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FEDERAL REGISTER

Vol. 79 Thursday,
No. 152 August 7, 2014

Pages 46167–46334

OFFICE OF THE FEDERAL REGISTER

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Contents

Federal Register

Vol. 79, No. 152

Thursday, August 7, 2014

Agriculture Department
See Forest Service

Alcohol and Tobacco Tax and Trade Bureau
PROPOSED RULES
Viticultural Areas:
Sta. Rita Hills Expansion, 46204–46210

Bureau of the Fiscal Service
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Claim Against the United States for the Proceeds of a Government Check, 46301–46302

Centers for Disease Control and Prevention
NOTICES
Meetings:
Board of Scientific Counselors, National Institute for Occupational Safety and Health, 46267–46268
Subcommittee on Procedures Review, Advisory Board on Radiation and Worker Health, National Institute for Occupational Safety and Health, 46268

Children and Families Administration
NOTICES
Low Income Home Energy Assistance Program:
Reallotment of FY 2013 Funds, 46268–46269

Civil Rights Commission
NOTICES
Meetings:
Illinois Advisory Committee, 46249
West Virginia Advisory Committee, 46248
Meetings; Sunshine Act, 46249

Coast Guard
RULES
Drawbridge Operations:
Hackensack River, Little Snake Hill, NJ, 46182–46183

Commerce Department
See Foreign-Trade Zones Board
See Industry and Security Bureau
See International Trade Administration
See National Oceanic and Atmospheric Administration

Department of Transportation
See Pipeline and Hazardous Materials Safety Administration

Employment and Training Administration
NOTICES
Worker and Alternative Trade Adjustment Assistance Eligibility; Determinations, 46277–46278

Energy Department
See Federal Energy Regulatory Commission

Environmental Protection Agency
RULES
Air Quality State Implementation Plans; Approvals and Promulgations:
Virginia; Revisions to the Definition of Volatile Organic Compounds, 46184–46187
PROPOSED RULES
Air Quality State Implementation Plans; Approvals and Promulgations:
Pennsylvania; Determination of Attainment for the 2008 Lead National Ambient Air Quality Standard for the Lyons Nonattainment Area, 46211–46214
Virginia; Revisions to the Definition of Volatile Organic Compounds, 46210–46211
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Contractor Conflicts of Interest, 46255–46256
California State Motor Vehicle Pollution Control Standards:
Heavy-Duty Tractor-Trailer Greenhouse Gas Regulations, 46256–46265

Executive Office of the President
See Science and Technology Policy Office

Farm Credit Administration
NOTICES
Meetings; Sunshine Act, 46265–46266

Federal Aviation Administration
RULES
Airspace Designations:
Incorporation by Reference Amendments, 46175–46180
Amendment and Revocation of Class E Airspace:
Tuskegee, AL, 46180–46181
Special Conditions:
Airbus Model A350–900 Airplane; Flight-Envelope Protection, Normal Load-Factor (G) Limiting, 46171–46173
Airbus Model A350–900 Airplane; Operation Without Normal Electrical Power, 46173–46175
Airbus Model A350–900 Airplane; Transient Engine-Failure Loads, 46169–46170
Airbus Model A350–900 Series Airplane; Side-Stick Controllers, 46170–46171
Airbus Model A350–900 Series Airplane; Tire Failure – Debris Penetration or Rupture of Fuel-Tank Structure, 46167–46168
PROPOSED RULES
Airworthiness Directives:
The Boeing Company Airplanes, 46201–46203
NOTICES
Meetings:
Commercial Space Transportation Advisory Committee, 46297–46298
RTCA Special Committee 216, Aeronautical Systems Security, 46298–46299
RTCA Special Committee 228 – Minimum Operational Performance Standards for Unmanned Aircraft Systems, 46298
RTCA Special Committee 229, 406 MHz Emergency Locator Transmitters Joint with EUROCAE WG–98 Committee, 46299

RTCA Special Committee 230, Airborne Weather Detection Systems Committee, 46299–46300

Federal Communications Commission
NOTICES
Meetings; Sunshine Act, 46266–46267

Federal Deposit Insurance Corporation
NOTICES
Meetings; Sunshine Act, 46267

Federal Emergency Management Agency
RULES
Public Assistance Program for Hurricane Sandy:
Eligibility of Force Account Labor Straight-Time Costs for Debris Removal, 46190–46194
Suspension of Community Eligibility, 46187–46190
NOTICES
Major Disaster and Related Determinations:
Nebraska, 46274
South Dakota, 46274–46275

Federal Energy Regulatory Commission
NOTICES
Combined Filings, 46252–46255

Federal Motor Carrier Safety Administration
NOTICES
Qualification of Drivers; Exemption Applications:
Vision, 46300–46301

Federal Reserve System
NOTICES
Changes in Bank Control:
Acquisitions of Shares of a Bank or Bank Holding Company, 46267

Food and Drug Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Infant Formula Recall Regulations, 46270–46272
Radioactive Drug Research Committees, 46272
State Petitions for Exemption From Preemption, 46269–46270
Voluntary National Retail Food Regulatory Program Standards, 46270
General Training Programs:
Center for Devices and Radiological Health, Experiential Learning Program, 46272–46274

Foreign Assets Control Office
NOTICES
Blocking or Unblocking of Persons and Properties, 46302–46305

Foreign Claims Settlement Commission
NOTICES
Meetings; Sunshine Act, 46277

Foreign-Trade Zones Board
NOTICES
Reorganizations under Alternative Site Framework:
Foreign-Trade Zone 84, Houston, TX, 46249–46250

Forest Service
NOTICES
Environmental Impact Statements; Availability, etc.:
Red Fir Restoration Project, Shasta–Trinity National Forest, CA, 46246–46248
Meetings:
Flathead Resource Advisory Committee, 46248

Health and Human Services Department
See Centers for Disease Control and Prevention
See Children and Families Administration
See Food and Drug Administration
See National Institutes of Health

Homeland Security Department
See Coast Guard
See Federal Emergency Management Agency

Housing and Urban Development Department
RULES
Removal of Emergency Homeowners' Loan Program Regulations, 46181–46182

Indian Affairs Bureau
NOTICES
Indian Gaming:
Approved Tribal–State Class III Gaming Compact, 46275

Industry and Security Bureau
RULES
Implementation of Understandings Reached at the Nuclear Suppliers Group Plenary Meetings, etc., 46316–46333

Interior Department
See Indian Affairs Bureau
See Land Management Bureau

Internal Revenue Service
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 46305–46306
Individuals, Who Have Chosen To Expatriate; Quarterly List, 46306–46314

International Trade Administration
NOTICES
Antidumping or Countervailing Duty Investigations, Orders, or Reviews:
Certain Steel Nails from the Republic of Korea, Malaysia, the Sultanate of Oman, Taiwan, and the Socialist Republic of Vietnam, 46251–46252
Fresh Garlic from the People's Republic of China, 46250–46251

Justice Department
See Foreign Claims Settlement Commission
NOTICES
Consent Decrees under CERCLA, 46276
Meetings:
Federal Advisory Committee, 46276–46277

Labor Department
See Employment and Training Administration
See Occupational Safety and Health Administration
See Workers Compensation Programs Office

Land Management Bureau
NOTICES
Meetings:
Front Range Resource Advisory Council, 46275–46276

National Aeronautics and Space Administration
NOTICES
Exclusive Licenses, 46280–46281

National Institutes of Health
NOTICES
Meetings:
National Institute of Neurological Disorders and Stroke, 46274

National Oceanic and Atmospheric Administration
PROPOSED RULES
Atlantic Highly Migratory Species:
Smoothhound Shark and Atlantic Shark Management Measures, 46217–46233
Fisheries of the Exclusive Economic Zone Off Alaska:
Amendment 96 to the Gulf of Alaska Fishery Management Plan; Management of Community Quota Entities, 46237–46245
Fisheries of the Northeastern United States:
Atlantic Surfclam and Ocean Quahog Fishery; Information Collection, 46233–46237
Fisheries off West Coast States:
List of Authorized Fisheries and Gear, 46214–46217

National Science Foundation
NOTICES
Meetings; Sunshine Act, 46281–46282

Occupational Safety and Health Administration
NOTICES
Nationally Recognized Testing Laboratory; Renewals:
Canadian Standards Association, 46278–46280

Personnel Management Office
NOTICES
Meetings:
Hispanic Council on Federal Employment; Cancellation, 46282

Pipeline and Hazardous Materials Safety Administration
RULES
Hazardous Materials:
Failure to Pay Civil Penalties, 46194–46200

Postal Service
RULES
Collection of Delinquent Non-Tax Debts by Administrative Wage Garnishment, 46183–46184

Science and Technology Policy Office
NOTICES
Meetings:
National Nanotechnology Coordination Office; Workshop, 46282

Securities and Exchange Commission
NOTICES
Self-Regulatory Organizations; Proposed Rule Changes:
C2 Options Exchange, Incorporated, 46286–46288
Chicago Board Options Exchange, Incorporated, 46282–46285
International Securities Exchange, LLC, 46289–46290
ISE Gemini, LLC, 46288–46289
Municipal Securities Rulemaking Board, 46290–46292
Trading Suspension Orders:
Green and Hill Industries, Inc., 46292

Small Business Administration
NOTICES
Disaster Declarations:
Maryland, 46292–46293
Minnesota; Amendment 1, 46293
Nebraska, 46292

Social Security Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 46293–46295

State Department
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
U.S. National Commission for UNESCO Laura W. Bush Traveling Fellowship, 46295
Culturally Significant Objects Imported for Exhibition:
Haunted Screens: German Cinema in the 1920s, 46296
Sculpture Victorious — Art in an Age of Invention, 1837–1901, 46296
Spectacular Rubens; The Triumph of the Eucharist Series, 46296–46297
The Heart Is Not a Metaphor, 46295–46296
Designations as Foreign Terrorist Organizations:
Shining Path and other Aliases, 46297

Susquehanna River Basin Commission
NOTICES
Meetings, 46297

Transportation Department
See Federal Aviation Administration
See Federal Motor Carrier Safety Administration
See Pipeline and Hazardous Materials Safety Administration

Treasury Department
See Alcohol and Tobacco Tax and Trade Bureau
See Bureau of the Fiscal Service
See Foreign Assets Control Office
See Internal Revenue Service

Workers Compensation Programs Office
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 46280

Separate Parts In This Issue

Part II
Commerce Department, Industry and Security Bureau, 46316–46333

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.

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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.

14 CFR
25 (5 documents) 46167, 46169, 46170, 46171, 46173
71 (2 documents) 46175, 46180

Proposed Rules:
39.....46201

15 CFR
738.....46316
740.....46316
742.....46316
744.....46316
772.....46316
774.....46316

24 CFR
200.....46181
2700.....46181

27 CFR

Proposed Rules:
9.....46204

33 CFR
117.....46182

39 CFR
492.....46183

40 CFR
52.....46184

Proposed Rules:
52 (2 documents) 46210, 46211

44 CFR
64.....46187
206.....46190

49 CFR
107.....46194
109.....46194

50 CFR

Proposed Rules:
600.....46214
635.....46217
648.....46233
679.....46237

Rules and Regulations

Federal Register

Vol. 79, No. 152

Thursday, August 7, 2014

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

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. FAA–2013–0907; Special Conditions No. 25–541–SC]

Special Conditions: Airbus Model A350–900 Series Airplane; Tire Failure—Debris Penetration or Rupture of Fuel-Tank Structure

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions.

SUMMARY: These special conditions are issued for Airbus Model A350–900 series airplanes. These airplanes will have a novel or unusual design feature associated with fuel tanks constructed of carbon-fiber reinforced plastic (CFRP) materials located within the tire-impact zone, including the wing fuel tanks.

The ability of aluminum wing skins, as has been conventionally used, to resist penetration or rupture when impacted by tire debris, is understood from extensive experience. The ability of carbon-fiber composite material to resist these hazards has not been established. No current airworthiness standards specifically address this hazard for all exposed wing surfaces. These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES: *Effective Date:* September 8, 2014.

FOR FURTHER INFORMATION CONTACT: Doug Bryant, Propulsion/Mechanical Systems, ANM–112, Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue SW., Renton, Washington, 98057–3356; telephone (425) 227–2384; facsimile (425) 227–1320.

SUPPLEMENTARY INFORMATION:

Background

On August 25, 2008, Airbus applied for a type certificate for their new Model A350–900 series airplane. Later, Airbus requested and the FAA approved an extension to the application for FAA type certification to November 15, 2009. The Model A350–900 series airplane has a conventional layout with twin wing-mounted Rolls-Royce Trent XWB engines. It features a twin aisle, 9-abreast, economy-class layout, and accommodates side-by-side placement of LD–3 containers in the cargo compartment. The basic Model A350–900 series airplane configuration accommodates 315 passengers in a standard two-class arrangement. The design cruise speed is Mach 0.85 with a maximum take-off weight of 602,000 lbs.

Accidents have resulted from uncontrolled fires caused by fuel leaks following penetration or rupture of the lower wing by fragments of tires, or from uncontained engine failure. In a November 1984 accident, a Boeing Model 747 airplane tire burst during an aborted takeoff from Honolulu, Hawaii. That tire debris penetrated a fuel-tank access cover, causing substantial fuel leakage. Passengers were evacuated down the emergency slides into pools of fuel that fortunately had not ignited.

After an August 1985 Boeing Model 737 airplane accident in Manchester, England, in which a fuel-tank access cover was penetrated by engine debris creating a fire, the FAA amended Title 14, Code of Federal Regulations (14 CFR) 25.963 to require fuel-tank access covers that are resistant to both tire and engine debris (engine debris is addressed outside of these special conditions). Modifications to the access covers were required of the existing fleet by an amendment to 14 CFR part 121. This regulation, § 25.963(e), only addressed the fuel-tank access covers because service experience at the time showed that the lower-wing skin of a conventional, subsonic airplane provided adequate inherent capability to resist tire and engine debris threats. More specifically, this regulation requires showing, by analysis or tests, that the access covers ''. . . minimize penetration and deformation by tire fragments, low energy engine debris, or other likely debris.'' Advisory Circular (AC) 25.963–1 defines the region of the wing that is vulnerable to impact damage from these sources and provides a method to substantiate that the rule has been met for tire fragments. No specific requirements were established for the contiguous wing areas into which the access covers are installed. AC 25.963–1 specifically notes, ''The access covers, however, need not be more impact resistant than the contiguous tank structure,'' highlighting the assumption that the wing was adequately addressed.

The Concorde accident in July 2000 is the most notable example. That accident demonstrated an unanticipated failure mode in an airplane with an unusual transport-airplane configuration. Impact to the thin aluminum wing surface by tire debris induced pressure waves within the fuel tank that resulted in fuel leakage and fire. The skin on the Concorde delta-wing supersonic airplane is made of aluminum, having a thickness that is much less than that of a conventional subsonic airplane.

Several previous accidents from burst tires damaged the fuel tank and wings on the Concorde. In 1979, a burst main-gear tire put a hole through the wing, causing both fuel and hydraulic leaks. In 1980, a burst tire damaged the engine and airframe. In July 1993, a main-gear tire burst, damaging the wing and causing hydraulic problems. In October 1993, a main-gear tire burst, broke the water deflector, and created holes in the fuel tank. Fortunately, the fuel did not catch fire during any of these events before the July 2000 accident involving the Concorde airplane.

Following the accident in 2000, regulatory authorities required modifications to the Concorde aircraft to improve impact resistance of the lower wing, or means to retain fuel if the primary fuel retention means is damaged.

These accidents and incidents highlight the need to establish standards for fuel-tank designs and configurations that were not envisioned when the existing standards in 14 CFR part 25 were issued.

Type Certification Basis

Under 14 CFR 21.17, Airbus must show that the Model A350–900 series airplane meets the applicable provisions of part 25, as amended by Amendments 25–1 through 25–129.

If the Administrator finds that the applicable airworthiness regulations (i.e., 14 CFR part 25) do not contain adequate or appropriate safety standards for Model A350–900 series airplanes because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

Special conditions are initially applicable to the model for which they are issued. Should the type certificate for that model be amended later to include any other model that incorporates the same or similar novel or unusual design feature, the special conditions would also apply to the other model under § 21.101.

In addition to the applicable airworthiness regulations and special conditions, the Model A350–900 series airplane must be shown to comply with the fuel-vent and exhaust-emission requirements of 14 CFR part 34, and the noise-certification requirements of 14 CFR part 36. The FAA must issue a finding of regulatory adequacy under section 611 of Public Law 92–574, the ''Noise Control Act of 1972.''

The FAA issues special conditions, as defined in 14 CFR 11.19, in accordance with § 11.38, and they become part of the type-certification basis under § 21.17(a)(2).

Novel or Unusual Design Features

The Airbus Model A350–900 series airplanes will incorporate the following novel or unusual design features: CFRP materials for most of the wing fuel-tank structure.

Discussion

To maintain the level of safety prescribed by § 25.963(e) for fuel-tank access covers, these special conditions establish a standard for resistance to potential tire-debris impacts to the contiguous wing surfaces, and require consideration of possible secondary effects of a tire impact, such as the induced pressure wave that was a factor in the Concorde accident. These special conditions take into account that new construction methods and materials may not necessarily provide the resistance to debris impact that has historically been shown as adequate. These special conditions are based on the defined tire-impact areas and tire-fragment characteristics described in AC 25.963–1.

In addition, despite practical-design considerations, some uncommon debris larger than that defined in paragraph (b) may cause a fuel leak within the defined area, so paragraph (c) of these special conditions also takes into consideration possible leakage paths. Fuel-tank surfaces of typical transport airplanes have thick aluminum construction in the tire-debris impact areas that is tolerant to tire debris larger than that defined in paragraph (b) of these special conditions. Consideration of leaks caused by larger tire fragments is needed to ensure that an adequate level of safety is provided.

Note: While § 25.963 includes consideration of uncontained engine debris, the effects of engine debris are not included in these special conditions because these related potential hazards are addressed on the Model A350–900 series airplane under the existing requirements of § 25.903(d). Section 25.903(d) requires minimizing the hazards from uncontained engine debris.

These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

Discussion of Comments

Notice of proposed special conditions No. 25–13–19–SC for the Airbus Model A350–900 series airplanes was published in the **Federal Register** on January 14, 2014 (79 FR 2388). No comments were received, and the special conditions are adopted as proposed.

Applicability

As discussed above, these special conditions are applicable to Airbus Model A350–900 series airplanes. Should Airbus apply at a later date for a change to the type certificate to include another model incorporating the same novel or unusual design feature, the special conditions would apply to that model as well.

Conclusion

This action affects only certain novel or unusual design features on Airbus Model A350–900 series airplanes. It is not a rule of general applicability.

List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

The authority citation for these special conditions is as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701, 44702, 44704.

The Special Conditions

Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the type-certification basis for Airbus Model A350–900 series airplanes.

a. Impacts by tire debris to any fuel tank or fuel-system component located within 30 degrees to either side of wheel rotational planes may not result in penetration or otherwise induce fuel-tank deformation, rupture (for example, through propagation of pressure waves), or cracking sufficient to allow a hazardous fuel leak. A hazardous fuel leak results if debris impact to a fuel tank surface causes—

1. a running leak,

2. a dripping leak, or

3. a leak that, 15 minutes after wiping dry, results in a wetted airplane surface exceeding 6 inches in length or diameter.

The leak must be evaluated under maximum fuel-head pressure.

b. Compliance with paragraph (a) must be shown by analysis or tests assuming all of the following:

1. The tire-debris fragment size is equal to 1 percent of the tire mass.

2. The tire-debris fragment is propelled at a tangential speed that could be attained by a tire tread at the Airplane Flight Manual airplane rotational speed (VR at maximum gross weight).

3. The tire-debris fragment load is distributed over an area on the fuel-tank surface equal to 1.5 percent of the total tire-tread area.

c. Fuel leaks caused by impact from tire debris larger than that specified in paragraph (b), from any portion of a fuel tank or fuel-system component located within the tire-debris impact area defined in paragraph (a), may not result in hazardous quantities of fuel entering any of the following areas of the airplane:

1. Engine inlet,

2. APU inlet, or

3. Cabin-air inlet.

This must be shown by test or analysis, or a combination of both, for each approved engine forward-thrust condition, and each approved reverse-thrust condition.

Jeffrey E. Duven,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2014–18653 Filed 8–6–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. FAA–2013–0897; Special Conditions No. 25–523–SC]

Special Conditions: Airbus Model A350–900 Airplane; Transient Engine-Failure Loads

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions.

SUMMARY: These special conditions are issued for Airbus Model A350–900 airplanes. These airplanes will have a novel or unusual design feature associated with the new generation of high-bypass engines and the potential loads resulting from extreme engine-failure conditions.

The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES: *Effective Date:* September 8, 2014.

FOR FURTHER INFORMATION CONTACT: Todd Martin, FAA, Airframe and Cabin Safety Branch, ANM–115, Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue SW., Renton, Washington 98057–3356; telephone (425) 227–1178; facsimile (425) 227–1320.

SUPPLEMENTARY INFORMATION:

Background

On August 25, 2008, Airbus applied for a type certificate for their new Model A350–900 airplane. Later, Airbus requested, and the FAA approved, an extension to the application for FAA type certification to November 15, 2009. The Model A350–900 airplane has a conventional layout with twin wing-mounted Rolls-Royce Trent XWB engines. It features a twin-aisle, 9-abreast, economy-class layout, and accommodates side-by-side placement of LD–3 containers in the cargo compartment. The basic Model A350–900 airplane configuration accommodates 315 passengers in a standard two-class arrangement. The design cruise speed is Mach 0.85 with a maximum take-off weight of 602,000 lbs.

The existing regulations are inadequate because the new, large-bypass fan engines of the Model A350–900 airplanes can cause more damage in a failure event than could the previous engines. To maintain the level of safety envisioned by Title 14, Code of Federal Regulations (14 CFR) 25.61(b), more comprehensive criteria are needed for the new generation of high-bypass engines. The more severe events resulting from extreme engine-failure conditions would be treated as dynamic-load conditions. The special conditions would distinguish between the more common engine-failure events and those rare events resulting from structural failures. The more common events would continue to be treated as static torque-limit load conditions. The severe events would be considered ultimate loads, and include all transient loads associated with the event. An additional safety factor would be applied to the more critical airframe supporting structure.

Type Certification Basis

Under 14 CFR 21.17, Airbus must show that the Model A350–900 airplane meets the applicable provisions of 14 CFR part 25, as amended by Amendments 25–1 through 25–129.

If the Administrator finds that the applicable airworthiness regulations (i.e., 14 CFR part 25) do not contain adequate or appropriate safety standards for the Model A350–900 airplane airplane because of a novel or unusual design feature, special conditions are prescribed under § 21.16.

Special conditions are initially applicable to the model for which they are issued. Should the type certificate for that model be amended later to include any other model that incorporates the same or similar novel or unusual design feature, the special conditions would also apply to the other model under § 21.101.

In addition to the applicable airworthiness regulations and special conditions, the Model A350–900 airplane must comply with the fuel-vent and exhaust-emission requirements of 14 CFR part 34, and the noise-certification requirements of 14 CFR part 36. The FAA must issue a finding of regulatory adequacy under section 611 of Public Law 92–574, the ''Noise Control Act of 1972.''

