiration date of its current recognition. A renewal request includes a request for renewal and any additional information demonstrating its continued compliance with the terms of its recognition and 29 CFR 1910.7. If OSHA has not conducted an on-site assessment of the NRTL headquarters and any key sites within the past 18 to 24 months, it will schedule the necessary on-site assessment prior to the expiration date of the NRTL's recognition. Upon review of the submitted material and, as necessary, the successful completion of the on-site assessment, OSHA announces its preliminary decision to grant or deny renewal in the **Federal Register** and solicits comments from the public. OSHA then publishes a final **Federal Register** notice responding to any comments and renewing the NRTL's recognition for a period of five years, or denying the renewal of recognition.

Southwest Research Institute (SWRI) initially received OSHA recognition as an NRTL on July 13, 1993 (58 FR 37752). The most recent renewal for SWRI was on February 28, 2007, for a five-year period expiring on February 28, 2012. SWRI submitted a timely request for renewal, dated May 26, 2011 (see Ex. OSHA–2006–0041–0003), and retained its recognition pending OSHA's final decision in this renewal process. The current address of the SWRI facility recognized by OSHA and included as part of the renewal request is Southwest Research Institute, 6220 Culebra Road, Post Office Drawer 28510, San Antonio, Texas 78238.

OSHA evaluated SWRI's application for renewal and made a preliminary determination that SWRI can continue to meet the requirements prescribed by 29 CFR 1910.7 for recognition. OSHA conducted an audit of SWRI on February 28–29, 2012, and found non-conformances with the requirements of 29 CFR 1910.7. SWRI addressed these issues sufficiently to meet the applicable NRTL requirements. Accordingly, OSHA determined that it did not need to conduct an on-site review of SWRI's facilities for this renewal based on its evaluation of SWRI's application and all other available information.

OSHA published the preliminary notice announcing SWRI's renewal request in the **Federal Register** on February 25, 2014 (79 FR 10565). The Agency requested comments by March 12, 2014, but received no comments in response to this notice. OSHA now is proceeding with this final notice to grant SWRI's request for renewal of recognition.

To obtain or review copies of all public documents pertaining to SWRI's application, go to *www.regulations.gov* or contact the Docket Office, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Room N–2625, Washington, DC 20210. Docket No. OSHA–2006–0041 contains all materials in the record concerning SWRI's recognition.

II. Final Decision and Order

Pursuant to the authority granted under 29 CFR 1910.7, OSHA hereby gives notice of the renewal of recognition of SWRI as an NRTL. OSHA NRTL Program staff reviewed the renewal request for SWRI and other pertinent information. Based on this review of the renewal request for SWRI and other pertinent information, OSHA finds that SWRI meets the requirements of 29 CFR 1910.7 for renewal of its recognition, subject to the specified limitation and conditions. OSHA limits the renewal of SWRI's recognition to include the terms and conditions of SWRI's scope of recognition. The scope of recognition for SWRI is available in the **Federal Register** notice dated July 13, 1993 (58 FR 37752), or on OSHA's Web site at *http://www.osha.gov/dts/otpca/nrtl/swri.html.* This renewal extends SWRI's recognition for a period of five years from July 30, 2014.

Conditions

In addition to those conditions already required by 29 CFR 1910.7, SWRI also must abide by the following conditions of recognition:

1. SWRI must inform OSHA as soon as possible, in writing, of any change of ownership, facilities, or key personnel, and of any major change in its operations as an NRTL, and provide details of the change(s);

2. SWRI must meet all the terms of its recognition and comply with all OSHA policies pertaining to this recognition; and

3. SWRI must continue to meet the requirements for recognition, including all previously published conditions on SWRI's scope of recognition, in all areas for which it has recognition.

III. Authority and Signature

David Michaels, Ph.D., MPH, Assistant Secretary of Labor for Occupational Safety and Health, 200 Constitution Avenue NW., Washington, DC 20210, authorized the preparation of this notice. Accordingly, the Agency is issuing this notice pursuant to 29 U.S.C. 657(g)(2), Secretary of Labor's Order No. 1–2012 (77 FR 3912, Jan. 25, 2012), and 29 CFR 1910.7.

Signed at Washington, DC, on July 25, 2014.

David Michaels,

Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2014–17965 Filed 7–29–14; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2013–0016]

Communication Certification Laboratory, Inc.: Grant of Renewal of Recognition

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice.

SUMMARY: This notice announces the Occupational Safety and Health Administration's final decision granting renewal of recognition of Communication Certification Laboratory, Inc., as a Nationally Recognized Testing Laboratory (NRTL).

DATES: The renewal of recognition becomes effective on July 30, 2014.

FOR FURTHER INFORMATION CONTACT: Information regarding this notice is available from the following sources:

Press inquiries: Contact Mr. Frank Meilinger, Director, OSHA Office of Communications, U.S. Department of Labor, 200 Constitution Avenue NW., Room N–3647, Washington, DC 20210; telephone: (202) 693–1999; email: *Meilinger.francis2@dol.gov.*

General and technical information: Contact Mr. David Johnson, Director, Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Room N–3655, Washington, DC 20210; telephone: (202) 693–2110; email: *johnson.david.w@dol.gov.* OSHA's Web page includes information about the NRTL Program (see *http://www.osha.gov/dts/otpca/nrtl/index.html*).

SUPPLEMENTARY INFORMATION:

I. Background

OSHA recognition of an NRTL signifies that the organization meets the requirements specified by 29 CFR 1910.7. Recognition is an acknowledgment that the organization can perform independent safety testing and certification of the specific products covered within its scope of recognition, and is not a delegation or grant of government authority. As a result of recognition, employers may use products properly approved by the NRTL to meet OSHA standards that require testing and certification. OSHA maintains an informational Web site for each NRTL at *http://www.osha.gov/dts/otpca/nrtl/index.html* that details its scope of recognition.

OSHA processes applications submitted by an NRTL for renewal of recognition following requirements in Appendix A to 29 CFR 1910.7. OSHA conducts renewals in accordance with the procedures in 29 CFR 1910.7, App. A II.C. In accordance with these procedures, NRTLs submit a renewal request to OSHA between nine months and one year before the expiration date of its current recognition. A renewal request includes a request for renewal and any additional information demonstrating its continued compliance with the terms of its recognition and 29 CFR 1910.7. If OSHA has not conducted an on-site assessment of the NRTL headquarters and any key sites within the past 18 to 24 months, it will schedule the necessary on-site assessment prior to the expiration date of the NRTL's recognition. Upon review of the submitted material and, as necessary, the successful completion of the on-site assessment, OSHA announces its preliminary decision to grant or deny renewal in the **Federal Register** and solicits comments from the public. OSHA then publishes a final **Federal Register** notice responding to any comments and renewing the NRTL's recognition for a period of five years, or denying the renewal of recognition.

Communication Certification Laboratory, Inc. (CCL), initially received OSHA recognition as an NRTL on June 21, 1991 (56 FR 28579). The most recent renewal for CCL was on June 10, 2005, for a five-year period expiring on June 10, 2010. CCL submitted a timely request for renewal, dated August 28, 2009 (see Ex. OSHA–2013–0016–0002), and retained its recognition pending OSHA's final decision in this renewal process. The current addresses of the CCL facility recognized by OSHA and included as part of the renewal request is CCL, 1940 West Alexander Street, Salt Lake City, Utah 84119.

OSHA evaluated CCL's application for renewal and made a preliminary determination that CCL can continue to meet the requirements prescribed by 29 CFR 1910.7 for recognition. OSHA conducted an audit of CCL's facilities on June 17–18, 2013, and found non-conformances with the requirements of 29 CFR 1910.7. CCL addressed these issues sufficiently to meet the applicable NRTL requirements. Accordingly, OSHA determined that it did not need to conduct an on-site review of CCL's facilities for this request for renewal based on its evaluation of CCL's application and all other available information.

OSHA published the preliminary notice announcing CCL's renewal request in the **Federal Register** on February 24, 2014 (79 FR 10195). The Agency requested comments by March 11, 2014, but received no comments in response to this notice. OSHA now is proceeding with this final notice to grant CCL's request for renewal of recognition.

To obtain or review copies of all public documents pertaining to CCL's application, go to *www.regulations.gov* or contact the Docket Office, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Room N–2625, Washington, DC 20210. Docket No. OSHA–2013–0016 contains all materials in the record concerning CCL's recognition.

II. Final Decision and Order

Pursuant to the authority granted under 29 CFR 1910.7, OSHA hereby gives notice of the renewal of recognition of CCL as an NRTL. OSHA NRTL Program staff reviewed the renewal request for CCL and other pertinent information. Based on this review of the renewal request for CCL and other pertinent information, OSHA finds that CCL meets the requirements of 29 CFR 1910.7 for renewal of its recognition, subject to the specified limitation and conditions. OSHA limits the renewal of CCL's recognition to include the terms and conditions of CCL's scope of recognition. The scope of recognition for CCL is available in the **Federal Register** notice dated June 21, 1991 (56 FR 28579), or on OSHA's Web site at *http://www.osha.gov/dts/otpca/nrtl/ccl.html.* This renewal extends CCL's recognition for a period of five years from July 30, 2014.

Conditions

In addition to those conditions already required by 29 CFR 1910.7, CCL also must abide by the following conditions of recognition:

1. CCL must inform OSHA as soon as possible, in writing, of any change of ownership, facilities, or key personnel, and of any major change in its operations as an NRTL, and provide details of the change(s);
2. CCL must meet all the terms of its recognition and comply with all OSHA policies pertaining to this recognition; and
3. CCL must continue to meet the requirements for recognition, including all previously published conditions on CCL's scope of recognition, in all areas for which it has recognition.

III. Authority and Signature

David Michaels, Ph.D., MPH, Assistant Secretary of Labor for Occupational Safety and Health, 200

Constitution Avenue NW., Washington, DC 20210, authorized the preparation of this notice. Accordingly, the Agency is issuing this notice pursuant to 29 U.S.C. 657(g)(2), Secretary of Labor's Order No. 1–2012 (77 FR 3912, Jan. 25, 2012), and 29 CFR 1910.7.

Signed at Washington, DC, on July 25, 2014.

David Michaels,

Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2014–17967 Filed 7–29–14; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2007–0042]

TUV Rheinland of North America, Inc.: Grant of Renewal of Recognition

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice.

SUMMARY: This notice announces the Occupational Safety and Health Administration's final decision granting renewal of recognition of TUV Rheinland of North America, Inc., as a Nationally Recognized Testing Laboratory (NRTL).

DATES: The renewal of recognition becomes effective on July 30, 2014.

FOR FURTHER INFORMATION CONTACT: Information regarding this notice is available from the following sources:

Press inquiries: Contact Mr. Frank Meilinger, Director, OSHA Office of Communications, U.S. Department of Labor, 200 Constitution Avenue NW., Room N–3647, Washington, DC 20210; telephone: (202) 693–1999; email: *Meilinger.francis2@dol.gov.*

General and technical information: Contact Mr. David Johnson, Director, Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Room N–3655, Washington, DC 20210; telephone: (202) 693–2110; email: *johnson.david.w@dol.gov.* OSHA's Web page includes information about the NRTL Program (see *http://www.osha.gov/dts/otpca/nrtl/index.html*).

SUPPLEMENTARY INFORMATION:

I. Background

OSHA recognition of an NRTL signifies that the organization meets the requirements specified by 29 CFR 1910.7. Recognition is an acknowledgment that the organization can perform independent safety testing and certification of the specific products covered within its scope of recognition, and is not a delegation or grant of government authority. As a result of recognition, employers may use products properly approved by the NRTL to meet OSHA standards that require testing and certification. OSHA maintains an informational Web site for each NRTL at *http://www.osha.gov/dts/otpca/nrtl/index.html* that details its scope of recognition.

OSHA processes applications submitted by an NRTL for renewal of recognition following requirements in Appendix A to 29 CFR 1910.7. OSHA conducts renewals in accordance with the procedures in 29 CFR 1910.7, App. A II.C. In accordance with these procedures, NRTLs submit a renewal request to OSHA between nine months and one year before the expiration date of its current recognition. A renewal request includes a request for renewal and any additional information demonstrating its continued compliance with the terms of its recognition and 29 CFR 1910.7. If OSHA has not conducted an on-site assessment of the NRTL headquarters and any key sites within the past 18 to 24 months, it will schedule the necessary on-site assessment prior to the expiration date of the NRTL's recognition. Upon review of the submitted material and, as necessary, the successful completion of the on-site assessment, OSHA announces its preliminary decision to grant or deny renewal in the **Federal Register** and solicits comments from the public. OSHA then publishes a final **Federal Register** notice responding to any comments and renewing the NRTL's recognition for a period of five years, or denying the renewal of recognition.

TUV Rheinland of North America, Inc. (TUVRNA), initially received OSHA recognition as an NRTL on August 16, 1995 (60 FR 42594). The most recent renewal for TUVRNA was on March 18, 2002, for a five-year period expiring on March 19, 2007. TUVRNA submitted a timely request for renewal, dated June 12, 2006 (see Ex. OSHA–2007–0042–0007), and retained its recognition pending OSHA's final decision in this renewal process. The current addresses of TUVRNA facilities recognized by OSHA and included as part of the renewal request are:

1. TUVRNA Newtown, 12 Commerce Road, Newtown, Connecticut 06470; and

2. TUVRNA Austin, 2324 Ridgepoint Drive, Suite E, Austin, Texas 78754.

OSHA evaluated TUVRNA's application for renewal and made a preliminary determination that TUVRNA can continue to meet the requirements prescribed by 29 CFR 1910.7 for recognition. OSHA conducted audits of TUVRNA's headquarters, TUVRNA Newtown, on July 25–26, 2013, and the TUVRNA Austin site on August 23–25, 2010. OSHA found non-conformances with the requirements of 29 CFR 1910.7. TUVRNA addressed these issues sufficiently to meet the applicable NRTL requirements. Accordingly, OSHA determined that it did not need to conduct an on-site review of TUVRNA's facilities for this request for renewal based on its evaluation of TUVRNA's application and all other available information.

OSHA published the preliminary notice announcing TUVRNA's renewal request in the **Federal Register** on February 24, 2014 (79 FR 10198). The Agency requested comments by March 11, 2014, but received no comments in response to this notice. OSHA now is proceeding with this final notice to grant TUVRNA's request for renewal of recognition.

To obtain or review copies of all public documents pertaining to TUVRNA's application, go to *www.regulations.gov* or contact the Docket Office, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Room N–2625, Washington, DC 20210. Docket No. OSHA–2007–0042 contains all materials in the record concerning TUVRNA's recognition.

II. Final Decision and Order

Pursuant to the authority granted under 29 CFR 1910.7, OSHA hereby gives notice of the renewal of recognition of TUVRNA as an NRTL. OSHA NRTL Program staff reviewed the renewal request for TUVRNA and other pertinent information. Based on this review of the renewal request for TUVRNA and other pertinent information, OSHA finds that TUVRNA meets the requirements of 29 CFR 1910.7 for renewal of its recognition, subject to the specified limitation and conditions. OSHA limits the renewal of TUVRNA's recognition to include the terms and conditions of TUVRNA's scope of recognition. The scope of recognition for TUVRNA is available in the **Federal Register** notice dated August 16, 1995 (60 FR 42594), or on OSHA's Web site at *http://www.osha.gov/dts/otpca/nrtl/tuv.html.* This renewal extends TUVRNA's recognition for a period of five years from July 30, 2014.

Conditions

In addition to those conditions already required by 29 CFR 1910.7, TUVRNA also must abide by the following conditions of recognition:

1. TUVRNA must inform OSHA as soon as possible, in writing, of any change of ownership, facilities, or key personnel, and of any major change in its operations as an NRTL, and provide details of the change(s);

2. TUVRNA must meet all the terms of its recognition and comply with all OSHA policies pertaining to this recognition; and

3. TUVRNA must continue to meet the requirements for recognition, including all previously published conditions on TUVRNA's scope of recognition, in all areas for which it has recognition.

III. Authority and Signature

David Michaels, Ph.D., MPH, Assistant Secretary of Labor for Occupational Safety and Health, 200 Constitution Avenue NW., Washington, DC 20210, authorized the preparation of this notice. Accordingly, the Agency is issuing this notice pursuant to 29 U.S.C. 657(g)(2), Secretary of Labor's Order No. 1–2012 (77 FR 3912, Jan. 25, 2012), and 29 CFR 1910.7.

Signed at Washington, DC, on July 25, 2014.

David Michaels,

Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2014–17966 Filed 7–29–14; 8:45 am]

BILLING CODE 4510–26–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

[NARA–2014–045]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: National Archives and Records Administration (NARA).

ACTION: Notice.

SUMMARY: NARA is giving public notice that the agency has submitted to OMB for approval the information collection described in this notice. The public is invited to comment on the proposed information collection pursuant to the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted to OMB at the address below on or before August 29, 2014 to be assured of consideration.

ADDRESSES: Send comments to Mr. Nicholas A. Fraser, Desk Officer for NARA, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202–395–5167; or electronically mailed to *Nicholas_A._Fraser@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the proposed information collection and supporting statement should be directed to Tamee Fechhelm at telephone number 301–837–1694 or fax number 301–713–7409.

SUPPLEMENTARY INFORMATION: Pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13), NARA invites the general public and other Federal agencies to comment on proposed information collections. NARA published a notice of proposed collection for this information collection on May 20, 2014 (79 FR 28969). No comments were received. NARA has submitted the described information collections to OMB for approval.

In response to this notice, comments and suggestions should address one or more of the following points: (a) Whether the proposed information collection is necessary for the proper performance of the functions of NARA; (b) the accuracy of NARA's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including the use of information technology; and (e) whether small businesses are affected by this collection. In this notice, NARA is soliciting comments concerning the following information collections:

Title: Presidential Library Facilities.

OMB number: 3095–0036.

Agency form number: None.

Type of review: Regular.

Affected public: Presidential library foundations or other entities proposing to transfer a Presidential library facility to NARA.

Estimated number of respondents: 1.

Estimated time per response: 31 hours.

Frequency of response: On occasion.

Estimated total annual burden hours: 31 hours.

Abstract: The information collection is required for NARA to meet its obligations under 44 U.S.C. 2112(a)(3) to submit a report to Congress before accepting a new Presidential library facility. The report contains information that can be furnished only by the foundation or other entity responsible for building the facility and establishing the library endowment.

Dated: July 23, 2014.

Swarnali Haldar,

Executive for Information Services/CIO.

[FR Doc. 2014–17924 Filed 7–29–14; 8:45 am]

BILLING CODE 7515–01–P

NATIONAL SCIENCE FOUNDATION

Notice of Permit Modification Received Under the Antarctic Conservation Act of 1978 (Pub. L. 95–541)

AGENCY: National Science Foundation.

ACTION: Notice of permit modification request received under the Antarctic Conservation Act of 1978, Public Law 95–541.

SUMMARY: The National Science Foundation (NSF) is required to publish a notice of requests to modify permits issued to conduct activities regulated under the Antarctic Conservation Act of 1978. NSF has published regulations under the Antarctic Conservation Act at Title 45 part 670 of the Code of Federal Regulations. This is the required notice of a requested permit modification.

DATES: Interested parties are invited to submit written data, comments, or views with respect to this permit application by August 29, 2014. Permit applications may be inspected by interested parties at the Permit Office, address below.

ADDRESSES: Comments should be addressed to Permit Office, Room 755, Division of Polar Programs, National Science Foundation, 4201 Wilson Boulevard, Arlington, Virginia 22230.

FOR FURTHER INFORMATION CONTACT: Li Ling Hamady, ACA Permit Officer, at the above address or *ACApermits@nsf.gov* or (703) 292–7149.

SUPPLEMENTARY INFORMATION: The National Science Foundation, as directed by the Antarctic Conservation Act of 1978 (Pub. L. 95–541), as amended by the Antarctic Science, Tourism and Conservation Act of 1996, has developed regulations for the establishment of a permit system for various activities in Antarctica and designation of certain animals and certain geographic areas a requiring special protection. The regulations establish such a permit system to designate Antarctic Specially Protected Areas.

Description of Permit Modification Requested: The Foundation issued a permit (ACA 2014–001) to Ron Naveen on May 24, 2013. The issued permit allows the applicant to enter ASPAs and conduct censusing/surveying visitor sites and penguin/seabird breeding locations in the Antarctic Peninsula.

Now the applicant proposes a modification to the permit to track individual Gentoo penguin movements and site fidelity using implantable PIT (Passive Integrated Transponder) tags, and assess relatedness within a colony using genetic techniques from small (0.5ml) blood samples.

Location: Antarctic Peninsula locations being censused/surveyed by the Antarctic Site Inventory project operated by Oceanites, Inc., as detailed in ACA permit 2014–001.

Dates: September 1, 2014 to August 31, 2018.

Nadene G. Kennedy,

Polar Coordination Specialist, Division of Polar Programs.

[FR Doc. 2014–17919 Filed 7–29–14; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. NRC–2014–0091]

Agency Information Collection Activities: Submission for the Office of Management and Budget (OMB) Review; Comment Request

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of the OMB review of information collection and solicitation of public comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) has recently submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35). The NRC hereby informs potential respondents that an agency may not conduct or sponsor, and that a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The NRC published a **Federal Register** notice with a 60-day comment period on this information collection on April 29, 2014.

1. *Type of submission, new, revision, or extension:* Extension.

2. *The title of the information collection:* Grant and Cooperative Agreement Provisions.

3. *Current OMB approval number:* 3150–0107.

4. *The form number if applicable:* Not applicable.

5. *How often the collection is required:* Technical performance reports are required every 6 months; other information is submitted on occasion, as needed.

6. *Who will be required or asked to report:* Grant and Cooperative Agreement Recipients.

7. *An estimate of the number of annual responses:* 668 (450 responses plus 218 recordkeepers).

8. *The estimated number of annual respondents:* 218.

9. *An estimate of the total number of hours needed annually to complete the requirement or request:* 5,081 (4,742 reporting hours plus 339 recordkeeping hours).

10. *Abstract:* The Acquisition Management Division is responsible for awarding grants and cooperative agreements (financial assistance) for the NRC. Acquisition Management Division collects information from assistance recipients in accordance with grant and cooperative agreement provisions in order to administer NRC's financial assistance program. The information collected under the provisions ensures that the Government's rights are protected, the agency adheres to public laws, the work proceeds on schedule, and that disputes between the Government and the recipient are settled.

The public may examine and have copied for a fee publicly-available documents, including the final supporting statement, at the NRC's Public Document Room, Room O–1F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852. The OMB clearance requests are available at the NRC's Web site: *http://www.nrc.gov/public-involve/doc-comment/omb/.* The document will be available on the NRC's home page site for 60 days after the signature date of this notice.

Comments and questions should be directed to the OMB reviewer listed below by August 29, 2014. Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given to comments received after this date.

Danielle Y. Jones, Desk Officer, Office of Information and Regulatory Affairs (3150–0107), NEOB–10202, Office of Management and Budget, Washington, DC 20503.

Comments can also be emailed to *Danielle_Y_Jones@omb.eop.gov* or submitted by telephone at 202–395–1741.

The Acting NRC Clearance Officer is Kristen Benney, telephone: 301–415–6355.

Dated at Rockville, Maryland, this 24th day of July, 2014.

For the Nuclear Regulatory Commission.

Kristen Benney,

Acting NRC Clearance Officer, Office of Information Services.

[FR Doc. 2014–17868 Filed 7–29–14; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. NRC–2014–0094]

Agency Information Collection Activities: Submission for the Office of Management and Budget (OMB) Review; Comment Request

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of the OMB review of information collection and solicitation of public comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) has recently submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35). The NRC hereby informs potential respondents that an agency may not conduct or sponsor, and that a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The NRC published a **Federal Register** notice with a 60-day comment period on this information collection on May 7, 2014.

1. *Type of submission, new, revision, or extension:* Extension.

2. *The title of the information collection:* 10 CFR Part 61, Licensing Requirements for Land Disposal of Radioactive Waste.

3. *Current OMB approval number:* 3150–0135.

4. *The form number if applicable:* Not applicable.

5. *How often the collection is required:* Applications for licenses are submitted as needed. Other reports are submitted annually and as other events require.

6. *Who will be required or asked to report:* Applicants for and holders of an NRC license (to include Agreement State licensees) for land disposal of low-level radioactive waste; and all generators, collectors, and processors of low-level waste intended for disposal at a low-level waste facility.

7. *An estimate of the number of annual responses:* 16 (12 reporting responses + 4 recordkeepers).

8. *The estimated number of annual respondents:* 4.

9. *An estimate of the total number of hours needed annually to complete the*

requirement or request: 5,372 hours (56 hours reporting + 5,316 hours recordkeeping).

10. *Abstract:* Part 61 of Title 10 of the *Code of Federal Regulations* (10 CFR), establishes the procedures, criteria, and license terms and conditions for the land disposal of low-level radioactive waste. The reporting and recordkeeping requirements are mandatory and, in the case of application submittals, are required to obtain a benefit. The information collected in the applications, reports, and records is evaluated by the NRC to ensure that the licensee's or applicant's disposal facility, equipment, organization, training, experience, procedures, and plans provide an adequate level of protection of public health and safety, common defense and security, and the environment.

The public may examine and have copied for a fee publicly-available documents, including the final supporting statement, at the NRC's Public Document Room, Room O–1F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852. The OMB clearance requests are available at the NRC's Web site: *http://www.nrc.gov/public-involve/doc-comment/omb/.* The document will be available on the NRC's home page site for 60 days after the signature date of this notice.

Comments and questions should be directed to the OMB reviewer listed below by August 29, 2014. Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given to comments received after this date. Danielle Y. Jones, Desk Officer, Office of Information and Regulatory Affairs (3150–0135), NEOB–10202, Office of Management and Budget, Washington, DC 20503.

Comments can also be emailed to *Danielle_Y_Jones@omb.eop.gov* or submitted by telephone at 202–395–1741.

The Acting NRC Clearance Officer is Kristen Benney, telephone: 301–415–6355.

Dated at Rockville, Maryland, this 24th day of July 2014.

For the Nuclear Regulatory Commission.

Kristen Benney,

Acting NRC Clearance Officer, Office of Information Services.

[FR Doc. 2014–17866 Filed 7–29–14; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. NRC–2014–0174]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of pending NRC action to submit an information collection request to the Office of Management and Budget (OMB) and solicitation of public comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) invites public comment about our intention to request the OMB's approval for renewal of an existing information collection that is summarized below. We are required to publish this notice in the **Federal Register** under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

Information pertaining to the requirement to be submitted:

1. *The title of the information collection:* Generic Communications Program.

2. *Current OMB approval number:* 3150–XXXX.

3. *How often the collection is required:* On occasion.

4. *Who is required or asked to report:* Nuclear power reactor licensees, non-power reactors and materials applicants and licensees.

5. *The number of annual respondents:* 500.

6. *The number of hours needed annually to complete the requirement or request:* 156,000.

7. *Abstract:* The NRC is requesting approval of a generic clearance to collect information concerning possible non-routine generic problems which would require prompt action from NRC to preclude potential threats to public health and safety.

Submit, by September 29, 2014, comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility?

2. Is the burden estimate accurate?

3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?

4. How can the burden of the information collection be minimized, including the use of automated collection techniques or other forms of information technology?

The public may examine and have copied for a fee publicly-available documents, including the draft supporting statement, at the NRC's Public Document Room, Room O–1F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852. The OMB clearance requests are available at the NRC's Web site: *http://www.nrc.gov/public-involve/doc-comment/omb/.* The document will be available on the NRC's home page site for 60 days after the signature date of this notice.

Comments submitted in writing or in electronic form will be made available for public inspection. Because your comments will not be edited to remove any identifying or contact information, the NRC cautions you against including any information in your submission that you do not want to be publicly disclosed. Comments submitted should reference Docket No. NRC–2014–0174. You may submit your comments by any of the following methods: Electronic comments go to *http://www.regulations.gov* and search for Docket No. NRC–2014–0174. Mail comments to the Acting NRC Clearance Officer, Kristen Benney (T–5 F50), U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

Questions about the information collection requirements may be directed to the Acting NRC Clearance Officer, Kristen Benney (T–5 F50), U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, by telephone at 301–415–6355, or by email to *INFOCOLLECTS.Resource@NRC.GOV.*

Dated at Rockville, Maryland, this 24th day of July 2014.

For the Nuclear Regulatory Commission.

Kristen Benney,

Acting NRC Clearance Officer, Office of Information Services.

[FR Doc. 2014–17867 Filed 7–29–14; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[EA–14–013; NRC–2014–0175]

In the Matter of Entergy Nuclear Operations

AGENCY: Nuclear Regulatory Commission

ACTION: Confirmatory order; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing a confirmatory order to Entergy Nuclear Operations, Inc., confirming agreements reached in an Alternative Dispute Resolution session held on May 15, 2014. As part of the agreement, Entergy will take actions to verify security staff and management training credentials,

strengthen its safety culture, present the issue at industry meetings, set standards for security senior management and perform an independent effectiveness review. Entergy is also required to notify the NRC periodically of the status of its efforts.

DATES: *Issue Date:* July 21, 2014.

ADDRESSES: Please refer to Docket ID NRC–2014–0175 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this action by the following methods:

• *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2014–0175. Address questions about NRC dockets to Carol Gallagher; telephone: 301–287–3422; email: *Carol.Gallagher@nrc.gov.* For questions about this Order, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

• *NRC's Agencywide Documents Access and Management System (ADAMS):* You may access publicly available documents online in the NRC Library at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*ADAMS Public Documents''* and then select ''*Begin Web-based ADAMS Search.''* For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced in this document (if that document is available in ADAMS) is provided the first time that a document is referenced.

• *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Patricia Lougheed, Region III, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 630–810–4376, email: *Patricia.Lougheed@nrc.gov.*

SUPPLEMENTARY INFORMATION: The text of the Order is attached.

Dated at Lisle, Illinois, this 21st day of July 2014.

For the Nuclear Regulatory Commission.

Cynthia D. Pederson,

Regional Administrator.

Attachment—CONFIRMATORY ORDER MODIFYING LICENSE

NUCLEAR REGULATORY COMMISSION

In the Matter of: Entergy Nuclear Operations, Inc., Palisades Nuclear Plant, Docket No. 05000255, License No. DPR–20, EA–14–013.

CONFIRMATORY ORDER MODIFYING LICENSE

I

Entergy Nuclear Operations, Inc., (Licensee or Entergy) is the holder of Reactor Operating License No. DPR–20 issued by the U.S. Nuclear Regulatory Commission (NRC or Commission) pursuant to Title 10 of the Code of Federal Regulations (10 CFR) Part 50 on March 24, 1971, and renewed on January 17, 2007. The license authorizes the operation of the Palisades Nuclear Plant in accordance with conditions specified therein.

This Confirmatory Order is the result of an agreement reached during an alternative dispute resolution (ADR) mediation session conducted on May 15, 2014.