The FAA issues special conditions, as defined in 14 CFR 11.19, under § 11.38, and they become part of the type-certification basis under § 21.17(a)(2).

Novel or Unusual Design Features

The Model A350–900 airplane will incorporate the following novel or unusual design features: engines with large-bypass fans capable of producing much higher failure loads than previous engines. The Model A350–900 airplane will therefore require additional dynamic-load analyses to assess the most severe engine-failure events. The loads resulting from these conditions would be considered as ultimate loads, with an additional safety factor applied to the airframe supporting structure.

Discussion

The size, configuration, and failure modes of jet engines has changed considerably from those envisioned by 14 CFR 25.361(b) when the engine-seizure requirement was first adopted. Engines have become larger and are now designed with large-bypass fans capable of producing much higher failure loads. Relative to the engine configurations that existed when the rule was developed in 1957, the present generation of engines are sufficiently different and novel to justify special conditions for Model A350–900 airplanes. Service history has shown that the engine-failure events that tend to cause the most severe loads are fan-blade failures, and these events occur much less frequently than the typical ''limit'' load condition.

The regulatory authorities and industry developed a standardized requirement in the Aviation Rulemaking Advisory Committee (ARAC) forum. The technical aspects of this requirement have been agreed upon and have been accepted by the ARAC Loads and Dynamics Harmonization Working Group. These special conditions reflect the ARAC recommendation and are essentially harmonized with the corresponding European Aviation Safety Agency (EASA) Certification Specifications (CS) 25. In addition, the ARAC recommendation includes corresponding advisory material that is incorporated in CS–25. This advisory material is considered an acceptable means of compliance to the special conditions.

These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

Discussion of Comments

Notice of proposed special conditions no. 25–13–29–SC for Airbus Model A350–900 airplanes was published in the **Federal Register** on November 12, 2013 (78 FR 67323). No substantive comments were received, and the special conditions are adopted as proposed.

Applicability

As discussed above, these special conditions apply to the Airbus Model A350–900 airplanes. Should Airbus apply later for a change to the type certificate to include another model incorporating the same novel or unusual design feature, the special conditions would apply to that model as well.

Conclusion

This action affects only certain novel or unusual design features on the Model A350–900 airplanes. It is not a rule of general applicability.

List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

The authority citation for these special conditions is as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701, 44702, 44704.

The Special Conditions

■ Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the type-certification basis for Airbus Model A350–900 airplanes.

In lieu of § 25.361(b), the following special conditions apply:

1. For turbine-engine installations, the engine mounts, pylons, and adjacent supporting airframe structure must be designed to withstand 1g level flight loads acting simultaneously with the maximum limit torque loads imposed by each of the following:

a. Sudden engine deceleration due to a malfunction that could result in a temporary loss of power or thrust, and

b. the maximum acceleration of the engine.

2. For auxiliary power-unit installations, the power-unit mounts and adjacent supporting airframe structure must be designed to withstand 1g level flight loads acting simultaneously with the maximum limit torque loads imposed by each of the following:

a. Sudden auxiliary power-unit deceleration due to malfunction or structural failure, and

b. the maximum acceleration of the power unit.

3. For engine-supporting structure, an ultimate loading condition must be considered that combines 1g flight loads with the transient dynamic loads resulting from:

a. The loss of any fan, compressor, or turbine blade, and separately

b. where applicable to a specific engine design, any other engine structural failure that results in higher loads.

4. The ultimate loads developed from the conditions specified in special conditions 3.a. and 3.b. are to be multiplied by a factor of 1.0 when applied to engine mounts and pylons, and multiplied by a factor of 1.25 when applied to adjacent supporting airframe structure.

5. The airplane must be capable of continued safe flight considering the aerodynamic effects on controllability due to any permanent deformation that results from the conditions specified in special condition 3.

Issued in Renton, Washington, on July 15, 2014.

John P. Piccola, Jr.,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2014–18657 Filed 8–6–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. FAA–2013–0903; Special Conditions No. 25–525–SC]

Special Conditions: Airbus Model A350–900 Series Airplane; Side-Stick Controllers

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions.

SUMMARY: These special conditions are issued for Airbus Model A350–900 airplanes. These airplanes will have a novel or unusual design feature associated with side-stick controllers for pitch and roll control, instead of conventional wheels and columns. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES: *Effective Date:* September 8, 2014.

FOR FURTHER INFORMATION CONTACT: Loran Haworth, FAA, Airplane and Flight Interface Branch, ANM–111, Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue SW., Renton, Washington 98057–3356; telephone (425) 227–1133; facsimile (425) 227–1320.

SUPPLEMENTARY INFORMATION:

Background

On August 25, 2008, Airbus applied for a type certificate for their new Model A350–900 airplane. Later, Airbus requested, and the FAA approved, an extension to the application for FAA type certification to November 15, 2009. The Model A350–900 airplane has a conventional layout with twin wing-mounted Rolls-Royce Trent XWB engines. It features a twin-aisle, 9-abreast, economy-class layout, and accommodates side-by-side placement of LD–3 containers in the cargo compartment. The basic Model A350–900 airplane configuration accommodates 315 passengers in a standard two-class arrangement. The design cruise speed is Mach 0.85 with a maximum take-off weight of 602,000 lbs.

The Airbus Model A350–900 airplane, like its predecessors the Model A320, A330, A340 and A380 airplanes, will use side-stick controllers for pitch and roll control. Regulatory requirements pertaining to conventional wheel and column controls, such as pilot strength and controllability, are not directly applicable for the side stick. In addition, pilot-control authority may be uncertain because the side sticks are not mechanically interconnected as with conventional wheel and column controls.

Type Certification Basis

Under Title 14, Code of Federal Regulations (14 CFR) 21.17, Airbus must show that the Model A350–900 airplane meets the applicable provisions of 14 CFR part 25, as amended by Amendments 25–1 through 25–129.

The FAA has determined that Airbus Model A350–900 airplanes must comply with §§ 25.143, 25.145(b), 25.175(b), 25.671, and 25.1329(a).

If the Administrator finds that the applicable airworthiness regulations (i.e., 14 CFR part 25) do not contain adequate or appropriate safety standards for the Airbus Model A350–900 airplane because of a novel or unusual design feature, special conditions are prescribed under § 21.16.

Special conditions are initially applicable to the model for which they are issued. Should the type certificate for that model be amended later to include any other model that incorporates the same or similar novel or unusual design feature, the special conditions would also apply to the other model under § 21.101.

In addition to the applicable airworthiness regulations and special conditions, the Airbus Model A350–900 airplane must comply with the fuel-vent

and exhaust-emission requirements of 14 CFR part 34, and the noise-certification requirements of 14 CFR part 36. The FAA must issue a finding of regulatory adequacy under section 611 of Public Law 92–574, the ''Noise Control Act of 1972.''

The FAA issues special conditions, as defined in 14 CFR 11.19, under § 11.38, and they become part of the type-certification basis under § 21.17(a)(2).

Novel or Unusual Design Features

The Airbus Model A350–900 airplane will incorporate the following novel or unusual design features: side-stick controllers for pitch and roll control, in place of conventional wheel and column controls.

Discussion

Current FAA regulations do not specifically address the use of side-stick controllers for pitch and roll control. The unique features of the side stick must therefore be demonstrated through flight and simulator tests to have suitable handling and control characteristics when considering the following:

1. The handling-qualities tasks and requirements of the A350 Special Conditions and other 14 CFR part 25 requirements for stability, control, and maneuverability, including the effects of turbulence.
2. General ergonomics: Armrest comfort and support, local freedom of movement, displacement angle suitability, and axis harmony.
3. Inadvertent input in turbulence.
4. Inadvertent pitch-roll crosstalk.

The Handling Qualities Rating Method (HQRM) of Appendix 5 of the Flight Test Guide, AC 25–7C, may be used to show compliance.

These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

Discussion of Comments

Notice of proposed special conditions no. 25–13–26–SC for Airbus Model A350–900 airplanes was published in the **Federal Register** on November 8, 2013 (78 FR 67077). No comments were received, and the special conditions are adopted as proposed.

Applicability

As discussed above, these special conditions apply to Airbus Model A350–900 airplanes. Should Airbus apply later for a change to the type certificate to include another model incorporating the same novel or unusual design feature, the special conditions would apply to that model as well.

Conclusion

This action affects only certain novel or unusual design features on Airbus Model A350–900 airplanes. It is not a rule of general applicability.

List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

The authority citation for these special conditions is as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701, 44702, 44704.

The Special Conditions

Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the type-certification basis for Airbus Model A350–900 airplanes.

Side-Stick Controllers

1. Pilot strength: In lieu of the ''strength of pilots'' limits shown in § 25.143(c) for pitch and roll, and in lieu of the specific pitch-force requirement of §§ 25.145(b) and 25.175(d), it must be shown that the temporary and maximum prolonged force levels for the side-stick controllers are suitable for all expected operating conditions and configurations, whether normal or non-normal.

2. Pilot-control authority: The electronic side-stick-controller coupling design must provide for corrective and/or overriding control inputs by either pilot with no unsafe characteristics. Annunciation of the controller status must be provided, and must not be confusing to the flightcrew.

3. Pilot control: It must be shown by flight tests that the use of side-stick controllers does not produce unsuitable pilot-in-the-loop control characteristics when considering precision path control/tasks and turbulence. In addition, pitch and roll control force and displacement sensitivity must be compatible, so that normal inputs on one control axis will not cause significant unintentional inputs on the other.

Issued in Renton, Washington, on July 15, 2014.

John P. Piccola, Jr.,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2014–18658 Filed 8–6–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. FAA–2013–0905; Special Conditions No. 25–531–SC]

Special Conditions: Airbus Model A350–900 Airplane; Flight-Envelope Protection, Normal Load-Factor (G) Limiting

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions.

SUMMARY: These special conditions are issued for Airbus Model A350–900 airplanes. These airplanes will have a novel or unusual design feature associated with a flight-control system that prevents the pilot from inadvertently or intentionally exceeding the positive or negative airplane limit load factor. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES: *Effective Date:* September 8, 2014.

FOR FURTHER INFORMATION CONTACT: Joe Jacobsen, FAA, Airplane and Flightcrew Interface Branch, ANM–111, Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue SW., Renton, Washington 98057–3356; telephone (425) 227–2011; facsimile (425) 227–1320.

SUPPLEMENTARY INFORMATION:

Background

On August 25, 2008, Airbus applied for a type certificate for their new Model A350–900 airplane. Later, Airbus requested, and the FAA approved, an extension to the application for FAA type certification to November 15, 2009. The Model A350–900 airplane has a conventional layout with twin wing-mounted Rolls-Royce Trent XWB engines. It features a twin-aisle, 9-abreast, economy-class layout, and accommodates side-by-side placement of LD–3 containers in the cargo compartment. The basic Model A350–900 airplane configuration accommodates 315 passengers in a standard two-class arrangement. The design cruise speed is Mach 0.85 with a maximum take-off weight of 602,000 lbs.

The normal load-factor limit on Airbus Model A350–900 airplanes is

unique in that traditional airplanes with conventional flight-control systems (mechanical linkages) are limited in the pitch axis only by the elevator surface area and deflection limit. The elevator-control power is normally derived for adequate controllability and maneuverability at the most critical longitudinal pitching moment. The result is that traditional airplanes have a significant portion of the flight envelope wherein maneuverability in excess of limit structural-design values is possible.

Title 14, Code of Federal Regulations (14 CFR) part 25 does not specify requirements or policy for demonstrating maneuver controls that impose any handling-qualities requirements beyond the design limit structural loads. Nevertheless, some pilots have become accustomed to the availability of this excess maneuver capacity in case of extreme emergency, such as upset recoveries or collision avoidance.

These special conditions are needed to ensure adequate maneuverability and controllability for the Model A350–900 airplane using the Airbus flight-control system.

Type Certification Basis

Under 14 CFR 21.17, Airbus must show that the Model A350–900 airplane meets the applicable provisions of 14 CFR part 25, as amended by Amendments 25–1 through 25–129.

If the Administrator finds that the applicable airworthiness regulations (i.e., 14 CFR part 25) do not contain adequate or appropriate safety standards for the Model A350–900 airplane because of a novel or unusual design feature, special conditions are prescribed under § 21.16.

Special conditions are initially applicable to the model for which they are issued. Should the type certificate for that model be amended later to include any other model that incorporates the same or similar novel or unusual design feature, the special conditions would also apply to the other model under § 21.101.

In addition to the applicable airworthiness regulations and final special conditions, the Model A350–900 airplane must comply with the fuel-vent and exhaust-emission requirements of 14 CFR part 34, and the noise-certification requirements of 14 CFR part 36. The FAA must issue a finding of regulatory adequacy under section 611 of Public Law 92–574, the ''Noise Control Act of 1972.''

The FAA issues special conditions, as defined in 14 CFR 11.19, under § 11.38, and they become part of the type-certification basis under § 21.17(a)(2).

Novel or Unusual Design Features

The Airbus Model A350–900 airplane will incorporate the following novel or unusual design features: An electronic flight-control system (EFCS), that when operating in its normal mode, will prevent airplane pitch attitudes greater than +30 degrees and less than –15 degrees, and roll angles greater than plus or minus 67 degrees. In addition, positive spiral stability is introduced for roll angles greater than 33 degrees at speeds below V_{MO}/M_{MO}. At speeds greater than V_{MO} and up to V_{DF}, maximum aileron-control force is limited to only 45 degrees maximum bank angle.

Discussion

Flight-envelope protection that limits normal load-factor (g) limiting is considered novel and unusual because the current regulations do not provide standards for maneuverability and controllability evaluations for such systems. Special conditions are needed to ensure adequate maneuverability and controllability when using this design feature.

As with previous fly-by-wire airplanes, the FAA has no regulatory or safety reason to inhibit the design concept of the Airbus A350 flight-control system with load-factor limiting. Pilots accustomed to this control feature may feel more freedom in commanding full stick-displacement maneuvers because of the following:

- Knowledge that the limit system will protect the structure,
- Low stick-force/displacement gradients, and
- Smooth transition from pilot elevator control to limit control.

These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

Discussion of Comments

Notice of proposed special conditions no. 25–13–28–SC for Airbus Model A350–900 airplanes was published in the **Federal Register** on December 17, 2013 (78 FR 76249). No comments were received, and the special conditions are adopted as proposed.

Applicability

As discussed above, these special conditions apply to Airbus Model A350–900 airplanes. Should Airbus apply later for a change to the type certificate to include another model incorporating the same novel or unusual design feature, the special conditions would apply to that model as well.

Conclusion

This action affects only certain novel or unusual design features on the Airbus Model A350–900 airplanes. It is not a rule of general applicability.

List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

The authority citation for these special conditions is as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701, 44702, 44704.

The Special Conditions

Accordingly, pursuant to the authority delegated to me by the Administrator, to meet the intent of adequate maneuverability and controllability required by § 25.143(a), and in the absence of other limiting factors, the following special conditions are issued as part of the type-certification basis for Airbus Model A350–900 airplanes.

(1) The positive limiting load factor must not be less than:

(a) 2.5g for the EFCS normal state with the high-lift devices retracted up to V_{MO}/M_{MO}. The positive limiting load factor may be gradually reduced down to 2.25g above V_{MO}/M_{MO}.

(b) 2.0g for the EFCS normal state with the high-lift devices extended.

(2) The negative limiting load factor must be equal to or more negative than:

(a) Minus 1.0g for the EFCS normal state with the high-lift devices retracted.

(b) 0.0g for the EFCS normal state with high-lift devices extended.

(3) Maximum reachable positive load-factor wings level may be limited by flight-control system characteristics or flight-envelope protections (other than load-factor protection) provided that:

(a) The required values are readily achievable in turns, and

(b) wings-level pitch-up responsiveness is satisfactory.

(4) Maximum achievable negative load factor may be limited by flight-control system characteristics or flight-envelope protections (other than load-factor protection) provided that:

(a) Pitch-down responsiveness is satisfactory

(b) from level flight, 0g is readily achievable or alternatively, a satisfactory trajectory change is readily achievable at operational speeds (from V_{LS} to maximum speed—10 knots). V_{LS} is the lowest speed at which the crew may fly with auto-thrust or auto-pilot engaged. It is displayed on primary flight displays as the top of the low-

speed amber band, and is the lower end of the normal flight envelope. The formula (maximum speed—10 knots) is to cover typical margin from V_{MO}/M_{MO} to cruise speeds, and typical margin from V_{FE} to standard speed in high lift configurations.

Note: For the FAA to consider a trajectory change as satisfactory, the applicant should propose and justify a pitch rate that provides sufficient maneuvering capability in the most critical scenarios. Compliance demonstration with the above requirements may be performed without ice accretion on the airframe.

Issued in Renton, Washington, on July 15, 2014.

John P. Piccola, Jr.,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2014–18660 Filed 8–6–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. FAA–2014–0303; Special Conditions No. 25–561–SC]

Special Conditions: Airbus Model A350–900 Airplane; Operation Without Normal Electrical Power

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special condition; request for comments.

SUMMARY: These special conditions are issued for the Airbus Model A350–900 airplane. This airplane will have a novel or unusual design feature associated with operation without normal electrical power. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES: The effective date of these special conditions is August 7, 2014. We must receive your comments by September 22, 2014.

ADDRESSES: Send comments identified by docket number FAA–2014–0303 using any of the following methods:

- *Federal eRegulations Portal:* Go to *http://www.regulations.gov/* and follow the online instructions for sending your comments electronically.

Mail: Send comments to Docket Operations, M–30, U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE., Room W12–140, West Building Ground Floor, 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 a.m. and 5 p.m., Monday through Friday, except federal holidays.

Fax: Fax comments to Docket Operations at 202–493–2251.

Privacy: The FAA will post all comments it receives, without change, to *http://www.regulations.gov/,* including any personal information the commenter provides. Using the search function of the docket Web site, anyone can find and read the electronic form of all comments received into any FAA docket, including the name of the individual sending the comment (or signing the comment for an association, business, labor union, etc.). DOT's complete Privacy Act Statement can be found in the **Federal Register** published on April 11, 2000 (65 FR 19477–19478), as well as at *http://DocketsInfo.dot.gov/.*

Docket: Background documents or comments received may be read at *http://www.regulations.gov/* at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except federal holidays.

FOR FURTHER INFORMATION CONTACT: Nazih Khaouly, FAA, Airframe and Flightcrew Interface Branch, ANM–111, Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue SW., Renton, Washington 98057–3356; telephone (425) 227–2432; facsimile (425) 227–1320.

SUPPLEMENTARY INFORMATION: The FAA has determined that notice of, and opportunity for prior public comment on, these special conditions is impracticable because these procedures would significantly delay issuance of the design approval and thus delivery of the affected aircraft. In addition, the substance of these special conditions has been subject to the public-comment process in several prior instances with no substantive comments received. The FAA therefore finds that good cause exists for making these special conditions effective upon publication in the **Federal Register**.

Comments Invited

We invite interested people to take part in this rulemaking by sending written comments, data, or views. The most helpful comments reference a specific portion of the special conditions, explain the reason for any recommended change, and include supporting data.

We will consider all comments we receive by the closing date for comments. We may change these special conditions based on the comments we receive.

Background

On August 25, 2008, Airbus applied for a type certificate for their new Model A350–900 airplane. Later, Airbus requested, and the FAA approved, an extension to the application for FAA type certification to November 15, 2009. The Model A350–900 airplane has a conventional layout with twin wing-mounted Rolls-Royce Trent XWB engines. It features a twin-aisle, 9-abreast, economy-class layout, and accommodates side-by-side placement of LD–3 containers in the cargo compartment. The basic Airbus Model A350–900 airplane configuration will accommodate 315 passengers in a standard two-class arrangement. The design cruise speed is Mach 0.85 with a maximum take-off weight of 602,000 lbs.

The Airbus Model A350–900 airplane fly-by-wire control system requires a continuous source of electrical power to maintain an operable flight-control system. The current rule, Title 14, Code of Federal Regulations (14 CFR) 25.1351(d), Amendment 25–72, requires safe operation under visual flight rules (VFR) conditions for at least five minutes after loss of all normal electrical power. This rule was structured around a traditional design utilizing mechanical control cables for flight control while the crew took time to sort out the electrical failure, start engine(s) if necessary, and re-establish some of the electrical-power-generation capability.

To maintain the same level of safety associated with traditional designs, Airbus Model A350–900 airplanes must be designed for operation with the normal sources of engine- or Auxiliary Power Unit (APU)-generated electrical power inoperative. Service experience has shown that loss of all electrical power from the airplane's engine and APU-driven generators is not extremely improbable. Therefore, it must be shown that the airplane is capable of recovering adequate primary electrical-power generation for safe flight and landing with the use of its emergency electrical-power systems. These emergency electrical-power systems must be able to

power loads that are essential for continued safe flight and landing.

Type Certification Basis

Under 14 CFR 21.17, Airbus must show that the Airbus Model A350–900 airplane meets the applicable provisions of 14 CFR part 25, as amended by Amendments 25–1 through 25–129.

If the Administrator finds that the applicable airworthiness regulations (i.e., 14 CFR part 25) do not contain adequate or appropriate safety standards for the Airbus Model A350–900 airplane because of a novel or unusual design feature, special conditions are prescribed under § 21.16. These special conditions are an extension of part 25 due to the inadequacies of the existing part 25 requirements to address loss of all normal electrical power.

Special conditions are initially applicable to the model for which they are issued. Should the type certificate for that model be amended later to include any other model that incorporates the same novel or unusual design feature, the special conditions would also apply to the other model under § 21.101.

In addition to the applicable airworthiness regulations and special conditions, the Airbus Model A350–900 airplane must be shown to comply with the fuel-vent and exhaust-emission requirements of 14 CFR part 34, and the noise-certification requirements of 14 CFR part 36. The FAA must issue a finding of regulatory adequacy under section 611 of Public Law 92–574, the ''Noise Control Act of 1972.''

The FAA issues special conditions, as defined in 14 CFR 11.19, under § 11.38, and they become part of the type-certification basis under § 21.17(a)(2).

Novel or Unusual Design Features

The Airbus Model A350–900 airplane incorporates the following novel or unusual design features: The capability of continued safe flight and landing that are dependent on one or more continuous sources of electrical power.

Due to rapid improvements in airplane technology, the applicable airworthiness regulations do not contain adequate or appropriate safety standards for these design features. These special conditions for the Airbus Model A350–900 airplane contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

In addition to an electronic flight-control system, a number of systems that have traditionally been mechanically operated have been implemented as electrically powered systems on the Model A350–900 airplane. The criticality of some of these systems is such that their failure will either reduce the capability of the airplane or the ability of the crew to cope with adverse operating conditions, or prevent continued safe flight and landing of the airplane.

Discussion

The current rule, 14 CFR 25.1351(d), Amendment 25–72, requires safe operation under VFR conditions for at least five minutes after loss of all normal electrical power. This rule was structured around traditional airplane designs that use mechanical control cables and linkages for flight control. These manual controls allow the flightcrew to maintain aerodynamic control of the airplane for an indefinite time after loss of all electrical power. Under these conditions, the mechanical flight-control system provides the flightcrew with the ability to fly the airplane while attempting to identify the cause of the electrical failure, start the engine(s) if necessary, and reestablish some of the electrical-power-generation capability, if possible.

To maintain the same level of safety associated with traditional designs, the Airbus Model A350–900 airplane must be designed for operation with the normal sources of engine- and APU-generated electrical power inoperative. The FAA has identified electrically powered functions required to safely complete a maximum ETOPS diversion as another potential catastrophic effect from the loss of all normal electrical power. Service history has shown that analytical means have not been accurate at anticipating common-cause failures, nor have such means been accurate at predicting that loss of all normal sources of electrical power is extremely improbable.

Airbus must demonstrate that the airplane is capable of recovering adequate primary electrical-power generation during ETOPS, and for continued safe flight and landing. An alternative source of electrical power would have to be provided for the time necessary to restore the minimum power-generation capability necessary during ETOPS, and for continued safe flight and landing.

These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

Applicability

As discussed above, these special conditions are applicable to the Airbus Model A350–900. Should Airbus apply at a later date for a change to the type certificate to include another model incorporating the same novel or unusual design feature, the special conditions would apply to that model as well.

Conclusion

This action affects only certain novel or unusual design features on the Airbus Model A350–900 airplane. It is not a rule of general applicability.

List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

The authority citation for these special conditions is as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701, 44702, 44704.

The Special Conditions

Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the type certification basis for Airbus Model A350–900 airplanes.

In lieu of the requirements of 14 CFR 25.1351(d) the following special conditions apply:

1. The applicant must show by test, or a combination of test and analysis, that the airplane is capable of continued safe flight and landing with all normal sources of engine- and APU-generated electrical power inoperative as prescribed by paragraphs 1.a. and 1.b. below. For purposes of these special conditions, normal sources of electrical power generation do not include any alternate power sources such as batteries, ram-air turbine (RAT), or independent power systems such as the flight-control permanent magnet generating system. In showing capability for continued safe flight and landing, consideration must be given to systems capability, effects on flightcrew workload and operating conditions, and the physiological needs of the flightcrew and passengers for the longest diversion time for which approval is sought.

a. Common mode failures, cascading failures, and zonal physical threats must be considered in showing compliance with this requirement.

b. In showing compliance with this requirement, the ability to restore operation of portions of the electrical-power generation and distribution system may be considered if it can be shown that unrecoverable loss of those portions of the system is extremely improbable. An alternative source of electrical power must be provided for the time required to restore the minimum electrical-power generation capability required for continued safe

flight and landing. Unrecoverable loss of all engines may be excluded when showing that unrecoverable loss of critical portions of the electrical system is extremely improbable.

2. Regardless of any electrical generation-and-distribution system-recovery capability shown under paragraph 1, above, sufficient electrical-system capability must be provided to—

a. allow time to descend, with all engines inoperative, at the speed that provides the best glide distance, from the maximum operating altitude to the top of the engine-restart envelope, and

b. subsequently allow multiple start attempts of the engines and APU. This capability must be provided in addition to the electrical capability required by existing part 25 requirements related to operation with all engines inoperative.

3. The electrical energy the airplane uses in descending with engines inoperative, from the maximum operating altitude at the best glide speed, and in making multiple attempts to start the engines and APU, must be considered when showing compliance with paragraphs 1 and 2 of these special conditions, and with existing 14 CFR part 25 requirements related to continued safe flight and landing.

Issued in Renton, Washington, on July 23, 2014.

John P. Piccola, Jr.,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2014–18659 Filed 8–6–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. 2013–0709; Amendment No. 71–45]

RIN 2120–AA66

Airspace Designations; Incorporation by Reference Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule, technical amendment.

SUMMARY: This action incorporates certain amendments into FAA Order 7400.9X, dated September 8, 2013, and effective September 15, 2013, for incorporation by reference in 14 CFR 71.1.

DATES: Effective date 0901 UTC August 7, 2014. The Director of the **Federal Register** approves this incorporation by reference action under 1 CFR part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments.

FOR FURTHER INFORMATION CONTACT: Sarah A. Combs, Airspace Policy and Regulations Group, Office of Airspace Services, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: (202) 267–8783.

SUPPLEMENTARY INFORMATION:

History

Federal Aviation Administration Airspace Order 7400.9, Airspace Designations and Reporting Points, incorporated by reference in 14 CFR 71.1, is published yearly. Amendments referred to as ''effective date straddling amendments'' were published under Order 7400.9W (dated August 8, 2012, and effective September 15, 2012), but became effective under Order 7400.9X (dated August 7, 2013, and effective September 15, 2013). This action incorporates these rules into the current FAA Order 7400.9X.

Accordingly, as this is an administrative correction to update final rule amendments into FAA Order 7400.0X, notice and public procedure under 5 U.S.C. 553(b) are unnecessary. Also, to bring these rules and legal descriptions current, I find that good cause exists, under 5 U.S.C. 553(d), for making this amendment effective in less than 30 days.

The Rule

This action amends title 14 Code of Federal Regulations (14 CFR) Part 71 to incorporate certain final rules into the current FAA Order 7400.9X, Airspace Designations and Reporting Points, dated August 7, 2013, and effective September 15, 2013, which are depicted on aeronautical charts.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation: (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that only affects air traffic procedures and air navigation, it is certified that this rule, when promulgated, does not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. 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.

This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it makes the necessary updates for airspace areas within the National Airspace System.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

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

■ 1. The authority citation for part 71 continues to read as follows:

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

■ 2. Section 71.1 is revised to read as follows:

For Docket No. FAA–2013–0163; Airspace Docket No. 13–AWP–2 (78 FR 40381, July 5, 2013). On page 40381, column 2, line 4, under History remove ''. . . FAA Order 7400.9W, Airspace Designations and Reporting Points, dated August 8, 2012, and effective September 15, 2012, . . .'' and add in its place ''FAA Order 7400.9X, Airspace Designations and Reporting Points, dated August 7, 2013, and effective September 15, 2013, . . .; and on page 40381, column 3, line 34, under Amendatory Instruction 2 remove ''. . . Federal Aviation Administration Order 7400.9W, Airspace Designations and Reporting Points, dated August 8, 2012, and effective September 15, 2012, . . .''; and add in its place ''Federal Aviation Administration Order 7400.9X, Airspace Designations and Reporting Points, dated August 7, 2013, and effective September 15, 2013, . . .''.

For Docket No. FAA–2013–0258; Airspace Docket No. 13–ANM–12 (78 FR 40382, July 5, 2013). On page 40382, column 2, line 22 under History remove

''. . . FAA Order 7400.9W, Airspace Designations and Reporting Points, dated August 8, 2012, and effective September 15, 2012, . . .'' and add in its place ''FAA Order 7400.9X, Airspace Designations and Reporting Points, dated August 7, 2013, and effective September 15, 2013, . . .''; and on page 40382, column 3, line 60, under Amendatory Instruction 2 remove ''. . . Federal Aviation Administration Order 7400.9W, Airspace Designations and Reporting Points, dated August 8, 2012, and effective September 15, 2012, . . .'' and add in its place ''Federal Aviation Administration Order 7400.9X, Airspace Designations and Reporting Points, dated August 7, 2013, and effective September 15, 2013, . . .''.

For Docket No. FAA–2012–1121; Airspace Docket No. 12–AGL–8 (78 FR 41290, July 10, 2013). On page 41290, column 3, line 11 under History remove ''. . . FAA Order 7400.9W, Airspace Designations and Reporting Points, dated August 8, 2012, and effective September 15, 2012, . . .'' and add in its place ''FAA Order 7400.9X, Airspace Designations and Reporting Points, dated August 7, 2013, and effective September 15, 2013, . . .''; and on page 41291, column 1, line 35, under Amendatory Instruction 2 remove ''. . . Federal Aviation Administration Order 7400.9W, Airspace Designations and Reporting Points, dated August 8, 2012, and effective September 15, 2012, . . .'' and add in its place ''Federal Aviation Administration Order 7400.9X, Airspace Designations and Reporting Points, dated August 7, 2013, and effective September 15, 2013, . . .''.

For Docket No. FAA–2012–1138; Airspace Docket No. 12–ACE–6 (78 FR 41289, July 10, 2013). On page 41289, column 2, line 6, under History remove ''. . . FAA Order 7400.9W, Airspace Designations and Reporting Points, dated August 8, 2012, and effective September 15, 2012, . . .''; and on page 41289, column 3, line 32, under Amendatory Instruction 2 remove ''. . . Federal Aviation Administration Order 7400.9W, Airspace Designations and Reporting Points, dated August 8, 2012, and effective September 15, 2012, . . .'' and add in its place ''Federal Aviation Administration Order 7400.9X, Airspace Designations and Reporting Points, dated August 7, 2013, and effective September 15, 2013, . . .''.

For Docket No. FAA–2012–1139; Airspace Docket No. 12–AGL–12 (78 FR 41685, July 11, 2013). On page 41685, column 3, line 29, under History remove ''. . . FAA Order 7400.9W, Airspace Designations and Reporting Points, dated August 8, 2012, and effective September 15, 2012, . . .'' and add in its place ''FAA Order 7400.9X, Airspace Designations and Reporting Points, dated August 7, 2013, and effective September 15, 2013, . . .''; and on page 41686, column 1, line 59, under Amendatory Instruction 2 remove ''. . . Federal Aviation Administration Order 7400.9W, Airspace Designations and Reporting Points, dated August 8, 2012, and effective September 15, 2012, . . .'' and add in its place ''Federal Aviation Administration Order 7400.9X, Airspace Designations and Reporting Points, dated August 7, 2013, and effective September 15, 2013, . . .''.

For Docket No. FAA–2013–0236; Airspace Docket No. 13–AGL–5 (78 FR 41686, July 11, 2013). On page 41686, column 3, line 26, under History; and on page 41687, column 1, line 39, under Amendatory Instruction 2 remove ''. . . FAA Order 7400.9W, Airspace Designations and Reporting Points, dated August 8, 2012, and effective September 15, 2012, . . .'' and add in its place ''FAA Order 7400.9X, Airspace Designations and Reporting Points, dated August 7, 2013, and effective September 15, 2013, . . .''.

For Docket No. FAA–2012–1282; Airspace Docket No. 12–AGL–16 (78 FR 41837, July 12, 2013). On page 41837, column 3, line 26, under History remove ''. . . FAA Order 7400.9W, Airspace Designations and Reporting Points, dated August 8, 2012, and effective September 15, 2012, . . .'' and add in its place ''FAA Order 7400.9X, Airspace Designations and Reporting Points, dated August 7, 2013, and effective September 15, 2013, . . .''; and on page 41838, column 1, line 51, under Amendatory Instruction 2 remove '' . . . Federal Aviation Administration Order 7400.9W, Airspace Designations and Reporting Points, dated August 8, 2012, and effective September 15, 2012, . . .'' and add in its place ''Federal Aviation Administration Order 7400.9X, Airspace Designations and Reporting Points, dated August 7, 2013, and effective September 15, 2013, . . .''.

For Docket No. FAA–2012–1281; Airspace Docket No. 12–ASW–13 (78 FR 41838, July 12, 2013). On page 41838, column 2, line 59, under History remove ''. . . FAA Order 7400.9W, Airspace Designations and Reporting Points, dated August 8, 2012, and effective September 15, 2012, . . .'' and add in its place ''FAA Order 7400.9X, Airspace Designations and Reporting Points, dated August 7, 2013, and effective September 15, 2013, . . .''; and on page 41839, column 1, line 23, under Amendatory Instruction 2 remove ''. . . Federal Aviation Administration Order 7400.9W, Airspace Designations and Reporting Points, dated August 8, 2012, and effective September 15, 2012, . . .'' and add in its place ''Federal Aviation Administration Order 7400.9X, Airspace Designations and Reporting Points, dated August 7, 2013, and effective September 15, 2013, . . .''.

For Docket No. FAA–2012–0770; Airspace Docket No. 12–ASW–6 (78 FR 41839, July 12, 2013). On page 41839, column 2, line 38, under History remove ''. . . FAA Order 7400.9W, Airspace Designations and Reporting Points, dated August 8, 2012, and effective September 15, 2012, . . .'' and add in its place ''FAA Order 7400.9X, Airspace Designations and Reporting Points, dated August 7, 2013, . . .''; and on page 41840, column 1, line 3, under Amendatory Instruction 2 remove ''. . . Federal Aviation Administration Order 7400.9W, Airspace Designations and Reporting Points, dated August 8, 2012, and effective September 15, 2012, . . .'' and add in its place ''Federal Aviation Administration Order 7400.9X, Airspace Designations and Reporting Points, dated August 7, 2013, and effective September 15, 2013, . . .''.

For Docket No. FAA–2012–1303; Airspace Docket No. 12–ANM–29 (78 FR 45848, July 30, 2013). On page 45848, column 2, line 54, under History remove ''. . . FAA Order 7400.9W, Airspace Designations and Reporting Points, dated August 8, 2012, and effective September 15, 2012, . . .'' and add in its place ''FAA Order 7400.9X, Airspace Designations and Reporting Points, dated August 7, 2013, and effective September 15, 2013, . . .''; and on page 45849, column 1, line 19, under Amendatory Instruction 2 remove ''. . . Federal Aviation Administration Order 7400.9W, Airspace Designations and Reporting Points, dated August 8, 2012, and effective September 15, 2012, . . .'' and add in its place ''Federal Aviation Administration Order 7400.9X, Airspace Designations and Reporting Points, dated August 7, 2013, and effective September 15, 2013, . . .''.

For Docket No. FAA–2013–0282; Docket No. 13–AAL–3 (78 FR 45849, July 30, 2013). On page 45849, column 2, line 54, under History remove; ''. . . FAA Order 7400.9W, Airspace Designations and Reporting Points, dated August 8, 2012, and effective September 15, 2012, . . .'' and add in its place ''FAA Order 7400.9X, Airspace Designations and Reporting Points, dated August 7, 2013, and effective September 15, 2013, . . .''; and on page 45850, column 1, line 21, under Amendatory Instruction 2 remove ''. . . Federal Aviation Administration Order 7400.9W, Airspace Designations and Reporting Points, dated August 8, 2012, and effective September 15, 2012, . . .''

and add in its place ''Federal Aviation Administration Order 7400.9X, Airspace Designations and Reporting Points, dated August 7, 2013, and effective September 15, 2013, . . .''.

For Docket No. FAA–2013–0038; Airspace Docket No. 13–AEA–2 (78 FR 46497, August 1, 2013). On page 46497, column 1, line 58, under History remove ''. . . FAA Order 7400.9W, Airspace Designations and Reporting Points, dated August 8, 2012, and effective September 15, 2012, . . .'' and add in its place ''FAA Order 7400.9X, Airspace Designations and Reporting Points, dated August 7, 2013, and effective September 15, 2013, . . .''; and on page 46497, column 3, line 29, under Amendatory Instruction 2 remove ''. . . Federal Aviation Administration Order 7400.9W, Airspace Designations and Reporting Points, dated August 8, 2012, and effective September 15, 2012, . . .'' and add in its place ''Federal Aviation Administration Order 7400.9X, Airspace Designations and Reporting Points, dated August 7, 2013, and effective September 15, 2013, . . .''.

For Docket No. FAA–2013–0136; Airspace Docket No. 13–ASW–4 (78 FR 48290, August 8, 2013). On page 48290, column 1, line 52, under History remove ''. . . FAA Order 7400.9W, Airspace Designations and Reporting Points, dated August 8, 2012, and effective September 15, 2012, . . .'' and add in its place ''FAA Order 7400.9X, Airspace Designations and Reporting Points, dated August 7, 2013, and effective September 15, 2013, . . .''; and on page 48290, column 3, line 23, under Amendatory Instruction 2 remove ''. . . Federal Aviation Administration Order 7400.9W, Airspace Designations and Reporting Points, dated August 8, 2012, and effective September 15, 2012, . . .'' and add in its place ''FAA Order 7400.9X, Airspace Designations and Reporting Points, dated August 7, 2013, and effective September 15, 2013, . . .''.

For Docket No. FAA–2013–0270; Airspace Docket No. 13–AGL–4 (78 FR 48291, August 8, 2013). On page 48291, column 1, line 50, under History remove ''. . . FAA Order 7400.9W, Airspace Designations and Reporting Points, dated August 8, 2012, and effective September 15, 2012, . . .'' and add in its place ''FAA Order 7400.9X, Airspace Designations and Reporting Points, dated August 7, 2013, and effective September 15, 2013, . . .''; and on page 48291, column 3, line 19, under Amendatory Instruction 2 remove ''. . . Federal Aviation Administration Order 7400.9W, Airspace Designations and Reporting Points, dated August 8, 2012, and effective September 15, 2012, . . .'' and add in its place ''Federal Aviation Administration Order 7400.9X, Airspace Designations and Reporting Points, dated August 7, 2013, and effective September 15, 2013, . . .''.

For Docket No. FAA–2013–0165; Airspace Docket No. 13–AGL–6 (78 FR 48291, August 8, 2013). On page 48292, column 1, line 34, under History remove ''. . . FAA Order 7400.9W, Airspace Designations and Reporting Points, dated August 8, 2012, and effective September 15, 2012, . . .'' and add in its place ''FAA Order 7400.9X, Airspace Designations and Reporting Points, dated August 7, 2013, and effective September 15, 2013, . . .''; and on page 48292, column 2, line 56, under Amendatory Instruction 2 remove ''. . . Federal Aviation Administration Order 7400.9W, Airspace Designations and Reporting Points, dated August 8, 2012, and effective September 15, 2012, . . .'' and add in its place ''Federal Aviation Administration Order 7400.9X, Airspace Designations and Reporting Points, dated August 7, 2013, and effective September 15, 2013, . . .''.

For Docket No. FAA–2013–0261; Airspace Docket No. 13–AGL–14 (78 FR 48292, August 8, 2013). On page 48293, column 1, line 6, under History remove ''. . . FAA Order 7400.9W, Airspace Designations and Reporting Points, dated August 8, 2012, and effective September 15, 2012, . . .'' and add in its place ''FAA Order 7400.9X, Airspace Designations and Reporting Points, dated August 7, 2013, and effective September 15, 2013, . . .''; and on page 48293, column 2, line 32, under Amendatory Instruction 2 remove ''. . . Federal Aviation Administration Order 7400.9W, Airspace Designations and Reporting Points, dated August 8, 2012, and effective September 15, 2012, . . .'' and add in its place ''FAA Order 7400.9X, Airspace Designations and Reporting Points, dated August 7, 2013, and effective September 15, 2013, . . .''.

For Docket No. FAA–2013–0273; Airspace Docket No. 13–ASW–9 (78 FR 48293, August 8, 2013). On page 48293, column 3, line 54, under History remove ''. . . FAA Order 7400.9W, Airspace Designations and Reporting Points, dated August 8, 2012, and effective September 15, 2012, . . .'' and add in its place ''FAA Order 7400.9X, Airspace Designations and Reporting Points, dated August 7, 2013, and effective September 15, 2013, . . .''; and on page 48294, column 2, line 32 under Amendatory Instruction 2 remove ''. . . Federal Aviation Administration Order 7400.9W, Airspace Designations and Reporting Points, dated August 8, 2012, and effective September 15, 2012, . . .'' and add in its place ''Federal Aviation Administration Order 7400.9X, Airspace Designations and Reporting Points, dated August 7, 2013, and effective September 15, 2013, . . .''.

For Docket No. FAA–2012–1141; Airspace Docket No. 12–ASW–12 (78 FR 48294, August 8, 2013). On page 48295, column 1, line 17, under History remove ''. . . FAA Order 7400.9W, Airspace Designations and Reporting Points, dated August 8, 2012, and effective September 15, 2012, . . .'' and add in its place ''FAA Order 7400.9X, Airspace Designations and Reporting Points, dated August 7, 2013, and effective September 15, 2013, . . .''; and on page 48295, column 2, line 42, under Amendatory Instruction 2 remove ''. . . Federal Aviation Administration Order 7400.9W, Airspace Designations and Reporting Points, dated August 8, 2012, and effective September 15, 2012, . . .'' and add in its place ''Federal Aviation Administration Order 7400.9X, Airspace Designations and Reporting Points, dated August 7, 2013, and effective September 15, 2013, . . .''.

For Docket No. FAA–2011–1111; Airspace Docket No. 11–ASW–13 (78 FR 48295, August 8, 2014). On page 48295, column 3, line 56, under History remove ''. . . FAA Order 7400.9W, Airspace Designations and Reporting Points, dated August 8, 2012, and effective September 15, 2012, . . .'' and add in its place ''FAA Order 7400.9X, Airspace Designations and Reporting Points, dated August 7, 2013, and effective September 15, 2013, . . .''; and on page 48296, column 2, line 21, under Amendatory Instruction 2 remove ''. . . Federal Aviation Administration Order 7400.9W, Airspace Designations and Reporting Points, dated August 8, 2012, and effective September 15, 2012, . . .'' and add in its place ''Federal Aviation Administration Order 7400.9X, Airspace Designations and Reporting Points, dated August 7, 2013, and effective September 15, 2013, . . .''.

For Docket No. FAA–2013–0345; Airspace Docket No. 13–AEA–6 (78 FR 48296, August 8, 2013) On page 48296, column 3, line 38, under History remove ''. . . FAA Order 7400.9W, Airspace Designations and Reporting Points, dated August 8, 2012, and effective September 15, 2012, . . .'' and add in its place ''FAA Order 7400.9X, Airspace Designations and Reporting Points, dated August 7, 2013, and effective September 15, 2013, . . .''; and on page 48297, column 2, line 3, under Amendatory Instruction 2 remove ''. . . Federal Aviation Administration Order 7400.9W, Airspace Designations and Reporting Points, dated August 8, 2012, and effective September 15, 2012, . . .'' and add in its place ''Federal Aviation Administration Order 7400.9X, Airspace

Designations and Reporting Points, dated August 7, 2013, and effective September 15, 2013, . . .''.

For Docket No. FAA–2013–0359; Airspace Docket No. 13–AEA–7 (78 FR 48297, August 8, 2013). On page 48297, column 3, line 14, under History remove ''. . . FAA Order 7400.9W, Airspace Designations and Reporting Points, dated August 8, 2012, and effective September 15, 2012, . . .'' and add in its place ''FAA Order 7400.9X, Airspace Designations and Reporting Points, dated August 7, 2013, and effective September 15, 2013, . . .''; and on page 48298, column 1, line 43, under Amendatory Instruction 2 ''. . . Federal Aviation Administration Order 7400.9W, Airspace Designations and Reporting Points, dated August 8, 2012, and effective September 15, 2012, . . .'' and add in its place ''Federal Aviation Administration Order 7400.9X, Airspace Designations and Reporting Points, dated August 7, 2013, and effective September 15, 2013, . . .''.

For Docket No. FAA–2013–0269; Airspace Docket No. 13–ASW–3 (78 FR 48298, August 8, 2013). On page 48298, column 2, line 59 under History remove ''. . . FAA Order 7400.9W, Airspace Designations and Reporting Points, dated August 8, 2012, and effective September 15, 2012, . . .'' and add in its place ''FAA Order 7400.9X, Airspace Designations and Reporting Points, dated August 7, 2013, and effective September 15, 2013, . . .''; and on page 48299, column 1, line 27, under Amendatory Instruction 2 remove ''. . . Federal Aviation Administration Order 7400.9W, Airspace Designations and Reporting Points, dated August 8, 2012, and effective September 15, 2012, . . .'' and add in its place ''Federal Aviation Administration Order 7400.9X, Airspace Designations and Reporting Points, dated August 7, 2013, and effective September 15, 2013, . . .''.