II

On May 10, 2013, the NRC Office of Investigations (OI), Region III Field Office initiated an investigation to determine whether employees at the Palisades Nuclear Plant (Palisades) willfully failed to follow the security plan requirements, when a security manager assigned a security operations supervisor to perform duties without confirming whether the supervisor had the appropriate qualifications. The investigation also assessed whether the security operations supervisor assumed those duties as requested. The investigation was completed on January 9, 2014, and was documented in OI Report No. 3–2013–018. The investigation concluded that both the security manager and the security operations supervisor willfully violated 10 CFR Part 73, Appendix B, II B., ''Qualification Requirements'' and Palisades Security Plan Section 3.1.

Specifically, in mid-December 2012, a supervisory security individual at Palisades requested leave for Christmas Eve. In order to grant at least part of the individual's request, a security manager requested a security operations supervisor to fill two hours of the individual's shift. At multiple times during the conversation, the security operations supervisor informed the security manager that his technical supervisory qualifications were not completed. The security manager acknowledged that he was aware that the security operations supervisor's qualifications were not completed. However, the security manager stated that he believed that only meant the security operations supervisor was not qualified to perform one particular job function, and he stated that the security operations supervisor would not need to perform that job function during the two hours where he would be filling in for the other supervisor. Neither the security manager nor the security operations supervisor verified the qualifications for the position despite a site requirement to check qualifications before assigning or assuming posts. The security manager stated that he did not review the security plan or check with anyone on the security operations supervisor's qualifications until the end of April after two condition reports were written questioning the decision. The security operations supervisor stated that he relied upon what the security manager told him, as to why it was acceptable to assume the post. The security operations supervisor also said that he was not challenged on his qualifications prior to assuming the post, although that was a routine practice.

Both the security manager and the security operations supervisor failed to verify the security operations supervisor's qualification for a position prior to having him assume that position for two hours on December 24, 2012. The NRC determined that this was a violation of 10 CFR Part 73, Appendix B, II B., ''Qualification Requirements'' and Palisades Security Plan Section 3.1. Specifically, 10 CFR Part 73, Appendix B, II B., ''Qualification Requirements'' requires that each person who performs security-related job tasks or job duties required to implement the licensee physical security or contingency plan shall, prior to being assigned to duties, be qualified in accordance with the licensee's NRC-approved training and qualifications plan.

Section 3.1 of the Palisades Nuclear Plant Physical Security Plan, Appendix B, Revision 14, required, in part, that each individual assigned duties and responsibilities identified in the security plans, licensee protective strategy, and implementing procedures must before assignment: (1) Be trained and qualified to perform assigned duties and responsibilities in accordance with the requirements of the training and qualification plan; (2) meet the minimum qualification requirements of the training and qualification plan; and

(3) be trained and qualified in the use of all equipment or devices required to effectively perform all assigned duties and responsibilities.

On May 15, 2014, Entergy and the NRC met in an ADR session mediated by a professional mediator, arranged through Cornell University's Institute on Conflict Resolution. ADR is a process in which a neutral mediator with no decision-making authority assists the parties in reaching an agreement on resolving any differences regarding the dispute. This confirmatory order is issued pursuant to the agreement reached during the ADR process.

III

In response to the NRC's offer, Entergy requested use of the NRC ADR process to resolve differences it had with the NRC. During the ADR session held on May 15, 2014, a preliminary settlement agreement was reached. The elements of the agreement, as signed by both parties, consisted of the following:

A. Verification of Training Credentials for Both Staff and Management:

A.1 Conduct fleet-wide review of qualifications of each duty position in security to ensure that the qualifications for each position are clear and verifiable by all parties (security officers, security supervisors, and security manager). The initial review and applicable procedure revisions shall be completed by November 30, 2014.

A.2 Verify and modify, if necessary, the applicable security procedure to ensure that both assignor and assignee validate qualifications before the assignee performs a duty position. This shall be completed by November 30, 2014.

A.3 Following completion of A.1 and A.2, training will be conducted on the changes. This shall be completed by June 30, 2015.

B. Strengthen Safety Culture: (1) Leadership, Safety Values, & Actions; (2) Problem Identification & Resolution; (3) Personal Accountability; (4) Work Processes; (5) Environment for Raising Concerns; and (6) Questioning Attitude & Proceeding In the Face of Uncertainty:

B.1 As part of its Security Safety Conscious Work Environment (SCWE) Action Plan, Entergy has completed the following actions at Palisades:

- Each Security Shift Supervisor has signed and posted a SCWE Commitment letter. (Completed March 6, 2014)
- Security management conducted refresher training for each security shift emphasizing the reporting of concerns, the drafting of Condition Reports (CRs), the Corrective Action Program (CAP), and the expectation of feedback on CRs. (Completed February 24, 2014)
- A volunteer from each security team was assigned as an ombudsman to provide security department members with a readily available and familiar person to whom they can raise concerns. Security management briefed the department on the new security ombudsman program and related activities. (Completed March 31, 2014)
- The Director, Regulatory & Performance Improvement, developed a security department ''dashboard'' of SCWE-related indicators, such as, CAP usage, the number and content of anonymous CRs, CAP backlog, average age of open CRs, employee concern program (ECP) usage, on-site NRC allegations, and security equipment status. (Completed March 7, 2014)

B.2 As part of its SCWE Action Plan, Entergy has committed to the following actions at Palisades. These actions are hereby incorporated into the Confirmatory Order:

- Through June 30, 2016, the Palisades Security Manager shall meet quarterly (during the calendar quarter, allowing for one month grace period) with each security team: (a) To reinforce the importance of a healthy SCWE and management's intolerance for retaliation, and (b) to discuss security concerns and issue resolution.
- Through June 30, 2016, security management shall maintain and update a ''Security Top 10 Issues'' board to reflect, among other things, the expected issues resolution dates.

B.3 Revise procedure EN–LI–102 to ensure that the Condition Review Group (CRG) chair considers whether the person assigned is sufficiently independent. This applies to condition reports that have challenges to a decision or a resolution that is highly dependent on a single individual. A ''read and sign'' will be provided to each CRG chair to inform them of the procedure revision. The procedure will be revised by November 30, 2014, and the ''read and sign'' training will be completed by January 31, 2015.

B.4.a Conduct a case study for supervisors and above throughout the fleet that highlights safety culture aspects of the event: Questioning attitude, proceeding in the face of uncertainty, procedure compliance, and responsiveness to employee concerns. The case study will be developed and conducted by June 30, 2015.

B.4.b Discuss the safety culture aspects of the issue with Entergy and long-term contract staff at three monthly tailgate meetings. The tailgate meetings shall include employee rights, licensee expectations with respect to raising issues, methods to raise issues, and the right to contact the NRC. The action will be completed by December 31, 2014.

C. Recognition by the Reactor Community:

C.1 Entergy Fleet Director of Nuclear Security shall make a presentation to an industry security working group on this event. The licensee will provide the NRC an opportunity to review the presentation. This shall be accomplished by December 31, 2014.

C.2 Entergy shall make a related presentation at a broad industry meeting(s) that covers all four regions beyond security organizations. This shall be accomplished by June 30, 2015.

D. Setting Standards for Security Senior Management:

Entergy shall revise EN–FAP–HR–006 to include specific requirements for Security Manager selection and development. This shall be accomplished by December 31, 2014.

E. Effectiveness Review:

Entergy shall arrange for an independent effectiveness review of the actions discussed in sections A and B. The review will be conducted no earlier than one year, but less than two years, from the issuance date of the Confirmatory Order.

F. Notification of NRC When Actions Are Completed:

F.1. Unless otherwise specified, Entergy will submit written notification by letter to the NRC staff, specifically, the Director, Division of Reactor Safety, 2443 Warrenville Road, Lisle, IL, 60532, at intervals of six months, one year, and annually thereafter until the terms of the Confirmatory Order are completed, providing a status of each item in the Confirmatory Order.

F.2. Upon completion of all terms of the Confirmatory Order, Entergy will provide the NRC with a letter discussing its basis for concluding that the Order has been satisfied.

G. Administrative Items:

G.1 The NRC and Entergy agree that the issues described above resulted in an individual inappropriately holding a position for which he was not qualified, contrary to the requirements of 10 CFR Part 73, Appendix B, II B., ''Qualification Requirements'' and the Palisades Security Plan. Entergy does not agree that the violation was committed willfully, and on this point, the parties agree to disagree.

G.2 The NRC will issue a green finding with a cross-cutting aspect in the area of H.13, ''Consistent Process,'' but in consideration of the commitments delineated above, the NRC agrees to refrain from issuing a Notice of Violation or proposing a civil penalty for all matters discussed in the

NRC's letter of March 25, 2014 (EA–14–013).

G.3 The NRC considers the corrective actions and enhancements discussed above to be appropriately prompt and comprehensive to address the causes which gave rise to the incident discussed in the NRC's letter of March 25, 2014 (EA–14–013).

G.4 The NRC will consider the Confirmatory Order as an escalated enforcement action.

G.5 This agreement is binding upon successors and assigns of Entergy.

On July 14, 2014, Entergy consented to issuing this Confirmatory Order with the commitments, as described in Section V below. Entergy further agreed that this Confirmatory Order is to be effective 30 days after issuance of the Confirmatory Order and that it has waived its right to a hearing.

IV

Since the licensee has agreed to take additional actions to address NRC concerns, as set forth in Section III above, the NRC has concluded that its concerns can be resolved through issuance of this Confirmatory Order.

I find that Entergy's commitments as set forth in Section V are acceptable and necessary and conclude that with these commitments the public health and safety are reasonably assured. In view of the foregoing, I have determined that public health and safety require that Entergy's commitments be confirmed by this Confirmatory Order. Based on the above and Entergy's consent, this Confirmatory Order is effective 30 days after issuance of the Confirmatory Order.

V

Accordingly, pursuant to Sections 104b, 161b, 161i, 161o, 182, and 186 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR 2.202 and 10 CFR Part 50, IT IS HEREBY ORDERED THAT THE ACTIONS DESCRIBED BELOW WILL BE TAKEN AT PALISADES NUCLEAR PLANT AND OTHER NUCLEAR PLANTS IN ENTERGY'S FLEET AND THAT LICENSE NO. DPR–20 IS MODIFIED AS FOLLOWS WITH RESPECT TO THE ACTIONS TO BE TAKEN AT THE PALISADES NUCLEAR PLANT:

A. Verification of Training Credentials for both Staff and Management:

A.1 Conduct fleet-wide review of qualifications of each duty position in security to ensure that the qualifications for each position are clear and verifiable by all parties (security officers, security supervisors, and security manager). The initial review and applicable procedure revisions shall be completed by November 30, 2014.

A.2 Verify and modify, if necessary, the applicable security procedure to ensure that both assignor and assignee validate qualifications before the assignee performs a duty position. This shall be completed by November 30, 2014.

A.3 Following completion of A.1 and A.2, training will be conducted on the changes. This shall be completed by June 30, 2015.

B. Strengthen Safety Culture:

B.1 Through June 30, 2016, the Palisades Security Manager shall meet quarterly (during the calendar quarter, allowing for one month grace period) with each security team: (a) to reinforce the importance of a healthy SCWE and management's intolerance for retaliation, and (b) to discuss security concerns and issue resolution.

B.2 Through June 30, 2016, Palisades security management shall maintain and update a ''Security Top 10 Issues'' board to reflect, among other things, the expected issues resolution dates.

B.3 Discuss the safety culture aspects of the event with Palisades Nuclear Plant staff, including long-term contract staff, in three monthly tailgate meetings. The tailgate meetings shall include employee rights, licensee expectations with respect to raising issues, methods to raise issues, and the right to contact the NRC. The tailgate meetings will be completed by December 31, 2014.

B.4 Revise procedure EN–LI–102 to ensure that the Condition Review Group (CRG) chair considers whether the person assigned is sufficiently independent. This applies to condition reports that have challenges to a decision or a resolution that is highly dependent on a single individual. A ''read and sign'' will be provided to each Entergy (fleet-wide) CRG chair to inform them of the procedure revision. The procedure will be revised by November 30, 2014, and the ''read and sign'' training will be completed by January 31, 2015.

B.5 Conduct a case study for supervisors and above throughout the Entergy fleet that highlights safety culture aspects of the event: questioning attitude, proceeding in the face of uncertainty, procedure compliance, and responsiveness to employee concerns. The case study will be developed and conducted by June 30, 2015.

C. Recognition by the Reactor Community:

C.1 Entergy Fleet Director of Nuclear Security shall make a presentation to an industry security working group on this event. The licensee will provide the NRC an opportunity to review the presentation. The presentation shall be accomplished by December 31, 2014.

C.2 Entergy shall make a related presentation at a broad industry meeting aimed at an audience beyond the security organizations and covering all four NRC regions. It is acceptable to make the presentation at multiple meetings, if deemed necessary to reach the desired audience. The presentations shall be accomplished by June 30, 2015.

D. Setting Standards for Security Senior Management:

Entergy shall revise procedure EN–FAP–HR–006 to include specific requirements for Security Manager selection and development. This shall be accomplished by December 31, 2014.

E. Effectiveness Review:

Entergy shall arrange for an independent effectiveness review of the actions discussed in sections A and B. The review will be conducted no earlier than one year, but less than two years, from the issuance date of the Confirmatory Order.

F. Notification of NRC When Actions Are Completed:

F.1. Unless otherwise specified, Entergy will submit written notification by letter to the NRC staff, specifically, the Director, Division of Reactor Safety, 2443 Warrenville Road, Lisle, IL, 60532, at intervals of six months, one year, and annually thereafter until the terms of the Confirmatory Order are completed, providing a status of each item in the Confirmatory Order.

F.2. Upon completion of all terms of the Confirmatory Order, Entergy will provide the NRC with a letter discussing its basis for concluding that the Order has been satisfied.

The Regional Administrator, Region III, may, in writing, relax or rescind any of the above conditions upon demonstration by the Licensee of good cause.

VI

Any person adversely affected by this Confirmatory Order, other than Entergy Nuclear Operations, Inc., may request a hearing within 30 days of the issuance date of this Confirmatory Order. Where good cause is shown, consideration will be given to extending the time to request a hearing. A request for extension of time must be directed to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, and include a statement of good cause for the extension.

All documents filed in NRC adjudicatory proceedings, including a request for hearing, a petition for leave to intervene, any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, and documents filed by interested governmental entities participating under 10 CFR 2.315(c), must be filed in accordance with the NRC's E-Filing rule (72 FR 49139; August 28, 2007), as amended by 77 FR 46562; August 3, 2012 (codified in pertinent part at 10 CFR Part 2, Subpart C). The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases to mail copies on electronic storage media. Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by email at *hearing.docket@nrc.gov,* or by telephone at 301–415–1677, to (1) request a digital (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign documents and access the E-Submittal server for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a request or petition for hearing (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals/getting-started.html*. System requirements for accessing the E-Submittal server are detailed in NRC's ''Guidance for Electronic Submission,'' which is available on the agency's public Web site at *http://www.nrc.gov/site-help/e-submittals.html*. Participants may attempt to use other software not listed on the Web site, but should note that the NRC's E-Filing system does not support unlisted software, and the NRC Meta System Help Desk will not be able to offer assistance in using unlisted software.

If a participant is electronically submitting a document to the NRC in accordance with the E-Filing rule, the participant must file the document using the NRC's online, Web-based submission form. In order to serve documents through the Electronic Information Exchange System, users will be required to install a Web browser plug-in from the NRC's Web site. Further information on the Web-based submission form, including the installation of the Web browser plug-in, is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.*

Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit a request for hearing or petition for leave to intervene through the EIE. Submissions should be in Portable Document Format (PDF) in accordance with NRC guidance available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* A filing is considered complete at the time the documents are submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. Eastern Time (ET) on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an email notice confirming receipt of the document. The E-Filing system also distributes an email notice that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the documents on those participants separately. Therefore, any others who wish to participate in the proceeding (or their counsel or representative) must apply for and receive a digital ID certificate before a hearing request/petition to intervene is filed so that they can obtain access to the document via the E-Filing system.

A person filing electronically using the NRC's adjudicatory E-Filing system may seek assistance by contacting the NRC Meta System Help Desk through the ''Contact Us'' link located on the NRC's Web site at *http://www.nrc.gov/site-help/e-submittals.html,* by email at *MSHD.Resource@nrc.gov,* or by a toll-free call at 1–866–672–7640. The NRC Meta System Help Desk is available between 8:00 a.m. and 8:00 p.m., ET, Monday through Friday, excluding government holidays.

Participants who believe that they have a good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852, Attention: Rulemaking and Adjudications Staff. Participants filing a document in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service. A presiding officer, having granted an exemption request from using E-Filing, may require a participant or party to use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket, which is available to the public at *http://ehd1.nrc.gov/ehd/,* unless excluded pursuant to an order of the Commission or the presiding officer. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or home phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. With respect to copyrighted works, participants are requested not to include copyrighted materials in their submission, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application.

If a person other than the licensee requests a hearing, that person shall set forth with particularity the manner in which his interest is adversely affected by this Confirmatory Order and shall address the criteria set forth in 10 CFR 2.309(d) and (f).

If a hearing is requested by a person whose interest is adversely affected, the Commission will issue a separate Order designating the time and place of any hearings, as appropriate. If a hearing is held, the issue to be considered at such hearing shall be whether this Confirmatory Order should be sustained.

In the absence of any request for hearing, or written approval of an extension of time in which to request a hearing, the provisions specified in Section IV above shall be effective and final 30 days after issuance of the Confirmatory Order without further order or proceedings. If an extension of time for requesting a hearing has been approved, the provisions specified in Section V shall be final when the extension expires if a hearing request has not been received.

Dated at Lisle, Illinois this 21st day of July 2014.

For the Nuclear Regulatory Commission.

Cynthia D. Pederson,
Regional Administrator.

[FR Doc. 2014–17873 Filed 7–29–14; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–295 and 50–304; NRC–2011–0145]

Zion Solutions, LLC; Zion Nuclear Power Station, Units 1 and 2; Exemption From Certain Requirements

1.0 Background

Zion Nuclear Power Station (ZNPS) Units 1 and 2 were permanently shut down in February 1998, for economic reasons. On February 13, 1998, Commonwealth Edison Company (ComEd), the ZNPS licensee at that time, submitted a letter certifying the permanent cessation of operations at ZNPS, Units 1 and 2 (Agencywide Documents and Access Management System (ADAMS) Accession No. 9802200407). On March 9, 1998, ComEd submitted a letter certifying the permanent removal of fuel from the reactor vessels at ZNPS (ADAMS Accession No. 9803110251). Pursuant to section 50.82(a)(2) of Title 10 of the *Code of Federal Regulations* (10 CFR), upon docketing of the certification for permanent cessation of operations and permanent removal of fuel from the reactor vessels, the 10 CFR part 50 license no longer authorizes operation of the reactor or emplacement or retention of fuel into the reactor vessel. On May 4, 2009, the NRC issued the order to transfer the ownership of the permanently shut down ZNPS facility, and responsibility for its decommissioning to Zion*Solutions* (ZS), a subsidiary of Energy*Solutions* (ADAMS Accession No. ML090930037). This transfer was effectuated on September 1, 2010 (ADAMS Accession No. ML102290437). ZS was established solely for the purpose of acquiring and decommissioning the ZNPS facility for release for unrestricted use, while transferring the spent nuclear fuel and Greater-Than-Class C (GTCC) radioactive waste to the ZNPS Independent Spent Fuel Storage Installation (ISFSI).

Section 50.82(a)(8)(i)(A) states that decommissioning trust funds may be used by licensees if the withdrawals are for expenses for legitimate decommissioning activities consistent with the definition of decommissioning in 10 CFR 50.2. The definition of decommissioning in 10 CFR 50.2 reads as follows:

> ''to remove a facility or site safely from service and reduce residual radioactivity to a level that permits—
> (1) Release of the property for unrestricted use and termination of the license; or
> (2) Release of the property under restricted conditions and termination of the license.''

Similar to 10 CFR 50.82(a)(8)(i)(A), provisions of 10 CFR 50.75(h)(1)(iv) and (h)(2) dictate that, with certain exceptions, disbursements from nuclear decommissioning trusts ''are restricted to decommissioning expenses.'' However, in accord with 10 CFR 50.75(h)(5), these provisions do not apply to ''any licensee that as of December 24, 2003, has existing license conditions relating to decommissioning trust agreements, so long as the licensee does not elect to amend those license conditions.'' The operating licenses for ZNPS included ''existing license conditions relating to decommissioning trust agreements'' on December 24, 2003, and as such, ZNPS is exempt from the provisions of paragraphs (h)(1) through (h)(3) of the regulations in 10 CFR 50.75, pursuant to the terms of 10 CFR 50.75(h)(5).

2.0 Request/Action

On June 4, 2013, (ADAMS Accession No. ML13157A05), ZS, pursuant to 10 CFR 50.12, ''Specific Exemptions,'' submitted a request for an exemption from 10 CFR 50.82(a)(8)(i)(A), for the ZNPS. According to the licensee, the proposed exemptions would confirm ZS's authorization to use funds from the nuclear decommissioning trusts for irradiated fuel management, consistent with the ZNPS updated Irradiated Fuel Management Plan and Post Shutdown Decommissioning Activities Report (PSDAR).

3.0 Discussion

Pursuant to 10 CFR 50.12, ''Specific exemptions,'' the Commission may grant exemptions from the regulations in part 50 either upon application by any interested person or on its own initiative, if it determines the exemptions are authorized by law, will not present an undue risk to the public health and safety, and are consistent with the common defense and security, and special circumstances are present.

The proposed exemptions would not result in a violation of the Atomic Energy Act of 1954, as amended, or the Commission's regulations. Therefore, the exemption is authorized by law.

The underlying purpose of 10 CFR 50.82(a)(8)(i)(A) is to provide reasonable assurance that adequate funds will be available for decommissioning of power reactors within 60 years of permanent cessation of operations. Based on the site-specific cost estimate and the cash flow analysis, the use of the nuclear decommissioning trusts funds in the proposed manner will not adversely impact ZS's ability to complete the prompt radiological decommissioning of the ZNPS site and ultimately to terminate the ZNPS licenses within 60 years, consistent with the schedule and costs contained in the ZNPS's PSDAR. Therefore, the underlying purpose of the regulation will continue to be met. Since the underlying purpose of the rule will continue to be met, the exemption will not present an undue risk to the public health and safety.

Section 50.82(a)(8)(i)(A) could limit the withdrawal of funds from the nuclear decommissioning trusts for activities directly associated with irradiated fuel management until the ZNPS licenses have been terminated. However, the ZNPS licenses cannot be terminated unless the irradiated fuel is managed until such time that the U.S. Department of Energy takes possession of the irradiated fuel. Moreover, the site-specific decommissioning cost analysis demonstrates that adequate funds are reasonably available in the nuclear decommissioning trusts to both manage the irradiated fuel and to complete all decommissioning and decontamination activities, including the activities necessary to proceed down the path toward ultimate license termination. Additionally, the NRC has already acknowledged the accumulation of non-NRC dedicated funds in the nuclear decommissioning trust funds in the safety evaluation report (SER) for the ZNPS license transfer to ZS. Finally, additional assurances have been provided to assure the availability of funds for radiological decontamination and decommissioning, including a $200 million irrevocable letter of credit with the JPMorgan Chase Bank, N.A. The adequacy of the nuclear decommissioning trusts to cover the cost of activities associated with the different elements of decommissioning (including the irradiated fuel management) is supported by a site-specific decommissioning cost analysis. Based on the above, special circumstances are present.

The NRC staff finds that the use of the nuclear decommissioning trusts as contemplated by the Irradiated Fuel

Management Plan and PSDAR will not adversely affect ZS's ability to physically secure the site or protect special nuclear material. Security plan changes to accommodate the movement of the irradiated fuel to the ISFSI were approved by the NRC on December 12, 2013, (ADAMS ML13310C058) consistent with the Irradiated Fuel Management Plan and PSDAR. Therefore, the proposed exemptions are consistent with the common defense and security.

The NRC staff finds that the proposed exemptions would confirm the availability for use of the nuclear decommissioning trust funds for irradiated fuel management activities in accordance with the ZNPS updated Irradiated Fuel Management Plan required by 10 CFR 50.54(bb) as well as the PSDAR. The NRC staff finds that there is reasonable assurance that adequate funds are available in the nuclear decommissioning trusts to complete all activities associated with license termination and irradiated fuel management. There is no decrease in safety associated with the nuclear decommissioning trusts being used to fund activities associated with irradiated fuel management.

These conclusions are discussed further in the staff's SER. (ADAMS Accession No. ML14030A602).

4.0 Conclusion

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12, an exemption is authorized by law, will not present an undue risk to the public health and safety, is consistent with the common defense and security, and that special circumstances are present. Therefore, the Commission hereby grants Zion Solutions an exemption from the requirements of 10 CFR 50.82(a)(8)(i)(A) to authorize ZS to use nuclear decommissioning trust funds to manage irradiated fuel in accordance with the updated Irradiated Fuel Management Plan and PSDAR.

Pursuant to 10 CFR 51.22(c)(25), the Commission has determined the granting of this exemption is categorically excluded, and pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared. The exemption involves surety requirements, as described in 10 CFR 51.22(c)(25)(vi)(H). Approval of this exemption request involves no significant hazards consideration; no significant change in the types or significant increase in the amounts of any effluents that may be released offsite; no significant increase in individual or cumulative public or occupational radiation exposure; no significant construction impact; and no significant increase in the potential for or consequences from radiological accidents. These exemptions are effective upon issuance.

Dated at Rockville, Maryland, this 21st day of July 2014.

For the Nuclear Regulatory Commission.

Andrew Persinko,

Deputy Director, Decommissioning and Uranium Recovery, Licensing Directorate, Division of Waste Management and Environmental Protection, Office of Federal and State Materials and Environmental Management Programs.

[FR Doc. 2014–17969 Filed 7–29–14; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–250 and 50–251; NRC–2014–0176]

Florida Power & Light Company; Turkey Point Nuclear Generating Units 3 and 4

AGENCY: Nuclear Regulatory Commission.

ACTION: License amendment application; opportunity to comment, request a hearing, and petition for leave to intervene.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of amendments to Renewed Facility Operating License Nos. DPR–31 and DPR–41 issued to Florida Power & Light Company (the licensee) for operation of Turkey Point Nuclear Generating Units 3 and 4 (Turkey Point). The proposed amendments would revise the ultimate heat sink (UHS) water temperature limit in the Turkey Point Technical Specifications (TSs). Specifically, the proposed amendments would increase the UHS temperature limit and add a surveillance requirement to monitor the UHS temperature more frequently if the UHS temperature approaches the new limit.

DATES: Submit comments by August 13, 2014. Requests for a hearing or petition for leave to intervene must be filed by September 29, 2014.

ADDRESSES: You may submit comments by any of the following methods (unless this document describes a different method for submitting comments on a specific subject):

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2014–0176. Address questions about NRC dockets to Carol Gallagher; telephone: 301–287–3422; email: *Carol.Gallagher@nrc.gov.*
- *Mail Comments to:* Cindy Bladey, Office of Administration, Mail Stop: 3WFN–06–A44M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Audrey Klett, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–0489, email: *Audrey.Klett@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2014–0176 when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by any of the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2014–0176.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*ADAMS Public Documents''* and then select ''*Begin Web-based ADAMS Search.''* For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The licensee's application dated July 10, 2014, as supplemented by letter dated July 17, 2014, and the two letters dated July 22, 2014, are available in ADAMS under Accession Nos. ML14196A006, ML14202A392, ML14204A368, and ML14204A367, respectively.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

B. Submitting Comments

Please include Docket ID NRC–2014–0176 in the subject line of your comment submission, in order to ensure that the NRC is able to make your comment submission available to the public in this docket.

The NRC cautions you not to include identifying or contact information in comment submissions that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at *http://www.regulations.gov* as well as enter the comment submissions into ADAMS, and the NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Introduction

The NRC is considering issuance of amendments to Renewed Facility Operating License Nos. DPR–31 and DPR–41, issued to Florida Power & Light Company, for operation of the Turkey Point Nuclear Generating Unit Nos. 3 and 4, located in Miami-Dade County, Florida.

The proposed amendments would revise the UHS water temperature limit in the Turkey Point TSs. Specifically, the proposed amendments would increase the UHS temperature limit and add a surveillance requirement to monitor the UHS temperature more frequently if the UHS temperature approaches the new limit.

In its letters dated July 10, and July 17, 2014, the licensee stated that the UHS temperature has approached the current TS limit. The licensee stated that the UHS temperature has been trending higher than historical averages in part because of reduced water levels caused by unseasonably dry weather and because of reduced cooling efficiency caused by an algae bloom of concentrations higher than previously observed. The licensee requested a timely review of its application to avoid a dual unit shutdown that could affect grid reliability. Therefore, the licensee requested that the NRC process the license amendment requests under emergency circumstances in accordance with paragraph 50.91(a)(5) of Title 10 of the *Code of Federal Regulations* (10 CFR).

Before any issuance of the proposed license amendment, the NRC will need to make the findings required by the Atomic Energy Act of 1954, as amended (the Act), and NRC's regulations.

The NRC staff determined that although the licensee requested that the NRC process the license amendment requests under emergency circumstances, there was sufficient time to publish a prior notice and opportunity for a hearing or public comment. Therefore, the NRC staff determined that the provisions of 10 CFR 50.91(a)(6) are applicable for processing the licensee's request under exigent circumstances. Pursuant to 10 CFR 50.91(a)(6), for amendments to be granted under exigent circumstances, the NRC has made a proposed determination that the license amendment request involves no significant hazards consideration. Under the NRC's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The ultimate heat sink (UHS) is not an accident initiator. An increase in UHS temperature will not increase the probability of occurrence of an accident. The proposed change will allow plant operation with a UHS temperature less than or equal to 104 °F. Maintaining UHS temperature less than or equal to 104 °F ensures that accident mitigation equipment will continue to perform its required function, thereby ensuring the consequences of accidents previously evaluated are not increased. Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change will not install any new or different equipment or modify equipment in the plant. The proposed change will not alter the operation or function of structures, systems or components. The response of the plant and the operators following a design basis accident is unaffected by this change. The proposed change does not introduce any new failure modes and the design basis heat removal capability of the safety related components is maintained at the increased UHS temperature limit. Therefore, the proposed change will not create the possibility of a new or different kind of accident from any previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

The increase in UHS temperature will not adversely affect design basis accident mitigation equipment performance. It was determined that adequate margin exists in the CCW [component cooling water] system such that post-accident CCW system supply and return temperatures would remain as currently analyzed in the containment integrity analyses such that the peak containment pressure is not altered by the proposed TS change. The technical evaluation confirmed that adequate CCW design margin would remain under the proposed operating conditions to allow a reasonable degree of equipment degradation to occur while demonstrating that the affected safety related components could continuously perform their design function as currently analyzed. Therefore, the proposed change does not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the license amendment request involves no significant hazards consideration.