For Docket No. FAA–2012–0433; Airspace Docket No. 12–AAL–5 (78 FR 48299, August 8, 2013). On page 48299, column 3, line 8, under History remove ''. . . FAA Order 7400.9W, Airspace Designations and Reporting Points, dated August 8, 2012, and effective September 15, 2012, . . .'' and add in its place ''FAA Order 7400.9X, Airspace Designations and Reporting Points, dated August 7, 2013, and effective September 15, 2013, . . .''; and on page 48300, column 1, line 34, under Amendatory Instruction 2 ''. . . Federal Aviation Administration Order 7400.9W, Airspace Designations and Reporting Points, dated August 8, 2012, and effective September 15, 2012, . . .'' and add in its place ''Federal Aviation Administration Order 7400.9X, Airspace Designations and Reporting Points, dated August 7, 2013, and effective September 15, 2013, . . .''.

For Docket No. FAA–2012–1283; Airspace Docket No. 12–AGL–15 (78 FR 48300, August 8, 2013). On page 48300, column 2, line 50, under History remove ''. . . FAA Order 7400.9W, Airspace Designations and Reporting Points, dated August 8, 2012, and effective September 15, 2012, . . .'' and add in its place ''FAA Order 7400.9X, Airspace Designations and Reporting Points, dated August 7, 2013, and effective September 15, 2013, . . .''; and on page 48301, column 1, line 16, under Amendatory Instruction 2 remove ''. . . Federal Aviation Administration Order 7400.9W, Airspace Designations and Reporting Points, dated August 8, 2012, and effective September 15, 2012, . . .'' and add in its place ''Federal Aviation Administration Order 7400.9X, Airspace Designations and Reporting Points, dated August 7, 2013, and effective September 15, 2013, . . .''.

For Docket No. FAA–2013–0266; Airspace Docket No. 13–AGL–11 (78 FR 48301, August 8, 2013). On page 48301, column 2, line 30, under History remove ''. . . FAA Order 7400.9W, Airspace Designations and Reporting Points, dated August 8, 2012, and effective September 15, 2012, . . .'' and add in its place ''FAA Order 7400.9X, Airspace Designations and Reporting Points, dated August 7, 2013, and effective September 15, 2013, . . .''; and on page 48301, column 3, line 55, under Amendatory Instruction 2 remove ''. . . Federal Aviation Administration Order 7400.9W, Airspace Designations and Reporting Points, dated August 8, 2012, and effective September 15, 2012, . . .'' and add in its place ''Federal Aviation Administration Order 7400.9X, Airspace Designations and Reporting Points, dated August 7, 2013, and effective September 15, 2013, . . .''.

For Docket No. FAA–2013–0004; Airspace Docket No. 13–AGL–1 (78 FR 48302, August 8, 2013). On page 48302, column 2, line 6, under History remove ''. . . FAA Order 7400.9W, Airspace Designations and Reporting Points, dated August 8, 2012, and effective September 15, 2012, . . .'' and add in its place ''FAA Order 7400.9X, Airspace Designations and Reporting Points, dated August 7, 2013, and effective September 15, 2013, . . . ''; and on page 48302, column 3, line 32, under Amendatory Instruction 2 remove ''. . . Federal Aviation Administration Order 7400.9W, Airspace Designations and Reporting Points, dated August 8, 2012, and effective September 15, 2012, . . .'' and add in its place ''Federal Aviation Administration Order 7400.9X, Airspace Designations and Reporting Points, dated August 7, 2013, and effective September 15, 2013, . . .''.

For Docket No. FAA–0414; Airspace Docket No. 13–ANM–14 (78 FR 49116, August 13, 2013). On page 49116, column 3, line 53, under History remove ''. . . FAA Order 7400.9W, Airspace Designations and Reporting Points, dated August 8, 2012, and effective September 15, 2012, . . .'' and add in its place ''FAA Order 7400.9X, Airspace Designations and Reporting Points, dated August 7, 2013, and effective September 15, 2013, . . .''; and on page 49117, column 2, line 21, under Amendatory Instruction 2 remove ''. . . Federal Aviation Administration Order 7400.9W, Airspace Designations and Reporting Points, dated August 8, 2012, and effective September 15, 2012, . . .'' and add in its place ''Federal Aviation Administration Order 7400.9X, Airspace Designations and Reporting Points, dated August 7, 2013, and effective September 15, 2013, . . .''.

For Docket No. FAA–2012–1175; Airspace Docket No. 12–AAL–11 (78 FR 50322, August 19, 2013). On page 50322, column 2, line 47, under History remove ''. . . FAA Order 7400.9W, Airspace Designations and Reporting Points, dated August 8, 2012, and effective September 15, 2012, . . .'' and add in its place ''FAA Order 7400.9X, Airspace Designations and Reporting Points, dated August 7, 2013, and effective September 15, 2013, . . .''; and on page 50323, column 1, line 12, under Amendatory Instruction 2 remove ''. . . Federal Aviation Administration Order 7400.9W, Airspace Designations and Reporting Points, dated August 8, 2012, and effective September 15, 2012, . . .'' and add in its place ''Federal Aviation Administration Order 7400.9X, Airspace Designations and Reporting Points, dated August 7, 2013, and effective September 15, 2013, . . .''.

For Docket No. FAA–2013–0272; Airspace Docket No. 13–ASW–10 (78 FR 50323, August 19, 2013). On page 50323, column 2, line 27, under History remove ''. . . FAA Order 7400.9W, Airspace Designations and Reporting Points, dated August 8, 2012, and effective September 15, 2012, . . .'' and add in its place ''FAA Order 7400.9X, Airspace Designations and Reporting Points, dated August 7, 2013, and effective September 15, 2013, . . .''; and on page 50323, column 3, line 55, under Amendatory Instruction 2 remove ''. . . Federal Aviation Administration Order 7400.9W, Airspace Designations and Reporting Points, dated August 8, 2012, and effective September 15, 2012, . . .'' and add in its place ''Federal Aviation Administration Order 7400.9X, Airspace

Designations and Reporting Points, dated August 7, 2013, and effective September 15, 2013, . . .''.

For Docket No. FAA–2013–0267; Airspace Docket No. 13–ASW–2 (78 FR 52083, August 22, 2013). On page 52083, column 2, line 3, under History remove ''. . . FAA Order 7400.9W, Airspace Designations and Reporting Points, dated August 8, 2012, and effective September 15, 2012, . . .'' and add in its place ''FAA Order 7400.9X, Airspace Designations and Reporting Points, dated August 7, 2013, and effective September 15, 2013, . . .''; and on page 52083, column 3, line 32, under Amendatory Instruction 2 remove ''. . . Federal Aviation Administration Order 7400.9W, Airspace Designations and Reporting Points, dated August 8, 2012, and effective September 15, 2012, . . .'' and add in its place ''Federal Aviation Administration Order 7400.9X, Airspace Designations and Reporting Points, dated August 7, 2013, and effective September 15, 2013, . . .''.

For Docket No. FAA–2012–1140; Airspace Docket No. 12–ASW–11 (78 FR 52084, August 22, 2013). On page 52084, column 1, line 54, under History remove ''. . . FAA Order 7400.9W, Airspace Designations and Reporting Points, dated August 8, 2012, and effective September 15, 2012, . . .'' and add in its place ''FAA Order 7400.9X, Airspace Designations and Reporting Points, dated August 7, 2013, and effective September 15, 2013, . . .''; and on page 52084, column 3, line 24, under Amendatory Instruction 2 remove ''. . . Federal Aviation Administration Order 7400.9W, Airspace Designations and Reporting Points, dated August 8, 2012, and effective September 15, 2012, . . .'' and add in its place ''Federal Aviation Administration Order 7400.9X, Airspace Designations and Reporting Points, dated August 7, 2013, and effective September 15, 2013, . . .''.

For Docket No. FAA–2013–0274; Airspace Docket No. 13–ACE–2 (78 FR 52085, August 22, 2013). On page 52085, column 1, line 50, under History remove ''. . . FAA Order 7400.9W, Airspace Designations and Reporting Points, dated August 8, 2012, and effective September 15, 2012, . . .'' and add in its place ''FAA Order 7400.9X, Airspace Designations and Reporting Points, dated August 7, 2013, and effective September 15, 2013, . . .''; and on page 52085, column 3, line 16, under Amendatory Instruction 2 remove ''. . . Federal Aviation Administration Order 7400.9W, Airspace Designations and Reporting Points, dated August 8, 2012, and effective September 15, 2012, . . .'' and add in its place ''Federal Aviation Administration Order 7400.9X, Airspace Designations and Reporting Points, dated August 7, 2013, and effective September 15, 2013, . . .''.

For Docket No. FAA–2013–0565; Airspace Docket No. 13–AEA–11 (78 FR 52422, August 23, 2013). On page 52422, column 2, line 19, under History remove ''. . . FAA Order 7400.9W, Airspace Designations and Reporting Points, dated August 8, 2012, and effective September 15, 2012, . . .'' and add in its place ''FAA Order 7400.9X, Airspace Designations and Reporting Points, dated August 7, 2013, and effective September 15, 2013, . . .''; and on page 52422, column 3, line 32, under Amendatory Instruction 2 remove ''. . . Federal Aviation Administration Order 7400.9W, Airspace Designations and Reporting Points, dated August 8, 2012, and effective September 15, 2012, . . .'' and add in its place ''Federal Aviation Administration Order 7400.9X, Airspace Designations and Reporting Points, dated August 7, 2013, and effective September 15, 2013, . . .''.

For Docket No. FAA–2013–0276; Airspace Docket No. 13–AEA–5 (78 FR 52423, August 23, 2013). On page 52423, column 2, line 7, under History remove ''. . . FAA Order 7400.9W, Airspace Designations and Reporting Points, dated August 8, 2012, and effective September 15, 2012, . . .'' and add in its place ''FAA Order 7400.9X, Airspace Designations and Reporting Points, dated August 7, 2013, and effective September 15, 2013, . . .''; and on page 52423, column 3, line 34, under Amendatory Instruction 2 remove ''. . . Federal Aviation Administration Order 7400.9W, Airspace Designations and Reporting Points, dated August 8, 2012, and effective September 15, 2012, . . .'' and add in its place ''Federal Aviation Administration Order 7400.9X, Airspace Designations and Reporting Points, dated August 7, 2013, and effective September 15, 2013, . . .''.

For Docket No. FAA–2013–0073; Airspace Docket No. 13–ASO–2 (78 FR 52424, August 23, 2013). On page 52424, column 2, line 4, under History remove ''. . . FAA Order 7400.9W, Airspace Designations and Reporting Points, dated August 8, 2012, and effective September 15, 2012, . . .'' and add in its place ''FAA Order 7400.9X, Airspace Designations and Reporting Points, dated August 7, 2013, and effective September 15, 2013, . . .''; and on page 52424, column 3, line 48, under Amendatory Instruction 2 remove ''. . . Federal Aviation Administration Order 7400.9W, Airspace Designations and Reporting Points, dated August 8, 2012, and effective September 15, 2012, . . .'' and add in its place ''Federal Aviation Administration Order 7400.9X, Airspace Designations and Reporting Points, dated August 7, 2013, and effective September 15, 2013, . . .''.

For Docket No. FAA–2013–0002; Airspace Docket No. 12–ASO–46 (78 FR 52425, August 23, 2013). On page 52425, column 2, line 20, under History remove ''. . . FAA Order 7400.9W, Airspace Designations and Reporting Points, dated August 8, 2012, and effective September 15, 2012, . . .'' and add in its place ''. . . FAA Order 7400.9X, Airspace Designations and Reporting Points, dated August 7, 2013, and effective September 15, 2013, . . .''; and on page 52425, column 3, line 47, under Amendatory Instruction 2 remove ''. . . Federal Aviation Administration Order 7400.9W, Airspace Designations and Reporting Points, dated August 8, 2012, and effective September 15, 2012, . . .'' and add in its place ''Federal Aviation Administration Order 7400.9X, Airspace Designations and Reporting Points, dated August 7, 2013, and effective September 15, 2013, . . .''.

For Docket No. FAA–2013–0339; Airspace Docket No. 12–AEA–15 (78 FR 53237, August 29, 2013). On page 53238, column 3, line 30, under History; and on page 53239, column 3, line 6, under Amendatory Instruction 2 remove ''. . . FAA Order 7400.9W, Airspace Designations and Reporting Points, dated August 8, 2012, and effective September 15, 2012, . . .'' and add in its place ''FAA Order 7400.9X, Airspace Designations and Reporting Points, dated August 7, 2013, and effective September 15, 2013, . . .''.

For Docket No. FAA–2013–0504; Airspace Docket No. 13–AEA–3 (78 FR 53239, August 29, 2013). On page 53240, column 3, line 39 under History; and on page 53241, column 3, line 3, under Amendatory Instruction 2 remove ''. . . FAA Order 7400.9W, Airspace Designations and Reporting Points, dated August 8, 2012, and effective September 15, 2012, . . .'' and add in its place ''FAA Order 7400.9X, Airspace Designations and Reporting Points, dated August 7, 2013, and effective September 15, 2013, . . .''.

For Docket No. FAA–2011–0611; Airspace Docket No. 11–AWP–11(78 FR 54561, September 5, 2013). On page 54562, column 1, line 9, under History remove ''. . . FAA Order 7400.9W, Airspace Designations and Reporting Points, dated August 8, 2012, and effective September 15, 2012, . . .'' and add in its place ''FAA Order 7400.9X, Airspace Designations and Reporting Points, dated August 7, 2013, and effective September 15, 2013, . . .''; and on page 54562, column 2, line 37, under Amendatory Instruction 2 remove ''. . . Federal Aviation Administration Order

7400.9W, Airspace Designations and Reporting Points, dated August 8, 2012, and effective September 15, 2012, . . .'' and add in its place ''Federal Aviation Administration Order 7400.9X, Airspace Designations and Reporting Points, dated August 7, 2013, and effective September 15, 2013, . . .''.

Issued in Washington, DC, on July 29, 2014.

Gary A. Norek,

Manager, Airspace Policy and Regulations Group .

[FR Doc. 2014–18417 Filed 8–6–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2014–0082; Airspace Docket No. 14–ASO–3]

Amendment and Revocation of Class E Airspace; Tuskegee, AL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule, technical amendment.

SUMMARY: This action amends the Class E airspace designation for Moton Field Municipal Airport, Tuskegee, AL, by correcting the state from TN to AL. This action also removes reference to the Class E airspace, Tuskegee, AL, which was never amended due to the incorrect state error.

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

ADDRESSES: FAA Order 7400.9X, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *http://www.faa.gov/air_traffic/publications/.* The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to *http://www.archives.gov/federal_register/code_of_federal-regulations/ibr_locations.html.*

FAA Order 7400.9, Airspace Designations and Reporting Points, is published yearly and effective on September 15. For further information, you can contact the Airspace Policy and ATC Procedures Group, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: 202–267–8783.

FOR FURTHER INFORMATION CONTACT: John Fornito, Operations Support Group, Eastern Service Center, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305–6364.

SUPPLEMENTARY INFORMATION:

History

On June 18, 2013, the FAA published in the **Federal Register** a final rule amending Class E airspace at Moton Field Municipal Airport, Tuskegee, AL (78 FR 36411). The airspace designation title incorrectly listed the state as TN, instead of AL, and therefore was listed incorrectly FAA Order 7400.9X. By listing the amendment under TN, it then left the Class E airspace for Tuskegee, AL, unchanged in the Order. This action makes the corrections.

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

The Rule

This amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 removes the Class E airspace designation and description for Tuskegee Municipal Airport, Tuskegee, AL. This action also corrects the Class E airspace designation title for Moton Field Municipal Airport, Tuskegee, AL, from ASO TN E5, Tuskegee, AL, to ASO AL E5, Tuskegee, AL. This is an administrative change and does not affect the boundaries, altitudes, or operating requirements of the airspace, therefore, notice and public procedure under 5 U.S.C. 553(b) is unnecessary.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current, is non-controversial and unlikely to result in adverse or negative comments. It, therefore, (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that only affects air traffic procedures and air navigation, it is certified that this rule, when promulgated, does not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. 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. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it amends the airspace at Tuskegee Municipal Airport, Tuskegee, AL.

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

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

■ 1. The authority citation for part 71 continues to read as follows:

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

§ 71.1 [Amended]

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

Paragraph 6005 Class E Airspace Areas Extending Upward from 700 feet or More Above the Surface of the Earth.

* * * * *

ASO AL E5 Tuskegee, AL [Removed]

Tuskegee Municipal Airport, AL

* * * * *

ASO AL E5 Tuskegee, AL [Amended]

Moten Field Municipal Airport, AL
(Lat. 32°27′38″ N., long. 85°40′48″ W.)

That airspace extending upward from 700 feet above the surface within a 6.7-mile radius of Moten Field Municipal Airport.

Issued in College Park, Georgia, on July 24, 2014.

Myron A Jenkins,

Manager, Operations Support Group, Eastern Service Center, Air Traffic Organization.

[FR Doc. 2014–18415 Filed 8–6–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Parts 200 and 2700

[Docket No. FR–5795–F–01]

RIN 2502–AJ24

Removal of Emergency Homeowners' Loan Program Regulations

AGENCY: Office of the Secretary, HUD.

ACTION: Final rule.

SUMMARY: Through this rule, HUD removes regulations for the Emergency Homeowners' Loan Program. The statutory authority to provide emergency assistance to homeowners under this program expired on September 30, 2011. Because these regulations are no longer operative, they are being removed by this final rule. To the extent that assistance made available under this program is still ongoing, the removal of these regulations does not affect the requirements for transactions entered into when these parts were in effect. Assistance made available under the Emergency Homeowners' Loan Program will continue to be governed by the regulations that existed immediately before September 8, 2014.

DATES: *Effective date:* September 8, 2014.

FOR FURTHER INFORMATION CONTACT: Camille E. Acevedo, Associate General Counsel for Legislation and Regulations, Office of General Counsel, Department of Housing and Urban Development, 451 7th Street SW., Room 10276, Washington, DC 20410; telephone 202–708–1793 (this is not a toll-free number). Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at 800–877–8389.

SUPPLEMENTARY INFORMATION:

I. Background

On July 2, 1975, the Emergency Housing Act of 1975 (Pub. L. 94–50) (12 U.S.C. 2701 et seq.) was signed into law. Title I of this statute is the Emergency Homeowners' Relief Act (1975 Act), which conferred on HUD standby authority to insure or make loans to, or make emergency mortgage relief payments on behalf of, homeowners to defray their mortgage expenses (collectively emergency assistance). The goal of the program was to prevent widespread mortgage foreclosures and distress sales of homes by homeowners who had experienced a substantial reduction of income resulting from the temporary involuntary loss of employment or underemployment due to adverse economic conditions. HUD promulgated regulations implementing the 1975 Act on December 30, 1975 (see 40 FR 59866) and codified these regulations in 24 CFR part 2700. This emergency assistance program, quickly put in place by HUD in 1975, was not utilized and, in 1995, as part of HUD's effort to remove outdated, obsolete, or unutilized regulations, HUD removed the regulations in 24 CFR part 2700 from the CFR. (See 60 FR 47263.)

The Dodd-Frank Wall Street Reform and Consumer Protection Act (Pub. L.111–203) (the Dodd-Frank Act), signed into law on July 21, 2010, reauthorized the 1975 Act, with certain amendments, and the Emergency Homeowners' Loan Program (EHLP). The Dodd-Frank Act also made available $1,000,000,000 for HUD to provide emergency mortgage assistance on behalf of homeowners struggling to make mortgage payments due to a substantial reduction of income resulting from the temporary involuntary loss of employment or underemployment due to adverse economic conditions. In accordance with the 1975 Act, as reauthorized and amended, HUD reinstituted regulations for EHLP on March 4, 2011, at 76 FR 11946, and administered EHLP. (For further information about EHLP, see 76 FR 11946 through 11948.)

The reauthorization of EHLP, however was only for one fiscal year, fiscal year (FY) 2011. September 30, 2011 was the last date upon which HUD could enter into binding agreements with individual mortgagors approved for participation in EHLP. As provided in the March 4, 2011, rule, a binding agreement was considered to have occurred only when a borrower had been approved for participation in this program and funds had been allocated to that borrower, all of which must have occurred on or before September 30, 2011.

This Final Rule

Since authority for HUD to enter into agreements with borrowers to provide emergency assistance under the EHLP expired on September 30, 2011, HUD is proceeding to remove EHLP regulations codified in 24 CFR part 2700.

Emergency assistance provided under EHLP that is still outstanding will continue to be governed by the regulations in effect prior to September 8, 2014. Accordingly, this rule amends 24 CFR 200.1301 (Expiring Programs—Savings Clause) of 24 CFR 200, subpart W (Administrative Matters), and adds a new paragraph (f) to § 200.1301, which preserves the EHLP regulations as in effect prior to the effective date of this final rule and continues to govern any assistance provided under EHLP on or before September 30, 2011.

II. Justification for Final Rulemaking

HUD generally publishes a rule for public comment before issuing a final rule for effect, in accordance with HUD's own regulations on rulemaking in 24 CFR part 10. However, part 10 provides for exceptions to the general rule if the agency finds good cause to omit advance notice and public participation. The good cause requirement is satisfied when prior public procedure is impracticable, unnecessary, or contrary to the public interest.'' (See 24 CFR 10.1.)

HUD finds that public notice and comment are not necessary for this rulemaking because the authority to provide assistance under EHLP expired on September 30, 2011, assistance is no longer being provided under this program and therefore, the regulations are no longer operative. For these reasons, HUD has determined that it is unnecessary to delay the effectiveness of this rule in order to solicit prior public comment.

III. Findings and Certification

Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements, unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Because HUD has determined that good cause exists to issue this rule without prior public comment, this rule is not subject to the requirement to publish an initial or final regulatory flexibility analysis under the RFA as part of such action.

Unfunded Mandates Reform

Section 202 of the Unfunded Mandates Reform Act of 1995 (UMRA) [1] requires that an agency prepare a budgetary impact statement before promulgating a rule that includes a Federal mandate that may result in the expenditure by state, local and tribal governments, in the aggregate, or by the

[1] 2 U.S.C. 1532.

private sector of $100 million or more in any one year. If a budgetary impact statement is required, section 205 of UMRA also requires an agency to identify and consider a reasonable number of regulatory alternatives before promulgating a rule.[2] However, the UMRA applies only to rules for which an agency publishes a general notice of proposed rulemaking pursuant to the APA.[3] As discussed above, HUD has determined for good cause that the APA does not require general notice and public comment on this rule and, therefore, the UMRA does not apply to this final rule.

Executive Order 13132, Federalism

Executive Order 13132 (entitled ''Federalism'') prohibits an agency from publishing any rule that has federalism implications if the rule either imposes substantial direct compliance costs on state and local governments and is not required by statute, or the rule preempts state law, unless the agency meets the consultation and funding requirements of section 6 of the Executive Order. This final rule will not have federalism implications and would not impose substantial direct compliance costs on state and local governments or preempt state law within the meaning of the Executive Order.

Environmental Review

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

List of Subjects

24 CFR Part 200

Administrative practice and procedure, Claims, Equal employment opportunity, Fair housing, Home improvement, Housing standards, Incorporation by reference, Lead poisoning, Loan programs—housing and community development, Minimum property standards, Mortgage insurance, Organization and functions (Government agencies), Penalties, Reporting and recordkeeping requirements, Social security, Unemployment compensation, Wages.

24 CFR Part 2700

Administrative procedures, Mortgage insurance, Practice and procedure, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, and under the authority of 42 U.S.C. 3535(d), amend title 24, parts 200 and 2700, as follows:

PART 200—INTRODUCTION TO FHA PROGRAMS

■ 1. The authority citation for part 200 continues to read as follows:

Authority: 12 U.S.C. 1702–1715z–21; 42 U.S.C. 3535(d).

■ 2. Revise § 200.1301 to add paragraph (f) to read as follows:

§ 200.1301 Expiring programs—Savings clause.

* * * * *

(f) No new emergency mortgage assistance, emergency mortgage relief loans, advances of credit or emergency mortgage relief payments, or any other type of assistance permitted under the Emergency Housing Act of 1975, title I of the Emergency Homeowners' Relief Act (12 U.S.C. 2701), as amended by section 1496 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Pub. L. 111–203) is being provided under the programs listed below. Any existing emergency assistance, emergency mortgage relief loans, advances of credit or emergency mortgage relief payments under these programs will continue to be governed by the regulations in effect as they existed immediately before September 8, 2014 (24 CFR part 2700):

(1) Part 2700, Emergency Homeowners' Loan Program (12 U.S.C. 2701 *et seq.*)

(2) [Reserved]

PART 2700—[Removed]

■ 3. Remove part 2700.

Dated: July 30, 2014.

Helen R. Kanovsky,

Acting Deputy Secretary.

[FR Doc. 2014–18723 Filed 8–6–14; 8:45 am]

BILLING CODE 4210–67–P

[2] 2 U.S.C. 1534.

[3] 2 U.S.C. 1532(a).

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2014–0684]

Drawbridge Operation Regulation; Hackensack River, Little Snake Hill, NJ

AGENCY: Coast Guard, DHS.

ACTION: Notice of deviation from drawbridge regulation.

SUMMARY: The Coast Guard has issued a temporary deviation from the operating schedule that governs the Amtrak Portal Bridge across the Hackensack River, mile 5.0, at Little Snake Hill, New Jersey. The deviation is necessary for installation of new ties, miter rails and drive motors at the bridge. This temporary deviation allows the bridge to remain in the closed position for five nights to perform scheduled maintenance.

DATES: This deviation is effective from 10 p.m. on August 22, 2014 through 6 a.m. on September 27, 2014.

ADDRESSES: The docket for this deviation, [USCG–2014–0684] is available at *http://www.regulations.gov.* Type the docket number in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this deviation. You may also visit the Docket Management Facility in Room W12–140, on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

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

SUPPLEMENTARY INFORMATION: The Amtrak Portal Bridge has a vertical clearance of 23 feet at mean high water and 28 feet at mean low water. The existing drawbridge operating regulations are found at 33 CFR 117.723(e).

The Hackensack River has predominantly commercial vessel traffic of various sizes; however, there are no facilities upstream from the Amtrak Portal Bridge.

The owner of the bridge, National Railroad Passenger Corporation

(Amtrak), requested five night time bridge closures to facilitate installation of new ties, miter rails and drive motors at the bridge.

Under this temporary deviation, the Amtrak Portal Bridge may remain in the closed position as follows: From 10 p.m. August 22, 2014 through 6 a.m. on Saturday August 23, 2014; from 10 p.m. on September 5, 2014 through 6 a.m. on September 6, 2014; from 10 p.m. on September 12, 2014 through 6 a.m. on September 13, 2014; from 10 p.m. on September 19, 2014 through 6 a.m. on September 20, 2014 and from 10 p.m. on September 26, 2014 through 6 a.m. on September 27, 2014.

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

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

Dated: July 29, 2014.

C.J. Bisignano,

Supervisory Bridge Management Specialist, First Coast Guard District.

[FR Doc. 2014–18717 Filed 8–6–14; 8:45 am]

BILLING CODE 9110–04–P

POSTAL SERVICE

39 CFR Part 492

Collection of Delinquent Non-Tax Debts by Administrative Wage Garnishment

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: The United States Postal Service (Postal Service) is adding a provision to its regulations to implement the administrative wage garnishment (AWG) provisions of the Debt Collection Improvement Act of 1996 (DCIA), allowing the United States Treasury Bureau of the Fiscal Service (BFS) to collect debts owed to the Postal Service, that the Postal Service refers to BFS for collection, by AWG.

DATES: *Effective August 7, 2014.*

FOR FURTHER INFORMATION CONTACT: Ruth Stevenson at (202)–268–6724.

SUPPLEMENTARY INFORMATION: After providing debtors with the requisite opportunity for notice and review, the Postal Service currently may refer non-tax delinquent debts to BFS, formerly known as the Financial Management Service (FMS), for centralized collection and/or offset. Among other potential collection tools, BFS may utilize AWG to collect delinquent debts referred to it by federal agencies. AWG allows a federal entity to enforce collection of a debt by garnishing wages the debtor receives from a non-federal employer after affording the debtor with notice and certain administrative proceedings, including the right to a hearing.

Provisions of the DCIA, codified at 31 U.S.C. 3720D, authorize federal agencies to collect non-tax debt owed to the United States by AWG. The United States Department of the Treasury (Treasury) has also issued an implementing regulation at 31 CFR 285.11. However, before BFS may utilize AWG to collect debts that the Postal Service refers to it, the Postal Service must first implement regulations authorizing the collection of non-tax delinquent debt by AWG. The Postal Service is accordingly adding new part 492, containing § 492.1, to title 39 of the Code of Federal Regulations in order to authorize collection of Postal debts by AWG.

This new regulation provides that the Treasury regulation, 31 CFR 285.11, shall apply to AWG proceedings conducted by, or on behalf of, the Postal Service. Section 285.11 includes procedural protections, including notice requirements and hearing procedures, to allow individuals to contest the existence or amount of the debt and/or to assert that collection by garnishment would present an undue hardship prior to collection by AWG. BFS will pursue AWG on behalf of the Postal Service as part of its normal debt collection process. This includes issuing notices to debtors and garnishment orders to employers, as well as conducting required administrative hearings on behalf of the Postal Service, in accordance with the procedures contained in 31 CFR 285.11.

AWG, which involves the garnishment of wages a debtor receives from a non-federal employer, is a separate procedure from administrative salary offsets taken from current federal employees' salaries (including Postal employees' salaries) in order to satisfy a debt owed to the United States. S*ee* 5 U.S.C. 5514; 39 CFR part 961. It is also a distinct procedure from the garnishment of current Postal Service employee and Postal Service Rate employee salaries, as detailed in 39 CFR part 491. Accordingly, the procedures contained in these provisions are not affected by this rule. In addition, the provisions pertaining to administrative offset contained in 39 CFR part 966 are not affected by this rule. As noted, the Postal Service must afford individuals with notice and an opportunity for review prior to referring a debt to the Treasury for collection and/or administrative offset, in accordance with ELM 470–480 and/or 39 CFR part 966, if applicable. Treasury may then determine to pursue collection of the debt by AWG, after providing the debtor with any additional process or procedures required by 31 CFR 285.11.

The Postal Service published the proposed version of this rule on April 24, 2014 (79 FR 22786–87). The Postal Service received no comments. This final version of the rule is unchanged with the exception of a corrected designation of the BFS in new § 492.1(b).

List of Subjects in 39 CFR Part 492

Administrative practice and procedure, Claims, Wages.

For the reasons stated in the preamble, the Postal Service adds 39 CFR part 492 as set forth below:

PART 492—ADMINISTRATIVE WAGE GARNISHMENT FROM NON-POSTAL SOURCES

Sec.

492.1 Collection of delinquent non-tax debts by administrative wage garnishment.

Authority: 31 U.S.C. 3720D; 39 U.S.C. 204, 401, 2601; 31 CFR 285.11.

§ 492.1 Collection of delinquent non-tax debts by administrative wage garnishment.

(a) This section provides procedures for the Postal Service to collect money from a debtor's disposable pay by means of administrative wage garnishment, in accordance with 31 U.S.C. 3720D and 31 CFR 285.11, to satisfy delinquent nontax debt owed to the United States.

(b) The Postal Service authorizes the U. S. Department of the Treasury Bureau of the Fiscal Service or its successor entity to collect debts by administrative wage garnishment, and conduct administrative wage garnishment hearings, on behalf of the Postal Service in accordance with the requirements of 31 U.S.C. 3720D and the procedures contained in 31 CFR 285.11.

(c) The Postal Service adopts the provisions of 31 CFR 285.11 in their entirety. The provisions of 31 CFR 285.11 should therefore be read as though modified to effectuate the application of that regulation to administrative wage garnishment

proceedings conducted by, or on behalf of, the U.S. Postal Service.

Stanley F. Mires,

Attorney, Federal Requirements.

[FR Doc. 2014–18627 Filed 8–6–14; 8:45 am]

BILLING CODE 7710–12–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2014–0499; FRL–9914–54–Region–3]

Approval and Promulgation of Air Quality Implementation Plans; Virginia; Revisions to the Definition of Volatile Organic Compounds

AGENCY: Environmental Protection Agency.

ACTION: Direct final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking direct final action to approve revisions to the Commonwealth of Virginia's State Implementation Plan (SIP). The revisions add five compounds to the list of substances not considered to be volatile organic compounds (VOC). EPA is approving these revisions in accordance with the requirements of the Clean Air Act (CAA).

DATES: This rule is effective on October 6, 2014 without further notice, unless EPA receives adverse written comment by September 8, 2014. If EPA receives such comments, it will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

ADDRESSES: Submit your comments, identified by Docket ID Number EPA–R03–OAR–2014–0499 by one of the following methods:

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

B. *Email: fernandez.cristina@epa.gov.*

C. *Mail:* EPA–R03–OAR–2014–0499, Cristina Fernandez, Associate Director, Office of Air Program Planning, Air Protection Division, Mailcode 3AP30, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103.

D. *Hand Delivery:* At the previously-listed EPA Region III address. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA–R03–OAR–2014–0499. EPA's policy is that all comments received will be included in the public docket without change, and may be made available online at *www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *www.regulations.gov* or email. The *www.regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through *www.regulations.gov,* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the electronic docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, i.e., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the State submittal are available at the Virginia Department of Environmental Quality, 629 East Main Street, Richmond, Virginia 23219.

FOR FURTHER INFORMATION CONTACT: Ellen Schmitt, (215) 814–5787, or by email at *schmitt.ellen@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Tropospheric ozone, commonly known as smog, is formed when VOCs and nitrogen oxides react in the atmosphere in the presence of sunlight. Because of the harmful health effects of ozone, EPA and state governments limit the amount of VOCs that can be released into the atmosphere. VOCs have different levels of reactivity, that is, some VOCs react slowly or form less ozone, and therefore, changes in their emissions have limited effects on local or regional ozone pollution episodes. It has been EPA's policy that VOCs with a negligible level of reactivity should be excluded from the regulatory definition of VOC contained at 40 CFR 51.100(s) so as to focus control efforts on compounds that do significantly increase ozone concentrations. This is accomplished by adding the substance to a list of compounds not considered to be VOCs, and thus, excluded from the definition of VOC. EPA believes that exempting such compounds creates an incentive for industry to use negligibly reactive compounds in place of more highly reactive compounds that are regulated as VOCs.

On June 22, 2012 (77 FR 37610) and February 12, 2013 (78 FR 9823), EPA revised the definition of VOC contained in 40 CFR 51.100 to exclude five substances from the definition of VOC and corrected the citation for one substance. The compounds excluded from the definition of VOC are listed as follows: Trans-1,3,3,3-tetrafluoropropene (also known as HFO-1234ze), HCF2OCF2H (also known as HFE-134), HCF2OCF2OCF2H (also known as HFE-236cal2), HCF2OCF2CF2OCF2H (also known as HFE-338pcc13), and HCF2OCF2OCF2CF2OCF2H (also known as HGalden 1040x, H-Galden ZT 130, H-Galden ZT 150, or H-Galden ZT 180). In the February 12, 2013 rulemaking action, EPA also corrected the citation for 1,1,1,2,2,3,4,5,5,5-decafluoro-3-methoxy-4-trifluoromethylpentane (also known as HFE-7300).

II. Summary of SIP Revision

On April 11, 2014, the Commonwealth of Virginia submitted a formal revision to its SIP. The SIP revision consists of adding the compound, ''trans-1,3,3,3-tetrafluoropropene'' also know as ''HFO-1234ze,'' to the list of substances that are not considered VOCs as well as minor administrative changes to the definition of ''Total suspended particulate,'' both contained in 9VAC5–10–20.

On May 22, 2014, the Commonwealth of Virginia submitted a formal revision to its SIP which consists of adding four additional compounds to the list of substances that are not considered VOCs found at 9VAC5–10–20; these

compounds are as follows: HCF2OCF2H (also known as HFE-134), HCF2OCF2OCF2H (also known as HFE-236cal2), HCF2OCF2CF2OCF2H (also known as HFE-338pcc13), and HCF2OCF2OCF2CF2OCF2H (also known as HGalden 1040x, H-Galden ZT 130, H-Galden ZT 150, or H-Galden ZT 180). In addition, the May 22, 2014 submittal also made minor administrative corrections to the citation for 1,1,1,2,2,3,4,5,5,5-decafluoro-3-methoxy-4-trifluoromethylpentane (also known as HFE-7300).

In total, the April 11, 2014 and May 22, 2014 SIP revisions will allow the Virginia SIP to mirror the Federal definition of VOC. EPA believes that by excluding these negligibly reactive compounds from the definition of VOC an incentive is created for industry to use negligibly reactive compounds in place of more highly reactive compounds; therefore, the air quality in Virginia will not be negatively affected by the approval of these SIP revisions particularly as EPA has found these compounds negligibly reactive for ozone formation.

III. Corrections

On November 21, 2011 (76 FR 71881), EPA published a Final Rulemaking Notice which updated the materials incorporated by reference into the Virginia SIP. In that rulemaking action, EPA instructed the Office of the Federal Register to remove the first five entries for Section 5–10–20 from the table contained in paragraph (c) of 40 CFR 52.2420 and retain the remaining entries for that section. Inadvertently, those five entries were not removed, and the remaining entries for Section 5–10–20 that were intended to be retained were mistakenly removed. In today's rulemaking action, EPA corrects that error. The entries that were intended to be retained in the November 21, 2011 rulemaking action were for four previously approved SIP revisions that revised 9VAC5–10–20; these revisions to the Virginia SIP were previously approved by EPA between March 2004 and February 2011.

IV. Final Action

EPA is approving the revisions to the definition of VOC, submitted by Virginia on April 11, 2014 and May 22, 2014, as a revision to the Virginia SIP. In addition, EPA is correcting an error in which previous entries to the table in paragraph (c) of 40 CFR 52.2420 were inadvertently removed. EPA is publishing this rule without prior proposal because EPA views this as a noncontroversial amendment and anticipates no adverse comment. However, in the ''Proposed Rules'' section of today's **Federal Register**, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision if adverse comments are filed. This rule will be effective on October 6, 2014 without further notice unless EPA receives adverse comment by September 8, 2014. If EPA receives adverse comment, EPA will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect. EPA will address all public comments in a subsequent final rule based on the proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting must do so at this time.

V. General Information Pertaining to SIP Submittals From the Commonwealth of Virginia

In 1995, Virginia adopted legislation that provides, subject to certain conditions, for an environmental assessment (audit) ''privilege'' for voluntary compliance evaluations performed by a regulated entity. The legislation further addresses the relative burden of proof for parties either asserting the privilege or seeking disclosure of documents for which the privilege is claimed. Virginia's legislation also provides, subject to certain conditions, for a penalty waiver for violations of environmental laws when a regulated entity discovers such violations pursuant to a voluntary compliance evaluation and voluntarily discloses such violations to the Commonwealth and takes prompt and appropriate measures to remedy the violations. Virginia's Voluntary Environmental Assessment Privilege Law, Va. Code Sec. 10.1–1198, provides a privilege that protects from disclosure documents and information about the content of those documents that are the product of a voluntary environmental assessment. The Privilege Law does not extend to documents or information that: (1) Are generated or developed before the commencement of a voluntary environmental assessment; (2) are prepared independently of the assessment process; (3) demonstrate a clear, imminent and substantial danger to the public health or environment; or (4) are required by law.

On January 12, 1998, the Commonwealth of Virginia Office of the Attorney General provided a legal opinion that states that the Privilege Law, Va. Code § 10.1–1198, precludes granting a privilege to documents and information ''required by law,'' including documents and information ''required by Federal law to maintain program delegation, authorization or approval,'' since Virginia must ''enforce Federally authorized environmental programs in a manner that is no less stringent than their Federal counterparts . . .'' The opinion concludes that ''[r]egarding § 10.1–1198, therefore, documents or other information needed for civil or criminal enforcement under one of these programs could not be privileged because such documents and information are essential to pursuing enforcement in a manner required by Federal law to maintain program delegation, authorization or approval.'' Virginia's Immunity law, Va. Code Sec. 10.1–1199, provides that ''[t]o the extent consistent with requirements imposed by Federal law,'' any person making a voluntary disclosure of information to a state agency regarding a violation of an environmental statute, regulation, permit, or administrative order is granted immunity from administrative or civil penalty. The Attorney General's January 12, 1998 opinion states that the quoted language renders this statute inapplicable to enforcement of any Federally authorized programs, since ''no immunity could be afforded from administrative, civil, or criminal penalties because granting such immunity would not be consistent with Federal law, which is one of the criteria for immunity.''

Therefore, EPA has determined that Virginia's Privilege and Immunity statutes will not preclude the Commonwealth from enforcing its program consistent with the Federal requirements. In any event, because EPA has also determined that a state audit privilege and immunity law can affect only state enforcement and cannot have any impact on Federal enforcement authorities, EPA may at any time invoke its authority under the CAA, including, for example, sections 113, 167, 205, 211 or 213, to enforce the requirements or prohibitions of the state plan, independently of any state enforcement effort. In addition, citizen enforcement under section 304 of the CAA is likewise unaffected by this, or any, state audit privilege or immunity law.

VI. Statutory and Executive Order Reviews

A. General Requirements

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices,

provided that they meet the criteria of the CAA. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

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

B. Submission to Congress and the Comptroller General

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

C. Petitions for Judicial Review

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by October 6, 2014. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. Parties with objections to this direct final rule are encouraged to file a comment in response to the parallel notice of proposed rulemaking for this action published in the proposed rules section of today's **Federal Register,** rather than file an immediate petition for judicial review of this direct final rule, so that EPA can withdraw this direct final rule and address the comment in the proposed rulemaking action. This action, revising the definition of VOCs, may not be challenged later in proceedings to enforce its requirements. *See* section 307(b)(2).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: July 11, 2014.

W. C. Early,

Acting Regional Administrator, Region II.

40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart VV—Virginia

■ 2. In § 52.2420, the table in paragraph (c) is amended by adding five entries for Section 5–10–20 after the entry for Section 5–10–20 with a State effective date of 1/1/98. The additions read as follows:

§ 52.2420 Identification of plan.

* * * * *

(c) * * *

EPA-APPROVED VIRGINIA REGULATIONS AND STATUTES

State citation	Title/Subject	State effective date	EPA approval date	Explanation [former SIP citation]
*	*	*	*	*	*	*
9 VAC 5, Chapter 10, General Definitions [Part I]				

EPA-APPROVED VIRGINIA REGULATIONS AND STATUTES—Continued

State citation	Title/Subject	State effective date	EPA approval date	Explanation [former SIP citation]
* *	*	*	*	* *
5–10–20	Terms Defined	8/1/02	3/15/04, 69 FR 12074	Terms Added: EPA, Initial emissions test, Initial performance test (as corrected 11/05/03 and effective 01/01/04 in the Commonwealth), Maintenance area. Terms Revised: Affected facility, Delayed compliance order, Excessive concentration, Federally enforceable, Malfunction, Public hearing, Reference method, Reid vapor pressure, Stationary source, True vapor pressure, Vapor pressure, Volatile organic compounds. Terms Removed: Air Quality Maintenance Areas.
5–10–20	Terms Defined	5/04/05	8/18/06, 71 FR 47742	Revised definition of ''volatile organic compound''.
5–10–20	Terms Defined	4/2/09	2/25/10, 75 FR 8493	Revised definitions of Ambient air quality standard, Criteria pollutant, Dispersion technique, Emission limitation, Emission standard, Excessive concentration, Feral Clean Air Act, Federally enforceable, Good engineering practice, Initial emission test, Initial performance test, Public hearing, Reference method, Regulations for the Control and Abatement of Air Pollution, Reid vapor pressure, Run, Standard of performance, State enforceable, These regulations, True vapor pressure, Vapor pressure, and Volatile organic compound.
5–10–20	Terms Defined	2/18/10	2/14/11, 76 FR 8298	Revised definition of ''Volatile organic compound.''
5–10–20	Terms Defined	12/5/13, 3/27/14	8/7/14, [*Insert page number where the document begins*].	Revised definition of VOC.
* *	*	*	*	* *

* * * * *

[FR Doc. 2014–18478 Filed 8–6–14; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 64

[Docket ID FEMA–2014–0002; Internal Agency Docket No. FEMA–8343]

Suspension of Community Eligibility

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final rule.

SUMMARY: This rule identifies communities where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP) that are scheduled for suspension on the effective dates listed within this rule because of noncompliance with the floodplain management requirements of the program. If the Federal Emergency Management Agency (FEMA) receives documentation that the community has adopted the required floodplain management measures prior to the effective suspension date given in this rule, the suspension will not occur and a notice of this will be provided by publication in the **Federal Register** on a subsequent date. Also, information identifying the current participation status of a community can be obtained

from FEMA's Community Status Book (CSB). The CSB is available at *http://www.fema.gov/fema/csb.shtm.*

DATES: *Effective Dates:* The effective date of each community's scheduled suspension is the third date (''Susp.'') listed in the third column of the following tables.

FOR FURTHER INFORMATION CONTACT: If you want to determine whether a particular community was suspended on the suspension date or for further information, contact David Stearrett, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2953.

SUPPLEMENTARY INFORMATION: The NFIP enables property owners to purchase Federal flood insurance that is not otherwise generally available from private insurers. In return, communities agree to adopt and administer local floodplain management measures aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits the sale of NFIP flood insurance unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed in this document no longer meet that statutory requirement for compliance with program regulations, 44 CFR Part 59. Accordingly, the communities will be suspended on the effective date in the third column. As of that date, flood insurance will no longer be available in the community. We recognize that some of these communities may adopt and submit the required documentation of legally enforceable floodplain management measures after this rule is published but prior to the actual suspension date. These communities will not be suspended and will continue to be eligible for the sale of NFIP flood insurance. A notice withdrawing the suspension of such communities will be published in the **Federal Register**.