The NRC is seeking public comments on this proposed determination that the license amendment request involves no significant hazards consideration. Any comments received within 14 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of 60 days after the date of publication of this notice. The Commission may issue the license amendment before expiration of the 60-day notice period if the Commission concludes the amendment involves no significant hazards consideration. In addition, the Commission may issue the amendment prior to the expiration of the 14-day comment period should circumstances change during the 14-day comment period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility. Should the Commission take action prior to the expiration of either the comment period or the notice period, it will publish in the **Federal Register** a notice of issuance. Should the Commission make a final no significant hazards consideration determination, any hearing will take place after issuance. The Commission expects that the need to take this action will occur very infrequently.

III. Opportunity To Request a Hearing and Petition for Leave To Intervene

Within 60 days after the date of publication of this **Federal Register** notice, any person whose interest may be affected by this proceeding and who desires to participate as a party in the proceeding must file a written request for hearing or a petition for leave to intervene specifying the contentions which the person seeks to have litigated in the hearing with respect to the license amendment request. Requests for hearing and petitions for leave to intervene shall be filed in accordance with the NRC's ''Agency Rules of Practice and Procedure'' in 10 CFR Part 2. Interested person(s) should consult a current copy of 10 CFR 2.309, which is available at the NRC's PDR. The NRC's regulations are accessible electronically from the NRC Library on the NRC's Web site at *http://www.nrc.gov/reading-rm/doc-collections/cfr/.*

As required by 10 CFR 2.309, a request for hearing or petition for leave to intervene must set forth with particularity the interest of the petitioner in the proceeding and how that interest may be affected by the results of the proceeding. The hearing request or petition must specifically explain the reasons why intervention should be permitted, with particular reference to the following general requirements: (1) The name, address, and telephone number of the requestor or petitioner; (2) the nature of the requestor's/petitioner's right under the Act to be made a party to the proceeding; (3) the nature and extent of the requestor's/petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order which may be entered in the proceeding on the requestor's/petitioner's interest. The hearing request or petition must also include the specific contentions that the requestor/petitioner seeks to have litigated at the proceeding.

For each contention, the requestor/petitioner must provide a specific statement of the issue of law or fact to be raised or controverted, as well as a brief explanation of the basis for the contention. Additionally, the requestor/petitioner must demonstrate that the issue raised by each contention is within the scope of the proceeding and is material to the findings that the NRC must make to support the granting of a license amendment in response to the application. The hearing request or petition must also include a concise statement of the alleged facts or expert opinion that support the contention and on which the requestor/petitioner intends to rely at the hearing, together with references to those specific sources and documents. The hearing request or petition must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact, including references to specific portions of the application for amendment that the petitioner disputes and the supporting reasons for each dispute. If the requestor/petitioner believes that the application for amendment fails to contain information on a relevant matter as required by law, the requestor/petitioner must identify each failure and the supporting reasons for the requestor's/petitioner's belief. Each contention must be one which, if proven, would entitle the requestor/petitioner to relief. A requestor/petitioner who does not satisfy these requirements for at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing with respect to resolution of that person's admitted contentions, including the opportunity to present evidence and to submit a cross-examination plan for cross-examination of witnesses, consistent with NRC regulations, policies, and procedures. The Atomic Safety and Licensing Board will set the time and place for any prehearing conferences and evidentiary hearings, and the appropriate notices will be provided.

Hearing requests or petitions for leave to intervene must be filed no later than 60 days from the date of publication of this notice. Requests for hearing, petitions for leave to intervene, and motions for leave to file new or amended contentions that are filed after the 60-day deadline will not be entertained absent a determination by the presiding officer that the filing demonstrates good cause by satisfying the three factors in 10 CFR 2.309(c)(1)(i)–(iii).

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held. If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment. If the final determination is that the amendment request involves a significant hazards consideration, then any hearing held would take place before the issuance of any amendment.

IV. Electronic Submissions (E-Filing)

All documents filed in NRC adjudicatory proceedings, including a request for hearing, a petition for leave to intervene, any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, and documents filed by interested governmental entities participating under 10 CFR 2.315(c), must be filed in accordance with the NRC's E-Filing rule (72 FR 49139; August 28, 2007). The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases to mail copies on electronic storage media. Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least ten 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by email at *hearing.docket@nrc.gov,* or by telephone at 301–415–1677, to request (1) a digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign documents and access the E-Submittal server for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a request or petition for hearing (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals/getting-started.html.* System requirements for accessing the E-Submittal server are detailed in the NRC's ''Guidance for Electronic Submission,'' which is available on the agency's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* Participants may attempt to use other software not listed on the Web site, but should note that the NRC's E-Filing system does not support unlisted software, and the NRC Meta System Help Desk will not be able to offer assistance in using unlisted software.

If a participant is electronically submitting a document to the NRC in accordance with the E-Filing rule, the participant must file the document using the NRC's online, Web-based submission form. In order to serve documents through the Electronic Information Exchange System, users will be required to install a Web browser plug-in from the NRC's Web site. Further information on the Web-based submission form, including the installation of the Web browser plug-in, is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.*

Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit a request for hearing or petition for leave to intervene. Submissions should be in Portable Document Format (PDF) in accordance with NRC guidance available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* A filing is considered complete at the time the documents are submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an email notice confirming receipt of the document. The E-Filing system also distributes an email notice that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the documents on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before a hearing request/petition to intervene is filed so that they can obtain access to the document via the E-Filing system.

A person filing electronically using the NRC's adjudicatory E-Filing system may seek assistance by contacting the NRC Meta System Help Desk through the ''Contact Us'' link located on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html,* by email to *MSHD.Resource@nrc.gov,* or by a toll-free call at 1–866–672–7640. The NRC Meta System Help Desk is available between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday, excluding government holidays.

Participants who believe that they have a good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852, Attention: Rulemaking and Adjudications Staff. Participants filing a document in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service. A presiding officer, having granted an exemption request from using E-Filing, may require a participant or party to use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket which is available to the public at *http://ehd1.nrc.gov/ehd/,* unless excluded pursuant to an order of the Commission, or the presiding officer. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or home phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. However, a request to intervene will require including information on local residence in order to demonstrate a proximity assertion of interest in the proceeding. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

For further details with respect to this action, see the application for license amendment dated July 10, 2014, as supplemented on July 17, and July 22, 2014.

Attorney for licensee: William S. Blair, Managing Attorney—Nuclear, Florida Power & Light Company, 700 Universe Blvd. MS LAW/JB, Juno Beach, Florida 33408–0420.

NRC Acting Branch Chief: Lisa M. Regner.

Dated at Rockville, Maryland, this 24th day of July 2014.

For the Nuclear Regulatory Commission.

Audrey L. Klett,

Project Manager, Plant Licensing Branch II–2, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2014–17946 Filed 7–28–14; 11:15 am]

BILLING CODE 7590–01–P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2014–36 and CP2014–62; Order No. 2132]

New Postal Product

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing concerning an addition of Priority Mail Contract 87 to the competitive product list. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* July 31, 2014.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction

In accordance with 39 U.S.C. 3642 and 39 CFR 3020.30 *et seq.,* the Postal Service filed a formal request and associated supporting information to add Priority Mail Contract 87 to the competitive product list.[1]

The Postal Service contemporaneously filed a redacted

[1] Request of the United States Postal Service to Add Priority Mail Contract 87 to Competitive Product List and Notice of Filing (Under Seal) of Unredacted Governors' Decision, Contract, and Supporting Data, July 23, 2014 (Request).

contract related to the proposed new product under 39 U.S.C. 3632(b)(3) and 39 CFR 3015.5. *Id.* Attachment B.

To support its Request, the Postal Service filed a copy of the contract, a copy of the Governors' Decision authorizing the product, proposed changes to the Mail Classification Schedule, a Statement of Supporting Justification, a certification of compliance with 39 U.S.C. 3633(a), and an application for non-public treatment of certain materials. It also filed supporting financial workpapers.

II. Notice of Commission Action

The Commission establishes Docket Nos. MC2014–36 and CP2014–62 to consider the Request pertaining to the proposed Priority Mail Contract 87 product and the related contract, respectively.

The Commission invites comments on whether the Postal Service's filings in the captioned dockets are consistent with the policies of 39 U.S.C. 3632, 3633, or 3642, 39 CFR part 3015, and 39 CFR part 3020, subpart B. Comments are due no later than July 31, 2014. The public portions of these filings can be accessed via the Commission's Web site (*http://www.prc.gov*).

The Commission appoints John P. Klingenberg to serve as Public Representative in these dockets.

III. Ordering Paragraphs

It is ordered:

1. The Commission establishes Docket Nos. MC2014–36 and CP2014–62 to consider the matters raised in each docket.
2. Pursuant to 39 U.S.C. 505, John P. Klingenberg is appointed to serve as an officer of the Commission to represent the interests of the general public in these proceedings (Public Representative).
3. Comments are due no later than July 31, 2014.
4. The Secretary shall arrange for publication of this Order in the **Federal Register**.

By the Commission.

Shoshana M. Grove,

Secretary.

[FR Doc. 2014–17853 Filed 7–29–14; 8:45 am]

BILLING CODE 7710–FW–P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2014–34 and CP2014–60; Order No. 2131]

New Postal Product

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing concerning an addition of Priority Mail Contract 85 to the competitive product list. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* July 31, 2014.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction

In accordance with 39 U.S.C. 3642 and 39 CFR 3020.30 *et seq.,* the Postal Service filed a formal request and associated supporting information to add Priority Mail Contract 85 to the competitive product list.[1]

The Postal Service contemporaneously filed a redacted contract related to the proposed new product under 39 U.S.C. 3632(b)(3) and 39 CFR 3015.5. *Id.* Attachment B.

To support its Request, the Postal Service filed a copy of the contract, a copy of the Governors' Decision authorizing the product, proposed changes to the Mail Classification Schedule, a Statement of Supporting Justification, a certification of compliance with 39 U.S.C. 3633(a), and an application for non-public treatment of certain materials. It also filed supporting financial workpapers.

II. Notice of Commission Action

The Commission establishes Docket Nos. MC2014–34 and CP2014–60 to consider the Request pertaining to the proposed Priority Mail Contract 85 product and the related contract, respectively.

The Commission invites comments on whether the Postal Service's filings in the captioned dockets are consistent with the policies of 39 U.S.C. 3632, 3633, or 3642, 39 CFR part 3015, and 39 CFR part 3020, subpart B. Comments are due no later than July 31, 2014. The public portions of these filings can be accessed via the Commission's Web site (*http://www.prc.gov*).

The Commission appoints Lyudmila Y. Bzhilyanskaya to serve as Public Representative in these dockets.

III. Ordering Paragraphs

It is ordered:

1. The Commission establishes Docket Nos. MC2014–34 and CP2014–60 to consider the matters raised in each docket.
2. Pursuant to 39 U.S.C. 505, Lyudmila Y. Bzhilyanskaya is appointed to serve as an officer of the Commission to represent the interests of the general public in these proceedings (Public Representative).
3. Comments are due no later than July 31, 2014.
4. The Secretary shall arrange for publication of this Order in the **Federal Register**.

By the Commission.

Shoshana M. Grove,

Secretary.

[FR Doc. 2014–17850 Filed 7–29–14; 8:45 am]

BILLING CODE 7710–FW–P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2014–33 and CP2014–59; Order No. 2135]

New Postal Product

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing concerning an addition of Priority Mail Contract 84 to the competitive product list. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* August 1, 2014.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

Table of Contents

[1] Request of the United States Postal Service to Add Priority Mail Contract 85 to Competitive Product List and Notice of Filing (Under Seal) of Unredacted Governors' Decision, Contract, and Supporting Data, July 23, 2014 (Request).

I. Introduction

In accordance with 39 U.S.C. 3642 and 39 CFR 3020.30 *et seq.,* the Postal Service filed a formal request and associated supporting information to add Priority Mail Contract 84 to the competitive product list.[1]

The Postal Service contemporaneously filed a redacted contract related to the proposed new product under 39 U.S.C. 3632(b)(3) and 39 CFR 3015.5. *Id.* Attachment B.

To support its Request, the Postal Service filed a copy of the contract, a copy of the Governors' Decision authorizing the product, proposed changes to the Mail Classification Schedule, a Statement of Supporting Justification, a certification of compliance with 39 U.S.C. 3633(a), and an application for non-public treatment of certain materials. It also filed supporting financial workpapers.

II. Notice of Commission Action

The Commission establishes Docket Nos. MC2014–33 and CP2014–59 to consider the Request pertaining to the proposed Priority Mail Contract 84 product and the related contract, respectively.

The Commission invites comments on whether the Postal Service's filings in the captioned dockets are consistent with the policies of 39 U.S.C. 3632, 3633, or 3642, 39 CFR part 3015, and 39 CFR part 3020, subpart B. Comments are due no later than August 1, 2014. The public portions of these filings can be accessed via the Commission's Web site (*http://www.prc.gov*).

The Commission appoints Curtis Kidd to serve as Public Representative in these dockets.

III. Ordering Paragraphs

It is ordered:

1. The Commission establishes Docket Nos. MC2014–33 and CP2014–59 to consider the matters raised in each docket.

2. Pursuant to 39 U.S.C. 505, Curtis Kidd is appointed to serve as an officer of the Commission to represent the interests of the general public in these proceedings (Public Representative).

3. Comments are due no later than August 1, 2014.

4. The Secretary shall arrange for publication of this Order in the **Federal Register**.

[1] Request of the United States Postal Service to Add Priority Mail Contract 84 to Competitive Product List and Notice of Filing (Under Seal) of Unredacted Governors' Decision, Contract, and Supporting Data, July 23, 2014 (Request).

By the Commission.

Shoshana M. Grove,

Secretary.

[FR Doc. 2014–17943 Filed 7–29–14; 8:45 am]

BILLING CODE 7710–FW–P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2014–37 and CP2014–63; Order No. 2134]

New Postal Product

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing concerning an addition of Priority Mail Contract 88 to the competitive product list. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* July 31, 2014.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction

In accordance with 39 U.S.C. 3642 and 39 CFR 3020.30 *et seq.,* the Postal Service filed a formal request and associated supporting information to add Priority Mail Contract 88 to the competitive product list.[1]

The Postal Service contemporaneously filed a redacted contract related to the proposed new product under 39 U.S.C. 3632(b)(3) and 39 CFR 3015.5. *Id.* Attachment B.

To support its Request, the Postal Service filed a copy of the contract, a copy of the Governors' Decision authorizing the product, proposed changes to the Mail Classification Schedule, a Statement of Supporting Justification, a certification of compliance with 39 U.S.C. 3633(a), and an application for non-public treatment of certain materials. It also filed supporting financial workpapers.

[1] Request of the United States Postal Service to Add Priority Mail Contract 88 to Competitive Product List and Notice of Filing (Under Seal) of Unredacted Governors' Decision, Contract, and Supporting Data, July 23, 2014 (Request).

II. Notice of Commission Action

The Commission establishes Docket Nos. MC2014–37 and CP2014–63 to consider the Request pertaining to the proposed Priority Mail Contract 88 product and the related contract, respectively.

The Commission invites comments on whether the Postal Service's filings in the captioned dockets are consistent with the policies of 39 U.S.C. 3632, 3633, or 3642, 39 CFR part 3015, and 39 CFR part 3020, subpart B. Comments are due no later than July 31, 2014. The public portions of these filings can be accessed via the Commission's Web site (*http://www.prc.gov*).

The Commission appoints James F. Callow to serve as Public Representative in these dockets.

III. Ordering Paragraphs

It is ordered:

1. The Commission establishes Docket Nos. MC2014–37 and CP2014–63 to consider the matters raised in each docket.

2. Pursuant to 39 U.S.C. 505, James F. Callow is appointed to serve as an officer of the Commission to represent the interests of the general public in these proceedings (Public Representative).

3. Comments are due no later than July 31, 2014.

4. The Secretary shall arrange for publication of this order in the **Federal Register**.

By the Commission.

Shoshana M. Grove,

Secretary.

[FR Doc. 2014–17857 Filed 7–29–14; 8:45 am]

BILLING CODE 7710–FW–P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2014–35 and CP2014–61; Order No. 2133]

New Postal Product

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing concerning an addition of Priority Mail Contract 86 to the competitive product list. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* July 31, 2014.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction

In accordance with 39 U.S.C. 3642 and 39 CFR 3020.30 *et seq.,* the Postal Service filed a formal request and associated supporting information to add Priority Mail Contract 86 to the competitive product list.[1]

The Postal Service contemporaneously filed a redacted contract related to the proposed new product under 39 U.S.C. 3632(b)(3) and 39 CFR 3015.5. *Id.* Attachment B.

To support its Request, the Postal Service filed a copy of the contract, a copy of the Governors' Decision authorizing the product, proposed changes to the Mail Classification Schedule, a Statement of Supporting Justification, a certification of compliance with 39 U.S.C. 3633(a), and an application for non-public treatment of certain materials. It also filed supporting financial workpapers.

II. Notice of Commission Action

The Commission establishes Docket Nos. MC2014–35 and CP2014–61 to consider the Request pertaining to the proposed Priority Mail Contract 86 product and the related contract, respectively.

The Commission invites comments on whether the Postal Service's filings in the captioned dockets are consistent with the policies of 39 U.S.C. 3632, 3633, or 3642, 39 CFR part 3015, and 39 CFR part 3020, subpart B. Comments are due no later than July 31, 2014. The public portions of these filings can be accessed via the Commission's Web site (*http://www.prc.gov*).

The Commission appoints Kenneth R. Moeller to serve as Public Representative in these dockets.

[1] Request of the United States Postal Service to Add Priority Mail Contract 86 to Competitive Product List and Notice of Filing (Under Seal) of Unredacted Governors' Decision, Contract, and Supporting Data, July 23, 2014 (Request).

III. Ordering Paragraphs

It is ordered:

1. The Commission establishes Docket Nos. MC2014–35 and CP2014–61 to consider the matters raised in each docket.

2. Pursuant to 39 U.S.C. 505, Kenneth R. Moeller is appointed to serve as an officer of the Commission to represent the interests of the general public in these proceedings (Public Representative).

3. Comments are due no later than July 31, 2014.

4. The Secretary shall arrange for publication of this order in the **Federal Register**.

By the Commission.

Shoshana M. Grove,

Secretary.

[FR Doc. 2014–17855 Filed 7–29–14; 8:45 am]

BILLING CODE 7710–FW–P

POSTAL SERVICE

Product Change—Priority Mail Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Effective date:* July 30, 2014.

FOR FURTHER INFORMATION CONTACT: Elizabeth A. Reed, 202–268–3179.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on July 23, 2014, it filed with the Postal Regulatory Commission a *Request of the United States Postal Service to Add Priority Mail Contract 85 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2014–34, CP2014–60.

Stanley F. Mires,

Attorney, Federal Requirements.

[FR Doc. 2014–17897 Filed 7–29–14; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Effective date:* July 30, 2014.

FOR FURTHER INFORMATION CONTACT: Elizabeth A. Reed, 202–268–3179.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on July 23, 2014, it filed with the Postal Regulatory Commission a *Request of the United States Postal Service to Add Priority Mail Contract 87 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2014–36, CP2014–62.

Stanley F. Mires,

Attorney, Federal Requirements.

[FR Doc. 2014–17895 Filed 7–29–14; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Effective date:* July 30, 2014.

FOR FURTHER INFORMATION CONTACT: Elizabeth A. Reed, 202–268–3179.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on July 23, 2014, it filed with the Postal Regulatory Commission a *Request of the United States Postal Service to Add Priority Mail Contract 84 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2014–33, CP2014–59.

Stanley F. Mires,

Attorney, Federal Requirements.

[FR Doc. 2014–17899 Filed 7–29–14; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Negotiated Service Agreement

AGENCY: Postal Service ™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Effective date:* July 30, 2014.

FOR FURTHER INFORMATION CONTACT: Elizabeth A. Reed, 202–268–3179.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on July 23, 2014, it filed with the Postal Regulatory Commission a *Request of the United States Postal Service to Add Priority Mail Contract 88 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2014–37, CP2014–63.

Stanley F. Mires,

Attorney, Federal Requirements.

[FR Doc. 2014–17896 Filed 7–29–14; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Effective date:* July 30, 2014.

FOR FURTHER INFORMATION CONTACT: Elizabeth A. Reed, 202–268–3179.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on July 23, 2014, it filed with the Postal Regulatory Commission a *Request of the United States Postal Service to Add Priority Mail Contract 86 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2014–35, CP2014–61.

Stanley F. Mires,

Attorney, Federal Requirements.

[FR Doc. 2014–17894 Filed 7–29–14; 8:45 am]

BILLING CODE 7710–12–P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 31186; File No. 812–14314]

Steben Alternative Investment Funds and Steben & Company, Inc.; Notice of Application

July 24, 2014.

AGENCY: Securities and Exchange Commission ("Commission").

ACTION: Notice of an application under section 6(c) of the Investment Company Act of 1940 ("Act") for an exemption from section 15(a) of the Act and rule 18f–2 under the Act, as well as from certain disclosure requirements.

SUMMARY OF APPLICATION: Applicants request an order that would permit them to enter into and materially amend subadvisory agreements with Wholly-Owned Subadvisers (as defined below) and non-affiliated subadvisers without shareholder approval and would grant relief from certain disclosure requirements.

APPLICANTS: Steben Alternative Investment Funds ("Trust") and Steben & Company, Inc. ("Adviser").

FILING DATES: The application was filed on May 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, U.S. Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090. Applicants, 9711 Washingtonian Boulevard, Suite 400, Gaithersburg, MD 20878.

FOR FURTHER INFORMATION CONTACT: Kay-Mario Vobis, Senior Counsel, at (202) 551–6728, or Mary Kay Frech, Branch Chief, at (202) 551–6821 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained via the Commission's Web site by searching for the file number or for an applicant using the Company name box, at *http://www.sec.gov/search/search.htm* or by calling (202) 551–8090.

Applicants' Representations

1. The Trust is organized as a Delaware statutory trust and is registered under the Act as an open-end management investment company. The Trust currently offers one series of shares (the "Series"), Steben Managed Futures Strategy Fund. The Series commenced operations on April 1, 2014. The Adviser, a corporation organized under the laws of the state of Maryland, is registered as an investment adviser under the Investment Advisers Act of 1940 ("Advisers Act").

2. Applicants request an order to permit the Adviser, subject to the approval of the board of trustees of the Trust ("Board"), including a majority of the members of the Board who are not "interested persons," as defined in section 2(a)(19) of the Act, of the Series or the Adviser ("Independent Board Members"), to, without obtaining shareholder approval: (i) Select Subadvisers to manage all or a portion of the assets of a Series and enter into Sub-Advisory Agreements (as defined below) with the Subadvisers,[1] and (ii) materially amend Sub-Advisory Agreements with the Subadvisers.[2] Applicants request that the relief apply to the named applicants, as well as to any future Series and any other existing or future registered open-end management investment company or series thereof that is advised by the

[1] A "Subadviser" is (1) an indirect or direct "wholly-owned subsidiary" (as such term is defined in the Act) of the Adviser for the Series, or (2) a sister company of the Adviser for the Series that is an indirect or direct "wholly-owned subsidiary" (as such term is defined in the Act) of the same company that, indirectly or directly, wholly owns the Adviser (each of (1) and (2) a "Wholly-Owned Subadviser" and collectively, the "Wholly-Owned Subadvisers"), or (3) an investment subadviser for the Series that is not an "affiliated person" (as such term is defined in section 2(a)(3) of the Act) of the Series or the Adviser, except to the extent that an affiliation arises solely because the subadviser serves as a subadviser to the Series (each a "Non-Affiliated Subadviser" and collectively, the "Non-Affiliated Subadvisers"). The Subadvisers will be registered with the Commission under the Advisers Act or exempt from such registration.

[2] Shareholder approval will continue to be required for any other subadviser changes and material amendments to an existing Sub-Advisory Agreement with any subadviser other than a Non-Affiliated Subadviser or a Wholly-Owned Subadviser, in each case (all such changes requiring shareholder approval referred to herein as "Ineligible Subadviser Changes") except as otherwise permitted by applicable law or by rule.

Adviser or its successors, uses the multi-manager structure described in the application, and complies with the terms and conditions of the application (''Subadvised Series'').[3]

3. The requested relief will not extend to any subadviser, other than a Wholly-Owned Subadviser, who is an affiliated person, as defined in section 2(a)(3) of the Act, of the Subadvised Series or of the Adviser, other than by reason of serving as a subadviser to one or more of the Subadvised Series (''Affiliated Subadviser'').

4. The Adviser serves as the investment adviser to the Series pursuant to an investment advisory agreement with the Trust (''Investment Advisory Agreement'). The Investment Advisory Agreement for the Series has been approved by the board of trustees of the Trust (''Board''),[4] including a majority of the Independent Board Members, and by the shareholders of the Series in the manner required by sections 15(a) and 15(c) of the Act and rule 18f–2 thereunder. The terms of the Investment Advisory Agreement comply with section 15(a) of the Act.

5. Pursuant to the terms of the Investment Advisory Agreement, the Adviser, subject to the supervision of the Board, provides continuous investment advisory services to the Series. The Adviser will periodically review the Series' investment policies and strategies, and based on its need may recommend changes to the investment policies and strategies of the Series for consideration by the Board. For its services to the Series under the Investment Advisory Agreement, the Adviser receives an investment management fee from the Series. The Investment Advisory Agreement provides that the Adviser may, subject to the approval of the Board, including a majority of the Independent Board Members and the initial shareholder of the Subadvised Series, delegate portfolio management responsibilities of all or a portion of the assets of a Subadvised Series to one or more Subadvisers.

6. Pursuant to the Investment Advisory Agreement, the Adviser has overall responsibility for the management and investment of the assets of each Subadvised Series. These responsibilities include, for example, recommending the removal or replacement of Subadvisers, and determining the portion of that Subadvised Series' assets to be managed by any given Subadviser and reallocating those assets as necessary from time to time.

7. The Adviser may enter into investment sub-advisory agreements with various Subadvisers on behalf of the Subadvised Series (''Sub-Advisory Agreements'') to provide investment management services to the Subadvised Series. The terms of each Sub-Advisory Agreement comply fully with the requirements of section 15(a) of the Act and have been approved by the Board, including a majority of the Independent Board Members and the initial shareholder of the Subadvised Series, in accordance with sections 15(a) and 15(c) of the Act and rule 18f–2 thereunder. The Subadvisers, subject to the supervision of the Adviser and oversight of the Board, will determine the securities and other investments to be purchased, sold or entered into by a Subadvised Series and will place orders with brokers or dealers that they select. The Adviser will compensate each Subadviser out of the fee paid to the Adviser under the Investment Advisory Agreement.

8. If the requested order is granted and if new Subadvisers are hired, the Subadvised Series will inform shareholders of the hiring of a new Subadviser pursuant to the following procedures (''Modified Notice and Access Procedures''): (a) Within 90 days after a new Subadviser is hired for any Subadvised Series, that Subadvised Series will send its shareholders either a Multi-manager Notice or a Multi-manager Notice and Multi-manager Information Statement;[5] and (b) the Subadvised Series will make the Multi-manager Information Statement available on the Web site identified in the Multi-manager Notice no later than when the Multi-manager Notice (or Multi-manager Notice and Multi-manager Information Statement) is first sent to shareholders, and will maintain it on that Web site for at least 90 days. In the circumstances described in the application, a proxy solicitation to approve the appointment of new Subadvisers provides no more meaningful information to shareholders than the proposed Multi-manager Information Statement. Applicants state that each Board would comply with the requirements of sections 15(a) and 15(c) of the Act before entering into or amending Sub-Advisory Agreements.

9. Applicants also request an order exempting the Subadvised Series from certain disclosure obligations that may require each Subadvised Series to disclose fees paid by the Adviser to each Subadviser. Applicants seek relief to permit each Subadvised Series to disclose (as a dollar amount and a percentage of the Subadvised Series' net assets): (a) The aggregate fees paid to the Adviser and any Wholly-Owned Subadvisers; (b) the aggregate fees paid to Non-Affiliated Subadvisers; and (c) the fee paid to each Affiliated Subadviser (collectively, the ''Aggregate Fee Disclosure''). An exemption is requested to permit the Series to include only the Aggregate Fee Disclosure. All other items required by Sections 6–07(2)(a), (b), and (c) of Regulation S–X will be disclosed.

Applicants' Legal Analysis

1. Section 15(a) of the Act states, in part, that it is unlawful for any person to act as an investment adviser to a registered investment company ''except pursuant to a written contract, which contract, whether with such registered company or with an investment adviser of such registered company, has been approved by the vote of a majority of the outstanding voting securities of such registered company.'' Rule 18f–2 under the Act provides that each series or class of stock in a series investment company affected by a matter must approve that matter if the Act requires shareholder approval.

2. Form N–1A is the registration statement used by open-end investment companies. Item 19(a)(3) of Form N–1A

[3] For the purposes of the requested order, ''successor'' is limited to an entity resulting from a reorganization into another jurisdiction or a change in the type of business organization. All registered open-end investment companies that currently intend to rely on the requested order are named as applicants. Any entity that relies on the requested order will do so only in accordance with the terms and conditions contained in the application. If the name of any Subadvised Series contains the name of a Subadviser, the name of the Adviser to the Subadvised Series, or a trademark or trade name that is owned by or publicly used to identify the Adviser, will precede the name of that Subadviser.

[4] The term ''Board'' also includes the board of trustees or directors of a future Subadvised Series.

[5] A ''Multi-manager Notice'' will be modeled on a Notice of Internet Availability as defined in rule 14a–16 under the Securities Exchange Act of 1934 (''Exchange Act''), and specifically will, among other things: (a) Summarize the relevant information regarding the new Subadviser (except as modified to permit Aggregate Fee Disclosure (as defined below); (b) inform shareholders that the Multi-manager Information Statement is available on a Web Site; (c) provide the website address; (d) state the time period during which the Multi-manager Information Statement will remain available on that website; (e) provide instructions for accessing and printing the Multi-manager Information Statement; and (f) instruct the shareholder that a paper or email copy of the Multi-manager Information Statement may be obtained, without charge, by contacting the Subadvised Series. A ''Multi-manager Information Statement'' will meet the requirements of Regulation 14C, Schedule 14C and Item 22 of Schedule 14A under the Exchange Act for an information statement, except as modified by the order to permit Aggregate Fee Disclosure. Multi-manager Information Statements will be filed with the Commission via the EDGAR system.

requires a registered investment company to disclose in its statement of additional information the method of computing the ''advisory fee payable'' by the investment company, including the total dollar amounts that the investment company ''paid to the adviser (aggregated with amounts paid to affiliated advisers, if any), and any advisers who are not affiliated persons of the adviser, under the investment advisory contract for the last three fiscal years.''

3. Rule 20a–1 under the Act requires proxies solicited with respect to a registered investment company to comply with Schedule 14A under the Exchange Act. Items 22(c)(1)(ii), 22(c)(1)(iii), 22(c)(8) and 22(c)(9) of Schedule 14A, taken together, require a proxy statement for a shareholder meeting at which the advisory contract will be voted upon to include the ''rate of compensation of the investment adviser,'' the ''aggregate amount of the investment adviser's fee,'' a description of the ''terms of the contract to be acted upon,'' and, if a change in the advisory fee is proposed, the existing and proposed fees and the difference between the two fees.