In addition, FEMA publishes a Flood Insurance Rate Map (FIRM) that identifies the Special Flood Hazard Areas (SFHAs) in these communities. The date of the FIRM, if one has been published, is indicated in the fourth column of the table. No direct Federal financial assistance (except assistance pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act not in connection with a flood) may be provided for construction or acquisition of buildings in identified SFHAs for communities not participating in the NFIP and identified for more than a year on FEMA's initial FIRM for the community as having flood-prone areas (section 202(a) of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4106(a), as amended). This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column. The Administrator finds that notice and public comment procedures under 5 U.S.C. 553(b), are impracticable and unnecessary because communities listed in this final rule have been adequately notified.

Each community receives 6-month, 90-day, and 30-day notification letters addressed to the Chief Executive Officer stating that the community will be suspended unless the required floodplain management measures are met prior to the effective suspension date. Since these notifications were made, this final rule may take effect within less than 30 days.

National Environmental Policy Act. This rule is categorically excluded from the requirements of 44 CFR Part 10, Environmental Considerations. No environmental impact assessment has been prepared.

Regulatory Flexibility Act. The Administrator has determined that this rule is exempt from the requirements of the Regulatory Flexibility Act because the National Flood Insurance Act of 1968, as amended, Section 1315, 42 U.S.C. 4022, prohibits flood insurance coverage unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed no longer comply with the statutory requirements, and after the effective date, flood insurance will no longer be available in the communities unless remedial action takes place.

Regulatory Classification. This final rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Executive Order 13132, Federalism. This rule involves no policies that have federalism implications under Executive Order 13132.

Executive Order 12988, Civil Justice Reform. This rule meets the applicable standards of Executive Order 12988.

Paperwork Reduction Act. This rule does not involve any collection of information for purposes of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

List of Subjects in 44 CFR Part 64

Flood insurance, Floodplains.

Accordingly, 44 CFR Part 64 is amended as follows:

PART 64—[AMENDED]

■ 1. The authority citation for Part 64 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.;* Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp.; p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp.; p. 376.

§ 64.6 [Amended]

■ 2. The tables published under the authority of § 64.6 are amended as follows:

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in SFHAs
Region IV				
Alabama:				
Ashford, City of, Houston County	010099	July 15,1975, Emerg; September 4, 1985, Reg; September 3, 2014, Susp.	Sept. 3, 2014	Sept. 3, 2014.
Autauga County, Unincorporated Areas	010314	December 16, 1975, Emerg; December 18, 1985, Reg; September 3, 2014, Susp.	*do	do.
Autaugaville, Town of, Autauga County	010001	February 3, 1986, Emerg; February 3, 1986, Reg; September 3, 2014, Susp.	do	do.
Avon, Town of, Houston County	010100	December 30, 1975, Emerg; September 1, 1986, Reg; September 3, 2014, Susp.	do	do.
Benton, Town of, Lowndes County	015002	February 25, 1972, Emerg; April 6, 1973, Reg; September 3, 2014, Susp.	do	do.

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in SFHAs
Columbia, Town of, Houston County	010101	December 9, 1977, Emerg; September 4, 1985, Reg; September 3, 2014, Susp.	do	do.
Coosada, Town of, Elmore County	015012	September 17, 1986, Emerg; September 17, 1986, Reg; September 3, 2014, Susp.	do	do.
Cottonwood, Town of, Houston County	010102	December 24, 1975, Emerg; April 5, 1988, Reg; September 3, 2014, Susp.	do	do.
Cowarts, Town of, Houston County	010103	October 29, 1998, Emerg; December 16, 2005, Reg; September 3, 2014, Susp.	do	do.
Dallas County, Unincorporated Areas	010063	April 11, 1975, Emerg; September 29, 1986, Reg; September 3, 2014, Susp.	do	do.
Dothan, City of, Dale and Houston Counties.	010104	February 21, 1975, Emerg; January 15, 1988, Reg; September 3, 2014, Susp.	do	do.
Elmore, Town of, Elmore County	010490	N/A, Emerg; January 12, 2012, Reg; September 3, 2014, Susp.	do	do.
Elmore County, Unincorporated Areas	010406	January 16, 1980, Emerg; February 19, 1986, Reg; September 3, 2014, Susp.	do	do.
Gordon, Town of, Houston County	010105	January 19, 1976, Emerg; April 2, 1986, Reg; September 3, 2014, Susp.	do	do.
Houston County, Unincorporated Areas	010098	June 25, 1975, Emerg; September 29, 1989, Reg; September 3, 2014, Susp.	do	do.
Kinsey, Town of, Houston County	010106	September 3, 1975, Emerg; September 29, 1986, Reg; September 3, 2014, Susp.	do	do.
Lowndes County, Unincorporated Areas	010272	December 11, 1975, Emerg; August 15, 1984, Reg; September 3, 2014, Susp.	do	do.
Madrid, Town of, Houston County	010107	November 6, 1975, Emerg; July 18, 1985, Reg; September 3, 2014, Susp.	do	do.
Millbrook, City of, Autauga and Elmore Counties.	010370	October 18, 1979, Emerg; August 15, 1984, Reg; September 3, 2014, Susp.	do	do.
Prattville, City of, Autauga and Elmore Counties.	010002	June 18, 1974, Emerg; August 15, 1978, Reg; September 3, 2014, Susp.	do	do.
Rehobeth, Town of, Houston County	010392	N/A, Emerg; July 17, 2003, Reg; September 3, 2014, Susp.	do	do.
Selma, City of, Dallas County	010065	May 7, 1974, Emerg; March 4, 1986, Reg; September 3, 2014, Susp.	do	do.
Taylor, Town of, Houston County	010108	N/A, Emerg; April 15, 2004, Reg; September 3, 2014, Susp.	do	do.
Valley Grande, City of, Dallas County	010312	N/A, Emerg; June 8, 2004, Reg; September 3, 2014, Susp.	do	do.
Wetumpka, City of, Elmore County	010070	March 11, 1975, Emerg; January 3, 1986, Reg; September 3, 2014, Susp.	do	do.
White Hall, Town of, Lowndes County	010507	N/A, Emerg; September 9, 2010, Reg; September 3, 2014, Susp.	do	do.
Region V				
Indiana:				
Cass County, Unincorporated Areas	180022	June 12, 1975, Emerg; August 3, 1981, Reg; September 3, 2014, Susp.	do	do.
Galveston, Town of, Cass County	180356	April 12, 1976, Emerg; November 8, 1978, Reg; September 3, 2014, Susp.	do	do.
Logansport, City of, Cass County	180023	May 1, 1975, Emerg; July 16, 1981, Reg; September 3, 2014, Susp.	do	do.
Walton, Town of, Cass County	180024	July 31, 1975, Emerg; November 8, 1978, Reg; September 3, 2014, Susp.	do	do.
Wisconsin: Delavan, City of, Walworth County.	550463	October 18, 1974, Emerg; September 1, 1983, Reg; September 3, 2014, Susp.	do	do.
Fontana on Geneva Lake, Village of, Walworth County.	550592	N/A, Emerg; March 23, 2006, Reg; September 3, 2014, Susp.	do	do.
Walworth County, Unincorporated Areas.	550462	June 10, 1975, Emerg; August 15, 1983, Reg; September 3, 2014, Susp.	do	do.
Whitewater, City of, Jefferson and Walworth Counties.	550200	March 27, 1975, Emerg; June 1, 1982, Reg; September 3, 2014, Susp.	do	do.
Region VI				
Texas:				
Clarksville City, City of, Gregg and Upshur Counties.	480535	N/A, Emerg; April 9, 2009, Reg; September 3, 2014, Susp.	do	do.
Easton, City of, Gregg and Rusk Counties.	481145	December 7, 1988, Emerg; December 1, 1989, Reg; September 3, 2014, Susp.	do	do.
Gladewater, City of, Gregg and Upshur Counties.	480262	November 1, 1974, Emerg; January 16, 1981, Reg; September 3, 2014, Susp.	do	do.
Gregg County, Unincorporated Areas	480261	March 3, 1981, Emerg; January 3, 1990, Reg; September 3, 2014, Susp.	do	do.

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in SFHAs
Harrison County, Unincorporated Areas	480847	March 18, 1988, Emerg; November 1, 1989, Reg; September 3, 2014, Susp.	.....do	do.
Longview, City of, Gregg and Harrison Counties.	480264	December 6, 1973, Emerg; December 15, 1977, Reg; September 3, 2014, Susp.	.....do	do.
Marshall, City of, Harrison County	480319	July 17, 1974, Emerg; September 16, 1981, Reg; September 3, 2014, Susp.	.....do	do.
Uncertain, City of, Harrison County	481559	August 21, 1979, Emerg; August 21, 1979, Reg; September 3, 2014, Susp.	.....do	do.
Warren City, City of, Gregg and Upshur Counties.	480840	April 13, 1981, Emerg; July 3, 1985, Reg; September 3, 2014, Susp.	.....do	do.
White Oak, City of, Gregg County	480841	July 7, 1989, Emerg; December 1, 1989, Reg; September 3, 2014, Susp.	.....do	do.
Region VII				
Kansas: Atchison, City of, Atchison County	200010	February 7, 1975, Emerg; June 1, 1978, Reg; September 3, 2014, Susp.	.....do	do.

*.....do = Ditto.
Code for reading third column: Emerg.—Emergency; Reg.—Regular; Susp.—Suspension.

Dated: July 24, 2014.

David L. Miller,

Associate Administrator, Federal Insurance and Mitigation Administration, Department of Homeland Security, Federal Emergency Management Agency.

[FR Doc. 2014–18637 Filed 8–6–14; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 206

[Docket ID FEMA–2012–0004]

RIN 1660–AA75

Debris Removal: Eligibility of Force Account Labor Straight-Time Costs Under the Public Assistance Program for Hurricane Sandy

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final rule.

SUMMARY: This rule finalizes, without change, an interim final rule that published in the **Federal Register** on November 9, 2012, authorizing reimbursement of force account labor under the Public Assistance Program for debris removal work related to Hurricane Sandy.

DATES: This final rule is effective September 8, 2014.

FOR FURTHER INFORMATION CONTACT: William Roche, Director, Public Assistance Division, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472–3100, (phone) 202–212–2340; or (email) *William.Roche@dhs.gov.*

SUPPLEMENTARY INFORMATION:

This rule finalizes, without change, an interim final rule (IFR) that published in the **Federal Register** on November 9, 2012, authorizing reimbursement of force account labor under the Public Assistance Program for debris removal work related to Hurricane Sandy. Below, we provide (1) general background on FEMA's debris removal program; (2) a discussion of the specific IFR at issue, which deals with a narrow band of debris removal activities related to Hurricane Sandy; and (3) a discussion of comments received on the IFR. A series of regulatory analyses and implementing language follow.

I. Background

Every year, disasters strike communities throughout the United States. When an incident is of such magnitude that it is beyond the capabilities of the State, Tribal and local governments to efficiently respond, a Governor may request that the President declare that an emergency or major disaster exists in the State, under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), 42 U.S.C. 5121–5207.

If the President declares an emergency or major disaster, FEMA may award Public Assistance grants to assist State and local governments (including Indian Tribal governments) and certain private nonprofit (PNP) organizations, as defined in subpart H of 44 CFR part 206 (collectively referred to as ''applicants,'' ''grantees,'' or ''subgrantees''), with the response to and recovery from major disasters and emergencies. Specifically, the Public Assistance Program provides assistance for debris removal, emergency protective measures, and permanent restoration of infrastructure serving a public purpose.

Sections 403(a)(3)(A), 407, and 502(a)(5) of the Stafford Act authorize FEMA to provide assistance to eligible applicants to remove debris from public and private property following a Presidential major disaster or emergency declaration, when in the public interest. *See* 42 U.S.C. 5170b(a)(3)(A), 5173, and 5192. Removal must be necessary to eliminate immediate threats to lives, public health, and safety; eliminate immediate threats of significant damage to improved public or private property; or ensure the economic recovery of the affected community-at-large.[1] *See* 44 CFR 206.224(a). The debris must be the result of the disaster and located in the disaster area, and the applicant must have the legal responsibility to remove the debris. *See* 44 CFR 206.223(a). To ensure these requirements are met, FEMA has issued extensive guidance on oversight processes and procedures to monitor debris removal activities.

In general, FEMA regulations at 44 CFR 206.228 authorize reimbursement of overtime, but not regular time, for an applicant's own labor forces and equipment, referred to as ''force account labor,'' performing debris removal work. The regular time (also called ''straight-

[1] In 44 CFR 206.224, FEMA also defines debris removal to be in the ''public interest'' when necessary to mitigate the risk to life and property by removing substantially damaged structures and associated appurtenances as needed to convert property acquired through a FEMA hazard mitigation program to uses compatible with open space, recreation, or wetlands management practices. *See* 44 CFR 206.224(a)(4).

time'') salaries and benefits of permanently employed personnel are generally not eligible in calculating allowable costs. However, FEMA can reimburse reasonable costs associated with a debris contract, including the cost of contract workers' regular time as well as overtime. This creates an incentive for applicants to contract for debris removal work, even after relatively small events which could have been handled in part, or entirely, by an applicant's employees. State and local applicants have long requested reimbursement from FEMA for straight-time salaries for their force account labor who were pulled away from their normal day-to-day work to perform debris removal operations.

The Fiscal Year (FY) 2007 Department of Homeland Security Appropriations Act (Appropriations Act), Public Law 109–295, authorized FEMA to conduct a Public Assistance Pilot Program to reduce the costs to the Federal government of providing debris-related assistance to States and local governments, increase flexibility in the administration of assistance, and expedite the provision of assistance under sections 403(a)(3)(A), 502(a)(5), and 407 of the Stafford Act. 6 U.S.C. 777. Under the Force Account Labor provision of the Pilot Program, FEMA reimbursed the straight-time salaries and benefits of the applicant's employees who performed disaster-related debris and wreckage removal work. FEMA's objective in reimbursing force account labor was to provide applicants the opportunity and incentive to use their own employees for debris removal activities in situations where applicants determine that is the most appropriate method to perform the work. In its evaluation of the Pilot Program, FEMA found that debris removal operations and monitoring performed by force account labor improved efficient and timely debris removal by starting operations more expeditiously, reducing delays related to procuring and mobilizing contractors, and decreasing complaints and negotiations over costs and scopes of work. The Pilot Program ended on December 31, 2008.

II. Discussion of the Rule

This rule finalizes, without change, the IFR that published in the **Federal Register** on November 9, 2012 (77 FR 67285). The IFR implemented the Force Account Labor procedure of the Public Assistance Pilot Program for debris removal work related to Hurricane Sandy, a catastrophic disaster event of unprecedented magnitude and severity. The geographic breadth of this storm was exceptional, covering major portions of the Mid-Atlantic and Northeast, and bringing devastation to much of the Eastern seaboard. In response to this event, FEMA issued the IFR to accelerate the nation's recovery by maximizing the use of force account labor.

The IFR revised 44 CFR 206.228(a)(2) to allow for the reimbursement of straight-or regular time salaries and benefits of a grantee's or subgrantee's permanently employed personnel for debris removal work performed due to Hurricane Sandy. In order to receive reimbursement, force account labor employees must work exclusively on Hurricane Sandy debris removal. They cannot combine Hurricane Sandy debris removal work with their normal work-related tasks or any other tasks, including tasks related to emergencies or major disasters declared by the President before October 27, 2012. Finally, reimbursement is restricted to 30 consecutive calendar days. These provisions provide an incentive to applicants to maximize the use of their force account labor, thus lessening the need to secure and oversee contract labor, and encouraging them to allot 100 percent of the work time of their regular staff to Hurricane Sandy debris removal, thereby contributing to a quicker and more efficient recovery.

Eligible activities include disaster-related debris and wreckage removal work for any major disaster or emergency declared by the President on or after October 27, 2012, in response to Hurricane Sandy under Category A, Debris Removal, and/or Category B, Emergency Protective Measures. In practice, FEMA treats debris removal work the same whether it is under Category A or under Category B. Therefore, the IFR made straight-or regular time salaries and benefits for an eligible applicant's force account labor eligible in calculating the cost of eligible Category A and/or Category B debris removal work. The IFR did not allow for the reimbursement of straight- or regular time salaries and benefits of a grantee's or subgrantee's permanently employed personnel for any other emergency protective measures under Category B.

Non-Substantive Changes

The IFR added a reference to ''grantee'' in paragraph (a)(2) of section 206.228; previously that section referred only to ''subgrantees.'' The eligibility of force account labor costs outlined in 44 CFR 206.228(a)(2) applies to grantees as well as subgrantees. States and Tribes act as the grantees for the Public Assistance Program. Applicants who are successful in obtaining Public Assistance are identified as ''subgrantees.'' Since State, Tribal, and local government agencies are eligible applicants for Public Assistance, States may act as the grantee, as well as the subgrantee. While most work is performed by the subgrantees, it is possible that grantees could perform eligible debris removal and/or permanent work, and therefore incur straight-time force account labor costs for those activities. To be more accurate, the IFR added ''grantee'' to paragraph (a)(2) of section 206.228. The IFR also established a cross reference to the exception for host state evacuation and sheltering in 44 CFR 206.202.

Sandy Recovery Improvement Act of 2013 (SRIA)

After publication of the IFR, Public Law 113–2 (SRIA) was enacted. Section 1102 of SRIA authorizes FEMA to implement a pilot program for Public Assistance ''alternative procedures'' until such time as FEMA can promulgate such procedures via notice and comment rulemaking. 42 U.S.C. 5189f(f). One of these alternative procedures includes reimbursement of straight time for debris removal work. 42 U.S.C. 5189f(e)(2)(D). FEMA initiated a pilot program for debris alternative procedures, including the provision for reimbursement of straight time for debris removal work, in June of 2013. FEMA plans to use information and data gathered from the pilot program to initiate a separate rulemaking related to more comprehensive implementation of the debris alternative procedures under section 1102.

III. Discussion of Public Comments

FEMA received three comments on the IFR (two private associations, one private citizen). One commenter recommended that FEMA reimburse ''over-time hours of emergency and city personnel or any hours that are expended beyond the normal working conditions.'' FEMA currently does reimburse overtime force account labor costs for all emergency work. *See* 44 CFR 206.228(a)(2). The IFR allowed for reimbursement of straight time for certain Hurricane Sandy-related debris removal activities, for the reasons described above.

One commenter supported the IFR but recommended that FEMA provide more flexibility by allowing waivers and extensions to the 30-day limitation. FEMA respectfully declines to incorporate the commenter's recommendation. Waivers and extensions would create an administrative burden and would ultimately delay debris removal

operations. This rule was instituted in the weeks immediately following Sandy to support as expeditious a recovery as possible from that storm; the focus of the rule was on recovery from the immediate aftermath. FEMA chose 30 days to capture that period. Therefore, FEMA has elected not to allow waivers of and extensions to the 30-day limitation.

One commenter inquired whether the IFR applied to eligible nonprofit entities (specifically rural electric cooperatives). FEMA responds that nonprofit entities, including rural electric cooperatives, are eligible for Public Assistance pursuant to 44 CFR 206.221 and 44 CFR 206.222. The straight- or regular time salaries and benefits of personnel of eligible nonprofit entities, including rural electric cooperatives, would be eligible if they otherwise meet the criteria of the IFR, that is, the debris removal work is performed as the result of Hurricane Sandy and is the only work performed by straight-time personnel for the relevant timeframe.

The commenter also suggested that FEMA apply the IFR to all major disasters and emergencies rather than limiting it to Hurricane Sandy work. FEMA plans to use information and data gathered from the pilot program to initiate a separate rulemaking related to more comprehensive implementation of the debris alternative procedures under section 1102.

IV. Regulatory Analysis

A. National Environmental Policy Act (NEPA)

Under the National Environmental Policy Act of 1969 (NEPA), as amended, 42 U.S.C. 42 U.S.C. 4321 et. seq., an agency must prepare an environmental assessment or environmental impact statement for any rulemaking that significantly affects the quality of the human environment. As explained below, FEMA has determined that this rulemaking does not significantly affect the quality of the human environment and consequently has not prepared an environmental assessment or environmental impact statement.

Section 316 of the Stafford Act exempts from the NEPA requirements debris removal actions undertaken under Sections 402, 403, 407, or 502 of the Act. Rulemaking actions related to actions statutorily excluded are not themselves excluded from the application of NEPA. NEPA implementing regulations governing FEMA activities at 44 CFR 10.8(d)(2)(ii) categorically exclude the preparation, revision, and adoption of regulations from the preparation of an EA or EIS, where the rule relates to actions that qualify for categorical exclusions. FEMA's ''List of exclusion categories'' at 44 CFR 10.8(d)(2)(ii) categorically excludes the preparation, revision, and adoption of regulations related to actions that qualify for categorical exclusions. Further, essential assistance under section 403 and debris removal under section 407 of the Stafford Act are categorically excluded at 44 CFR 10.8(d)(2)(xix)(B) and (C). These categorical exclusions cover all debris removal actions under the Stafford Act.

Finally, FEMA has evaluated the potential for extraordinary circumstances as required in 44 CFR 10.8(d)(3) and determined that the procedure authorized under this rule does not change its environmental effect. The straight-time force account labor provision does not change the nature or extent of debris removal activities reimbursed by FEMA. The potential for reimbursement of straight-time force account labor provides applicants with more flexibility to perform debris removal work with their own employees in addition to, or in place of, contractors, but does not affect the eligibility of debris removal actions under this Program. An environmental assessment was not prepared for this rulemaking action because a categorical exclusion applies and no extraordinary circumstances exist.

B. Paperwork Reduction Act of 1995

As required by the Paperwork Reduction Act of 1995 (PRA), as amended, 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 the collection of information displays a valid control number. The collection of information associated with the Public Assistance Program is approved under OMB Control No. 1660–0017, which expires on June 30, 2016. This rule does not contain any new collections of information.

C. Executive Order 12866, Regulatory Planning and Review & Executive Order 13563, Improving Regulation and Regulatory Review

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 not been designated a ''significant regulatory action,'' under section 3(f) of Executive Order 12866. Accordingly, the rule has not been reviewed by the Office of Management and Budget.

The rule provides (unquantified) benefits that are vitally important to further FEMA's mission. This rule increases efficiency, flexibility, and reduces the costs of performing debris removal work after Hurricane Sandy. The rule affects States, Indian Tribal governments, local governments, as well as certain private non-profit organizations that have been affected by Hurricane Sandy, by maximizing the use of force account labor for debris removal, thus accelerating the recovery process.

Review of FEMA's existing debris regulations revealed that they could be expanded to provide for more efficient and timely debris removal after a disaster. As discussed earlier in this preamble, the reimbursement of force account labor for debris removal under the Pilot Program improved efficient and timely debris removal. In reimbursing force account labor, FEMA provided applicants with an incentive to perform the work in-house, as well as improve oversight of debris removal operations. Therefore, FEMA is expanding the debris regulations to incorporate this procedural improvement in response to Hurricane Sandy.

D. Executive Order 13132, Federalism

Executive Order 13132, ''Federalism'' (64 FR 43255, Aug. 10, 1999), sets forth principles and criteria that agencies must adhere to in formulating and implementing policies that have federalism implications, that is, regulations that have ''substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.'' Federal agencies must closely examine the statutory authority supporting any action that would limit the policymaking discretion of the States and, to the extent practicable, must consult with State and local officials before implementing any such action.

FEMA has reviewed this rule under Executive Order 13132 and has concluded that this rule does not have federalism implications as defined by Executive Order 13132. FEMA has determined that this rule does not significantly affect the rights, roles, and responsibilities of States, and involves no preemption of State law nor does it

limit State policymaking discretion. This rulemaking amends a voluntary grant program that may be used by State, local and Tribal governments and eligible private nonprofit organizations to receive Federal grants to assist in the recovery from disasters. States are not required to seek grant funding, and this rulemaking does not limit their policymaking discretion.

E. Executive Order 12898, Environmental Justice

Under Executive Order 12898, ''Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations'' (59 FR 7629, Feb. 16, 1994), as amended, FEMA incorporates environmental justice into its policies and programs. Executive Order 12898 requires each Federal agency to conduct its programs, policies, and activities that substantially affect human health or the environment, in a manner that ensures that those programs, policies, and activities do not have the effect of excluding persons from participation in programs, denying persons the benefits of programs, or subjecting persons to discrimination because of race, color, or national origin. FEMA has incorporated environmental justice into its programs, policies, and activities, as well as this rulemaking. This proposed rulemaking contains provisions that ensure that FEMA's activities will not have a disproportionately high or adverse effect on human health or the environment or subject persons to discrimination because of race, color, or national origin.

The purpose of this rule is to implement a debris-related Public Assistance Pilot Program procedure. This rule reimburses straight- or regular time wages for the permanent employees of Public Assistance applicants while they perform disaster-related debris and wreckage removal activities related to Hurricane Sandy for a period of 30 consecutive calendar days. Reimbursing straight- or regular time for an applicant's permanent employees who perform debris removal work will provide an incentive for applicants to complete debris removal work themselves rather than entering into contracts to perform the work. Removing debris expeditiously provides value to the American people by creating safer communities and reducing loss of life and property, enables communities to recover more rapidly from disasters, and lessens the financial impact of disasters on individuals, the United States Department of the Treasury, State, local, and Tribal communities.

No action that FEMA can anticipate under this rule will have a disproportionately high and adverse human health or environmental effect on any segment of the population. Accordingly, the requirements of Executive Order 12898 do not apply to this rule.

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

FEMA has reviewed this rule under Executive Order 13175 ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, Nov. 9, 2000). Under Executive Order 13175, FEMA may not issue a regulation that has Tribal implications, that imposes substantial direct compliance costs on Indian Tribal governments, and that is not required by statute. In reviewing this rule, FEMA finds that because Indian Tribal governments are potentially eligible applicants under the Public Assistance Program, this rule may impact Indian Tribal governments. However, this rule does not have ''tribal implications'' as defined in the Executive Order. Eligibility to receive reimbursement for force account labor for debris removal operations will not have a substantial direct effect on one or more Indian Tribes, on the relationship between the Federal Government and Indian Tribes, or on the distribution of power and responsibilities between the Federal Government and Indian Tribes. This rule does not impose substantial direct compliance costs on Indian Tribal governments nor does it preempt tribal law, impair treaty rights nor limit the self-governing powers of Indian Tribal governments.

G. Regulatory Flexibility Act Statement

Under the Regulatory Flexibility Act (RFA), 5 U.S.C. 601–612, and section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996, 5 U.S.C. 601 note, agencies must consider the impact of their rulemakings on ''small entities'' (small businesses, small organizations and local governments). 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. This rule did not require a notice of proposed rulemaking and therefore is exempt from the requirements of the RFA.

H. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (UMRA), 2 U.S.C. 1501 et seq., requires each Federal agency, to the extent permitted by law, to prepare a written assessment of the effects of any Federal mandate in a proposed or final agency rule that may result in the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector, of $100 million or more (adjusted annually for inflation) in any one year. UMRA exempts from its definition of ''Federal intergovernmental mandate'' regulations that establish conditions of Federal assistance or provide for emergency assistance or relief at the request of any State, local, or Tribal government. Therefore, this rule is not an unfunded Federal mandate under that Act.

I. Executive Order 12988, Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, ''Civil Justice Reform'' (61 FR 4729, Feb. 7, 1996), to minimize litigation, eliminate ambiguity, and reduce burden.

J. Executive Order 12630, Governmental Actions and Interference With Constitutionally Protected Property Rights

FEMA has reviewed this rule under Executive Order 12630, ''Governmental Actions and Interference with Constitutionally Protected Property Rights'' (53 FR 8859, Mar. 18, 1988) as supplemented by Executive Order 13406, ''Protecting the Property Rights of the American People'' (71 FR 36973, June 28, 2006). Sections 403(a)(3)(A) and 407 of the Stafford Act, 42 U.S.C. 5170b and 5173, respectively, provide FEMA authority to fund debris removal from private property provided that the State or local government arranges an unconditional authorization for removal of the debris, and agrees to indemnify the Federal government against any claim arising from the removal. The regulations implementing Sections 403 and 407 of the Stafford Act at 44 CFR 206.224 establish the requirement that debris removal be in the ''public interest'' in order to be eligible for reimbursement. Generally, debris removal from private property following a disaster is the responsibility of the property owner. However, large-scale disasters may deposit enormous quantities of debris on private property over a large area resulting in widespread immediate threats to the public-at-large. In these cases, the State or local government may need to enter private property to remove debris to: Eliminate immediate threats to life, public health, and safety; eliminate immediate threats of significant damage to improved property; or ensure economic recovery

of the affected community to the benefit of the community-at-large. In these situations, debris removal from private property may be considered to be in the public interest and thus may be eligible for reimbursement under the Public Assistance Program. *See* 44 CFR 206.224(b). FEMA will work with States affected by a disaster to designate those areas where the debris is so widespread that removal of the debris from private property is in the ''public interest'' pursuant to 44 CFR 206.224, and thus is eligible for FEMA Public Assistance reimbursement on a case-by-case basis. This rule will not affect a taking of private property or otherwise have taking implications under Executive Order 12630.

K. Congressional Review of Agency Rulemaking

FEMA is sending this rule to Congress and to the Government Accountability Office pursuant to the Congressional Review of Agency Rulemaking Act (Congressional Review Act)(CRA), Public Law 104–121, 110 Stat. 873 (March 29, 1996) (5 U.S.C. 801 et seq). This rule is not a ''major rule'' within the meaning of the CRA.

List of Subjects in 44 CFR Part 206

Administrative practice and procedure, Coastal zone, Community facilities, Disaster assistance, Fire prevention, Grant programs-housing and community development, Housing, Insurance, Intergovernmental relations, Loan programs-housing and community development, Natural resources, Penalties, Reporting and recordkeeping requirements.

PART 206—FEDERAL DISASTER ASSISTANCE

Accordingly, 44 CFR 206.228 of the interim final rule published on November 9, 2012 (77 FR 67285) is adopted as a final rule without change.

Dated: August 1, 2014.

W. Craig Fugate,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2014–18709 Filed 8–6–14; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

49 CFR Parts 107 and 109

[Docket No. PHMSA–2012–0258 (HM–258A)]

RIN 2137–AE97

Hazardous Materials: Failure To Pay Civil Penalties

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: Final rule.

SUMMARY: PHMSA is amending its hazardous materials procedural regulations. Specifically, this final rule prohibits a person who fails to pay a civil penalty as ordered, or fails to abide by a payment agreement, from performing activities regulated by the Hazardous Materials Regulations until payment is made.

DATES: This final rule is effective September 8, 2014.

FOR FURTHER INFORMATION CONTACT: Tyler Patterson, Office of Chief Counsel, telephone (202) 366–0505, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, 1200 New Jersey Ave. SE., Washington, DC 20590–0001.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Overview of Penalty Procedures
A. Pipeline and Hazardous Materials Safety Administration
B. Federal Aviation Administration
C. Federal Motor Carrier Safety Administration
D. Federal Railroad Administration
II. Overview of Mandated Changes to the Penalty Procedures
III. Discussion of the Comments on the Notice of Proposed Rulemaking
IV. Summary of the Final Rule
V. Regulatory Analyses and Notices
A. Statutory/Legal Authority for This Rulemaking
B. Executive Order 12866, Executive Order 13610, Executive Order 13563, and DOT Regulatory Policies and Procedures
C. Executive Order 13132
D. Executive Order 13175
E. Regulatory Flexibility Act, Executive Order 13272, and DOT Policies and Procedures
F. Paperwork Reduction Act
G. Regulatory Identifier Number (RIN)
H. Unfunded Mandates Reform Act
I. Executive Order 13609 and International Trade Analysis
J. Environmental Assessment
K. Privacy Act

I. Overview of Penalty Procedures

Under authority delegated by the Secretary, four agencies within the Department of Transportation (DOT) enforce the Hazardous Materials Regulations (HMR), 49 CFR Parts 171–180, and other regulations, approvals, special permits, and orders issued under Federal Hazardous Material Transportation Law (Hazmat Law), 49 U.S.C. 5101 et seq.; the Federal Aviation Administration (FAA), 49 CFR 1.83(d); the Federal Motor Carrier Safety Administration (FMCSA), 49 CFR 1.87(d); the Federal Railroad Administration (FRA), 49 CFR 1.89(j); and the Pipeline and Hazardous Materials Safety Administration (PHMSA), 49 CFR 1.97(b).

Although the United States Coast Guard (USCG) also is authorized to enforce the HMR in connection with certain transportation or shipment of hazardous materials by vessel, nothing in this rule affects USCG's enforcement authority with respect to transportation of hazardous materials by water. The authority originated with the Secretary and was first delegated to USCG prior to 2003, when USCG was made part of the Department of Homeland Security. Enforcement authority over ''bulk transportation of hazardous materials that are loaded or carried on board a vessel without benefit of containers or labels, and received and handled by the vessel without mark or count, and regulations and exemptions governing ship's stores and supplies'' was also transferred in 2003 to the USCG. DHS Delegation No. 0170, Sec. 2(99) & 2(100); see also 6 U.S.C. 457 and 551(d)(2). DOT will continue to coordinate its inspections, investigations, and enforcement actions with the USCG through a Memorandum of Understanding (MOU) or otherwise, to avoid duplicative or conflicting efforts.

The rules of practice for hazardous materials penalty proceedings are governed by each agency's delegated regulatory authority. Each agency affected by this final rule will have the authority to apply these provisions as an augmentation of its current enforcement and debt collection practices after an enforcement action has been fully adjudicated and the entity ordered to pay a penalty has failed to do so.

A. Pipeline and Hazardous Materials Safety Administration

PHMSA's enforcement procedures related to violation(s) of the HMR are described in 49 CFR Part 107, Subpart D. Violations that do not substantially impact safety are handled through the

ticket process under 49 CFR 107.310 and would be exempt from this final rule. For other hazardous materials violations, PHMSA begins the process of assessing civil penalties by serving a notice of probable violation (NOPV) on a person alleging the violation of hazardous materials operations.

As directed in 49 CFR 107.311, the NOPV must include the following information: (1) A citation of the provision(s) of the HMR, order, or special permit that PHMSA believes the respondent has violated, (2) a statement of the factual allegations upon which the demand for remedial action or civil penalty is based, (3) a statement of the respondent's right to present written or oral explanations, information, and arguments in answer to the allegations and in mitigation of the sanction sought in the notice of probable violation, (4) a statement of the respondent's right to request a hearing and the procedures for requesting a hearing, and (5) the proposed civil penalty and payment information. Once the matter is fully adjudicated or a settlement is reached, PHMSA issues an order. Orders outline the terms and outcome of the enforcement action, including the final penalty amount due, and they describe any payment arrangements made between the agency and the respondent. This final rule affects only those respondents who violate the payment terms of an order.

B. Federal Aviation Administration

FAA's enforcement procedures related to the violation(s) of the HMR are described in 14 CFR Part 13. FAA begins the process of assessing civil penalties by issuing a notice of proposed civil penalty as described in 14 CFR 13.16(f). Once the matter is fully adjudicated or a settlement is reached, the FAA issues an order assessing a civil penalty and establishing payment terms. This final rule affects only those respondents who violate the payment terms of an order (for violations of the HMR) issued under 14 CFR 13.16(c).

C. Federal Motor Carrier Safety Administration

FMCSA's enforcement procedures related to violation(s) of the HMR or the Federal Motor Carrier Safety Regulations (FMCSR; 49 CFR Part 397) are described in 49 CFR Part 386. FMCSA begins the process of assessing civil penalties by issuing a notice of claim (NOC), as described in 49 CFR 386.11(c). Each NOC sets forth the following information: (1) The facts alleged; (2) the provisions of the regulations allegedly violated by the respondent; (3) a proposed civil penalty; and (4) indicates the time, form, and manner whereby the respondent may pay, contest, or otherwise seek resolution of the claim. Once the matter is fully adjudicated or a settlement is reached, FMCSA issues a final agency order. The order sets the payment terms and final penalty amount. This final rule affects only those respondents who violate the payment terms of an order (for violations of the HMR) issued under 49 CFR Part 386.

D. Federal Railroad Administration

FRA's enforcement procedures related to violations of the HMR are described in 49 CFR Part 209, Subpart B. FRA begins the process of assessing civil penalties by issuing an NOPV. The NOPV includes the following information: (1) A statement of the provisions that the respondent is believed to have violated and (2) notice of the amount of the civil penalty proposed to be assessed. With each NOPV, FRA also provides a violation report detailing the factual allegations and a description of the response options available to the respondent. Once the matter is fully adjudicated or a settlement is reached, FRA issues an order setting the payment terms of the assessed penalty, if applicable. This final rule affects only those persons who violate the payment terms of an order (for violations of the HMR) issued under 49 CFR Part 209, Subpart B.

II. Overview of Mandated Changes to the Penalty Procedures

Section 33010 of the Moving Ahead for Progress in the 21st Century Act (MAP–21) (Pub. L. 112–141, 126 Stat. 405, at 837) amended 49 U.S.C. 5123 to prohibit a person from engaging in business operations involving the transportation of hazardous materials (i.e., hazardous materials operations) if that person has failed to either pay a civil penalty assessed under Chapter 51 of title 49, or failed to arrange and abide by a payment plan, beginning on the 91st day after the payment due date specified by the order or payment plan, unless the person has filed a formal administrative or judicial appeal of the penalty.

Section 33010 of MAP–21 provides an exception to the prohibition on hazardous materials operations after nonpayment of penalties for debtors in Chapter 11 bankruptcy. The express language of the statutory exception states that the prohibition ''shall not apply to any person who is unable to pay a civil penalty because such person is a debtor in a case under chapter 11 of title 11.'' PHMSA believes that the Congress, in creating the bankruptcy exception, did not intend to exempt all Chapter 11 debtors from the prohibition on hazardous materials operations after nonpayment of penalties. Congress recognized that the determination of whether a Chapter 11 debtor is able to pay certain debts is within the jurisdiction of the bankruptcy court. PHMSA interprets the statutory language as requiring the agency to seek a determination from the bankruptcy court of a debtor's ability to pay a civil penalty claim prior to imposing the prohibition on hazardous materials operations after nonpayment of penalties.

Under the automatic stay provisions of the Bankruptcy Code, a petition filed in bankruptcy ''operates as a stay, applicable to all entities of . . . the commencement or continuation . . . of a judicial, administrative, or other action or proceeding against the debtor that was or could have been commenced before the commencement of the bankruptcy case . . .'' 11 U.S.C. 362(a). However, ''the filing of a petition . . . does not operate as a stay . . . of the commencement or continuation of an action or proceeding by a governmental unit to enforce such governmental unit's police or regulatory power . . . and . . . of the enforcement of a judgment, other than a monetary judgment, obtained in an action or proceeding by a governmental unit to enforce such unit's police or regulatory power.'' 11 U.S.C. 362(b)(4).

In determining whether an agency action fits within the exemption of section 362(b)(4), the courts have developed the ''public policy'' test, which distinguishes between governmental proceedings aimed at accomplishing public policy and those aimed at protecting the government's pecuniary interest in the debtor's property. See *Eddleman* v. *U.S. Department of Labor,* 923 F. 2d 782 (10th Cir. 1991); and *NLRB* v. *Edward Cooper Painting, Inc.,* 804 F. 2d 934 (6th Cir. 1986). Agency proceedings under section 33010 of MAP–21 are designed to bring about the public policy of enforcing compliance with the Hazmat Law and the HMR. As a result, filing for bankruptcy protection under Chapter 11 or any other chapter does not automatically relieve a person from its regulatory or payment obligations.

Section 33010 of MAP–21 does not address or instruct DOT to prohibit hazardous materials operations by those persons who have not paid penalties assessed prior to the granting of this authority. Without specific instruction on retroactivity, the presumption against retroactive application prevents PHMSA from applying section 33010

MAP–21 to a respondent whose final order was issued prior to the issuance of a final rule. Consequently, provisions of this final rule will apply to all final agency orders that assess penalties issued on or after the effective date of the final rule—September 8, 2014.

III. Discussion of the Comments on the Notice of Proposed Rulemaking

On September 24, 2013, PHMSA published a notice of proposed rulemaking (NPRM) proposing regulations implementing this authority. We received comments from Eric Danko (PHMSA–2012–0258–0003), from the Association of American Railroads (AAR) and the American Short Line and Regional Railroad Association (ASLRRA) (PHMSA–2012–0258–0002), and from the Reusable Industrial Packaging Association (RIPA) (PHMSA–2012–0258–0004). In this section, we summarize and discuss each of these comments. You may access the docket and the comments and other documents in this rulemaking by visiting the Federal eRulemaking Portal at *http://www.regulations.gov,* under Docket No. PHMSA–2012–0258 (HM–258A).

Mr. Eric Danko

Mr. Danko expressed his support for the proposed rule stating that ''if persons dealing with HAZMAT are allowed to continue operating indefinitely despite being penalized for regulatory violations, there is little drive to change procedures to increase safety.'' Mr. Danko also stated that the exceptions for Chapter 11 bankruptcy and administrative or judicial appeals are reasonable.

Association of American Railroads and the American Short Line and Regional Railroad Association

The AAR and ASLRRA assert that PHMSA exceeds the scope of the MAP–21 mandate by ''constraining the right of the respondent to both judicial and administrative review'' of a Cessation of Operations Order (COO). They state that proof that the respondent has filed in a Federal Circuit Court for relief from a final agency action is sufficient enough to prevent a COO from taking effect and that the respondent should not need an Emergency Stay order to halt the COO. They request that PHMSA delete the proposed language for 49 CFR 109.101(d) in its entirety and add language to 49 CFR 109.101, which states that proof of appeal of the COO is enough to stay the order.

We disagree that we have exceeded the scope of the MAP–21 mandate. The COO can be issued only after all rights of appeal for the penalty have been exhausted or waived by the respondent. If the respondent has filed for relief from a final agency order assessing a penalty, whether administratively or judicially, the obligation to pay that penalty is stayed pending the outcome of the administrative or judicial review. A final agency order typically assigns a payment due date for 30 days after receipt of the order, unless other payment arrangements have been agreed upon between the parties. A respondent has 60 days to file for judicial review. The notice of the COO is not issued until 45 days after the first payment is due. That date would generally fall 75 days after receipt of the final agency order. Therefore, a COO would never be issued in cases where a respondent has exercised its right of appeal of the underlying penalty.

In cases where all rights of appeal for the underlying penalty have been exhausted or waived and the COO has been timely issued, the respondent may still file for a judicial stay before the COO takes effect. If the court determines that such a stay is merited, it will issue the stay and the COO's effective date will be halted. We think it is important to reiterate that the right of review of the COO is not an invitation to revisit the substance of the underlying circumstances that led to the penalty assessment. The procedures for exercising the right of review established by this final rule are restricted to the COO only. The rights of appeal and review for the penalty assessment in the final agency order are not changed by this rule. Based on the foregoing, we are not adopting the changes proposed by the AAR and ASLRRA.

Reusable Industrial Packaging Association

The RIPA asserts that ''failure to make a payment should not in isolation trigger a COO.'' It argues that a facility that otherwise has been brought into full compliance with the HMR and can demonstrate to the agency's satisfaction that extenuating circumstances have led to a facility's inability to pay the penalty should be granted an extension for payment.

This rule allows agency discretion in re-negotiating a payment plan with a respondent who has failed to abide by the original payment terms of the final agency order. We believe that this discretion is sufficient to address extenuating circumstances. The RIPA also indicates that, in its estimation, the 90-day time frame between a missed payment and an order to cease hazmat operations is too brief and recommends that PHMSA reconsider its position. We disagree that 90 days is too brief and are statutorily mandated to impose the 90-day time frame under MAP–21.

Finally, the RIPA also asks PHMSA to consider the option of ''no-action'' in response to the Congressional mandate to issue this rulemaking. Upon adoption of the new authority, each modal agency would have the discretion to implement the authority or not as it sees fit. As noted in the NPRM, PHMSA believes allowing delinquent adjudicated violators to continue to engage in regulated activities while showing disregard for regulations and/or regulatory enforcement orders would weaken DOT's ability to ensure compliance with the HMR. Taking no action would be inconsistent with Congress' direction and undesirable from the standpoint of safety and enforcement. Failure to implement the new authority would substantially impact safety because entities that ignore assessed civil penalties for violations of the HMR would continue to conduct hazardous materials operations.

IV. Summary of the Final Rule

This final rule amends 49 CFR Part 109 to implement the authority granted under section 33010 of MAP–21's amendment to 49 U.S.C. 5123. Specifically, that statute prohibits a person from engaging in regulated hazardous materials operations upon failure to pay a civil penalty and mandates that the Secretary issue a rule setting forth the procedures requiring a person delinquent in paying a civil penalty to cease regulated activity until payment is made. In response, in this rule, we adopt a new Subpart E to Part 109 setting forth procedures to require a person who is delinquent in paying civil penalties to cease regulated hazardous materials operations until payment has been made or an acceptable payment plan has been arranged. We also add procedural requirements to ensure that a person subject to the prohibition is notified in writing and given an opportunity to respond before being required to cease hazardous materials operations.

Under the provisions of this final rule, the agency that issued the final order outlining the terms and outcome of an enforcement action will send the respondent a COO if payment has not been received within 45 calendar days after the payment due date or a payment plan installment date as specified in the final order. The COO would notify the respondent that it must cease hazardous materials operations on the 91st calendar day after failing to make payment in accordance with the

agency's final order or payment plan arrangement, unless payment is made. A respondent will be allowed to appeal the COO within 20 days of receipt of the order according to the procedures set forth by the agency issuing the COO.

As discussed above, section 33010 of MAP–21 specifically states that the prohibition on hazardous materials operations shall not apply to a person unable to pay civil penalties because such person is a debtor in a case under Chapter 11 of the Bankruptcy Code. Such a person must provide the enforcing agency with the following information about its bankruptcy proceeding: (1) The chapter of the Bankruptcy Code under which the bankruptcy proceeding is filed (i.e., Chapter 7 or 11); (2) the bankruptcy case number; (3) the court in which the bankruptcy proceeding was filed; and (4) any other information requested by the agency to determine a debtor's bankruptcy status. This information will enable the agency to verify debtor status and to work with the bankruptcy court, if needed, to assess the debtor's ability to pay penalties when determining whether to prohibit hazardous materials operations.