4. Regulation S–X sets forth the requirements for financial statements required to be included as part of a registered investment company's registration statement and shareholder reports filed with the Commission. Sections 6–07(2)(a), (b), and (c) of Regulation S–X require a registered investment company to include in its financial statement information about the investment advisory fees.

5. Section 6(c) of the Act provides that the Commission by order upon application may conditionally or unconditionally exempt any person, security, or transaction or any class or classes of persons, securities, or transactions from any provisions of the Act, or from any rule thereunder, if 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. Applicants state that their requested relief meets this standard for the reasons discussed below.

6. Applicants assert that the shareholders expect the Adviser, subject to the review and approval of the Board, to select the Subadvisers who are in the best position to achieve the Subadvised Series' investment objective. Applicants assert that, from the perspective of the shareholder, the role of the Subadvisers is substantially equivalent to the role of the individual portfolio managers employed by an investment adviser to a traditional investment company. Applicants believe that permitting the Adviser to perform the duties for which the shareholders of the Subadvised Series are paying the Adviser—the selection, supervision and evaluation of the Subadvisers—without incurring unnecessary delays or expenses is appropriate in the interest of the Subadvised Series' shareholders and will allow such Subadvised Series to operate more efficiently. Applicants state that the Investment Advisory Agreement will continue to be fully subject to section 15(a) of, and rule 18f–2 under, the Act and approved by the Board, including a majority of the Independent Board Members, in the manner required by sections 15(a) and 15(c) of the Act. Applicants are not seeking an exemption with respect to the Investment Advisory Agreement.

7. Applicants assert that disclosure of the individual fees that the Adviser would pay to the Subadvisers of Subadvised Series that operate under the multi-manager structure described in the application would not serve any meaningful purpose. Applicants contend that the primary reasons for requiring disclosure of individual fees paid to Subadvisers are to inform shareholders of expenses to be charged by a particular Subadvised Series and to enable shareholders to compare the fees to those of other comparable investment companies. Applicants believe that the requested relief satisfies these objectives because the advisory fee paid to the Adviser will be fully disclosed and therefore, shareholders will know what the Subadvised Series' fees and expenses are and will be able to compare the advisory fees a Subadvised Series is charged to those of other investment companies. Applicants assert that the requested disclosure relief would benefit shareholders of the Subadvised Series because it would improve the Adviser's ability to negotiate the fees paid to Subadvisers. Applicants state that the Adviser may be able to negotiate rates that are below a Subadviser's ''posted'' amounts if the Adviser is not required to disclose the Subadvisers' fees to the public. Applicants submit that the relief requested to use Aggregate Fee Disclosure will also encourage Subadvisers to negotiate lower sub-advisory fees with the Adviser if the lower fees are not required to be made public.

8. For the reasons discussed above, applicants submit that the requested relief meets the standards for relief under section 6(c) of the Act. Applicants state that the operation of the Subadvised Series in the manner described in the application must be approved by shareholders of a Subadvised Series before that Subadvised Series may rely on the requested relief. In addition, applicants state that the proposed conditions to the requested relief are designed to address any potential conflicts of interest, including any posed by the use of Wholly-Owned Subadvisers, and provide that shareholders are informed when new Subadvisers are hired. Applicants assert that conditions 6, 7, 10 and 11 are designed to provide the Board with sufficient independence and the resources and information it needs to monitor and address any conflicts of interest with affiliated persons of the Adviser, including Wholly-Owned Subadvisers. Applicants state that, accordingly, they believe the requested relief 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.

Applicants' Conditions

Applicants agree that any order granting the requested relief will be subject to the following conditions:

1. Before a Subadvised Series may rely on the order requested in the application, the operation of the Subadvised Series in the manner described in the application, including the hiring of Wholly-Owned Subadvisers, will be, or has been, approved by a majority of the Subadvised Series' outstanding voting securities as defined in the Act, or, in the case of a new Subadvised Series whose public shareholders purchase shares on the basis of a prospectus containing the disclosure contemplated by condition 2 below, by the sole initial shareholder before offering the Subadvised Series' shares to the public.

2. The prospectus for each Subadvised Series will disclose the existence, substance, and effect of any order granted pursuant to the application. Each Subadvised Series will hold itself out to the public as employing the multi-manager structure described in the application. Each prospectus will prominently disclose that the Adviser has the ultimate responsibility, subject to oversight by the Board, to oversee the Subadvisers and recommend their hiring, termination and replacement.

3. The Adviser will provide general management services to a Subadvised Series, including overall supervisory responsibility for the general management and investment of the Subadvised Series' assets. Subject to review and approval of the Board, the

Adviser will (a) set a Subadvised Series' overall investment strategies, (b) evaluate, select, and recommend Subadvisers to manage all or a portion of a Subadvised Series' assets, and (c) implement procedures reasonably designed to ensure that Subadvisers comply with a Subadvised Series' investment objective, policies and restrictions. Subject to review by the Board, the Adviser will (a) when appropriate, allocate and reallocate a Subadvised Series' assets among multiple Subadvisers; and (b) monitor and evaluate the performance of Subadvisers.

4. A Subadvised Series will not make any Ineligible Subadviser Changes without such agreement, including the compensation to be paid thereunder, being approved by the shareholders of the applicable Subadvised Series.

5. Subadvised Series will inform shareholders of the hiring of a new Subadviser within 90 days after the hiring of the new Subadviser pursuant to the Modified Notice and Access Procedures.

6. At all times, at least a majority of the Board will be Independent Board Members, and the selection and nomination of new or additional Independent Board Members will be placed within the discretion of the then-existing Independent Board Members.

7. Independent Legal Counsel, as defined in rule 0–1(a)(6) under the Act, will be engaged to represent the Independent Board Members. The selection of such counsel will be within the discretion of the then-existing Independent Board Members.

8. The Adviser will provide the Board, no less frequently than quarterly, with information about the profitability of the Adviser on a per Subadvised Series basis. The information will reflect the impact on profitability of the hiring or termination of any Subadviser during the applicable quarter.

9. Whenever a Subadviser is hired or terminated, the Adviser will provide the Board with information showing the expected impact on the profitability of the Adviser.

10. Whenever a Subadviser change is proposed for a Subadvised Series with an Affiliated Subadviser or a Wholly-Owned Subadviser, the Board, including a majority of the Independent Board Members, will make a separate finding, reflected in the Board minutes, that such change is in the best interests of the Subadvised Series and its shareholders, and does not involve a conflict of interest from which the Adviser or the Affiliated Subadviser or Wholly-Owned Subadviser derives an inappropriate advantage.

11. No Board member or officer of a Subadvised Series, or partner, director, manager, or officer of the Adviser, will own directly or indirectly (other than through a pooled investment vehicle that is not controlled by such person), any interest in a Subadviser, except for (i) ownership of interests in the Adviser or any entity, other than a Wholly-Owned Subadviser, that controls, is controlled by, or is under common control with the Adviser, or (ii) ownership of less than 1% of the outstanding securities of any class of equity or debt of a publicly traded company that is either a Subadviser or an entity that controls, is controlled by, or is under common control with a Subadviser.

12. Each Subadvised Series will disclose the Aggregate Fee Disclosure in its registration statement.

13. In the event the Commission adopts a rule under the Act providing substantially similar relief to that requested in the application, the requested order will expire on the effective date of that rule.

14. Any new Sub-Advisory Agreement or any amendment to a Subadvised Series' existing Investment Advisory Agreement or Sub-Advisory Agreement that directly or indirectly results in an increase in the aggregate advisory fee rate payable by the Subadvised Series will be submitted to the Subadvised Series' shareholders for approval.

For the Commission, by the Division of Investment Management, under delegated authority.

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–17883 Filed 7–29–14; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72666; File No. SR–NYSEArca–2013–122]

Self-Regulatory Organizations; NYSE Arca, Inc.; Order Granting Approval of Proposed Rule Change as Modified by Amendment No. 2 Thereto Relating to the Use of Derivative Instruments by PIMCO Total Return Exchange Traded Fund

July 24, 2014.

I. Introduction

On November 6, 2013, NYSE Arca, Inc. (''Exchange'' or ''NYSE Arca'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to amend the description of the means of achieving the investment objective applicable to the PIMCO Total Return Exchange Traded Fund (''Fund'') relating to its use of derivative instruments. The proposed rule change was published for comment in the **Federal Register** on November 26, 2013.[3] On January 9, 2014, the Commission designated a longer period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to disapprove the proposed rule change.[4] On February 24, 2014, the Commission instituted proceedings to determine whether to approve or disapprove the proposed rule change.[5] On April 15, 2014, the Exchange submitted Amendments No. 1 and 2 to the proposed rule change.[6] On May 21, 2014, pursuant to Section 19(b)(2) of the Act,[7] the Commission designated a longer period within which to issue an order approving or disapproving the proposed rule change.[8] The Commission received no comments

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 70905 (November 20, 2013), 78 FR 70610 (''Notice'').

[4] *See* Securities Exchange Act Release No. 71271 (January 9, 2014), 79 FR 2736 (January 15, 2014). The Commission determined that it was appropriate to designate a longer period within which to take action on the proposed rule change so that it has sufficient time to consider the proposed rule change. Accordingly, the Commission designated February 24, 2014 as the date by which it should approve, disapprove, or institute proceedings to determine whether to disapprove the proposed rule change.

[5] *See* Securities Exchange Act Release No. 71606, 79 FR 11486 (February 28, 2014).

[6] The Exchange submitted and subsequently withdrew Amendment No. 1 to the proposed rule change. In Amendment No. 2, the Exchange provided additional details describing how the contents of the portfolio composition of the Fund would be disclosed on a daily basis. Specifically, the Fund will disclose on the Fund's Web site the following information regarding each portfolio holding, as applicable to the type of holding: ticker symbol, CUSIP number or other identifier, if any; a description of the holding (including the type of holding, such as the type of swap); the identity of the security, commodity, index or other asset or instrument underlying the holding, if any; for options, the option strike price; quantity held (as measured by, for example, par value, notional value or number of shares, contracts or units); maturity date, if any; coupon rate, if any; effective date, if any; market value of the holding; and the percentage weighting of the holding in the Fund's portfolio. It also confirms that all other facts and representations made in the Prior Release remain unchanged. *See infra,* note 9. Amendment No. 2 provides clarification to the proposed rule change, and because it does not materially affect the substance of the proposed rule change, Amendment No. 2 does not require notice and comment.

[7] 15 U.S.C. 78s(b)(1).

[8] *See* Securities Exchange Act Release No. 72216, 79 FR 30680 (May 28, 2014).

on the proposal. This order grants approval of the proposed rule change.

II. Description of the Proposed Rule Change

The Commission previously approved the listing and trading of shares (''Shares'') of the Fund under NYSE Arca Equities Rule 8.600, which governs the listing and trading of Managed Fund Shares on the Exchange.[9] The Shares are offered by PIMCO ETF Trust (''Trust''), a statutory trust organized under the laws of the State of Delaware and registered with the Commission as an open-end management investment company.[10] The investment manager to the Fund is Pacific Investment Management Company LLC (''PIMCO'' or ''Adviser'').

In the Prior Release, the Exchange stated that, consistent with the Trust's Exemptive Order, the Fund would not invest in options contracts, futures contracts, or swap agreements.[11] In view of the No-Action Letter issued by staff in the Commission's Division of Investment Management on December 6, 2012, the Exchange proposes to change this representation to permit the Fund to use derivative instruments, as described below, and makes the following representations and statements.[12]

The Prior Release stated that the Fund will invest under normal market circumstances at least 65% of its total assets in a diversified portfolio of Fixed Income Instruments of varying maturities.[13] ''Fixed Income Instruments'' include bonds, debt securities and other similar instruments issued by various U.S. and non-U.S. public- or private-sector entities.[14] The Exchange proposes to revise this statement to provide that the Fund will invest under normal market circumstances at least 65% of its total assets in a diversified portfolio of Fixed Income Instruments of varying maturities, which may be represented by derivatives related to Fixed Income Instruments (''65% policy'').

The Prior Release stated that the Fund's investment would not be used to enhance leverage. In view of the Exchange's proposal to permit the Fund to use derivative instruments, as described below, the Fund's investments in derivative instruments may be used to enhance leverage. However, as noted in the Prior Release, the Fund's investments will not be used to seek performance that is the multiple or inverse multiple (*e.g.,* 2Xs and 3Xs) of the Fund's broad-based securities market index.

The Fund's Use of Derivatives

The Exchange states that, with respect to the Fund, derivative instruments primarily will include forwards, exchange-traded and over-the-counter (''OTC'') options contracts, exchange-traded futures contracts, options on futures contracts, and swap agreements. Generally, derivatives are financial contracts whose values depend upon, or are derived from, the values of an underlying asset, reference rate, or index, and may relate to stocks, bonds, interest rates, currencies or currency exchange rates, commodities, and related indexes. The Fund may, but is not required to, use derivative instruments for risk management purposes or as part of its investment strategies.[15]

The Exchange represents that the Fund's investments in derivative instruments will be made in accordance with the 1940 Act and consistent with the Fund's investment objective and policies. As described further below, the Fund will typically use derivative instruments as a substitute for taking a position in the underlying asset or as part of a strategy designed to reduce exposure to other risks, such as interest rate or currency risk. The Fund may also use derivative instruments to enhance returns. To limit the potential risk associated with such transactions, the Fund will segregate or ''earmark'' assets determined to be liquid by PIMCO in accordance with procedures established by the Trust's Board of Trustees and in accordance with the 1940 Act (or, as permitted by applicable regulation, enter into certain offsetting positions) to cover its obligations under derivative instruments. These procedures have been adopted consistent with Section 18 of the 1940 Act and related Commission guidance. In addition, the Fund will

[9] *See* Securities Exchange Act Release No. 66321 (February 3, 2012), 77 FR 6850 (February 9, 2012) (SR–NYSEArca–2011–95) (''Prior Order''). *See also* Securities Exchange Act Release No. 65988 (December 16, 2011), 76 FR 79741 (December 22, 2011) (SR–NYSEArca–2011–95) (''Prior Notice,'' and together with the Prior Order, collectively, ''Prior Release'').

[10] The Exchange represents that the Trust is registered under the Investment Company Act of 1940 (''1940 Act''). On October 29, 2012 the Trust filed with the Commission the most recent post-effective amendment to its registration statement under the Securities Act of 1933 and under the 1940 Act relating to the Fund (File Nos. 333–155395 and 811–22250) (''Registration Statement''). The Exchange further represents that the Trust has obtained certain exemptive relief under the 1940 Act. *See* Investment Company Act Release No. 28993 (November 10, 2009) (File No. 812–13571) (''Exemptive Order'').

[11] On December 6, 2012, the staff of the Commission's Division of Investment Management (''IM'') issued a no-action letter (''No-Action Letter'') relating to the use of derivatives by actively-managed exchange traded funds (''ETFs''). *See* No-Action Letter dated December 6, 2012 from Elizabeth G. Osterman, Associate Director, Office of Exemptive Applications, IM. The No-Action Letter stated that IM staff would no longer defer consideration of exemptive requests under the 1940 Act relating to actively-managed ETFs that make use of derivatives provided that they include representations to address some of the concerns expressed in the Commission's March 2010 press release. These representations are: (i) That the ETF's board periodically will review and approve the ETF's use of derivatives and how the ETF's investment adviser assesses and manages risk with respect to the ETF's use of derivatives; and (ii) that the ETF's disclosure of its use of derivatives in its offering documents and periodic reports is consistent with relevant Commission and staff guidance. The No-Action Letter stated that IM would not recommend enforcement action to the Commission under sections 2(a)(32), 5(a)(1), 17(a), 22(d), and 22(e) of the 1940 Act, or rule 22c–1 under the 1940 Act if actively-managed ETFs operating in reliance on specified orders (which include the Trust's Exemptive Order) invest in options contracts, futures contracts, or swap agreements; provided that they comply with the representations stated in the No-Action Letter, as noted above.

[12] The Adviser represents that the Fund, in connection with its use of derivative instruments, will comply with the representations stated in the No-Action Letter, as noted above. *See id.*

[13] As stated in the Prior Release, the term ''under normal market circumstances'' includes, but is not limited to, the absence of extreme volatility or trading halts in the fixed income markets or the financial markets generally; operational issues causing dissemination of inaccurate market information; or force majeure type events such as systems failure, natural or man-made disaster, act of God, armed conflict, act of terrorism, riot or labor disruption, or any similar intervening circumstance.

[14] As noted in the Prior Release, ''Fixed Income Instruments,'' as such term is used generally in the Registration Statement, include: Debt securities issued or guaranteed by the U.S. Government, its agencies or government-sponsored enterprises; corporate debt securities of U.S. and non-U.S. issuers, including convertible securities and corporate commercial paper; mortgage-backed and other asset-backed securities; inflation-indexed bonds issued both by governments and corporations; structured notes, including hybrid or ''indexed'' securities and event-linked bonds; bank capital and trust preferred securities; loan participations and assignments; delayed funding loans and revolving credit facilities; bank certificates of deposit, fixed time deposits and bankers' acceptances; repurchase agreements on Fixed Income Instruments and reverse repurchase agreements on Fixed Income Instruments; debt securities issued by states or local governments and their agencies, authorities and other government-sponsored enterprises; obligations of non-U.S. governments or their subdivisions, agencies and government-sponsored enterprises; and obligations of international agencies or supranational entities. Securities issued by U.S. Government agencies or government-sponsored enterprises may not be guaranteed by the U.S. Treasury.

[15] The Exchange represents that the Fund will seek, where possible, to use counterparties whose financial status is such that the risk of default is reduced; however, the risk of losses resulting from default is still possible. PIMCO's Counterparty Risk Committee evaluates the creditworthiness of counterparties on an ongoing basis. In addition to information provided by credit agencies, PIMCO credit analysts evaluate each approved counterparty using various methods of analysis, including company visits, earnings updates, the broker-dealer's reputation, PIMCO's past experience with the broker-dealer, market levels for the counterparty's debt and equity, the counterparty's liquidity, and its share of market participation.

include appropriate risk disclosure in its offering documents, including leveraging risk. Leveraging risk is the risk that certain transactions of the Fund, including the Fund's use of derivatives, may give rise to leverage, causing the Fund to be more volatile than if it had not been leveraged.[16] Because the markets for certain securities, or the securities themselves, may be unavailable or cost prohibitive as compared to derivative instruments, suitable derivative transactions may be an efficient alternative for the Fund to obtain the desired asset exposure.

The Exchange states that the Adviser believes derivatives can be an economically attractive substitute for an underlying physical security that the Fund would otherwise purchase. For example, the Fund could purchase Treasury futures contracts instead of physical Treasuries or could sell credit default protection on a corporate bond instead of buying a physical bond. Economic benefits include potentially lower transaction costs or attractive relative valuation of a derivative versus a physical bond (*e.g.,* differences in yields).

The Exchange states the Adviser further believes that derivatives can be used as a more liquid means of adjusting portfolio duration as well as targeting specific areas of yield curve exposure, with potentially lower transaction costs than the underlying securities (*e.g.,* interest rate swaps may have lower transaction costs than physical bonds). Similarly, money market futures can be used to gain exposure to short-term interest rates in order to express views on anticipated changes in central bank policy rates. In addition, derivatives can be used to protect client assets through selectively hedging downside (or ''tail risks'') in the Fund.

The Exchange states that the Fund also can use derivatives to increase or decrease credit exposure. Index credit default swaps (CDX) can be used to gain exposure to a basket of credit risk by ''selling protection'' against default or other credit events, or to hedge broad market credit risk by ''buying protection.'' Single name credit default swaps (CDS) can be used to allow the Fund to increase or decrease exposure to specific issuers, saving investor capital through lower trading costs. The Fund can use total return swap contracts to obtain the total return of a reference asset or index in exchange for paying a financing cost. A total return swap may be much more efficient than buying underlying securities of an index, potentially lowering transaction costs.

The Exchange states that the Adviser believes that the use of derivatives will allow the Fund to selectively add diversifying sources of return from selling options. Options purchases and sales can also be used to hedge specific exposures in the portfolio, and can provide access to return streams available to long-term investors such as the persistent difference between implied and realized volatility. Options strategies can generate income or improve execution prices (*i.e.,* covered calls).

Other Investments

In addition to the Fund's use of derivatives in connection with the 65% policy, under the proposal, the Fund would seek to invest in derivative instruments not based on Fixed Income Instruments, consistent with the Fund's investment restrictions relating to exposure to those asset classes.

The Prior Release stated that the Fund may invest in debt securities and instruments that are economically tied to foreign (non-U.S.) countries. The Prior Release stated further that PIMCO generally considers an instrument to be economically tied to a non-U.S. country if the issuer is a foreign government (or any political subdivision, agency, authority or instrumentality of such government), or if the issuer is organized under the laws of a non-U.S. country. In the case of applicable money market instruments, such instruments will be considered economically tied to a non-U.S. country if either the issuer or the guarantor of such money market instrument is organized under the laws of a non-U.S. country.

The Exchange proposes to add to this representation that, with respect to derivative instruments, as proposed to be used, PIMCO generally will consider such instruments to be economically tied to non-U.S. countries if the underlying assets are foreign currencies (or baskets or indexes of such currencies), or instruments or securities that are issued by foreign governments (or any political subdivision, agency, authority, or instrumentality of such governments) or issuers organized under the laws of a non-U.S. country (or if the underlying assets are money market instruments, as applicable, if either the issuer or the guarantor of such money market instruments is organized under the laws of a non-U.S. country).

The Fund's investments, including investments in derivative instruments, are subject to all of the restrictions under the 1940 Act, including restrictions with respect to illiquid securities. The Fund may hold up to an aggregate amount of 15% of its net assets in illiquid securities (calculated at the time of investment), including Rule 144A securities deemed illiquid by the Adviser, consistent with Commission guidance. The Fund will monitor its portfolio liquidity on an ongoing basis to determine whether, in light of current circumstances, an adequate level of liquidity is being maintained, and will consider taking appropriate steps in order to maintain adequate liquidity if, through a change in values, net assets, or other circumstances, more than 15% of the Fund's net assets are held in illiquid securities. Illiquid securities include securities subject to contractual or other restrictions on resale and other instruments that lack readily available markets as determined in accordance with Commission staff guidance.

The Exchange states that this proposal would become effective upon (i) the effectiveness of an amendment to the Trust's Registration Statement disclosing the Fund's intended use of derivative instruments and (ii) when this proposed rule change has become operative. The Exchange further states that the Adviser has managed and will continue to manage the Fund in the manner described in the Prior Release, and will not implement the proposed changes until this proposed rule change has become operative. In addition, the Exchange represents that there is no change to the Fund's investment objective and that the Fund will continue to comply with all initial and continued listing requirements under NYSE Arca Equities Rule 8.600. Except for the changes noted above, the Exchange represents that all other facts presented and representations made in the Prior Release remain unchanged.

Derivatives Valuation Methodology for Purposes of Determining Net Asset Value

According to the Exchange, the net asset value (''NAV'') of the Fund's Shares is determined by dividing the total value of the Fund's portfolio investments and other assets, less any liabilities, by the total number of Shares outstanding. Fund Shares are valued as of the close of regular trading (normally 4:00 p.m. Eastern time (''E.T.'')) (''NYSE Close'') on each day NYSE Arca is open (''Business Day''). Information that becomes known to the Fund or its agents after the NAV has been calculated on a particular day will not generally be used to retroactively adjust

[16] To mitigate leveraging risk, the Adviser will segregate or ''earmark'' liquid assets or otherwise cover the transactions that may give rise to such risk.

the price of a portfolio asset or the NAV determined earlier that day. The Fund reserves the right to change the time its NAV is calculated if the Fund closes earlier, or as permitted by the Commission.

The Exchange states that for purposes of calculating NAV, portfolio securities and other assets for which market quotes are readily available are valued at market value. Market value is generally determined on the basis of last reported sales prices, or if no sales are reported, based on quotes obtained from a quotation reporting system, established market makers, or pricing services. Domestic and foreign fixed income securities and non-exchange-traded derivatives will normally be valued on the basis of quotes obtained from brokers and dealers or pricing services using data reflecting the earlier closing of the principal markets for those assets. Prices obtained from independent pricing services use information provided by market makers or estimates of market values obtained from yield data relating to investments or securities with similar characteristics. Exchange-traded options, futures, and options on futures will generally be valued at the settlement price determined by the applicable exchange. Derivatives for which market quotes are readily available will be valued at market value. Local closing prices will be used for all instrument valuation purposes. For the Fund's 4:00 p.m. E.T. futures holdings, estimated prices from Reuters will be used if any cumulative futures margin impact is greater than $0.005 to the NAV due to futures movement after the fixed income futures market closes (3:00 p.m. E.T.) and up to the NYSE Close (generally 4:00 p.m. E.T.). Swaps traded on exchanges such as the Chicago Mercantile Exchange or the Intercontinental Exchange will use the applicable exchange closing price where available.

Derivatives Valuation Methodology for Purposes of Determining Intra-Day Indicative Value

According to the Exchange, on each Business Day, before commencement of trading in Fund Shares on NYSE Arca, the Fund discloses on its Web site the identities and quantities of the portfolio instruments and other assets held by the Fund that will form the basis for the Fund's calculation of NAV at the end of the Business Day.

In order to provide additional information regarding the intra-day value of Shares of the Fund, NYSE Arca or a market data vendor disseminates every 15 seconds through the facilities of the Consolidated Tape Association or other widely disseminated means an updated Intra-day Indicative Value (''IIV'') for the Fund as calculated by an information provider or market data vendor.

The Exchange states that a third party market data provider is currently calculating the IIV for the Fund. For the purposes of determining the IIV, the third party market data provider's valuation of derivatives is expected to be similar to their valuation of all securities. The third party market data provider may use market quotes if available or may fair value securities against proxies (such as swap or yield curves).

According to the Exchange, with respect to specific derivatives:

- Foreign currency derivatives may be valued intraday using market quotes, or another proxy as determined to be appropriate by the third party market data provider.
- Futures may be valued intraday using the relevant futures exchange data, or another proxy as determined to be appropriate by the third party market data provider.
- Interest rate swaps may be mapped to a swap curve and valued intraday based on changes of the swap curve, or another proxy as determined to be appropriate by the third party market data provider.
- CDX/CDS may be valued using intraday data from market vendors, or based on underlying asset price, or another proxy as determined to be appropriate by the third party market data provider.
- Total return swaps may be valued intraday using the underlying asset price, or another proxy as determined to be appropriate by the third party market data provider.
- Exchange listed options may be valued intraday using the relevant exchange data, or another proxy as determined to be appropriate by the third party market data provider.
- OTC options may be valued intraday through option valuation models (*e.g.,* Black-Scholes) or using exchange traded options as a proxy, or another proxy as determined to be appropriate by the third party market data provider.

Disclosed Portfolio

The Exchange states that the Fund's disclosure of derivative positions in the Disclosed Portfolio will include information that market participants can use to value these positions intraday. On a daily basis, the Fund will disclose on the Fund's Web site the following information regarding each portfolio holding, as applicable to the type of holding: Ticker symbol, CUSIP number or other identifier, if any; a description of the holding (including the type of holding, such as the type of swap); the identity of the security, commodity, index or other asset or instrument underlying the holding, if any; for options, the option strike price; quantity held (as measured by, for example, par value, notional value or number of shares, contracts or units); maturity date, if any; coupon rate, if any; effective date, if any; market value of the holding; and the percentage weighting of the holding in the Fund's portfolio.

Impact on Arbitrage Mechanism

The Exchange states that the Adviser believes there will be minimal, if any, impact to the arbitrage mechanism as a result of the use of derivatives. Market makers and participants should be able to value derivatives as long as the positions are disclosed with relevant information. The Exchange states that the Adviser believes that the price at which Shares trade will continue to be disciplined by arbitrage opportunities created by the ability to purchase or redeem creation Shares at their NAV, which should ensure that Shares will not trade at a material discount or premium in relation to their NAV.

The Exchange states that, according to the Adviser, there will not be any significant impacts to the settlement or operational aspects of the Fund's arbitrage mechanism due to the use of derivatives. Because derivatives generally are not eligible for in-kind transfer, they will typically be substituted with a ''cash in lieu'' amount when the Fund processes purchases or redemptions of creation units in-kind.

Surveillance

The Exchange represents that trading in the Shares will be subject to the existing trading surveillances, administered by the Financial Industry Regulatory Authority (''FINRA'') on behalf of the Exchange, which are designed to detect violations of Exchange rules and applicable federal securities laws.[17] The Exchange represents that these procedures are adequate to properly monitor Exchange trading of the Shares in all trading sessions and to deter and detect violations of Exchange rules and applicable federal securities laws.

The surveillances referred to above generally focus on detecting securities trading outside their normal patterns,

[17] FINRA surveils trading on the Exchange pursuant to a regulatory services agreement. The Exchange is responsible for FINRA's performance under this regulatory services agreement.

which could be indicative of manipulative or other violative activity. When such situations are detected, surveillance analysis follows and investigations are opened, where appropriate, to review the behavior of all relevant parties for all relevant trading violations.

FINRA, on behalf of the Exchange, will communicate as needed regarding trading in the Shares, exchange traded options, futures, and options on futures with other markets or other entities that are members of the Intermarket Surveillance Group (''ISG''), and FINRA may obtain trading information regarding trading in the Shares, exchange traded options, futures, and options on futures from such markets or entities. In addition, the Exchange may obtain information regarding trading in the Shares, exchange traded options, futures, and options on futures from markets or other entities that are members of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement.[18] In addition, FINRA, on behalf of the Exchange, is able to access, as needed, trade information for certain fixed income securities held by the Fund reported to FINRA's Trade Reporting and Compliance Engine (''TRACE''). The Exchange also states that it has a general policy prohibiting the distribution of material, non-public information by its employees.

Additional information regarding the Trust, the Fund, and the Shares, including investment strategies, risks, NAV calculation, creation and redemption procedures, fees, portfolio holdings, disclosure policies, distributions and taxes is included in the Prior Release, Notice, and the Registration Statement, as applicable.[19]

III. Discussion and Commission's Findings

The Commission has carefully reviewed the proposed rule change and finds that it is consistent with the requirements of Section 6 of the Act[20] and the rules and regulations thereunder applicable to a national securities exchange.[21] In particular, the Commission finds that the proposal is consistent with Section 6(b)(5) of the Act,[22] which requires, among other things, that the Exchange's rules be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to, and perfect the mechanism of, a free and open market and a national market system, and, in general, to protect investors and the public interest. The Commission notes that the Fund and the Shares must comply with the requirements of NYSE Arca Equities Rule 8.600 to continue to be listed and traded on the Exchange.

The Commission notes that, with respect to its proposed investments in derivatives, the Fund will seek, where possible, to use counterparties whose financial status is such that the risk of default is reduced. The Exchange states that PIMCO's Counterparty Risk Committee will evaluate the creditworthiness of counterparties on an ongoing basis. In addition to information provided by credit agencies, PIMCO credit analysts will evaluate each approved counterparty using various methods of analysis, including company visits, earnings updates, the broker-dealer's reputation, PIMCO's past experience with the broker-dealer, market levels for the counterparty's debt and equity, the counterparty's liquidity, and its share of market participation.

In addition, according to the Exchange, the proposed investments in derivative instruments will be made in accordance with the 1940 Act and consistent with the Fund's investment objective and policies. To further limit the potential risk associated with such transactions, the Fund will segregate or ''earmark'' assets determined to be liquid by PIMCO in accordance with procedures established by the Trust's Board of Trustees and in accordance with the 1940 Act (or, as permitted by applicable regulation, enter into certain offsetting positions) to cover its obligations under the proposed derivative instruments. The Exchange represents that these procedures have been adopted consistent with Section 18 of the 1940 Act and related Commission guidance. In addition, with respect to the proposed investments in derivative instruments, the Exchange states that appropriate risk disclosures will be provided in the Fund's offering documents, including leveraging risk. The Exchange further represents that the Fund's investments, including the proposed investments in derivative instruments, are subject to all of the restrictions under the 1940 Act, including restrictions with respect to illiquid securities.

Further, the Commission notes that the Fund's disclosure of derivative positions in the Disclosed Portfolio will include information that market participants can use to value these positions intraday. This information will include, as applicable to the type of holding: Ticker symbol, CUSIP number or other identifier, if any; a description of the holding (including the type of holding, such as the type of swap); the identity of the security, commodity, index or other asset or instrument underlying the holding, if any; for options, the option strike price; quantity held (as measured by, for example, par value, notional value or number of shares, contracts or units); maturity date, if any; coupon rate, if any; effective date, if any; market value of the holding; and the percentage weighting of the holding in the Fund's portfolio.

The Exchange states that there will be minimal, if any, impact to the arbitrage mechanism as a result of the use of derivatives. Market makers and participants should be able to value derivatives as long as the positions are disclosed with relevant information. The Exchange notes that the price at which Shares trade will continue to be disciplined by arbitrage opportunities created by the ability to purchase or redeem creation Shares at their NAV, which should ensure that Shares will not trade at a material discount or premium in relation to their NAV. In addition, the Exchange notes that there will not be any significant impacts to the settlement or operational aspects of the Fund's arbitrage mechanism due to the use of derivatives.

In support of this proposal, the Exchange has made additional representations, including:

(1) The Adviser has managed and will continue to manage the Fund in the manner described in the Prior Release.

(2) There is no change to the Fund's investment objective.

(3) The Fund will continue to comply with all initial and continued listing requirements under NYSE Arca Equities Rule 8.600.

(4) FINRA, on behalf of the Exchange, will communicate as needed regarding trading in the Shares, exchange traded options, futures, and options on futures with other markets or other entities that are members of the ISG, and FINRA may obtain trading information regarding trading in the Shares, exchange traded options, futures, and options on futures from such markets or entities. In addition, the Exchange may obtain information regarding trading in the

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[18] For a list of the current members of ISG, see *www.isgportal.org.* The Exchange notes that not all components of the Disclosed Portfolio for the Fund may trade on markets that are members of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement.

[19] *See supra* notes 9, 3, and 10.

[20] 15 U.S.C. 78f.

[21] 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).

[22] 15 U.S.C. 78f(b)(5).

Shares, exchange traded options, futures, and options on futures from markets or other entities that are members of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement. In addition, FINRA, on behalf of the Exchange, is able to access, as needed, trade information for certain fixed income securities held by the Fund reported to FINRA's TRACE.

(5) The Fund will comply with the representations as prescribed in the No-Action Letter.

(6) Except for the proposed changes, all other facts presented and representations made in the Prior Release remain unchanged.

This approval order is based on the Exchange's representations and description of the Fund, including those set forth above and in the Notice. For the foregoing reasons, the Commission finds that the proposed rule change, as modified by Amendment No. 2, is consistent with Section 6(b)(5) of the Act [23] and the rules and regulations thereunder applicable to a national securities exchange.

IV. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[24] that the proposed rule change (SR–NYSEArca–2013–122) as modified by Amendment No. 2 thereto be, and it hereby is, approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[25]

Kevin M. O'Neill,

Deputy Secretary.

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[23] 15 U.S.C. 78f(b)(5).

[24] 15 U.S.C. 78s(b)(2).

[25] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72668; File No. SR–CBOE–2014–048]

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Order Granting Approval of a Proposed Rule Change Relating to the Give Up of a Clearing Trading Permit Holder

July 24, 2014.

I. Introduction

On May 23, 2014, Chicago Board Options Exchange, Incorporated (''CBOE'' or the ''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] a proposed rule change relating to the ''give up'' process, the process by which a Trading Permit Holder (''TPH'') ''gives up'' or selects and indicates the Clearing Trading Permit Holder (''CTPH'') responsible for the clearance of an Exchange transaction. The proposed rule change was published for comment in the **Federal Register** on June 11, 2014.[3] The Commission received no comment letters on the proposal. This order approves the proposed rule change.

II. Description of the Proposal

A. Background

CBOE proposes to amend Rules 6.21 and 6.50 that govern the give up of a CTPH by a TPH on Exchange transactions. In order to enter transactions on the Exchange, a TPH must either be a CTPH or have a CTPH agree to accept financial responsibility for the TPH's transactions. Current CBOE Rule 6.21 provides that for each transaction in which a TPH participates, the TPH must give up the name of the CTPH (the ''give up'') through which the transaction will be cleared. CBOE Rule 6.50 further provides that every CTPH will be responsible for the clearance of Exchange transactions of each TPH that gives up the CTPH's name pursuant to a letter of authorization, letter of guarantee, or other authorization given by the CTPH to the executing TPH.[4] CBOE proposes to amend Rules 6.21 and 6.50 to address the give up process, including procedures governing that process, in greater detail.

B. Designated Give Ups and Guarantors

CBOE proposes to amend Rule 6.21 to provide that a TPH that is not a market maker may only give up (i) a CTPH that has previously been identified and processed by the Exchange as a ''designated give up'' for that TPH, or (ii) a guarantor of the TPH. The Exchange proposes to introduce and define the term ''designated give up'' as a CTPH that a TPH (other than a market maker) identifies in advance to the Exchange, in writing, as a CTPH that the TPH would like the ability to give up on its trades.[5] A TPH will be required to identify to CBOE any designated give ups in advance of giving up any CTPH that is not a guarantor for the TPH. The Exchange has proposed a standardized form (''Notification Form'') that a TPH will be required to submit to the Exchange's Registration Services Department in order to identify its designated give ups. If a TPH no longer wants the ability to give up a particular designated give up, the TPH must notify the Exchange in writing by submitting a Notification Form. CBOE proposes to allow a TPH to submit a Notification Form identifying any CTPH as a designated give up and does not propose any minimum or maximum number of designated give ups that a TPH may identify.[6]

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 72325 (June 5, 2014), 79 FR 33614 (June 11, 2014) (''Notice'').

[4] *See* Notice, *supra* note 3, at 33614.

[5] *See* proposed Rule 6.21(b)(i).

The Exchange will notify a CTPH, in writing and as soon as practicable, of each TPH that has identified the CTPH as one of its designated give ups. In its proposal, CBOE noted that it will disregard any instructions from a CTPH not to permit a particular TPH to designate the CTPH as a designated give up and will not perform any subjective evaluation of a TPH's list of proposed designated give ups.[7] Rather, the Exchange will only ensure that the CTPHs that a TPH identifies on the Notification Form as designated give ups are current CBOE CTPHs and will review the Notification Form for completeness and accuracy.[8]

CBOE proposes to define the term ''guarantor'' for purposes of proposed Rule 6.21 as a CTPH that has issued a letter of guarantee or a letter of authorization for the executing TPH under the rules of the Exchange that are in effect at the time of the execution of the trade.[9] An executing TPH may give up its guarantor without identifying the guarantor as a designated give up (*i.e.,* the guarantor accepts clearing responsibility for all trades of its guarantee TPH pursuant to its role as the default CTPH for that TPH, unless the TPH indicates an alternate CTPH to be the designed give up on a particular trade), and the TPH therefore would not need to submit a Notification Form to the Exchange before indicating its guarantor as a designated give up. Because CBOE Rule 8.5 requires that a letter of guarantee be issued and filed with the Exchange by each CTPH through which a market maker desires to clear transactions, the Exchange proposes that a TPH that is a market

[6] *See* Notice, *supra* note 3, at 33614.

[7] *See id.* The ability of a CTPH to reject a trade on which it was indicated as the designated give up is discussed below.

[8] *See id.*

[9] *See* proposed Rule 6.21(b)(ii).

maker only be enabled to give up a guarantor of the market maker.[10]

In its proposal, CBOE states that it will configure its trading systems to only accept orders that identify a designated give up or a guarantor for the TPH.[11] The Exchange further states that this configuration is intended to prevent a TPH from erroneously giving up the name of a CTPH that it had no intention of using as a designated give up.[12]

C. Non-Acceptance of a Trade

CBOE proposes to allow a designated give up or a guarantor, in certain circumstances, to not accept a trade for which its name was given up. A designated give up may determine not to accept a trade if it believes in good faith that it has a valid reason not to accept the trade, in which case it may reject the trade by following the procedures set forth in proposed Rule 6.21, which are described below.[13] Where a designated give up determines not to accept a trade for which its name was given up, the executing TPH's guarantor or another CTPH that has agreed to be the give up on the trade will become the give up. With respect to guarantors, CBOE proposes to permit a guarantor to not accept a non-market maker trade for which its name was given up only if another CTPH agrees to be the give up on the trade and has notified the Exchange and executing TPH in writing of its intent to accept the trade. Only a designated give up or guarantor whose name was initially given up on a trade may determine not to accept a trade. Therefore, a CTPH or guarantor that becomes the give up on a rejected trade may not subsequently reject the trade themselves.[14]

D. Procedures to Reject on Trade Date

A designated give up that rejects a trade on the trade date must notify, in writing, the executing TPH or its designated agent as soon as possible and attempt to resolve the disputed give up.[15] If no resolution is reached and the designated give up still intends to reject the trade, then the designated give up will be required to complete and submit to the Exchange a standardized form (''Give Up Change Form'') in which it is required to identify the new give up. As long as the Exchange is able to process the form before the trade input cutoff time established by the Clearing Corporation (or fifteen minutes thereafter if the Exchange receives and is able to process a request to extend its time of final trade submission to the Clearing Corporation) (''Trade Date Cutoff Time''), the Exchange will allow the designated give up to change the give up on the trade to either (i) another CTPH that has agreed to accept the trade, or (ii) the executing TPH's guarantor.[16] If another CTPH has agreed to step in as the give up, the new CTPH must complete and submit to the Exchange another standardized form (''CBOE Give-Up Change Form For Accepting Clearing Trading Permit Holders'') reflecting its intent to accept the trade. A designated give up may change the give up on a trade to a guarantor for the executing TPH so long as the designated give up has first notified the guarantor in writing.[17] As discussed above, where a designated give up has rejected a trade, neither a CTPH that has agreed to become the give up on a trade nor a guarantor that becomes the give up may subsequently reject the trade. This prohibition prevents a trade from being repeatedly reassigned from one CTPH to another.[18]

A guarantor may reject a non-market maker trade for which its name was initially given up only if another CTPH agrees to be the give up and the new CTPH has first notified in writing both the Exchange and the executing TPH of its willingness to accept the trade.[19] If a guarantor rejects a trade on the trade date, it also is required to follow the same procedures that a designated give up uses to change the give up, which includes submitting the Give Up Change Form to the Exchange.

The designated give up or guarantor that changes the give up must notify the Exchange, the parties to the trade, and the new CTPH in writing immediately after making the change.[20]

E. Procedures to Reject on T+1

Recognizing that some firms may take longer to reconcile their trades, CBOE also has proposed to establish procedures for a designated give up or guarantor of a TPH that is not a market maker to reject a trade and change the give up by entering trade records into the Exchange's trading system on the day after the trade date (''T+1'') in order to effect a transfer of the trade to the new give up.[21] The ability of a designated give up or guarantor to make such changes ends at 12:00 p.m. CST (''T+1 Cutoff Time'').[22] This process is not applicable to, and no changes to the give up may be made for, transactions in expiring options series that take place on the last trading day prior to its expiration.

F. Other Give Up Changes

CBOE's proposal also sets forth three situations in which a give up may be changed without Exchange involvement (other than after-the-fact notice to the Exchange).[23] First, if the executing TPH has the ability through an Exchange system to do so, the TPH may change the give up on the trade to another designated give up or to the TPH's guarantor if done before the Trade Date Cutoff Time. In addition, if a designated give up has the ability through an Exchange system to do so, it may change the give up on a trade to another CTPH affiliated with the designated give up or to a CTPH that is a back office agent for the designated give up if done before the Trade Cutoff Time. Finally, if both a designated give up (or guarantor) and an accepting CTPH have the ability through an Exchange system to do so, they may each enter trade records into the Exchange's systems on T+1 (if done before the T+1 Cutoff Time) that would effect a transfer of the trade in a non-expired options series from that designated give up (or guarantor) to that new accepting CTPH. A designated give up (or guarantor) must notify the Exchange and all parties to the trade, in writing, of any such change.

G. Financial Responsibility for Trades

In its proposal, CBOE notes that a CTPH is financially responsible for all trades for which it is the give up as of the applicable cutoff time (Trade Date Cutoff Time or T+1 Cutoff Time). However, CBOE notes in its proposal that its proposed rule changes do not

[10] *See* Rule 8.5; *see also* Notice, *supra* note 3, at 33614.

[11] *See* Notice, *supra* note 3, at 33614–15. Conversely, CBOE states in its proposal that its systems will reject any order that designates a give up that is not at the time a designated give up or is otherwise the guarantor for the TPH. *See id.*

[12] *See id.* The Exchange states that it will notify a TPH in writing when one of its designated give ups becomes effective in the Exchange's trading systems following the submission by the TPH of the required Notification Form. *See id.*

[13] According to CBOE, examples of valid reasons include that the designated give up does not have a customer for the particular trade or that another CTPH has agreed to be the give up on the trade and has notified the Exchange and executing TPH of its intent to accept the trade. *See* Notice, *supra* note 3, at 33615.

[14] *See id.*

[15] *See* proposed Rule 6.21(f)(i).

[16] *See* Notice, *supra* note 3, at 33615.

[17] *See* proposed Rule 6.21(f)(ii). In such case, the guarantor does not need to notify the Exchange of its intent to accept the trade or submit any form to the Exchange. *See* Notice, *supra* note 3, at 33615.

[18] *See* Notice, *supra* note 3, at 33615.

[19] *See* proposed Rule 6.21(e)(ii).

[20] *See id.*

[21] The procedures for rejecting a trade and change the give up on T+1 are substantially similar to the procedures for making such changes on the trade date. *See* Notice, *supra* note 3, at 33615–16; *see also* proposed Rule 6.21(f)(ii–iii).

[22] *See* Notice, *supra* note 3, at 33616.

[23] *See* proposed Rule 6.21(g).

preclude a different party from being responsible for the trade pursuant to the rules of the Clearing Corporation, any agreement between the applicable parties, or other applicable rules, regulations, arbitration, court proceedings, or otherwise.[24]

Finally, CBOE proposes to eliminate language in Rule 6.50 that addresses financial responsibility of transactions clearing through CTPHs because financial responsibility is now addressed in new paragraph (h) to Rule 6.21.[25]

III. Discussion and Commission Findings

After careful consideration of the proposal, the Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange,[26] and, in particular, the requirements of Section 6 of the Act.[27] Specifically, the Commission finds that the proposed rule change is consistent with Section 6(b)(5) of the Act,[28] which requires, among other things, that the rules of a national securities exchange be designed 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, in general, to protect investors and the public interest.

In particular, the Commission believes that by providing more detailed requirements relating to the give up process, the proposal is designed to bring greater operational certainty and efficiency to that process. For example, requiring TPHs and CTPHs to use standardized forms to designate give ups, reject a trade and change the give up on a trade, and accept a trade as a new give up should enhance CBOE's ability to efficiently monitor and enforce compliance with its rules relating to the give up process. Use of standardized forms also may make it easier for TPHs and CTPHs to comply with the proposed rules, and should benefit all members by providing a written confirmation to evidence any changes in clearing responsibility for a particular trade. In addition, the process specified in the proposed rule should provide greater transparency and certainty to members about the expectations and requirements attendant to the give up process, and should help facilitate a common process among exchange members in the event that a change to a designated give up becomes necessary.

The Commission believes that the proposal addresses the role of different parties involved in the give up process in a balanced manner and is designed to provide a fair and reasonable methodology for the give up process. For example, the proposed rule change allows executing TPHs to designate any current CBOE CTPH as a designated give up while also obligating the Exchange to notify CTPHs of each TPH that has identified the CTPH as a designated give up. Moreover, the proposal creates procedures for a CTPH to reject a trade where the CTPH has a good faith belief that it has a valid reason not to accept the trade. Although a CTPH with a valid reason may reject a trade, the proposal ensures that there is finality to this process by prohibiting a CTPH that agrees to become the give up on a trade (or a guarantor that is assigned the trade) from subsequently rejecting the trade. In this manner, the proposed rule change is designed to ensure that there will always be a CPTH that will be financially responsible for a trade, which should promote greater operational certainty and facilitate cooperation and coordination with persons engaged in clearing transactions.

Accordingly, the Commission finds that the Exchange's proposal is consistent with the Act, including Section 6(b)(5) thereof, in that it is designed 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 in general, protect investors and the public interest.

IV. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[29] that the proposed rule change (SR–CBOE–2014–048), be, and hereby is, approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[30]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–17881 Filed 7–29–14; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72664; File No. SR–Phlx–2014–46]

Self-Regulatory Organizations; NASDAQ OMX PHLX LLC; Notice of Filing of Proposed Rule Change, as Modified by Amendment No. 1, Relating to SPY and DIA Options

July 24, 2014.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that, on July 9, 2014, NASDAQ OMX PHLX LLC ("Phlx" or "Exchange") filed with the Securities and Exchange Commission ("SEC" or "Commission") the proposed rule change as described in Items I, II, and III, below, which Items have been prepared by the Exchange. On July 22, 2014, the Exchange filed Amendment No. 1 to the proposal.[3] The Commission is publishing this notice to solicit comments on the proposed rule change, as modified by Amendment No. 1, from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Commentary .05 to Rule 1012 (Series of Options Open for Trading) to allow $1 or greater strike price intervals for options on the SPDR® S&P 500® Exchange Traded Fund ("SPY") and the SPDR® Dow Jones® Industrial Average Exchange Traded Fund ("DIA").[4]

The text of the proposed rule change is available on the Exchange's Web site at *http://www.nasdaqtrader.com/micro.aspx?id=PHLXRulefilings,* at the principal office of the Exchange, and at

[24] *See* Notice, *supra* note 3, at 33617.

[25] *See id.*

[26] 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).

[27] 15 U.S.C. 78f.

[28] 15 U.S.C. 78f(b)(5).

[29] 15 U.S.C. 78s(b)(2).

[30] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] In Amendment No. 1, the Exchange modified *Exhibit 1* to the proposed rule change to make certain technical corrections and to add additional explanation of the proposed rule change to Section II.A.1.

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the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this proposed rule change is to amend Commentary .05 to Rule 1012 by modifying the interval setting regime for SPY and DIA options listed on the SPDR S&P 500 Exchange Traded Fund (''ETF'') and the SPDR Dow Jones Industrial Average ETF, respectively, to allow $1 or greater strike price intervals.[5] Through this filing, the Exchange intends to make SPY and DIA options more tailored and easier for investors and traders to use.

Under current Rule 1012, the interval of strike prices of series of options on ETFs is $1 or greater where the strike price is 200 or less and $5 or greater where the strike price is more than 200.[6] The Proposal seeks to narrow those strike intervals to $1 apart for SPY and DIA options, in effect matching the interval for these products to ETF option strike prices at or below 200.

The strike prices for SPY and DIA options are approaching the 200 price point. By the end of June 2014, for example, SPY was trading at more than $195 per share and DIA was trading at more than $168 per share. As the option strike prices continue to appreciate, investor and member demands to list additional SPY and DIA option series continue to increase. SPY is the most heavily traded and liquid exchange-traded product in the U.S., and SPY options represent 13% of the total option volume in the U.S. and 12% of the options volume on the Exchange. DIA options represent 11% of the options volume on the Exchange and less than 1% of the options volume in the U.S. Moreover, the popularity of DIA and SPY options is reflected in the fact that they have options contracts reflecting monthly, quarterly, and weekly expiration cycles.[7] Not having the proposed $1 intervals above a 200 strike price will significantly limit investors' hedging and trading possibilities, particularly when it comes to executing strategies that are effective in $1 intervals; and may, as a result, constrict trading and hedging activity. The Exchange therefore proposes to amend Commentary .05 to Rule 1012 to allow SPY and DIA options to trade in $1 increments.

Specifically, the Exchange proposes to add Commentary .05(a)(iv)(C) to state that notwithstanding any other provision regarding the interval of strike prices of series of options on ETFs in Rule 1012, the interval of strike prices on SPY and DIA options will be $1 or greater. By having smaller strike intervals in SPY and DIA, investors will have more efficient hedging and trading opportunities due to the higher $1 interval ascension. The proposed $1 intervals, particularly above a 200 strike price, will result in having at-the-money series based upon the underlying SPY or DIA moving less than 1%, which falls in line with slower price movements of a broad-based index. Furthermore, the proposed $1 intervals will allow currently employed option trading strategies (such as, for example, risk reduction/hedging strategies using SPY weekly options) to remain in play. Considering that $1 intervals already exist below the 200 price point and that SPY and DIA are approaching the 200 level, continuing to maintain the artificial 200 level (above which intervals increase 500%, to $5), will have a negative effect on investing, trading and hedging opportunities and volume. The continued demand for highly liquid options such as SPY and DIA, and the investing, trading, and hedging opportunities they represent, far outweighs any potential negative impact of allowing SPY and DIA options to trade in more finely tailored intervals above a 200 price point.

With the proposal, for example, investors and traders would be able to roll open positions from a lower strike to a higher strike in conjunction with the price movement of the underlying. Under the current rule, where the next higher available series would be $5 away above a 200 strike price, the ability to roll such positions is effectively negated. Thus, to move a position from a 200 strike to a 205 strike under the current rule, an investor would need for the underlying product to move 2.5%, and would not be able to execute a roll up until such a large movement occurred. With the proposed rule change, however, the investor would be in a significantly safer position of being able to roll his open options position from a 200 to a 201 strike price, which is only a 0.5% move for the underlying.

By allowing SPY and DIA options in $1 intervals over a 200 strike price, the proposal will moderately augment the total number of options series available on the Exchange. However, the Exchange has analyzed its capacity and represents that it and the Options Price Reporting Authority (''OPRA'') have the necessary systems capacity to handle any potential additional traffic associated with this proposed rule change. The Exchange believes that its members will not have a capacity issue as a result of this proposal. The Exchange also represents that it does not believe this expansion will cause fragmentation of liquidity. The Exchange's beliefs are supported by the limited nature of the proposal, which applies to two symbols rather than to all ETF products. Moreover, while under the current rule-set there is ample liquidity, it is constricted above 200. This proposal only enhances liquidity at more rational strike intervals necessary to benefit investors as the stock market improves in value.

The Exchange believes that the proposed rule change, like the other strike price programs currently offered by the Exchange, will benefit investors by giving them more flexibility to more closely tailor their investment and hedging decisions by allowing SPY and DIA options to trade in finer $1 intervals.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder that are applicable to a national securities exchange, and, in particular, with the requirements of Section 6(b) of the Act.[8] In particular, the proposal is consistent with Section 6(b)(5) of the Act,[9] because it is designed to promote just and equitable principles of trade, remove impediments to and perfect the mechanisms of a free and open market

[5] The SPDR S&P 500 ETF is based on the broad-based S&P 500 Index, and the SPDR Dow Jones Industrial Average ETF is based on the Dow Jones Industrial Average.

[6] *See* Commentary .05(a)(iv)(A) to Rule 1012.

[7] For rules regarding quarterly options and weekly options (also known as Short Term Options), *see* Commentaries .08 and .11, respectively, to Rule 1012.

[8] 15 U.S.C. 78f(b).

[9] 15 U.S.C. 78f(b)(5).

and a national market system and, in general, to protect investors and the public interest.

In particular, the proposed rule change would add consistency to the SPY and DIA options markets and allow investors to use SPY and DIA options more easily and effectively. Moreover, the proposed rule change would allow investors and traders, whether big or small, to better trade and hedge positions in SPY and DIA options where the strike price is greater than 200, and ensure that SPY and DIA options investors and traders are not at a disadvantage simply because of the strike price.

The Exchange also believes the proposed rule change is consistent with Section 6(b)(1) of the Act,[10] which provides that the Exchange be organized and have the capacity to be able to carry out the purposes of the Act and the rules and regulations thereunder, and the rules of the Exchange. The rule change proposal allows the Exchange to respond to customer demand to allow SPY and DIA options to trade in $1 intervals above a 200 strike price. The Exchange does not believe that the proposed rule would create additional capacity issues or affect market functionality

As noted above, ETF options trade in wider $5 intervals above a 200 strike price, whereby options at or below a 200 strike price trade in $1 intervals. This creates a situation where contracts on the same option class, namely SPY and DIA options, effectively may not be able to execute certain strategies such as, for example, rolling to a higher strike price, simply because of the arbitrary 200 strike price above which options intervals increase by 500%. This proposal remedies the situation by establishing an exception to the current ETF interval regime, for SPY and DIA options only, to allow such options to trade in $1 or greater intervals at all strike prices.

The Exchange believes that the proposed rule change, like other strike price programs currently offered by the Exchange, will benefit investors by giving them increased flexibility to more closely tailor their investment and hedging decisions. Moreover, the proposed rule change is consistent with changes proposed by at least one other exchange.[11]

With regard to the impact of this proposal on system capacity, the Exchange has analyzed its capacity and represents that it and OPRA have the necessary systems capacity to handle any potential additional traffic associated with this proposed rule change. The Exchange believes that its members will not have a capacity issue as a result of this proposal.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. To the contrary, the Exchange believes that the proposed rule change will result in additional investment options and opportunities to achieve the investment and trading objectives of market participants seeking efficient trading and hedging vehicles, to the benefit of investors, market participants, and the marketplace in general. Specifically, the Exchange believes that SPY and DIA option investors and traders will significantly benefit from the availability of finer strike price intervals above a 200 price point.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Exchange consents, the Commission shall: (a) By order approve or disapprove such proposed rule change, or (b) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change, as modified by Amendment No. 1, is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–Phlx–2014–46 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–Phlx–2014–46. 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–Phlx–2014–46 and should be submitted on or before August 20, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–17878 Filed 7–29–14; 8:45 am]

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[10] 15 U.S.C. 78f(b)(1).

[11] *See, e.g.,* Securities Exchange Act Release No. 72482 (June 26, 2014), 79 FR 37825 (July 2, 2014) (SR–CBOE–2014–051) (notice of filing and immediate effectiveness modifying the strike price regime for Mini-S&P 500 Index (XSP) options).

[12] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72669; File No. SR–NASDAQ–2014–058]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Order Granting Approval of Proposed Rule Change To Amend IM–5900–7 To, Among Other Things, Modify the Free Services Offered to Certain Newly Listing Companies

July 24, 2014.

I. Introduction

On May 27, 2014, The NASDAQ Stock Market LLC (''Nasdaq'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to amend IM–5900–7 to, among other things, modify the free services offered to certain newly listing companies. The proposed rule change was published in the **Federal Register** on June 10, 2014.[3] The Commission received one comment letter on the proposal.[4] Thereafter, Nasdaq submitted a letter in response to this comment.[5] This order grants approval of the proposed rule change.

II. Description of the Proposal

Nasdaq IM–5900–7 describes the complimentary services offered by Nasdaq to companies listing on the Nasdaq Global and Global Select Markets in connection with an initial public offering, upon emerging from bankruptcy, or in connection with a spin-off or carve-out from another company (''Eligible New Listings'') and to companies that switch their listing from the New York Stock Exchange to the Nasdaq Global or Global Select Markets (''Eligible Switches''). Under the current rule, Eligible Switches with a market capitalization of $500 million or more receive complimentary services for four years from the date of their listing, while all other Eligible Switches and Eligible New Listings receive complimentary services for two years from the date of their listing. In addition, under the current rule, Eligible Switches and Eligible New Listings with a market capitalization of $500 million or more receive additional services that companies with a market capitalization below $500 million do not receive (''Additional Services'').[6]

Nasdaq proposes to modify several aspects of IM–5900–7. First, Nasdaq proposes to increase the threshold for an Eligible Switch or Eligible New Listing to receive Additional Services from $500 million or more in market capitalization to $750 million or more in market capitalization. Nasdaq also proposes to provide three years of services, instead of four, to Eligible Switches with a market capitalization of $750 million or more.[7]

Nasdaq also proposes to remove the use of Directors Desk, an online board portal, as a complimentary service offered under IM–5900–7.[8] Instead, Nasdaq proposes to offer all Eligible New Listings and Eligible Switches four interactive webcasts, with a retail value of approximately $6,500 per year.

Under the current rule, Nasdaq provides market analytic tools for up to four users to all Eligible New Listings and Eligible Switches, at an approximate retail value of $39,000. Nasdaq proposes to change its offer for market analytic tools for all Eligible News Listings and Eligible Switches from up to four users to up to two users, at an approximate retail value of $30,000.

Nasdaq also proposes to update the approximate retail values set forth in the rule for the individual services offered and the total retail value of all services offered to Eligible New Listings or Eligible Switches to account for changes in prices since the rule was first adopted as well as changes in services as set forth in the proposal. Nasdaq states that the cumulative effect of these changes will reduce the stated annual value of the package from approximately $94,000 to approximately $70,000 for companies with a market capitalization of up to $750 million and from approximately $169,000 to approximately $125,000 for companies with a market capitalization of $750 million or more.[9] Under the proposal the stated annual value of the package available to Eligible New Listings and Eligible Switches with a market capitalization between $500 million and $750 million will change from approximately $169,000 to approximately $70,000.[10]

Nasdaq proposes to remove the current language in IM–5900–7 that states that the complimentary period for the services starts from the date of listing and add new paragraph (d) to describe the start of the complimentary period. Under proposed IM–5900–7(d), if an Eligible New Listing or Eligible Switch begins to use a particular service provided under IM–5900–7 within 30 days after the date of listing, the complimentary period for that service will begin on the date of first use. In all other cases, the period for each complimentary service shall commence on the listing date.

Nasdaq proposes to implement the proposed rule change upon approval. However, the proposal provides that any company that applies to list on Nasdaq before July 31, 2014, and that actually lists before September 30, 2014, may elect to receive services under the terms of the rule as in effect prior to the amendment (''Prior Rule''),[11] instead of the terms of the proposed amended IM–5900–7. The proposal provides that companies that listed while the Prior Rule was in effect will continue to receive services under the terms of the Prior Rule.[12]

III. Discussion and Summary of Comment and Commission's Findings

The Commission has carefully reviewed the proposed rule change and finds that it is consistent with the requirements of Section 6 of the Act.[13] Specifically, the Commission believes it is consistent with the provisions of

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 72311 (June 4, 2014), 79 FR 33239 (''Notice'').

[4] *See* Letter to Elizabeth M. Murphy, Secretary, Commission, from Patrick Healy, CEO, Issuer Advisory Group LLC, dated July 3, 2014 (''IAG Letter'').

[5] *See* Letter to Elizabeth M. Murphy, Secretary, Commission, from Arnold P. Golub, Vice President, NASDAQ OMX, dated July 14, 2014 (''Nasdaq Response Letter'').

[6] The Additional Services include extra licenses for Directors Desk, additional press release distribution services and market surveillance tools.

[7] All other Eligible New Listings or Eligible Switches will continue to receive complimentary services for two years, as they do under the current rule.

[8] Under the current rule, all Eligible New Listings and Eligible Switches receive use of Directors Desk for up to 10 users, with an approximate retail value of $20,000 per year, and Eligible New Listings and Eligible Switches with a market capitalization of $500 million or more receive an additional five licenses for Directors Desk, with a retail value of approximately $10,000 per year.

[9] *See* Notice, *supra* note 3, at 33239. The prior value for each package is the amount currently reflected in the rule text. The value of the proposed package is based on retail prices as of May 2014. *Id.* at 33239, n.6.

[10] *Id.*

[11] *See* Exchange Act Release No. 65963 (December 15, 2011), 76 FR 79262 (December 21, 2011) (SR–NASDAQ–2011–122) (order approving the adoption of IM–5900–7) (''Original Approval Order''). Nasdaq states that it will maintain, in its online rule book, a link to the text of the rule as in effect before the proposed amendment. The text of the Prior Rule will be made available at *http://nasdaq.cchwallstreet.com/NASDAQ/pdf/nasdaq-filings/2011/SR-NASDAQ-2011-122.pdf.*

[12] The proposed rule change would also make non-substantive changes to the rule to consistently use the term ''services'' instead of interchangeably using the terms ''products'' and ''services.''

[13] 15 U.S.C. 78f. 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).

Sections 6(b)(4) and (5) of the Act,[14] in particular, in that it is designed to provide for the equitable allocation of reasonable dues, fees, and other charges among Exchange members, issuers, and other persons using the Exchange's facilities, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers. Moreover, the Commission believes that the proposed rule change is consistent with Section 6(b)(8) of the Act[15] in that it does not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

The Commission believes that it is consistent with the Act for the Exchange to raise the market capitalization threshold for companies to qualify for Additional Services from $500 million or more to $750 million or more, and for the Exchange to reduce the time period of complimentary services provided to Eligible Switches with a market capitalization of $750 million or more from four years to three years. Moreover, the Commission believes that it is consistent with the Act for the Exchange to offer varying services to different categories of issuers since larger capitalized companies generally will need and use more services.[16] Nasdaq represents that the new threshold better reflects the level where a company will most benefit from the Additional Services, and will most likely continue to purchase those services after the complimentary period has expired.[17] In addition, Nasdaq states that the higher threshold will better reflect the type of companies that, when listing on Nasdaq, will assist in Nasdaq's efforts to attract and retain other listings.[18] Nasdaq states that, based on its experience, this higher threshold is appropriate to differentiate the companies that will most benefit from the Additional Services and provide the most future value to Nasdaq.[19] Based on the above, the Commission believes that Nasdaq has provided a sufficient basis for increasing the threshold by which companies will receive increased services and that this change does not unfairly discriminate among issuers.

Further, Nasdaq notes that reducing the time period from four to three years for free services available to larger Eligible Switches will reduce an existing difference between Eligible Switches and other Eligible New Listings.[20] Nasdaq states that these proposed changes will result in fewer companies receiving the Additional Services and shorten the period for which some companies receive services, which may have the result of enhancing competition with other listing venues and with other service providers.[21] As noted below, this reflects the competitive environment for exchange listings.

The Commission believes that it is consistent with the Act for the Exchange to modify its existing complimentary service offerings by removing Directors Desk, adding interactive webcasts, and reducing the number of users for market analytic tools services. Nasdaq states that it has observed that companies offered the complimentary Directors Desk package may decline to use it, or may only use a few of the available seats, and that a number of companies have expressed interest in interactive webcasts during their discussions with Nasdaq and many purchase this service from NASDAQ OMX Corporate Solutions.[22] Thus, Nasdaq believes that although the interactive webcasts may cost less than Directors Desk, the expected increase in utilization by companies could make this substitution more valuable to companies.[23] In addition, with respect to the reduction in market analytic tools users, Nasdaq states that it has observed that many companies have contracted for four users just because they were available, and not because they were actually needed by the company, and that these companies may not be interested in continuing to pay for those users at the retail price when the package expires.[24] The Commission understands that Nasdaq faces competition in the market for listing services, and that it competes, in part, by offering valuable services to its listed companies. Nasdaq states that it believes that the changes to the services offered will result in a more enticing package for potential new listings, even though the individual value of the services offered may be less, and therefore will enhance competition among listing exchanges.[25]

Accordingly, the Commission believes that Nasdaq's proposed changes to its complimentary services offerings, including changes to the eligibility thresholds and the time period of services offered, reflects the current competitive environment for exchange listings among national securities exchanges and is appropriate and consistent with Section 6(b)(8). The Commission notes that all listed companies receive some services from Nasdaq, including Nasdaq Online and the Market Intelligence Desk.[26]

The Commission also believes that it is consistent with the Act for the Exchange to allow the complimentary period for a particular service to begin on the date of first use if a company begins to use the service within 30 days after the date of listing. Nasdaq states that, in its experience, it can take companies a period of time to review and complete necessary contracts and training for the complimentary services offered under IM–5900–7 following their listing, and that allowing this modest 30 day period, if the company needs it, will help to ensure that the company will have the benefit of the full period permitted under the rule to actually use the services, thereby enabling companies to receive the full intended benefit.[27] Nasdaq states that this change also more closely aligns Nasdaq's treatment of these companies with other customers of NASDAQ OMX Corporate Solutions, who do not receive or pay for services until they are contracted.[28] Nasdaq states that it believes that the increased flexibility surrounding the start date of services will result in a more enticing package for potential new listings and therefore will enhance competition among listing exchanges.[29] The Commission notes that this change would provide only a short window of additional time to allow companies to finalize their contracts for the complimentary services, and that this additional time would only be available to companies that have already determined to list on Nasdaq.[30] The Commission also notes, as Nasdaq points out, that a competing service provider could continue to offer its services during this 30-day period,

[14] 15 U.S.C. 78f(b)(4) and (5).

[15] 15 U.S.C. 78f(b)(8).

[16] *See* Original Approval Order, *supra* note 1111, 76 FR at 79266, finding that it is reasonable for Nasdaq to provide different services to tiers based on market capitalization since larger capitalized companies generally will need and use more services.

[17] *See* Notice, *supra* note 3, 79 FR at 33239. As noted by Nasdaq, in its prior filing, it offers more services to larger companies because they need more and different governance, communications and intelligence services.

[18] *Id.*

[19] *Id.* at 33240.

[20] *Id.*

[21] *Id.* at 33240–1.

[22] *Id.* at 33239.

[23] *Id.*

[24] *Id.*

[25] *Id.* at 33240.

[26] *Id.*

[27] *Id.*

[28] *Id.*

[29] *Id.*

[30] The Commission expects Nasdaq to track the start (and end) date of each free service.

which could potentially enhance competition among service providers.[31]

Nasdaq proposes to allow a company that applies for listing on Nasdaq before July 31, 2014, and lists before September 30, 2014, to elect to receive services under the terms of the rule as in effect before the amendment. Nasdaq notes that companies near a listing or switch may have relied upon the services described in the previous version of the rule in making their decision to list on Nasdaq.[32] The IAG Letter received argues that Nasdaq should go further and grandfather under the old rule any company that can demonstrate that it has been offered the services under the prior version of the rule.[33] This commenter argues that being forced to file an application by July 31, 2014 and list with Nasdaq by September 30, 2013 in order to receive the services offered under the prior version of the rule will disadvantage companies utilizing the confidentiality protection offered under the JOBS Act.[34] In response, Nasdaq states its continued belief that the grandfather period as proposed is appropriate and consistent with the Act and fully addresses the situation where companies made a listing decision based, in part, on the services provided under the old rule.[35] Nasdaq states its view that companies that have not applied to list by July 31, 2014 will be able to make their listing decision based on the services provided under the amended rule and would, therefore, not be disadvantaged.[36] In addition, Nasdaq states that the commenter's suggestion would result in unfair treatment of certain companies that read the current rule but did not meet with Nasdaq, introduces unnecessary complexity into the rule by having to indefinitely track such companies, and would be impractical to administer.[37] The Commission agrees with Nasdaq that the grandfather period proposed is consistent with the Act. The Commission believes that the application and listing deadlines proposed by Nasdaq in order to receive services under the prior version of the rule are reasonable, and that adequate notice of the cutoff dates has been provided to issuers. The Commission notes that the Notice of the proposal, which clearly sets forth the grandfather provision, was published in the **Federal Register** on June 10, 2014.[38]

Finally, the Commission believes that is reasonable, and in fact required by Section 19(b) of the Exchange Act, that Nasdaq amend IM–5900–7 to update the rule text to reflect the actual retail values of the services offered, which have changed since the original adoption of the rule.[39] This provides greater transparency to Nasdaq's rules and the fees applicable to companies listing on the Exchange.

V. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[40] that the proposed rule change (SR–NASDAQ–2014–058) be, and it hereby is, approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[41]

Kevin M. O'Neill,

Deputy Secretary.

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[31] *See* Notice, *supra* note 3, 79 FR at 33241.

[32] *Id.* at 33240.

[33] *See* IAG Letter, *supra* note 4, at 2. The IAG also commented on the reduction in the dollar value of the services and encouraged the Commission to remain vigilant on this issue. For the reasons discussed above, the Commission believes that Nasdaq's proposed changes are consistent with the Act.

[34] *Id.* at 1.

[35] *See* Nasdaq Response Letter, *supra* note 5.

[36] *Id.*

[37] *Id.*

[38] *See supra* note 3.

[39] We would expect Nasdaq, consistent with Section 19(b) of the Act, to periodically update the retail values of services offered should they change. This will help to provide transparency to listed companies on the value of the free services they receive and the actual costs associated with listing on Nasdaq.

[40] 15 U.S.C. 78s(b)(2).

[41] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72665; File No. SR–NYSEArca–2014–59]

Self-Regulatory Organizations; NYSE Arca, Inc.; Order Approving a Proposed Rule Change, as Modified by Amendment No. 1, Relating to the Listing and Trading of Shares of the AdvisorShares Athena High Dividend ETF Under NYSE Arca Equities Rule 8.600

July 24, 2014.

I. Introduction

On May 20, 2014, NYSE Arca, Inc. (''Exchange'' or ''NYSE Arca'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'' or ''Exchange Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to list and trade shares (''Shares'') of the AdvisorShares Athena High Dividend ETF (''Fund'') under NYSE Arca Equities Rule 8.600. The proposed rule change was published for comment in the **Federal Register** on June 9, 2014.[3] On July 23, 2014, the Exchange filed Amendment No. 1 to the proposed rule change.[4] The Commission received no comments on the proposal. This order approves the proposed rule change, as modified by Amendment No. 1.

II. Description of the Proposal

The Exchange proposes to list and trade Shares of the Fund under NYSE Arca Equities Rule 8.600 (''Managed Fund Shares''), which governs the listing and trading of Managed Fund Shares on the Exchange. The Shares will be offered by AdvisorShares Trust (''Trust''), a statutory trust organized under the laws of the State of Delaware and registered with the Commission as an open-end management investment company.[5] AdvisorShares Investments, LLC (''Adviser'') will be the investment adviser to the Fund, and AthenaInvest Advisors LLC (''Sub-Adviser'') will be the Fund's sub-adviser and will provide day-to-day portfolio management of the Fund.[6] The Bank of New York Mellon (''Administrator'') will serve as the administrator, custodian, transfer agent and accounting agent for the Fund.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 72298 (June 3, 2014), 79 FR 33024 (''Notice'').

[4] In Amendment No. 1, the Exchange clarifies that the Fund's investments in reverse repurchase agreements will not be used to enhance leverage. Amendment No. 1 provides clarification to the proposed rule change, and because it does not materially affect the substance of the proposed rule change, or raise any unique or novel regulatory issues, Amendment No. 1 does not require notice and comment.

[5] The Trust is registered under the Investment Company Act of 1940 (''1940 Act''). The Exchange states that on February 18, 2014, the Trust filed with the Commission an amendment to its registration statement on Form N–1A under the Securities Act of 1933 (15 U.S.C. 77a) (''Securities Act'') and under the 1940 Act relating to the Fund (File Nos. 333–157876 and 811–22110) (''Registration Statement''). In addition, according to the Exchange, the Commission has issued an order granting certain exemptive relief to the Trust under the 1940 Act. *See* Investment Company Act Release No. 29291 (May 28, 2010) (File No. 812–13677).

[6] The Exchange represents that neither the Adviser nor the Sub-Adviser is registered as a broker-dealer or is affiliated with a broker-dealer. The Exchange states that in the event (a) the Adviser or the Sub-Adviser becomes a registered broker-dealer or becomes newly affiliated with a broker-dealer or (b) any new adviser or sub-adviser is a registered broker-dealer or becomes affiliated with a broker-dealer, such adviser or sub-adviser will implement a fire wall with respect to its relevant personnel or its broker-dealer affiliate regarding access to information concerning the composition of or changes to the portfolio, and the adviser or sub-adviser will be subject to procedures designed to prevent the use and dissemination of material non-public information regarding the portfolio.

Foreside Fund Services, LLC will be the principal underwriter and distributor of the Fund's Shares.

The Exchange has made the following representations and statements in describing the Fund and its investment strategy, including other portfolio holdings and investment restrictions.[7]

A. Principal Investments (Under Normal Market Conditions) [8]

According to the Exchange, the Fund will seek long-term capital appreciation. The Fund will invest substantially all of the Fund's assets in (1) U.S. and foreign common stock of issuers of any capitalization range, and (2) American Depositary Receipts (''ADRs''), Global Depositary Receipts (''GDRs''), European Depositary Receipts (''EDRs'') and International Depository Receipts (''IDRs'', and together with ADRs, GDRs, and EDRs, ''Depositary Receipts'') that provide investment exposure to global equity markets.[9] Other than unsponsored ADRs, all U.S. and foreign common stocks and Depositary Receipts in which the Fund will invest will be exchange-traded.

The Exchange states that the Sub-Adviser will manage the Fund's portfolio based on its patented Behavioral Portfolio Management methodology. The Sub-Adviser will start by applying a quantitative behavioral screen that narrows the equity universe to securities held in large part by mutual funds the Sub-Adviser believes to be most consistently pursuing their investment strategy. The Sub-Adviser then will narrow this universe by a high dividend yield criteria and select positions for the portfolio based on the highest combined ranking of the two dimensions.

B. Other Fund Investments

The Exchange states that, while the Fund under normal market conditions will invest substantially all of the Fund's assets in exchange-traded U.S. and foreign common stocks and Depositary Receipts, the Fund may invest in other securities and financial instruments, as described below.

The Exchange represents that the Fund may purchase equity securities (other than U.S. and foreign common stocks and Depositary Receipts) traded in the U.S. on registered exchanges, which would include preferred stock, rights, warrants, convertible securities,[10] securities of master limited partnerships (''MLPs''),[11] securities of real estate investment trusts (''REITs''),[12] and shares of closed-end funds.[13] The Fund may invest in affiliated and unaffiliated exchange-traded funds (''ETFs'') [14] and exchange-traded notes (''ETNs'').[15] The Fund also may invest in the securities of exchange-traded pooled investment vehicles (together with ETFs and ETNs, ''ETPs'') that are not investment companies and are not required to comply with the provisions of the 1940 Act. These pooled vehicles typically hold commodities, such as gold or oil, currency, or other property that is itself not a security.[16]

The Exchange states that on a day-to-day basis, the Fund may hold money market instruments, cash, other cash equivalents, and ETPs that invest in these and other highly liquid instruments. Further, the Exchange represents that the Fund may invest in the securities of other investment companies, including mutual funds and business development companies (''BDCs''),[17] to the extent that such an investment would be consistent with the requirements of Section 12(d)(1) of the 1940 Act, or any rule, regulation, or order of the Commission or interpretation thereof. The Fund will only make such investments in conformity with the requirements of Subchapter M of the Internal Revenue Code.

The Exchange represents that the Fund may invest in variable and floating rate instruments, which involve certain obligations that may carry variable or floating rates of interest, and may involve a conditional or unconditional demand feature.[18] The Fund may invest

[7] The Commission notes that additional information regarding the Fund, the Trust, and the Shares, including investment strategies, risks, creation and redemption procedures, fees, portfolio holdings disclosure policies, distributions, and taxes, among other things, can be found in the Notice and the Registration Statement, as applicable. *See* Notice, *supra* note 3, and Registration Statement, *supra* note 5, respectively.

[8] The Exchange states that the term ''under normal market conditions'' means, without limitation, the absence of extreme volatility or trading halts in the equity markets or the financial markets generally; operational issues causing dissemination of inaccurate market information; or force majeure type events such as systems failure, natural or man-made disaster, act of God, armed conflict, act of terrorism, riot or labor disruption, or any similar intervening circumstance.

[9] ADRs are U.S. dollar denominated receipts typically issued by U.S. banks and trust companies that evidence ownership of underlying securities issued by a foreign issuer. The underlying securities may not necessarily be denominated in the same currency as the securities into which they may be converted. The underlying securities are held in trust by a custodian bank or similar financial institution in the issuer's home country. The depositary bank may not have physical custody of the underlying securities at all times and may charge fees for various services, including forwarding dividends and interest and corporate actions. Generally, ADRs in registered form are equity securities designed for use in domestic securities markets and are traded on exchanges or over-the-counter in the U.S. GDRs, EDRs, and IDRs are similar to ADRs in that they are certificates evidencing ownership of shares of a foreign issuer; however, GDRs, EDRs, and IDRs may be issued in bearer form and denominated in other currencies and are generally designed for use in specific or multiple securities markets outside the U.S. EDRs, for example, are designed for use in European securities markets while GDRs are designed for use throughout the world. ADRs may be purchased with and sold for U.S. dollars. ADRs may be sponsored or unsponsored, but unsponsored ADRs will not exceed 10% of the Fund's net assets. Not more than 10% of the net assets of the Fund in the aggregate shall consist of equity securities whose principal market is not a member of the Intermarket Surveillance Group (''ISG'') or is a market with which the Exchange does not have a comprehensive surveillance sharing agreement.

[10] Convertible securities are bonds, debentures, notes, preferred stocks or other securities that may be converted or exchanged (by the holder or by the issuer) into shares of the underlying common stock (or cash or securities of equivalent value) at a stated exchange ratio.

[11] MLPs are limited partnerships in which the ownership units are publicly traded.

[12] REITs are pooled investment vehicles which invest primarily in real estate or real estate related loans. REITs are generally classified as equity REITs, mortgage REITs or a combination of equity and mortgage REITs.

[13] A closed-end fund is a pooled investment vehicle that is registered under the 1940 Act and whose shares are listed and traded on U.S. national securities exchanges.

[14] For purposes of this filing, ETFs include Investment Company Units (as described in NYSE Arca Equities Rule 5.2(j)(3)); Portfolio Depositary Receipts (as described in NYSE Arca Equities Rule 8.100); and Managed Fund Shares (as described in NYSE Arca Equities Rule 8.600). All the ETFs in which the Fund will invest will be listed and traded on national securities exchanges. The Fund will invest in the securities of ETFs registered under the 1940 Act consistent with the requirements of Section 12(d)(1) of the 1940 Act, or any rule, regulation or order of the Commission or interpretation thereof. The Fund will only make such investments in conformity with the requirements of Regulation M of the Internal Revenue Code of 1986, as amended (''Internal Revenue Code''). While the Fund may invest in inverse ETFs, the Fund will not invest in leveraged or inverse leveraged (*e.g.,* 2X, –2X, 3X or –3X) ETFs.

[15] ETNs include securities listed and traded on the Exchange under NYSE Arca Equities Rule 5.2(j)(6) (''Index-Linked Securities''). ETNs are senior, unsecured, unsubordinated debt securities issued by an underwriting bank that are designed to provide returns that are linked to a particular benchmark less investor fees. ETNs have a maturity date and, generally, are backed only by the creditworthiness of the issuer.

[16] Such pooled investment vehicles include Trust Issued Receipts (as described in NYSE Arca Equities Rule 8.200); Commodity-Based Trust Shares (as described in NYSE Arca Equities Rule 8.201); Currency Trust Shares (as described in NYSE Arca Equities Rule 8.202); Commodity Index Trust Shares (as described in NYSE Arca Equities Rule 8.203); and Trust Units (as described in NYSE Arca Equities Rule 8.500).

[17] A BDC is a less common type of exchange-traded closed-end investment company that more closely resembles an operating company than a typical investment company. BDCs generally focus on investing in, and providing managerial assistance to, small, developing, financially-troubled, private companies or other companies that may have value that can be realized over time and with management assistance.

[18] The Exchange states that such instruments bear interest at rates which are not fixed, but which vary

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in bank obligations, which would include certificates of deposit, bankers' acceptances, and fixed time deposits.[19] The Exchange also states that the Fund may invest in municipal securities.

The Exchange represents that the Fund may seek to invest in corporate debt securities,[20] including debt issued by domestic or foreign companies of all kinds, and including those with small-, mid-, and large-capitalizations. The Fund also may invest in corporate debt securities representative of one or more high-yield bond or credit derivative indices. The Exchange represents that the Fund may invest in all grades of corporate debt securities, including below investment grade (such debt may carry variable or floating rates of interest) and unrated corporate debt securities.

The Fund may invest in non-investment-grade debt securities [21] and unrated debt securities. The Exchange represents that the creditworthiness of the issuer, as well as any financial institution or other party responsible for payments on the security, will be analyzed to determine whether to purchase unrated bonds.

The Exchange represents that the Fund may invest up to 10% of net assets in asset-backed and commercial mortgaged-backed securities.[22]

The Fund may also invest in inflation-indexed bonds.[23] The Fund may invest in U.S. government securities, including U.S. Treasury securities. The Fund may invest in separately traded principal and interest components of securities guaranteed or issued by the U.S. government or its agencies, instrumentalities, or sponsored enterprises if such components trade independently under the Separate Trading of Registered Interest and Principal of Securities program (''STRIPS'') or any similar program sponsored by the U.S. government.[24] The Fund may invest in U.S. Treasury zero-coupon bonds.[25]

The Fund may enter into repurchase agreements with financial institutions, which may be deemed to be loans. The Exchange represents that the Fund will follow certain procedures designed to minimize the risks inherent in such agreements, including effecting repurchase transactions only with large, well-capitalized, and well-established financial institutions whose condition will be continually monitored by the Sub-Adviser. In addition, the Exchange represents that the value of the collateral underlying the repurchase agreements will always be at least equal to the repurchase price, including any accrued interest earned on the repurchase agreement. The Exchange states that the Fund will not invest in repurchase agreements that do not mature within seven days if any such investment, together with any other illiquid assets held by the Fund, would amount to more than 15% of the Fund's net assets. The Fund may also enter into reverse repurchase agreements as part of the Fund's investment strategy.[26] The Exchange represents that the Fund's investments in reverse repurchase agreements will not be used to enhance leverage.[27]

C. Fund Investment Restrictions

The Fund will seek to qualify for treatment as a Regulated Investment Company under the Internal Revenue Code.

The Fund may hold up to an aggregate amount of 15% of its net assets in illiquid assets (calculated at the time of investment), including Rule 144A securities deemed illiquid by the Adviser or Sub-Adviser,[28] in accordance with Commission guidance. The Fund will monitor its portfolio liquidity on an ongoing basis to determine whether, in light of current circumstances, an adequate level of liquidity is being maintained, and will consider taking appropriate steps in order to maintain adequate liquidity if, through a change in values, net assets, or other circumstances, more than 15% of the Fund's net assets are held in illiquid assets. Illiquid assets include securities subject to contractual or other restrictions on resale and other instruments that lack readily available markets as determined in accordance with Commission staff guidance.

The Fund may not, with respect to 75% of its total assets, purchase securities of any issuer (except securities issued or guaranteed by the U.S. government, its agencies or instrumentalities or shares of investment companies) if, as a result, more than 5% of its total assets would be invested in the securities of such issuer; or acquire more than 10% of the outstanding voting securities of any one issuer. For purposes of this policy, the issuer of the underlying security will be deemed to be the issuer of any respective depositary receipt.

The Fund may not invest 25% or more of its total assets in the securities of one or more issuers conducting their principal business activities in the same industry or group of industries. This limitation does not apply to investments in securities issued or guaranteed by the U.S. government, its agencies or instrumentalities, or shares of investment companies. The Fund will

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with changes in specified market rates or indices, and that the interest rates on these securities may be reset daily, weekly, quarterly, or some other reset period, and may have a set floor or ceiling on interest rate changes. The Exchange states that a demand instrument with a demand notice exceeding seven days may be considered illiquid if there is no secondary market for such security.

[19] Certificates of deposit are negotiable certificates issued against funds deposited in a commercial bank for a definite period of time and earning a specified return. Bankers' acceptances are negotiable drafts or bills of exchange, normally drawn by an importer or exporter to pay for specific merchandise, which are ''accepted'' by a bank, meaning, in effect, that the bank unconditionally agrees to pay the face value of the instrument on maturity. Fixed time deposits are bank obligations payable at a stated maturity date and bearing interest at a fixed rate.

[20] Corporate debt securities are typically fixed-income securities issued by businesses to finance their operations. Notes, bonds, debentures and commercial paper are the most common types of corporate debt securities. The primary differences between the different types of corporate debt securities are their maturities and secured or unsecured status. Commercial paper has the shortest term and is usually unsecured. Commercial paper is a short-term obligation with a maturity ranging from one to 270 days issued by banks, corporations and other borrowers. Such investments are unsecured and usually discounted. The Fund may invest in commercial paper rated A–1 or A–2 by Standard and Poor's Ratings Services (''S&P'') or Prime-1 or Prime-2 by Moody's Investors Service, Inc. (''Moody's'').

[21] Non-investment-grade securities, also referred to as ''high yield securities'' or ''junk bonds,'' are debt securities that are rated lower than the four highest rating categories by a nationally recognized statistical rating organization (for example, lower than Baa3 by Moody's or lower than BBB- by S&P) or are determined to be of comparable quality by the Fund's Sub-Adviser.

[22] Asset-backed securities are securities backed by installment contracts, credit-card receivables or other assets. Commercial mortgage-backed securities are securities backed by commercial real estate properties. Both asset-backed and commercial mortgage-backed securities represent interests in ''pools'' of assets in which payments of both interest and principal on the securities are made on a regular basis.

[23] Inflation-indexed bonds are fixed income securities whose principal value is periodically adjusted according to the rate of inflation.

[24] The Exchange states that STRIPS may be sold as zero coupon securities.

[25] The Exchange states that these securities are U.S. Treasury bonds which have been stripped of their unmatured interest coupons, the coupons themselves, and receipts or certificates representing interests in such stripped debt obligations and coupons, and that interest is not paid in cash during the term of these securities, but is accrued and paid at maturity.

[26] Reverse repurchase agreements involve sales by the Fund of portfolio assets concurrently with an agreement by the Fund to repurchase the same assets at a later date at a fixed price.

[27] *See supra* note 4.

[28] In reaching liquidity decisions, the Adviser or Sub-Adviser may consider the following factors: The frequency of trades and quotes for the security; the number of dealers wishing to purchase or sell the security and the number of other potential purchasers; dealer undertakings to make a market in the security; and the nature of the security and the nature of the marketplace in which it trades (*e.g.,* the time needed to dispose of the security, the method of soliciting offers and the mechanics of transfer).

not invest 25% or more of its total assets in any investment company that so concentrates.

The Exchange represents that the Fund will not invest in options, futures, swaps or other derivatives. It further represents that the Fund's investments will be consistent with the Fund's investment objective and will not be used to enhance leverage.

III. Discussion and Commission Findings

After careful review, the Commission finds that the Exchange's proposal to list and trade the Shares is consistent with the Exchange Act and the rules and regulations thereunder applicable to a national securities exchange.[29] In particular, the Commission finds that the proposed rule change, as modified by Amendment No. 1, is consistent with Section 6(b)(5) of the Exchange Act,[30] which requires, among other things, that the Exchange's rules be designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. The Commission notes that the Fund and the Shares must comply with the requirements of NYSE Arca Equities Rule 8.600 to be listed and traded on the Exchange.

The Commission finds that the proposal to list and trade the Shares on the Exchange is consistent with Section 11A(a)(1)(C)(iii) of the Exchange Act,[31] which sets forth Congress' finding that it is in the public interest and appropriate for the protection of investors and the maintenance of fair and orderly markets to assure the availability to brokers, dealers, and investors of information with respect to quotations for and transactions in securities. Quotation and last sale information for the Shares will be available via the Consolidated Tape Association (''CTA'') high-speed line. In addition, the Portfolio Indicative Value of the Fund,[32] as defined in NYSE Arca Equities Rule 8.600(c)(3), will be widely disseminated by one or more major market data vendors at least every 15 seconds during the Core Trading Session.[33] On each business day, before commencement of trading in Shares in the Core Trading Session on the Exchange, the Fund will disclose on its Web site the Disclosed Portfolio (as defined in NYSE Arca Equities Rule 8.600(c)(2)) that will form the basis for the Fund's calculation of NAV at the end of the business day.[34] In addition, a basket composition file, which includes the security names and share quantities (as applicable) required to be delivered in exchange for the Fund's Shares, together with estimates and actual cash components, will be publicly disseminated daily prior to the opening of the New York Stock Exchange, LLC (''NYSE'') via the National Securities Clearing Corporation. The Administrator will calculate the NAV and NAV per Share of the Fund once each business day as of the regularly scheduled close of normal trading on the NYSE (normally, 4:00 p.m., Eastern Time).[35] Information regarding market price and trading volume of the Shares will be continually available on a real-time basis throughout the day on brokers' computer screens and other electronic services. Information regarding the previous day's closing price and trading volume information for the Shares will be published daily in the financial section of newspapers. Quotation and last sale information for the U.S. exchange-listed equity securities, including common stocks, ETPs, closed-end funds, exchange-traded pooled investment vehicles, Depositary Receipts, MLPs, REITs, warrants, rights, preferred stocks, BDCs and convertible securities will be available via the CTA high-speed line, and will be available from the national securities exchange on which they are listed. Information regarding unsponsored ADRs will be available from major market data vendors. Intra-day and closing price information relating to the fixed income investments of the Fund will be available from major market data vendors. Price information regarding investment company securities will be available from on-line sources and from the Web site for the applicable investment company securities. The Fund's Web site will include a form of the prospectus for the Fund and additional data relating to NAV and other applicable quantitative information.

The Commission further believes that the proposal to list and trade the Shares is reasonably designed to promote fair disclosure of information that may be necessary to price the Shares appropriately and to prevent trading when a reasonable degree of transparency cannot be assured. The Exchange will obtain a representation from the issuer of the Shares that the NAV and the Disclosed Portfolio will be made available to all market participants at the same time. Trading in the Shares of the Fund will be halted if the circuit breaker parameters in NYSE Arca Equities Rule 7.12 have been reached. Trading in the Shares of the Fund may be halted because of other

[29] 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).

[30] 15 U.S.C. 78f(b)(5).

[31] 15 U.S.C. 78k–1(a)(1)(C)(iii).

[32] According to the Exchange, the Portfolio Indicative Value is based on current information regarding the value of the securities and other assets in the Disclosed Portfolio. The Portfolio Indicative Value should not be viewed as a ''real-time'' update of the NAV per Share of the Fund, which will be calculated once per day.

[33] The Exchange states that several major market data vendors display or make widely available Portfolio Indicative Values taken from the CTA or other data feeds.

[34] On a daily basis, the Adviser will disclose on behalf of the Fund on the Fund's Web site each portfolio security and other financial instrument of the Fund the following information: Ticker symbol (if applicable); name of security and financial instrument; number of shares, if applicable; dollar value of securities and financial instruments held in the portfolio; and percentage weighting of the security and financial instrument in the portfolio. The Web site information will be publicly available at no charge.

[35] The NAV per Share of the Fund will be computed by dividing the value of the net assets of the Fund (the value of its total assets less total liabilities) by the total number of Shares of the Fund outstanding. Expenses and fees will be accrued daily and taken into account for purposes of determining NAV per Share. According to the Exchange, price information for exchange-listed securities, including common stocks, ETFs, ETNs, closed-end funds, exchange-traded pooled investment vehicles, Depositary Receipts, MLPs, REITs, warrants, rights, preferred stocks, BDCs and convertible securities will be valued at market value, which will generally be determined using the last reported official closing or last trading price on the exchange or market on which the security is primarily traded at the time of valuation or, if no sale has occurred, at the last quoted bid price on the primary market or exchange on which they are traded. Other portfolio securities and assets for which market quotations are not readily available or determined to not represent the current fair value will be valued based on fair value as determined in good faith in accordance with procedures adopted by the Trust's Board of Trustees and in accordance with the 1940 Act. Unsponsored ADRs will be valued on the basis of the market closing price on the exchange where the stock of the foreign issuer that underlies the ADR is listed. Investment company securities, other than ETFs and BDCs, (including mutual funds), will be valued at NAV. Domestic and foreign fixed income securities, including U.S. government securities, repurchase agreements, reverse repurchase agreement, variable and floating rate securities, bank obligations, corporate debt securities, zero-coupon bonds, commercial paper, inflation-indexes bonds, mortgage-backed securities and asset-backed securities generally trade in the over-the-counter market rather than on a securities exchange, and the Fund will generally value these portfolio securities by relying on independent pricing services. The Fund's pricing services will use valuation models or matrix pricing to determine current value. In general, pricing services use information with respect to comparable bond and note transactions, quotations from bond dealers or by reference to other securities that are considered comparable in such characteristics as rating, interest rate, maturity date, option adjusted spread models, prepayment projections, interest rate spreads and yield curves. Matrix price is an estimated price or value for a fixed-income security. Matrix pricing is considered a form of fair value pricing.

market conditions or for reasons that, in the view of the Exchange, make trading in the Shares inadvisable,[36] and trading in the Shares will be subject to NYSE Arca Equities Rule 8.600(d)(2)(D), which sets forth additional circumstances under which trading in Shares of the Fund may be halted. The Exchange represents that it has a general policy prohibiting the distribution of material, non-public information by its employees. Consistent with NYSE Arca Equities Rule 8.600(d)(2)(B)(ii), the Reporting Authority must implement and maintain, or be subject to, procedures designed to prevent the use and dissemination of material, non-public information regarding the actual components of the Fund's portfolio. In addition, the Exchange represents that neither the Adviser nor the Sub-Adviser is registered as a broker-dealer or is affiliated with a broker-dealer.[37] Prior to the commencement of trading, the Exchange states that it will inform its Equity Trading Permit Holders in an Information Bulletin of the special characteristics and risks associated with trading the Shares.

The Exchange represents that trading in the Shares will be subject to the existing trading surveillances, administered by the Financial Industry Regulatory Authority (''FINRA'') on behalf of the Exchange, which are designed to detect violations of Exchange rules and applicable federal securities laws.[38] The Exchange further represents that these procedures are adequate to properly monitor Exchange-trading of the Shares in all trading sessions and to deter and detect violations of Exchange rules and federal securities laws applicable to trading on the Exchange. The Exchange states that the FINRA, on behalf of the Exchange, will communicate as needed regarding trading in the Shares and underlying exchange-traded assets, as applicable, with other markets and other entities that are members of the ISG, and that FINRA, on behalf of the Exchange, may obtain trading information regarding trading in the Shares and underlying exchange-traded assets from such markets and other entities. In addition, the Exchange may obtain information regarding trading in the Shares and underlying exchange-traded assets from markets and other entities that are members of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement. The Exchange states that FINRA, on behalf of the Exchange, is able to access, as needed, trade information for certain fixed income securities held by the Fund that is reported to FINRA's Trade Reporting and Compliance Engine.

The Exchange represents that the Exchange deems the Shares to be equity securities, thus subject to the Exchange's existing rules governing the trading of equity securities. In support of this proposal, the Exchange has made representations, including:

(1) The Shares will conform to the initial and continued listing criteria under NYSE Arca Equities Rule 8.600.

(2) The Exchange has appropriate rules to facilitate transactions in the Shares during all trading sessions.

(3) Trading in the Shares will be subject to the existing trading surveillances, administered by FINRA on behalf of the Exchange, which are designed to detect violations of Exchange rules and applicable federal securities laws, and that these procedures are adequate to properly monitor Exchange trading of the Shares in all trading sessions and to deter and detect violations of Exchange rules and federal securities laws applicable to trading on the Exchange.

(4) Prior to the commencement of trading, the Exchange will inform its Equity Trading Permit Holders in an Information Bulletin of the special characteristics and risks associated with trading the Shares. Specifically, the Information Bulletin will discuss the following: (a) The procedures for purchases and redemptions of Shares in creation unit aggregations (and that Shares are not individually redeemable); (b) NYSE Arca Equities Rule 9.2(a), which imposes a duty of due diligence on its Equity Trading Permit Holders to learn the essential facts relating to every customer prior to trading the Shares; (c) the risks involved in trading the Shares during the Opening and Late Trading Sessions when an updated Portfolio Indicative Value will not be calculated or publicly disseminated; (d) how information regarding the Portfolio Indicative Value is disseminated; (e) the requirement that Equity Trading Permit Holders deliver a prospectus to investors purchasing newly issued Shares prior to or concurrently with the confirmation of a transaction; and (f) trading information.

(5) For initial and continued listing, the Fund will be in compliance with Rule 10A–3 under the Exchange Act,[39] as provided by NYSE Arca Equities Rule 5.3.

(6) The Fund's investments will be consistent with its respective investment objective and will not be used to enhance leverage. While the Fund may invest in inverse ETFs, the Fund will not invest in leveraged or inverse leveraged (*e.g.,* 2X, –2X, 3X or –3X) ETFs.

(7) The Fund may hold up to an aggregate amount of 15% of its net assets in illiquid assets (calculated at the time of investment), including Rule 144A Securities deemed illiquid by the Advisor or Sub-Advisor, in accordance with Commission guidance.

(8) Other than unsponsored ADRs, all U.S. and foreign common stocks and Depositary Receipts in which the Fund will invest will be exchange-traded. Unsponsored ADRs will not exceed 10% of the Fund's net assets.

(9) Not more than 10% of the net assets of the Fund in the aggregate shall consist of equity securities whose principal market is not a member of the ISG or is a market with which the Exchange does not have a comprehensive surveillance sharing agreement.

(10) The Fund may invest up to 10% of net assets in asset-backed and commercial mortgaged-backed securities.

(11) The Fund will not invest in options, futures, swaps or other derivatives.

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[36] These reasons may include: (1) The extent to which trading is not occurring in the securities and/or the financial instruments comprising the Disclosed Portfolio of the Fund; or (2) whether other unusual conditions or circumstances detrimental to the maintenance of a fair and orderly market are present. With respect to trading halts, the Exchange may consider all relevant factors in exercising its discretion to halt or suspend trading in the Shares of the Fund.

[37] *See supra* note 6. The Exchange states that an investment adviser to an open-end fund is required to be registered under the Investment Advisers Act of 1940 (''Advisers Act''). As a result, the Adviser and Sub-Adviser and their related personnel are subject to the provisions of Rule 204A–1 under the Advisers Act relating to codes of ethics. This Rule requires investment advisers to adopt a code of ethics that reflects the fiduciary nature of the relationship to clients, as well as compliance with other applicable securities laws. Accordingly, procedures designed to prevent the communication and misuse of non-public information by an investment adviser must be consistent with Rule 204A–1 under the Advisers Act. In addition, Rule 206(4)–7 under the Advisers Act makes it unlawful for an investment adviser to provide investment advice to clients unless such investment adviser has (i) adopted and implemented written policies and procedures reasonably designed to prevent violation, by the investment adviser and its supervised persons, of the Advisers Act and the Commission rules adopted thereunder; (ii) implemented, at a minimum, an annual review regarding the adequacy of the policies and procedures established pursuant to subparagraph (i) above and the effectiveness of their implementation; and (iii) designated an individual (who is a supervised person) responsible for administering the policies and procedures adopted under subparagraph (i) above.

[38] The Exchange states that FINRA surveils trading on the Exchange pursuant to a regulatory services agreement and that the Exchange is responsible for FINRA's performance under this regulatory services agreement.

[39] 17 CFR 240.10A–3.

(12) A minimum of 100,000 Shares will be outstanding at the commencement of trading on the Exchange.

This approval order is based on all of the Exchange's representations, including those set forth above and in the Notice, and the Exchange's description of the Fund.

For the foregoing reasons, the Commission finds that the proposed rule change, as modified by Amendment No. 1, is consistent with Section 6(b)(5) of the Act [40] and the rules and regulations thereunder applicable to a national securities exchange.

IV. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Exchange Act,[41] that the proposed rule change (SR–NYSEArca–2014–59), as modified by Amendment No. 1, be, and it hereby is approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[42]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–17879 Filed 7–29–14; 8:45 am]

BILLING CODE 8011–01–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

[Docket No. FTA–2014–0018]

Bus and Bus Facilities Formula Program: Proposed Circular

AGENCY: Federal Transit Administration (FTA), DOT.

ACTION: Notice of availability of proposed circular and request for comments.

SUMMARY: The Federal Transit Administration (FTA) has placed in the docket and on its Web site, proposed guidance, in the form of a circular, to assist recipients in their implementation of the Section 5339 Bus and Bus Facilities Formula Program (Bus Program). The purpose of this proposed circular is to provide recipients of FTA financial assistance with instructions and guidance on program administration and the grant application process. This proposed circular is a result of the new Bus Program enacted through the Moving Ahead for Progress in the 21st Century Act (MAP–21). By this notice, FTA invites public comment on the proposed circular.

DATES: Comments must be submitted by September 29, 2014. Late-filed comments will be considered to the extent practicable.

ADDRESSES: You may submit comments identified by the docket number FTA–2014–0018 by any of the following methods:

- *Federal eRulemaking Portal:* Submit electronic comments and other data to *http://www.regulations.gov.*
- *U.S. Mail:* Send comments to Docket Operations; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12–140 of the West Building, Ground Floor, at 1200 New Jersey Avenue SE., Washington, DC, between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays.
- *Fax:* Fax comments to Docket Operations, U.S. Department of Transportation, at (202) 493–2251.

Instructions: The agency name (Federal Transit Administration) and Docket Number (FTA–2014–0018) must be included at the beginning of each submission. If sent by mail, please submit two copies. Due to security procedures in effect since October 2001, mail received through the U.S. Postal Service may be subject to delays. Parties mailing comments should consider using an express mail firm to ensure their prompt filing. If you wish to receive confirmation that FTA received your comments, you must include a self-addressed stamped postcard. All comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. You may review USDOT's complete Privacy Act Statement published in the **Federal Register** on April 11, 2000, at 65 FR 19477–8 or *http://DocketsInfo.dot.gov.*

FOR FURTHER INFORMATION CONTACT: For program matters, Sam Snead, Office of Transit Programs, (202) 366–1089 or *samuel.snead@dot.gov.* For legal matters, Michelle Hershman, Office of Chief Counsel, (202–493–0197) or *michelle.hershman@dot.gov.* Office hours are from 8:30 a.m. to 5:00 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

I. Overview

The Moving Ahead for Progress in the 21st Century Act (MAP–21, Pub. L. 112–141), signed into law on July 6, 2012, establishes the Section 5339 Bus and Bus Facilities Formula program (Section 5339 or Bus Program), replacing some of the elements of the Bus and Bus Facilities discretionary program (formerly 49 U.S.C. 5309(b)(3) under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users Act of 2005 (SAFETEA–LU)). The Section 5309 Bus and Bus Facilities Program under SAFETEA–LU provided funds for capital bus and bus facility grants in support of the U.S. Department of Transportation's (U.S. DOT) State of Good Repair, Bus Livability, Veterans Transportation and Community Living, and Clean Fuels initiatives. In addition, SAFETEA–LU allocated funds under this program for Ferry Boat Systems, Fuel Cell Bus, and the Bus Testing program. The new Section 5339 Bus Program, which now includes only capital projects, provides funding to replace, rehabilitate, and purchase buses and related equipment as well as construct bus-related facilities.

Therefore, FTA is proposing new circular 5100.1, ''Bus and Bus Facilities Program: Guidance and Application Instructions,'' in order to provide grantees with guidance for applying for funding under the Bus Program. In addition, the proposed circular addresses the requirements that must be met in the application for Section 5339 program assistance.

In addition to implementing the new Section 5339 program, MAP–21 made several significant changes to Federal transit laws that are applicable across all of FTA's financial assistance programs and reflected in this proposed circular. These changes further several important goals of the U.S. DOT. Most notably, MAP–21 grants FTA significant new authority to oversee and regulate the safety of public transportation systems throughout the United States. MAP–21 also puts new emphasis on restoring and replacing the Nation's aging public transportation infrastructure by establishing a new State of Good Repair formula program and new asset management requirements. Furthermore, it aligns Federal funding with key performance goals and tracks recipients' progress towards these goals. Finally, MAP–21 improves the efficiency of program administration through program consolidation and streamlining. FTA encourages commenters to review and provide comments on this document as well as the other proposed circulars FTA has drafted in response to the MAP–21 changes.

This notice provides a summary of the proposed circular. The circular contains new policies including, but not limited to, policies regarding funding transfer provisions, ineligibility of preventive maintenance and designated recipient

[40] 15 U.S.C. 78f(b)(5).

[41] 15 U.S.C. 78s(b)(2).

[42] 17 CFR 200.30–3(a)(12).

eligibility. The circular itself is not included in this notice; an electronic version may be found on FTA's Web site, at *www.fta.dot.gov.* Paper copies of the circular may be obtained by contacting FTA's Administrative Services Help Desk, at (202) 366–4865. FTA seeks comment on the proposed circular.

II. Chapter-by-Chapter Analysis

A. Chapter I—Introduction and Background

Chapter I of the circular is an introductory chapter that covers general information about FTA and its authorizing legislation, provides a brief history of the Bus Program, and defines terms applicable across all FTA programs.

(1) Definitions

The proposed circular provides information on the following statutory definitions relevant to Section 5339 which were amended by MAP–21, including ''associated transit improvements'' (previously ''transit enhancements''); ''bus rapid transit system''; ''fixed guideway,'' and ''public transportation.'' Definitions have also been included in this section for terms that are unclear or currently undefined. Where applicable, we have used the same definitions found in rulemakings or other circulars to ensure consistency.

(2) Program History

This section provides an overview of each piece of legislation that has authorized the Section 5339 Bus Program. While Section 5309 Bus Program under SAFETEA–LU was a discretionary program, the Section 5339 funding is allocated to recipients using a statutory formula. In addition, a set amount is appropriated to each State and territory from a National distribution allocation.

B. Chapter II—Program Overview

Chapter II covers general information about the Bus Program, including program administration, eligibility and oversight.

(1) Statutory Authority

This chapter begins by providing the statutory authority for the Bus Program, which was codified at 49 U.S.C. Section 5339.

(2) Program Goals

This section identifies the primary goal of the Bus Program which is to assist eligible recipients in financing capital projects to replace, rehabilitate, and purchase buses and related equipment, and to construct bus-related facilities which will support the continuation and expansion of public transportations services in the United States.

(3) FTA Role in Program Administration

This section begins by providing information on the role of FTA's headquarters and regional offices. Headquarters serves a broader role in administration of the program, including providing guidance, apportioning funds, and conducting national reviews. Regional offices, on the other hand, are responsible for the day-to-day administration of the program, including reviewing and approving grant applications, obligating funds and providing technical assistance.

(4) Designated Recipient and State Role in Program Administration

This section of the proposed circular clarifies that FTA will only apportion Bus Program funds for urbanized areas (UZA) to the State and designated recipients who are responsible for apportioning those funds to eligible projects and applying for funds on behalf of eligible subrecipients within the UZA. This section also clarifies that there are no other eligible direct recipients for the Bus Program under MAP–21. In addition, this section discusses the State's or designated recipient's responsibilities in administering Bus Program funds.

(5) Designated Recipient, States and Sub-recipient Eligibility

This section provides guidance on who is eligible to receive Section 5339 funds. Eligible recipients are designated recipients and States that operate or allocate funding to fixed-route bus operators. This section also describes the process for allocating funds to subrecipients and discusses pass-through arrangements whereby a designated recipient may pass its Bus Program grant funds through to a subrecipient to carry out the project agreed to in the grant. Unlike supplemental agreements between the designated recipient and FTA, a pass-through arrangement to a subrecipient does not relieve the recipient of its responsibilities to carry out the terms and conditions of the grant agreement.

(6) FTA Oversight

The section outlines the Congressionally-required oversight that FTA must conduct in relation to the Bus Program. Specifically, to perform this oversight, FTA conducts a triennial review at least once every three years to evaluate recipient performance and compliance with Federal requirements and certifications. The Single Audit Act also requires recipients of Federal awards resulting in expenditures of $750,000 or more to have independent audits conducted annually.

(7) Relationship to Other Programs

This section includes a discussion on both repealed SAFETEA–LU programs for which funds may still be available and new MAP–21 programs. This section begins by discussing the relationship between programs repealed by MAP–21 and the Bus Program authorized under MAP–21. Repealed programs include the Clean Fuels Grant Program (former Section 5308) and the Bus and Bus Facilities Discretionary Program (former Section 5309(b)(3)). Funds previously authorized for programs that were repealed by MAP–21 may remain available for their originally authorized purposes until the statutory period of availability expires, or until the funds are fully expended, rescinded by Congress, or otherwise reallocated.

This section then discusses the relationship between the Bus Program and the following programs that are either completely new or were significantly modified by MAP–21, including the Urbanized Area Formula Program (5307), Fixed Guideway Capital Investment Program (5309, New and Small Starts, and Core Capacity Improvements), and the State of Good Repair Formula Program (5337).

C. Chapter III—General Program Information.

(1) Apportionment of Program Funds

This chapter provides a more detailed discussion of the apportionments for the Section 5339 Bus Program. The apportionment calculations for Section 5339 include set-asides and formula calculations established by MAP–21. Of the total made available, a percentage identified within the apportionment notice is set aside for National Distribution for each State, Territory and the District of Columbia.

(2) Apportionment Data

This section describes how FTA obtains the data used for the formula apportionments. For UZAs with less than 200,000 in population, the formula is based on population and population density. For UZAs with populations of 200,000 and more, the formula is based on a combination of bus revenue vehicle miles and bus passenger miles as well as population and population density.

(3) Availability of Funds

Under MAP–21, Section 5339 funding remains available for obligation three years from the year in which the funds were apportioned. As a result, the funds are available for three years plus the year of apportionment.

(4) Transfer of Apportionments

MAP–21 allows the Governor of the State to transfer any part of the State's apportionment under the National Distribution to supplement the State's Section 5311 apportionment or any urbanized area's Section 5307 apportionment so long as funds are used for eligible Bus Program activities. No FTA prior approval is required, but the Governor must notify FTA of a transfer for each transaction for record purposes. The transfer provisions regarding formula funds under Section 5336 do not apply to Section 5339 program funds.

(5) Eligible Capital Projects

The last section in this chapter proposes the types of projects and activities that may be funded under Section 5339. Eligible capital projects include projects to replace, rehabilitate, and purchase buses and related equipment, and projects to construct bus-related facilities. More specifically, this includes:

a. The acquisition of buses for fleet and service expansion;
b. bus maintenance and administrative facilities;
c. transfer facilities;
d. bus malls;
e. transportation centers;
f. intermodal terminals;
g. park-and ride stations;
h. acquisition of replacement vehicles;
i. bus rebuilds;
j. passenger amenities such as passenger shelters and bus stop signs;
k. accessory and miscellaneous equipment such as:
l. mobile radio units;
2. supervisory vehicles;
3. fare boxes;
4. computers; and
5. shop and garage equipment.
m. clean fuels projects;
n. introduction of new technology, including Intelligent Transportation Systems (ITS);
o. leasing of capital assets;
p. crime prevention and security;
q. innovative financing;
r. interest and debt financing;
s. bicycle facilities;
t. bus rapid transit systems; and
u. joint development.

Under MAP–21, ''public art'' is no longer an eligible associated transit improvement (formerly ''transit enhancement''). However, incorporation of design and artistic considerations into public transportation projects may still be an allowable cost, so long as it is an integral part of the project. For example, an artist may be employed as part of the construction design team, or art can be incorporated into functional elements such as walls, seating, lighting, or railings.

Planning activities are not eligible under the Bus Program. However, costs associated with environmental compliance as part of preliminary engineering (PE) or final design are eligible capital expenses. Preventive maintenance is not an eligible activity under the Bus Program. Mobility Management is also not an eligible expense under the Bus Program.

(6) Local Share of Project Costs

Consistent with MAP–21, this circular proposes a 20 percent local match requirement for capital assistance. However, MAP–21 expanded the category of funds that can be used as local match. In addition to those sources of local match previously authorized under SAFETEA–LU, local match may also be derived from the following newly authorized sources:

- Amounts appropriated or otherwise made available to a department of agency of the Government (other than DOT), such as Community Development Block Grant Funds administered by the Department of Housing and Urban Development.
- Any amount expended by providers of public transportation by vanpool for the acquisition of rolling stock to be used in the recipient's service area, excluding any amounts the provider may have received in Federal, State or local government assistance for such acquisition. The provider is required to have a binding agreement with the public transportation agency to provide service in the relevant UZA.

Generally, the Federal share is 85 percent for the acquisition of vehicles for purposes of complying with or maintaining compliance with the Americans with Disabilities Act (ADA) or the Clean Air Act (CAA). The Federal share for project costs related to acquiring vehicle-related equipment or facilities (including clean-fuel or alternative-fuel vehicle-related equipment or facilities) for purposes of complying or maintaining compliance with the CAA, or for meeting ADA requirements, is 90 percent. The grant recipient may itemize the cost of specific, discrete, vehicle-related equipment being purchased for compliance with the ADA or CAA. The Federal share is 90 percent of the cost for these itemized elements.

(7) Additional Sources of Local Share

This section proposes additional sources of local share that recipients may use as part of local match for a capital project. Certain sources such as revenue bond proceeds need prior FTA approval.

(8) Alternative Financing

This section of the proposed circular discusses eligibility criteria for capital projects seeking Transportation Infrastructure Finance and Innovation Act (TIFIA) financing, pursuant to section 2002 of MAP–21 (23 U.S.C. 601 *et seq*). Eligible projects include any transit capital project which is anticipated to meet the statutory threshold size.

(9) Deferred Local Share

The final section in this chapter of the proposed circular discusses the situations in which recipients may request that local share for a project be deferred. Deferred local share must receive FTA approval prior to obligation of the grant.

D. Chapter IV—Planning and Program Development

(1) Metropolitan and Statewide Planning Requirements

This chapter proposes guidance on metropolitan and statewide planning requirements. A grant applicant requesting Section 5339 assistance must comply with the planning requirements of 49 U.S.C. 5303, 5304, and 5306. Under SAFETEA–LU, certain eligible projects were required to be developed under a locally developed, coordinated planning process. Under MAP–21, coordinated planning is only a requirement of eligibility under the Section 5310 program. This section includes a reference to the FTA/FHWA revised joint planning regulations at 23 CFR parts 450 and 500 and 49 CFR part 613.

(2) Transportation Management Areas (TMAs)

This section of the proposed circular introduces the discussion of TMAs for planning purposes. The proposed circular references the statutory definition of a TMA, which is a UZA with a population of over 200,000 individuals. There is also reference to the joint FTA/FHWA transportation planning regulations at 23 CFR part 40, which include guidelines on determining the boundaries of a Metropolitan Planning Area (MPA).

(3) Performance-Based Planning

The next section in this chapter provides the requirements of MAP–21's new broad performance management program which supports the seven national performance goals. The performance management framework attempts to improve project decision-making through performance-based planning and programming and through fostering a transparent and accountable decision-making process for Metropolitan Planning Organizations (MPOs), States, and providers of public transportation. This section recommends perusing the FTA/FHWA revised joint planning regulations at 23 CFR parts 450 and 500 and 49 CFR part 613(b), which also address performance-based planning.

(4) Role of Designated Recipient and Metropolitan Planning Organization in Allocating Program Funds

This chapter provides guidance on the role of the designated recipient and the MPO in allocating program funds. Both the planning requirements and the statutory provisions of 49 U.S.C. Chapter 53 specify the roles of the MPO and of the designated recipient. While the MPO develops and adopts the TIP, the designated recipient, which may in some cases also be the MPO, has the primary responsibility to develop the program of projects (POP) for the Section 5339 funds apportioned to its large UZA for inclusion in the TIP.

(5) Multiple Designated Recipients in Large UZAs

In those UZAs with more than one designated recipient, FTA recommends that local officials, operating in consultation with the MPO, work together to determine the allocation and sub-allocation of Section 5339 funds.

(6) Program of Projects and Public Participation Requirements

This section of the circular provides guidance on the POP that recipients must develop as required by 49 U.S.C. 5307(b), which is applicable to Section 5339 recipients. A POP is a list of projects proposed by the designated recipient to be funded from the UZA's Section 5339 apportionment, which includes a description of the projects, in addition to any sub-allocation among public transportation providers, total project costs, local share, and Federal share for each project. As stated above, eligibility for funding under most FTA and FHWA programs requires the MPO to list projects in the approved TIP or STIP, or both. The TIP/STIP public participation and approval processes can serve to satisfy the requirements for public participation under Section 5307.

(7) Transfer of FTA Funds for Highway Projects

Section 5339 funds are not available to be transferred between FHWA and FTA for transit or highway projects.

(8) Requirements Related to Vehicles and Equipment

This section of the proposed circular provides guidance on FTA's useful life policy and includes methods by which grantees can determine the useful life for project property. Useful life of rolling stock begins on the date the vehicle is placed in revenue service and continues until it is removed from service. This section provides additional guidance for determining the useful life of buses and vans and for calculating early disposition. Removal of an FTA-funded vehicle from revenue service before the end of its minimum useful life, except for reasons of fire, collision, or natural disaster, leaves the recipient liable to FTA for the Federal share of the vehicle's remaining value.

This section outlines the rolling stock spare ratio policies which are taken into account during FTA review of grant applications which propose to replace, rebuild, or add vehicles to the applicant's fleet. This section also clarifies that vehicles in the contingency fleet do not count in the calculation of spare ratio.

Next, this section provides the requirements that recipients must meet in order to receive funds for the purchase of vehicles, including pre-award and post-delivery review of buses and bus testing. MAP–21 amended the bus testing provisions under 49 U.S.C. 5318 to require that FTA establish a pass/fall testing standard. FTA funds will be available to acquire a new bus model only if it has received a passing score. This requirement will take effect after FTA has issued regulations establishing the standard. Other requirements outlined in this section include Buy America, the Transit Vehicle Manufacturer Disadvantaged Business Enterprises (DBE) Program Requirement, and requirements related to the ADA. Recipients must ensure that each transit vehicle meets the accessibility requirements and standards for the vehicle type specified in 49 CFR parts 37 and 38, as applicable.

Finally, this section outlines FTA's policies for replacing FTA-funded vehicles. A vehicle proposed to be replaced must have achieved at least the minimum useful life. Early replacement of a vehicle prior to the end of its minimum useful life requires prior FTA approval. If a vehicle is replaced before it has achieved its minimum useful life, the recipient has the option of returning to FTA an amount equal to the remaining Federal interest in the vehicle or applying the ''Like-Kind Exchange'' policy and placing an amount equal to the remaining Federal interest in the vehicle into a newly purchased vehicle. Appendix C of this proposed circular contains a ''Like-Kind Exchange Example.'' In certain circumstances, a recipient may choose to rebuild a vehicle rather than dispose of it.

(9) Requirements Related to Facilities

This section contains information concerning program requirements specific to the construction or acquisition of facilities funded by Section 5339. Similar to vehicles, facilities have a useful life, which is determined by such factors as type of construction, nature of the equipment used, historical usage patterns, and technological developments. Recipients must ensure that transit facilities meet the accessibility standards and requirements specified in 49 CFR parts 37, 38, and 39, as applicable.

This section also discusses shared use of project property which requires prior written FTA approval except when it involves coordinated public transit human services transportation. Shared use projects should be clearly identified and sufficient detail provided to FTA at the time of grant review to determine allocable costs related to non-transit use for construction, maintenance, and operation costs. In addition, FTA requires recipients to include the planning justification in the grant application submitted in the FTA electronic management system. Though planning activities are not an eligible expense under the Bus Program, costs associated with environmental compliance as part of PE or final design are eligible capital expenses.

(10) Environmental

This section provides guidance on the environmental reviews that recipients must conduct prior to receiving FTA funding. This section recommends that recipients consult with FTA regarding the proper level of environmental review, prior to expending funds for a project.

(11) Undertaking Projects in Advance

This section explains the different authorities that allow a recipient to incur costs on a project before grant approval, while still retaining their eligibility for reimbursement after grant approval. The three types of authorities are pre-award authority, letters of no prejudice (LONP), and advanced construction authority (ACA). This section discusses the distinction among these three authorities and the terms and conditions that apply equally to all three.

E. Chapter V—Program Management and Administrative Requirements

(1) Certifications Required by 49 U.S.C. 5339

This chapter outlines the requirements to which Section 5339 recipients must certify compliance, including legal, technical, and financial capacity. Other requirements to which recipients must certify include satisfactory continuing control, maintaining federally-assisted facilities and equipment, compliance with the half-fare requirement during non-peak hours, use of competitive procurements, and Buy America.

(2) Certification Procedures

Before FTA may award Federal funding, the applicant must provide to FTA all certifications and assurances required by Federal laws and regulations. Near the beginning of each Federal fiscal year, FTA publishes the certifications in the **Federal Register**, highlighting any changes or additions from the previous year. FTA sometimes publishes the certifications and assurances on the same date the formula apportionments are published.

(3) FTA Electronic Management System

This section provides a reference to FTA's electronic grants management system which allows electronic grant application submission, review, approval, and management of all grants. The User Guide can be found at FTA's Web site in the ''Grants and Financing'' section under ''Apply for and Manage Grants.''

(4) System for Award Management Requirements

This section describes the System for Award Management (SAM), which is a free Web site that consolidates Federal procurement systems and the Catalog of Federal Domestic Assistance. On July 30, 2012, the Central Contractor Registration (CCR), FedReg, and the Excluded Parties List System (EPLS) were migrated into SAM. Any organization applying for financial assistance from the Federal government must register in SAM and keep its registration current until it submits its final financial report pursuant to the award agreement from FTA or receives its final payment under the project, whichever is later.

(5) Data Universal Numbering System (DUNS) Registration Requirements.

Any organization applying for a grant or cooperative agreement from the Federal government must have a DUNS number. This is a nine digit identification number which provides a unique identification for single business entities. Grant applicants that currently do not have a DUNS number can obtain one for free from Dun and Bradstreet (*www.dnb.com*).

(6) Subrecipients DUNS Requirement

This section informs subrecipients that they must have a DUNS number in order to receive a subaward from the recipient.

(7) Electronic Clearing House Operation (ECHO) Requirements

Grantees are required to establish an ECHO Control Number (ECN) before FTA is able to disburse funds to the grantee. Department of Treasury regulations, 31 CFR part 205, govern payment to recipients for financing operations under Federal assistance and other programs.

(8) Federal Funding Accountability and Transparency Act (FFATA) Requirement

This section discusses the statutory requirement that a recipient report information about each first tier sub-award over $25,000 by the end of the month following the month the direct recipient makes any sub-award or obligation.

(9) National Transit Database (NTD) Reporting

Recipients (including subrecipients and contractors) of Section 5339 program funds are required by statute to submit data to the NTD. Recipients must provide annual financial reports and monthly reports on transit operations, safety and security to the NTD. There is a reduced reporting requirement for small systems.

F. Chapter VI—State and Program Management Plans

(1) General

This chapter begins by providing a general overview of State and Program Management Plans. The State Management Plan (SMP) is a document that describes the State's policies and procedures for administering FTA's program funding. The Program Management Plan (PMP) is a document that describes the designated recipient's policies and procedures for administering FTA's Section 5339 program in a large urbanized area. The requirements for the PMP are the same as those for the SMP with exception that the PMP is developed by designated recipients in large urbanized areas whereas the SMP is developed by the State.

(2) Purpose

The SMP/PMP is intended to facilitate both recipient management and FTA oversight by documenting the State's and designated recipient's procedures and policies for administering the Section 5339 program.

(3) Management Plan Reviews

This section describes the oversight reviews that FTA conducts to examine each designated recipient's management procedures, and the relationship of the procedures to its management plan.

(4) Management Plan Content

While there is no prescribed format for the SMP/PMP, this circular proposes that the plan should address certain topics and provide specific information for each topic.

(5) Management Plan Revisions

Each recipient, whether a State or a designated recipient in a large urbanized area, is required to have an approved SMP/PMP on file with the appropriate FTA Regional Office and to update it regularly to incorporate any changes in program management or new requirements.

(6) Existing SMP/PMP

All recipients may amend an existing or approved SMP/PMP or create a stand-alone section in order to meet the requirement for these documents.

G. Chapter VII—Other Provisions

This chapter provides an overview of the additional FTA-specific and other Federal requirements with which an FTA recipient must comply. This chapter provides a summarized, alphabetical listing of those requirements and provides citations to the actual statutory or regulatory text. If there is a conflict between the summary information provided in this chapter and the statute or regulation, the language of the statute or regulation controls.

This chapter includes information on new requirements and outlines changes to certain existing requirements. More specifically, MAP–21 amended 49 U.S.C. 5329 to provide FTA with the authority to establish a new comprehensive framework to oversee the safety of public transportation throughout the United States. The law requires, among other things, that DOT issue a National Public Transportation Safety Plan, establish safety performance criteria for all modes of public transportation, define a ''state of good repair,'' establish minimum safety performance standards for public transportation vehicles, and a safety certification training program. FTA will be issuing regulations and interim guidance to implement these new requirements in consultation with public transportation industry stakeholders.

Additionally, this section of the proposed circular clarifies the effect that MAP–21 has had on the State Safety Oversight (SSO) Program and the requirements of 49 CFR 659. Section 5330, which authorizes the SSO Program, will be repealed three years from the effective date of the new regulations implementing the new Section 5329 safety requirements. Until then, the current requirements of 49 CFR 659 will continue to apply.

H. Appendix

The appendices include instructions for preparing a grant application and a budget, an application checklist, and several forms and representative documents that recipients will need when applying for Section 5339 funds. In addition, the appendices include FTA regional and metropolitan contact information. Last is a list of references, including **Federal Register** notice and other citations as appropriate to enable readers to view the source documents.

Issued in Washington, DC, this 24th day of July, 2014.

Therese McMillan,

Deputy Administrator.

[FR Doc. 2014–17926 Filed 7–29–14; 8:45 am]

BILLING CODE 4910–57–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA–2014–0092]

Pipeline Safety: Request for Revision of a Previously Approved Information Collection—National Pipeline Mapping System Program (OMB Control No. 2137–0596).

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, PHMSA invites public comments on our intent to request the Office of Management and Budget's approval to revise and renew an information collection currently under OMB Control Number 2137–0596 titled: ''National Pipeline Mapping System Program.'' The collection currently requires operators to submit geospatial data, attributes, metadata, public contact information and a transmittal letter to the National Pipeline Mapping System (NPMS) program. The proposed revisions will require operators to submit additional information to the NPMS.

DATES: Interested persons are invited to submit written comments on or before September 29, 2014.

ADDRESSES: You may submit comments identified by Docket No. PHMSA–2014–0092 through one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail or Hand Delivery:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building, Room W12–140, Washington, DC 20590, between 9:00 a.m. and 5:00 p.m., Monday through Friday, except on Federal holidays.
- *Instructions:* Identify the docket number, PHMSA–2014–0092, at the beginning of your comments. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. You should know that anyone is able to search the electronic form of all comments received in any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). Therefore, you may want to review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000, (65 FR 19477) or visit *http://www.regulations.gov* before submitting any such comments.
- *Docket:* For access to the docket or to read background documents or comments, go to *http://www.regulations.gov* at any time or to Room W12–140 on the ground level of DOT's West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays. If you wish to receive confirmation of receipt of your written comments, please include a self-addressed, stamped postcard with the following statement: ''Comments on: PHMSA–2014–0092.'' The Docket Clerk will date stamp the postcard prior to returning it to you via the U.S. mail. Please note that due to delays in the delivery of U.S. mail to Federal offices in Washington, DC, we recommend that persons consider an alternative method (Internet, fax, or professional delivery service) of submitting comments to the docket and ensuring their timely receipt at the DOT.

FOR FURTHER INFORMATION CONTACT: Amy Nelson, Geospatial Information Systems Manager, Program Development Division, U.S. Department of Transportation, 1200 New Jersey Avenue SE., Washington, DC 20590, by phone at 202–493–0591 or email at *amy.nelson@dot.gov.*

SUPPLEMENTARY INFORMATION:

A. Background

The NPMS is a geospatial dataset that contains information about PHMSA-regulated gas transmission pipelines, hazardous liquid pipelines, and hazardous liquid low-stress gathering lines. The NPMS also contains data layers for all liquefied natural gas plants and a partial dataset of PHMSA-regulated breakout tanks.

The original standards for the NPMS data collection were drafted in 1998 by a joint government/industry committee comprised of members from PHMSA's predecessor agency the Research and Special Programs Administration, the American Petroleum Institute, the American Gas Association and the Interstate Natural Gas Association of America. With the passage of the Pipeline Safety Improvement Act of 2002 (codified at 49 U.S.C. 60132), gas transmission and hazardous liquid pipeline operators are required to submit their geospatial data, attributes, metadata, public contact information, and a transmittal letter to the NPMS program. While the standards reflected the state of geospatial data and positional accuracy at that time, they do not reflect the current state of geospatial data and positional accuracy. PHMSA requires more accurate and complete information about each pipeline, liquefied natural gas plant or breakout tank than the minimal set of attributes it receives with NPMS submissions. Collecting enhanced data will strengthen PHMSA's ability to fulfill its strategic goals to improve public safety, protect the environment and ensure infrastructure is well-maintained. More accurate and complete NPMS data will also help emergency responders and government officials create better, more appropriate emergency response plans.

Specifically, the new data will:

- Aid the industry and all levels of government, from Federal to municipal, in promoting public awareness of hazardous liquid and gas pipelines and in improving emergency responder outreach. Currently, 787 Federal officials, 1,208 state officials and 4,791 county officials have access to the online mapping application. Providing these officials with an improved NPMS containing system-specific information about local pipeline facilities can help ensure emergency response agencies and communities are better prepared and can better execute response operations during incidents.

• Permit more powerful and accurate tabular and geospatial analysis, which will strengthen PHMSA's ability to evaluate existing and proposed regulations as well as operator programs and/or procedures.

• Strengthen the effectiveness of PHMSA's risk rankings and evaluations, which are used as a factor in determining pipeline inspection priority and frequency.

• Allow for more effective assistance to emergency responders by providing them with a more reliable, complete dataset of pipelines and facilities.

• Provide better support to PHMSA's inspectors by providing more accurate pipeline locations and additional pipeline-related geospatial data that can be linked to tabular data in PHMSA's inspection database.

PHMSA discussed its NPMS information needs at the joint meeting of the Gas Pipeline Advisory Committee, also known as the Technical Pipeline Safety Standards Committee, and the Liquid Pipeline Advisory Committee, also known as the Technical Hazardous Liquid Pipeline Safety Standards Committee, on August 9, 2013, in Arlington, Virginia. Having discussed with the joint committee some of the challenges involved with gathering positional accuracy data for certain lines, PHMSA devised a proposal that will allow us to gather crucial NPMS data for lines that are in areas of the greatest consequence.

The proposed changes to the NPMS Operator Standards Manual detailed below can be found at: *www.npms.phmsa.dot.gov/Documents/Draft_Operator_Standards.pdf.* The proposed changes to the attributes will be part of an operator's annual NPMS submission. Unless otherwise marked, all attributes will be linked to the geospatial pipeline file as attributes at the pipe segment level.

PHMSA understands that operators, through their annual report submissions, are currently collecting and have the following information and attributes that PHMSA specifically proposes to collect as additional parts of the NPMS submission. Collecting this geospatial information could lead to eliminating duplicate data requests from the annual reports. PHMSA invites comment on how this expanded collection of information could affect the annual report:

• *Positional Accuracy:* PHMSA proposes that for pipeline segments located within Class 3, Class 4, High Consequence Areas (HCA), or ''could-affect'' HCAs, operators submit data to the NPMS with a positional accuracy of five feet. The degree of positional accuracy needed is more stringent and important in these areas because of the potential for greater consequence in the event of a pipeline incident. PHMSA further proposes that for all pipeline segments located within Class 1 or Class 2 locations, operators submit data to the NPMS with a positional accuracy of 50 feet. PHMSA believes that a large number of operators already have access to data with this degree of accuracy within their GIS systems. The current accuracy requirement of 500 feet does not allow PHMSA to effectively locate a pipeline to the degree needed to respond to environmental and integrity threats. It also hinders PHMSA in identifying special features on the pipeline that may be relevant for emergency response considerations. The new degree of accuracy will help emergency responders more effectively locate a pipeline to the degree needed to respond to environmental and integrity threats and help in emergency planning.

• *Pipe Diameter:* PHMSA proposes to require operators to submit data on the nominal diameter of a pipe segment. Knowing the diameter of a pipeline can help emergency responders determine the impact area of a pipeline. This attribute also gives PHMSA the opportunity to gain a broader understanding of the diameters of pipe being operated in any given geographical region and to further assess potential impacts to public safety and the environment.

• *Maximum Allowable Operating Pressure (MAOP), Maximum Operating Pressure (MOP):* PHMSA proposes operators submit the maximum MAOP or MOP for a pipeline segment in pounds per square inch gauge. This information is critical because it affects important risk-ranking algorithms and the potential impact radius of a pipeline, which can influence emergency response planning.

• *Pipe Grade:* PHMSA proposes operators submit information on the predominant pipe grade of a pipeline segment. This information is essential in issues regarding pipe integrity and is a necessary component in determining the allowable operating pressure of a pipeline.

• *Percent Specified Minimum Yield Strength (SMYS):* PHMSA proposes operators submit information pertaining to the percent at which the pipeline is operating to SMYS. Specifically, operators would submit hoop stress caused by the highest operating pressure during the year as a percentage of SMYS. PHMSA uses the percentage of operating SMYS to determine low- and high-stress pipelines, class locations, test requirements, inspection intervals, and other requirements in the pipeline safety regulations.

• *Leak Detection:* PHMSA proposes operators submit information on the type of leak detection system used. The type of leak detection used can drastically alter effective response times for operators and emergency responders. Knowing the type of leak detection system used during an incident will help emergency responders respond appropriately in the event of a release.

• *Pipe Coating/Type of Coating:* PHMSA proposes operators indicate the level of and types of coating on a pipeline segment. The type of coating relates to the level of protection from external corrosion a pipe has while in the ground. Understanding the level of coating helps PHMSA assess pipe integrity and perform better risk assessments.

• *Pipe Material:* PHMSA proposes operators submit data on the type of pipe material. Knowing the pipe material helps PHMSA determine the level of potential risk from excavation damage and external environmental loads. These can also be factors in emergency response planning.

• *Pipe Join Method:* PHMSA proposes operators submit data on the pipe joining method. PHMSA uses this information to identify high-risk joining methods and will be used in PHMSA's risk rankings and evaluations, which are used as a factor in determining pipeline inspection priority and frequency.

• *Year of Construction/Installation:* PHMSA proposes operators submit data on the predominant year of original construction (or installation). The year of construction determines which regulations apply to a pipeline for enforcement purposes. The data requested pertains to the year of construction and not the year the pipe was manufactured. On the annual report, operators have the option of selecting categories of years to report the year of installation. As a result of this revised collection, operators will be able to submit data on the specific year of construction or installation. Although this information is currently collected in the annual report, collecting this information geospatially rather than tabularly allows PHMSA to run better risk-ranking algorithms through pattern analysis and relating pipe attributes to surrounding geographical areas.

• *Class Location:* PHMSA proposes operators of gas transmission pipeline segments submit information on class location at the segment level. Class location is based upon number of dwellings within 220 yards on either side of the pipeline in a one-mile segment level. This data will help PHMSA determine whether operator IM plans are adequate and complete.

• *High Consequence ''Could Affect'' Areas:* PHMSA proposes hazardous liquid and gas transmission operators identify pipe segments which could affect HCAs as defined by 49 CFR 192.903 and 195.450. Pipe segments can be classified as affecting a populated area, an ecologically sensitive area, or a sole-source drinking water area. This information will increase the awareness emergency responders have of potential areas of significant impact.

• *Onshore/Offshore:* PHMSA proposes operators designate whether a pipe segment is onshore or offshore. As there is no universally accepted onshore/offshore boundary, comparisons between the NPMS (PHMSA-generated) offshore mileage statistics and operator-generated annual report offshore mileage statistics do not match. This collection will allow PHMSA to standardize and compare the statistics for regulatory purposes.

• *Inline Inspection:* PHMSA proposes operators indicate whether their system is capable of accommodating an inline inspection (ILI) tool. PHMSA considers inline inspections of pipelines to be better, safer, and more cost-effective than other inspection methods. Knowing this information will help PHMSA determine the percentage of the pipeline industry already employing this practice and could help PHMSA address concerns related to NTSB recommendation P–11–17.

• *Year of Last Inline Inspection and Year of Last Direct Assessment:* PHMSA proposes operators submit data detailing the year of a pipeline's last corrosion, dent, crack or ''other'' ILI inspection. PHMSA also proposes to collect the year of the last direct assessment. This information is used to verify integrity of the pipeline and is a key metric in PHMSA's pipeline risk calculations, which are used to determine the priority and frequency of inspections.

• *Year and Pressure of Original and Last Hydrostatic Test:* PHMSA proposes to collect data on a pipeline's original and most recent hydrostatic test years and pressures. This information is used to verify a pipeline's integrity and is a key metric in pipeline risk calculations.

• *Commodity Detail:* PHMSA proposes operators submit commodity details for pipelines if that commodity is crude oil, product or natural gas. The choices for crude oil will be ''sweet crude'' or ''sour crude.'' The choices for product will be refined non-ethanol blended gasoline, refined fuel oil or diesel, refined kerosene or jet fuel, other refined and/or non HVL petroleum products, ethanol blended gasoline, biodiesel blend and other biofuels. The choices for natural gas will be pipeline-quality or tariff-quality natural gas, wet but non-sour natural gas, sour but non-wet natural gas, and wet, sour natural gas. Other choices may be added as the need arises. This level of detail is required because of potential differences in leak characteristics, rupture-impacted hazardous areas and a pipeline's internal integrity. Emergency responders would also be able to better respond to and be better prepared for pipeline incidents if they knew what commodities were being transported in which locations.

• *Special Permit:* PHMSA proposes operators denote whether a pipe segment is part of a PHMSA Special Permit and thus would have a different maximum operating pressure than would otherwise be allowed. The Special Permit number is also needed. This information allows PHMSA to more easily locate these pipe segments and could help emergency responders respond adequately in the event of an emergency.

• *Wall Thickness:* PHMSA proposes to collect data on the nominal wall thickness of a pipe. This is a fundamental piece of information about a pipe that is used for risk calculations.

• *Seam Type:* PHMSA proposes operators submit data on the seam type of each pipe segment. This is a fundamental piece of information about a pipe that is used for risk rankings and evaluations, which are used as a factor in determining pipeline inspection priority and frequency.

PHMSA understands that operators may or may not have the following attributes in their GIS systems and therefore, operators may need to do additional research to compile this information:

• *Abandoned Pipelines:* PHMSA proposes that all gas transmission and hazardous liquid pipelines abandoned after the effective date of this information collection be mandatory submissions to the NPMS. Abandoned lines are not currently required to be submitted to the NPMS. Based on a recent incident in Wilmington, CA, where confusion as to whether a pipeline was abandoned or not was a factor, abandoned pipelines need to be identified to help ensure that they are maintained in the proper manner in accordance with pipeline safety regulations. Abandoned lines are at higher risk for excavation damage and are a critical integrity management issue. Operators only need to submit this data in the calendar year after the abandonment occurs.

• *Offshore Gas Gathering Lines:* PHMSA proposes operators of offshore gas gathering pipelines make NPMS data submissions. This information is not currently collected, but due to a rising rate of incidents involving offshore gas gathering lines, PHMSA believes this information is necessary to develop risk calculations and accurate response measures for incidents involving such pipelines.

• *Installation Method if Pipe Crosses Body of Water Greater Than 100 Feet in Width:* Due to recent incidents involving washed-out pipelines, including the incident that occurred near Laurel, MT, PHMSA proposes operators submit data on the installation methods of pipe segments that cross bodies of water greater than 100 feet in width. This information will give pipeline inspectors the ability to verify the depth of cover of pipeline segments under water. PHMSA will also use this information in risk-ranking algorithms. Operators will be able to select from options such as open cut, trenchless technologies, pipe spans, etc.

• *Facility Response Plan:* PHMSA proposes operators submit the Facility Response Plan control number and sequence number for applicable liquid pipeline segments. This information will be used by PHMSA inspectors to verify compliance with PHMSA requirements and to aid in emergency response efforts.

• *Throughput:* Throughput is used to denote a pipeline's capacity by stating the pipelines ability to flow a measured amount of product per unit of time. PHMSA proposes operators submit average daily throughput so States can better identify shortages and implement contingency plans for potential widespread pipeline service outages to maintain an uninterrupted flow of energy supplies.

• *Mainline Block Valve Locations:* PHMSA proposes operators submit a geospatial point file containing the locations of mainline block valves, the type of valves and the type of valve operators. This information is essential for first responders, as the extent and severity of property damage and life-threatening risks during high-consequence incidents can be reduced if the appropriate valves on affected segments are located and used more quickly. This information will also assist PHMSA in accurate risk assessment.

- *Storage Field Locations and Type of Storage:* PHMSA proposes operators submit a geospatial polygon file containing the locations of storage fields and the field type. The footprint of the storage field helps determine the impact to the surrounding area and helps PHMSA provide accurate information to first responders.
- *Refinery Locations/Gas Process/Treatment Plant Locations:* PHMSA proposes operators submit a geospatial point file containing the locations of refineries (for liquid operators) and gas process/treatment plants (for gas transmission operators). The location of these facilities helps determine the impact to the surrounding area and helps PHMSA provide accurate information to first responders.
- *Breakout Tanks:* PHMSA proposes to require the submission of breakout tank data. As PHMSA regulates these tanks, knowing their locations and attributes is an essential piece of knowledge.
- *LNG Plants:* PHMSA proposes to collect additional data attributes for liquefied natural gas (LNG) plants. These new attributes include type of plant, capacity, impoundments, exclusion zones and year constructed.
- *Pump and Compressor Stations:* PHMSA proposes operators submit a geospatial point file containing the locations of pump (for liquid operators) and compressor (for gas transmission operators) stations. Pump and compressor stations are vulnerable areas, and emergency responders need to know their locations for adequate emergency planning. Additionally, the stations are often referenced as inspection boundaries for PHMSA's inspectors.

B. Summary of Impacted Collections

The following information is provided for this information collection: (1) Title of the information collection, (2) OMB control number, (3) Current expiration date, (4) Type of request, (5) Abstract of the information collection activity, (6) Description of affected public, (7) Estimate of total annual reporting and recordkeeping burden, and (8) Frequency of collection. PHMSA requests comments on the following information collection:

OMB Control Number: 2137–0596.

Title: National Pipeline Mapping System Program.

Form Numbers: N/A.

Type of Review: Revision of a Previously Approved Information Collection.

Abstract: Each operator of a pipeline facility (except distribution lines and gathering lines) must provide PHMSA geospatial data for their pipeline system and contact information. The provided information is incorporated into NPMS to support various regulatory programs, pipeline inspections and authorized external customers. Following the initial submission of the requested data, the operator must make a new submission to NPMS if any changes occur so PHMSA can maintain and improve the accuracy of NPMS's information.

Respondents: Operators of natural gas, hazardous liquid, and liquefied natural gas pipelines.

Number of Respondents: 1,211.

Frequency: Annual.

Number of Responses: 1,211.

Total Annual Burden: 420,516 hours.

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 the Department's performance; (b) the accuracy of the estimated burden; (c) ways for the Department 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 the Office of Management and Budget's clearance of this information collection.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.48.

Issued in Washington, DC, on July 24, 2014, under authority delegated in 49 CFR 1.97.

Alan K. Mayberry,

Deputy Associate Administrator for Policy and Programs.

[FR Doc. 2014–17865 Filed 7–29–14; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. EP 670 (Sub-No. 2)]

Notice of Rail Energy Transportation Advisory Committee Vacancy

AGENCY: Surface Transportation Board, DOT.

ACTION: Notice of vacancy on federal advisory committee and solicitation of nominations.

SUMMARY: The Surface Transportation Board (Board) hereby gives notice of one vacancy on its Rail Energy Transportation Advisory Committee (RETAC) for a representative of a coal producer. The Board is soliciting suggestions from the public for a candidate to fill this vacancy.

DATES: Suggestions for a candidate for membership on RETAC are due August 22, 2014

ADDRESSES: Suggestions may be submitted either via the Board's e-filing format or in the traditional paper format. Any person using e-filing should attach a document and otherwise comply with the instructions at the E–FILING link on the Board's Web site, at *http://www.stb.dot.gov*. Any person submitting a filing in the traditional paper format should send the original and 10 copies to: Surface Transportation Board, Attn: Docket No. EP 670 (Sub-No. 2), 395 E Street SW., Washington, DC 20423–0001.

FOR FURTHER INFORMATION CONTACT: Michael H. Higgins at 202–245–0284. [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1–800–877–8339.]

SUPPLEMENTARY INFORMATION: The Board exercises broad authority over transportation by rail carriers, including regulation of railroad rates and service (49 U.S.C. 10701–10747, 11101–11124), as well as the construction, acquisition, operation, and abandonment of rail lines (49 U.S.C. 10901–10907), and railroad line sales, consolidations, mergers, and common control arrangements (49 U.S.C. 10902, 11323–11327).

In 2007, the Board established RETAC as a federal advisory committee consisting of a balanced cross-section of energy and rail industry stakeholders to provide independent, candid policy advice to the Board and to foster open, effective communication among the affected interests on issues such as rail performance, capacity constraints, infrastructure planning and development, and effective coordination among suppliers, carriers, and users of energy resources. RETAC operates subject to the Federal Advisory Committee Act (5 U.S.C. App. 2, 1–16).

RETAC's membership is balanced and representative of interested and affected parties, consisting of not less than: Five representatives from the Class I railroads; three representatives from Class II and III railroads; three representatives from coal producers; five representatives from electric utilities (including at least one rural electric cooperative and one state- or municipally-owned utility); four representatives from biofuel refiners, processors, or distributors, or biofuel feedstock growers or providers; one representative of the petroleum shipping industry; and, two representatives from private car owners, car lessors, or car manufacturers. RETAC may also include up to two members with relevant experience but not necessarily affiliated with one of the aforementioned industries or sectors. Members are selected by the Chairman of the Board with the concurrence of a majority of the Board. The Chairman may invite representatives from the U.S. Departments of Agriculture, Energy, and Transportation and the Federal Energy Regulatory Commission to serve on RETAC in advisory capacities as *ex officio* (non-voting) members. The three members of the Board serve as *ex officio* members of the Committee.

RETAC meets at least twice per year. Meetings are generally held at the Board's headquarters in Washington, DC, but may be held in other locations. Members of RETAC serve without compensation and without reimbursement of travel expenses unless reimbursement of such expenses is authorized in advance by the Board's Managing Director. RETAC members appointed or reappointed after June 18, 2010, are prohibited from serving as federally registered lobbyists during their RETAC term. Further information about RETAC is available on the RETAC page of the Board's Web site at *http://www.stb.dot.gov/stb/rail/retac.html.*

The Board is soliciting nominations from the public for a candidate to fill one vacancy on RETAC for a representative of a coal producer, for a three-year term ending September 30, 2017.

Nominations for a candidate to fill this vacancy should be submitted in letter form and should include: (1) The name of the candidate; (2) the interest the candidate will represent; (3) a summary of the candidate's experience and qualifications for the position; (4) a representation that the candidate is willing to serve as a member of RETAC; and, (5) a representation that the candidate is not a federally registered lobbyist. Suggestions for a candidate for membership on RETAC should be filed with the Board by August 22, 2014. Please note that submissions will be available to the public at the Board's offices and posted on the Board's Web site under Docket No. EP 670 (Sub-No. 2).

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

Authority: 49 U.S.C. 721; 49 U.S.C. 11101; 49 U.S.C. 11121.

Decided: July 24, 2014.

By the Board, Joseph H. Dettmar, Acting Director, Office of Proceedings.

Derrick A. Gardner,

Clearance Clerk.

[FR Doc. 2014–17908 Filed 7–29–14; 8:45 am]

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Vol. 79, No. 146

Wednesday, July 30, 2014

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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.

LIST OF PUBLIC LAWS

This is a continuing list of public bills from the current session of Congress which have become Federal laws. This list is also available online at *http://www.archives.gov/federal-register/laws*.

The text of laws is not published in the **Federal Register** but may be ordered in ''slip law'' (individual pamphlet) form from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone, 202–512–1808). The text will also be made available on the Internet from GPO's Federal Digital System (FDsys) at *http://www.gpo.gov/fdsys*. Some laws may not yet be available.

H.R. 255/P.L. 113–129
To amend certain definitions contained in the Provo River Project Transfer Act for purposes of clarifying certain property descriptions, and for other purposes. (July 25, 2014; 128 Stat. 1723)

H.R. 272/P.L. 113–130

To designate the Department of Veterans Affairs and Department of Defense joint outpatient clinic to be constructed in Marina, California, as the ''Major General William H. Gourley VA-DOD Outpatient Clinic''. (July 25, 2014; 128 Stat. 1724)

H.R. 291/P.L. 113–131

Black Hills Cemetery Act (July 25, 2014; 128 Stat. 1725)

H.R. 330/P.L. 113–132

Distinguished Flying Cross National Memorial Act (July 25, 2014; 128 Stat. 1727)

H.R. 356/P.L. 113–133

Hill Creek Cultural Preservation and Energy Development Act (July 25, 2014; 128 Stat. 1729)

H.R. 507/P.L. 113–134

Pascua Yaqui Tribe Trust Land Act (July 25, 2014; 128 Stat. 1732)

H.R. 697/P.L. 113–135

Three Kids Mine Remediation and Reclamation Act (July 25, 2014; 128 Stat. 1734)

H.R. 876/P.L. 113–136

Idaho Wilderness Water Resources Protection Act (July 25, 2014; 128 Stat. 1739)

H.R. 1158/P.L. 113–137

North Cascades National Park Service Complex Fish Stocking Act (July 25, 2014; 128 Stat. 1741)

H.R. 1216/P.L. 113–138

To designate the Department of Veterans Affairs Vet Center in Prescott, Arizona, as the ''Dr. Cameron McKinley Department of Veterans Affairs Veterans Center''. (July 25, 2014; 128 Stat. 1743)

H.R. 1376/P.L. 113–139

To designate the facility of the United States Postal Service located at 369 Martin Luther King Jr. Drive in Jersey City, New Jersey, as the ''Judge Shirley A. Tolentino Post Office Building''. (July 25, 2014; 128 Stat. 1745)

H.R. 1813/P.L. 113–140

To redesignate the facility of the United States Postal Service located at 162 Northeast Avenue in Tallmadge, Ohio, as the ''Lance Corporal Daniel Nathan Deyarmin, Jr., Post Office Building''. (July 25, 2014; 128 Stat. 1746)

H.R. 2337/P.L. 113–141

Lake Hill Administrative Site Affordable Housing Act (July 25, 2014; 128 Stat. 1747)

H.R. 3110/P.L. 113–142

Huna Tlingit Traditional Gull Egg Use Act (July 25, 2014; 128 Stat. 1749)

Last List July 25, 2014

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