PHMSA, FAA, FMCSA, and FRA caution regulated entities not to construe the right to appeal a COO as an opportunity to re-argue the merits of the penalty assessment. Regulated entities have had ample opportunity to address the merits of any proposed penalty assessment at earlier stages in the enforcement process. The only information sufficient to prevent the prohibition on hazardous material operations after nonpayment of penalties would be proof of payment, proof of bankruptcy debtor status and an inability to pay, or an Emergency Stay issued by a Federal District Court with jurisdiction over these matters. Additionally, at the discretion of the agency, upon appeal by the respondent, the agency can rescind the COO if an agreeable payment plan has been arranged. Persons that continue to conduct regulated activities in violation of the COO will be subject to additional penalties, including criminal prosecution pursuant to 49 U.S.C. 5124.

V. Regulatory Analyses and Notices

A. Statutory/Legal Authority for This Rulemaking

This final rule is published under the authority of 49 U.S.C. 5103(b), which authorizes the Secretary to prescribe regulations for the safe transportation, including security, of hazardous material in intrastate, interstate, and foreign commerce and under the authority of 49 U.S.C. 5121(e). This final rule would revise certain civil enforcement authority to enable the appropriate DOT administration to issue a Cessation of Operations Order (COO) to a person who fails to pay civil penalties for violations of the HMR and other regulations, approvals, special permits, and orders issued under Federal Hazardous Material Transportation Law (Hazmat Law), 49 U.S.C. 5101 et seq. assessed pursuant to 49 CFR 107.311 (PHMSA), 14 CFR Part 13 (FAA), 49 CFR Part 386 (FMCSA), and 49 CFR Part 209, Subpart B (FRA). The final rule carries out a statutory mandate and clarifies DOT's roles and responsibilities in ensuring that hazardous materials are being safely transported and in enhancing the regulated community's compliance with regulatory requirements.

B. Executive Order 12866, Executive Order 13610, Executive Order 13563, and DOT Regulatory Policies and Procedures

This final rule is not considered a significant regulatory action under section 3(f) Executive Order 12866 and, therefore, was not reviewed by the Office of Management and Budget (OMB). The final rule is not considered a significant rule under the Regulatory Policies and Procedures order issued by the U.S. Department of Transportation (44 FR 11034).

Executive Order 13610, issued May 10, 2012, urges agencies to conduct retrospective analyses of existing rules to examine whether they remain justified and whether they should be modified or streamlined in light of changed circumstances, including the rise of new technologies.

Executive Order 13563 is supplemental to and reaffirms the principles, structures, and definitions governing regulatory review that were established in Executive Order 12866 Regulatory Planning and Review of September 30, 1993. Executive Order 13563, issued January 18, 2011, notes that our nation's current regulatory system must not only protect public health, welfare, safety, and our environment but also promote economic growth, innovation, competitiveness, and job creation. Further, this executive order urges government agencies to consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public. In addition, federal agencies are asked to periodically review existing significant regulations, retrospectively analyze rules that may be outmoded, ineffective, insufficient, or excessively burdensome, and modify, streamline, expand, or repeal regulatory requirements in accordance with what has been learned.

By building off of each other, these three Executive Orders require agencies to regulate in the ''most cost-effective manner,'' to make a ''reasoned determination that the benefits of the intended regulation justify its costs,'' and to develop regulations that ''impose the least burden on society.'' PHMSA is making no changes to the HMR that govern the transportation of hazmat, thus the changes do not carry any additional compliance requirements or costs for entities that must comply with the HMR. The changes in this rule will affect entities after they have violated the HMR in ways that substantially impact safety, a civil penalty has been assessed, and the entities are delinquent in the payment of the finally adjudicated administrative penalties. Of the estimated 200,000 entities that PHMSA regulates, a limited number are subject to civil penalty assessments in a given year for violations related to the HMR. Fewer still disregard agency orders requiring payment of civil penalties. Since 2010, on average, only 10 companies per year have been referred for debt collection after being 90 days overdue on their civil penalty assessments for PHMSA enforcement actions. An entity that receives a COO and fails to pay its penalty will incur costs associated with the cessation of activities regulated under the HMR. However, this cost is associated with non-compliance. Companies in compliance with the HMR will not bear any costs.

C. Executive Order 13132

This final rule has been analyzed in accordance with the principles and criteria contained in Executive Order 13132 (''Federalism''). Pursuant to 49 U.S.C. 5125(i), the preemption provisions in Hazmat Law do ''not apply to any procedure . . . utilized by a State, or Indian tribe to enforce a requirement applicable to the transportation of hazardous material.'' Accordingly, this final rule has no preemptive effect on State, local, or Indian tribe enforcement procedures and penalties, and preparation of a federalism assessment is not warranted.

D. Executive Order 13175

This final rule has been analyzed in accordance with the principles and criteria contained in Executive Order 13175 (''Consultation and Coordination with Indian Tribal Governments''). Because this final rule does not have tribal implications and does not impose substantial direct compliance costs, the

funding and consultation requirements of Executive Order 13175 do not apply.

E. Regulatory Flexibility Act, Executive Order 13272, and DOT Policies and Procedures

The Regulatory Flexibility Act (5 U.S.C. 601 et seq.) requires an agency to review regulations to assess their impact on small entities unless the agency determines that a rule is not expected to have significant impact on a substantial number of small entities. Based on the assessment in the preliminary regulatory evaluation, I hereby certify that this final rule will not have a significant economic impact on a substantial number of small entities. This final rule applies to offerors and carriers of hazardous materials, some of which are small entities; however, there will not be any economic impact on any person who complies with the Hazmat Law and the regulations and orders issued under that law.

Potentially affected small entities. The provisions in this final rule will apply to persons who perform, or cause to be performed, functions related to the transportation of hazardous materials in commerce. This includes offerors of hazardous material and persons in physical control of a hazardous material during transportation in commerce. Such persons may primarily include motor carriers, air carriers, vessel operators, rail carriers, temporary storage facilities, and intermodal transfer facilities. Unless alternative definitions have been established by the agency in consultation with the Small Business Administration, the definition of ''small business'' has the same meaning as under the Small Business Act (15 CFR parts 631–657c). Therefore, because no such special definition has been established, PHMSA employs the thresholds (published in 13 CFR 121.201) of 1,500 employees for air carriers (NAICS Subgroup 481), 500 employees for rail carriers (NAICS Subgroup 482), 500 employees for vessel operators (NAICS Subgroup 483), $22.5 million in revenues for motor carriers (NAICS Subgroup 484), and $22.5 million in revenues for warehousing and storage companies (NAICS Subgroup 493). Of the approximately 200,000 entities to which this final rule would apply (104,000 of which are motor carriers), we estimate that about 90 percent are small entities.

Potential cost impacts. This final rule amends 49 CFR Part 109, which contains regulations on the process for collecting civil penalties. These regulations are not part of the HMR, which govern the transportation of hazmat, thus they do not carry any additional compliance requirements or costs for entities that must comply with the HMR.

Alternate proposals for small business. Because this final rule addresses a Congressional mandate, we have limited latitude in defining alternative courses of action. Taking no action would be inconsistent with Congress' direction and undesirable from the standpoint of safety and enforcement. Failure to implement the new authority will substantially impact safety because entities that ignore assessed civil penalties for violations of the HMR will continue to conduct hazardous materials operations.

F. Paperwork Reduction Act

PHMSA has analyzed this final rule in accordance with the Paperwork Reduction Act of 1995 (PRA). The PRA requires federal agencies to minimize the paperwork burden imposed on the American public by ensuring maximum utility and quality of federal information, ensuring the use of information technology to improve government performance, and improving the federal government's accountability for managing information collection activities. This final rule contains no new information collection requirements subject to the PRA.

G. Regulation Identifier Number (RIN)

A regulation identifier number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN contained in the heading of this document can be used to cross-reference this action with the Unified Agenda.

H. Unfunded Mandates Reform Act

This final rule does not impose unfunded mandates under the Unfunded Mandates Reform Act of 1995. PHMSA has concluded that the final rule will not impose annual expenditures of $141.3 million on State, local, or tribal governments or the private sector, and thus does not require an Unfunded Mandates Act analysis.

I. Executive Order 13609 and International Trade Analysis

Under Executive Order 13609, agencies must consider whether the impacts associated with significant variations between domestic and international regulatory approaches are unnecessary or may impair the ability of American business to export and compete internationally. In meeting shared challenges involving health, safety, labor, security, environmental, and other issues, international regulatory cooperation can identify approaches that are at least as protective as those that are or would be adopted in the absence of such cooperation. International regulatory cooperation can also reduce, eliminate, or prevent unnecessary differences in regulatory requirements.

Similarly, the Trade Agreements Act of 1979 (Pub. L. 96–39), as amended by the Uruguay Round Agreements Act (Pub. L. 103–465), prohibits federal agencies from establishing any standards or engaging in related activities that create unnecessary obstacles to the foreign commerce of the United States. For purposes of these requirements, federal agencies may participate in the establishment of international standards, so long as the standards have a legitimate domestic objective, such as providing for safety, and do not operate to exclude imports that meet this objective. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards.

PHMSA participates in the establishment of international standards in order to protect the safety of the American public, and we have assessed the effects of the rule to ensure that it does not cause unnecessary obstacles to foreign trade. Accordingly, this rulemaking is consistent with Executive Order 13609 and PHMSA's obligations under the Trade Agreement Act, as amended.

J. Environmental Assessment

The National Environmental Policy Act, 42 U.S.C. 4321–4375, requires federal agencies to analyze proposed actions to determine whether an action will have a significant impact on the human environment. The Council on Environmental Quality (CEQ) regulations require federal agencies to conduct an environmental review considering (1) the need for the proposed action; (2) alternatives to the proposed action; (3) probable environmental impacts of the proposed action and alternatives; and (4) the agencies and persons consulted during the consideration process. 40 CFR 1508.9(b).

1. Purpose and Need

In section 33010 of MAP–21, Congress required the Secretary to issue regulations to require a person who is delinquent in paying civil penalties to cease any activity regulated under the Hazmat Law until payment has been made or until an acceptable payment plan has been arranged. PHMSA

believes that persons who fail to comply with the Hazmat Law and fail to pay civil penalties are not fit to transport hazardous materials, as they are more likely to jeopardize public safety and/or the environment. This final rule and underlying legislation may encourage companies that disregard the HMR to exit the hazardous materials arena because continuing hazardous materials transportation after a COO is punishable by additional penalties and criminal prosecution. This tool will greatly enhance the enforcement and debt collection tools available to PHMSA, FAA, FMCSA, and FRA, without impacting entities that comply with final orders, the Hazmat Law, and the HMR. *See* Background section of the preamble to this final rule, supra.

2. Alternatives

In MAP–21's amendments to 49 U.S.C. 5123(i), Congress specifies that a person that ''fails to pay a civil penalty assessed under this chapter, or fails to arrange and abide by an acceptable payment plan for such civil penalty, may not conduct any activity regulated under this chapter beginning on the 91st day after the date specified by order of the Secretary for payment of such penalty.'' Congress also provided limited exceptions for debtors in a case under Chapter 11 of Title 11 and persons who have filed an appeal of an order. Because this final rule simply carries out a prescriptive Congressional mandate, PHMSA did not consider alternatives.

CEQ regulations suggest that agencies consider the alternative of no-action. 40 CFR 1502.14(d) and 1508.25(b). Although the purpose of this rulemaking is to carry out the above-described mandate in MAP–21, PHMSA considered the environmental impacts of the no-action alternative.

3. Analysis of Environmental Impacts

The goal of this final rule is to prevent violators of the HMR from ignoring enforcement proceedings and continuing to conduct business subject to the HMR. PHMSA believes that such companies are not fit to conduct hazardous materials transportation and may be more likely to commit further violations that could endanger the public and the environment. For these reasons, PHMSA believes that the final rule could decrease the likelihood of hazardous materials incidents.

A release of hazardous materials could result in a myriad of environmental and human health consequences such as fires, explosions, asphyxiation, contamination of marine environments, exposure of increased levels of radioactivity, etc. If hazardous material shipments are not properly marked, labeled, packaged, and handled, as dictated by the HMR, risk of release and exposure increases. Incidents occurring during aircraft or vessel transportation are more likely to threaten human health and the environment. Emergency responders are also at greater risk and are less effective at responding to incidents when hazardous materials shipments do not comply with prescribed communication requirements. PHMSA believes that this final rule will further strengthen DOT's ability to ensure compliance with the HMR, which decreases the likelihood of a hazardous materials release, enhancing safety and environmental protection.

If PHMSA were to select the ''no action'' alternative, contrary to Congressional intent, entities that had been found to have violated the HMR and made no effort to pay a civil penalty for more than 90 days would be able to continue to perform functions subject to the HMR, including preparing hazardous materials for shipment and shipping hazardous materials in commerce. PHMSA believes allowing delinquent adjudicated violators to continue to engage in regulated activities while showing disregard for regulations and/or regulatory enforcement orders would weaken PHMSA's ability to ensure compliance with the HMR.

4. Agencies and Persons Consulted

In drafting this final rule, PHMSA consulted with FAA, FMCSA, and FRA.

Our determination is that this action would result in a generalized positive impact on the human environment, but not significant to such a degree as would warrant a detailed discussion of any impact(s); and would result in no negative impacts to the human environment because this action affects violators of the HMR. Additionally, we received no comment to the NPRM regarding any environmental impact of this rulemaking.

K. Privacy Act

Anyone is able to search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the document (or signing the document, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477) or you may visit *http://www.dot.gov/privacy.html.*

List of Subjects

49 CFR Part 107

Administrative practice and procedure, Hazardous materials transportation, Packaging and containers, Penalties, Reporting and recordkeeping requirements.

49 CFR Part 109

Definitions, Inspections and investigations, Emergency orders, Imminent hazards, Remedies generally.

In consideration of the foregoing, we are amending 49 CFR Chapter I as follows:

PART 107—HAZARDOUS MATERIALS PROGRAM PROCEDURES

■ 1. The authority citation for part 107 is revised to read as follows:

Authority: 49 U.S.C. 5101–5128, 44701; Pub. L. 101–410 section 4 (28 U.S.C. 2461 note); Pub. L. 104–121 sections 212–213; Pub. L. 104–134 section 31001; Pub. L. 112–141 section 33006; 49 CFR 1.81 and 1.97.

■ 2. In Subpart D, add new § 107.338 to read as follows:

§ 107.338 Prohibition of hazardous materials operations.

As provided for in subpart E of part 109 of this subchapter, a person who fails to pay a civil penalty in accordance with agreed upon installments or in full within prescribed time lines, is prohibited from conducting hazardous materials operations and shall immediately cease all hazardous materials operations.

PART 109—DEPARTMENT OF TRANSPORTATION HAZARDOUS MATERIAL PROCEDURAL REGULATIONS

■ 3. The authority citation for part 109 continues to read as follows:

Authority: 49 U.S.C. 5101–5128, 44701; Pub. L. 101–410 Sec. 4 (28 U.S.C. 2461 note); Pub. L. 104–121 Secs. 212–213; Pub. L. 104–134 Sec. 31001; 49 CFR 1.81, 1.97.

■ 4. Revise the heading of part 109 to read as set forth above.

■ 5. Add new subpart E to read as follows:

Subpart E—Prohibition on Hazardous Materials Operations After Nonpayment of Penalties

Sec.
109.101 Prohibition of hazardous materials operations.
109.103 Notice of nonpayment of penalties.

§ 109.101 Prohibition of hazardous materials operations.

(a) *Definition of hazardous materials operations.* For the purposes of this

subpart, hazardous materials operations means any activity regulated under the Federal hazardous material transportation law, this subchapter or subchapter C of this chapter, or an exemption or special permit, approval, or registration issued under this subchapter or under subchapter C of this chapter.

(b) *Failure to pay civil penalty in full.* A respondent that fails to pay a hazardous material civil penalty in full within 90 days after the date specified for payment by an order of the Pipeline and Hazardous Materials Safety Administration, Federal Aviation Administration, Federal Motor Carrier Safety Administration, or Federal Railroad Administration is prohibited from conducting hazardous materials operations and shall immediately cease all hazardous materials operations beginning on the next day (i.e., the 91st). The prohibition shall continue until payment of the penalty has been made in full or at the discretion of the agency issuing the order an acceptable payment plan has been arranged.

(c) *Civil penalties paid in installments.* On a case by case basis, a respondent may be allowed to pay a civil penalty pursuant to a payment plan, which may consist of installment payments. If the respondent fails to make an installment payment contained in the payment plan on the agreed upon schedule, the payment plan shall be null and void and the full outstanding balance of the civil penalty shall be payable immediately. A respondent that fails to pay the full outstanding balance of its civil penalty within 90 days after the date of the missed installment payment shall be prohibited from conducting hazardous materials operations beginning on the next day (i.e., the 91st). The prohibition shall continue until payment of the outstanding balance of the civil penalty has been made in full, including any incurred interest or until at the discretion of the agency issuing the order another acceptable payment plan has been arranged.

(d) *Appeals to Federal Court.* If the respondent appeals an agency order issued pursuant to § 109.103 to a Federal Circuit Court of Appeals, the terms and payment due date of the order are not stayed unless the Court so specifies.

(e) *Applicability to ticketing.* This section does not apply to a respondent who fails to pay a civil penalty assessed by a ticket issued pursuant to § 107.310 of this subchapter.

(f) *Applicability to debtors.* This section does not apply to a respondent who is unable to pay a civil penalty because the respondent is a debtor in a case under chapter 11, title 11, United States Code. A respondent who is a debtor in a case under chapter 11, title 11, United States Code must provide the following information to the agency decision maker identified in the original agency order or on its certificate of service.

(1) The chapter of the Bankruptcy Code under which the bankruptcy proceeding is filed;

(2) The bankruptcy case number;

(3) The court in which the bankruptcy proceeding was filed; and

(4) Any other information requested by the agency to determine a debtor's bankruptcy status.

(g) *Penalties for prohibited hazardous materials operations.* A respondent that continues to conduct hazardous materials operations in violation of this section may be subject to additional penalties, including criminal prosecution pursuant to 49 U.S.C. 5124.

§ 109.103 Notice of nonpayment of penalties.

(a) If a full payment of a civil penalty, or an installment payment as part of agreed upon payment plan, has not been made within 45 days after the date specified for payment by the final agency order, the agency may issue a cessation of hazardous materials operations order to the respondent.

(b) The cessation of hazardous materials operations order issued under this section shall include the following information:

(1) A citation to the statutory provision or regulation the respondent was found to have violated and to the terms of the order or agreement requiring payment;

(2) A statement indicating that if the respondent fails to pay the full outstanding balance of the civil penalty within 90 days after the payment due date, the respondent shall be prohibited from conducting any activity regulated under the Federal hazardous material transportation law, this subchapter or subchapter C of this chapter, or an exemption or special permit, approval, or registration issued under this subchapter or under subchapter C of this chapter;

(3) A statement describing the respondent's options for responding to the order which will include an option to file an appeal for reconsideration of the cessation of operations order within 20 days of receipt of the order; and

(4) A description of the manner in which the respondent can make payment of any money due the United States as a result of the proceeding (i.e., the full outstanding balance of the civil penalty).

(c) The cessation of hazardous materials operation order will be delivered by personal service, unless such service is impossible or impractical. If personal service is impossible or impractical then service may be made by certified mail or commercial express service. If a respondent's principal place of business is in a foreign country, it will be delivered to the respondent's designated agent (as prepared in accordance with § 105.40 of this subchapter).

Issued in Washington, DC, on August 1, 2014 under authority delegated in 49 CFR part 1.97.

Cynthia L. Quarterman,

Administrator.

[FR Doc. 2014–18617 Filed 8–6–14; 8:45 am]

BILLING CODE 4910–60–P

Proposed Rules

Federal Register
Vol. 79, No. 152
Thursday, August 7, 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–2014–0523; Directorate Identifier 2014–NM–050–AD]

RIN 2120–AA64

Airworthiness Directives; the Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for certain The Boeing Company Model 777–200 and –300 series airplanes equipped with Pratt and Whitney engines. This proposed AD was prompted by reports of blocked drain lines at the engine forward strut that caused flammable fluid to accumulate in a flammable leakage zone. This AD would require repetitive functional checks for blockage of the forward strut drain line, and doing corrective actions (including cleaning or replacing any blocked drain lines) if necessary; and a one-time cleaning of certain forward strut drain lines. We are proposing this AD to detect and correct blockage of forward strut drain lines, which could cause flammable fluids to collect in the forward strut area and potentially cause an uncontrolled fire or cause failure of engine attachment structure and consequent airplane loss.

DATES: We must receive comments on this proposed AD by September 22, 2014.

ADDRESSES: You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.
- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this proposed AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, P.O. Box 3707, MC 2H–65, Seattle, WA 98124–2207; telephone 206–544–5000, extension 1; fax 206–766–5680; Internet *https://www.myboeingfleet.com.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2014–0523; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (phone: 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Kevin Nguyen, Aerospace Engineer, Propulsion Branch, ANM–140S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: 425–917–6501; fax: 425–917–6590; email: *kevin.nguyen@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2014–0523; Directorate Identifier 2014–NM–050–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD because of those comments.

We will post all comments we receive, without change, to *http://www.regulations.gov,* including any personal information you provide. We will also post a report summarizing each substantive verbal contact we receive about this proposed AD.

Discussion

We received more than five reports of the forward drain lines of the engine struts being blocked with coked particles. Coked particles form when hydraulic fluid is exposed to, and degraded by, the high temperatures of the hot core zone of the engine and the hot pneumatic bleed ducts. In two events, fluids backed up into the electrical (left) side of the disconnect box assembly of the strut system, causing an electrical fault that resulted in a false overheat detection engine indicating and crew-alerting system (EICAS) message. Flammable fluids collecting in the electrical side of the disconnect box assembly of the strut system can cause an electrical fault for electrical components, and create a potential ignition source for trapped flammable fluids that can lead to fuel explosion.

In the other three events, flammable fluids backed up and pooled in the fluid (right) side of the disconnect box assembly of the strut system. Flammable fluids collecting in the disconnect box assembly of the strut system are a fire hazard because that area has no fire detection, containment, or extinguishing capability and with an ignition source can result in an uncontrolled fire in the strut. Also, flammable fluids pooling in the disconnect box assembly of the strut system can spill over onto the engine and initiate an engine fire in the engine core cavity compartment.

Hydraulic fluid collecting in the disconnect box assembly of the strut system can cause contamination and hydrogen embrittlement of the titanium structure resulting in cracks that can compromise the engine firewall by allowing a fire in the engine area to enter the strut; or by allowing flammable fluids to leak down and initiate an engine fire in the engine core cavity compartment, and also compromise the engine fire extinguishing system. Hydraulic fluid contamination, including contamination

caused by hydraulic fluid in its liquid, vapor, and/or solid (i.e., coked) form, in the strut forward dry bay can lead to hydrogen embrittlement of the titanium fittings of the forward engine mount bulkhead and also the consequent inability of the fittings to carry engine loads, resulting in the loss or separation of an engine. Hydraulic embrittlement could also cause a through-crack formation across the fittings through which an engine fire could breach into the strut, resulting in an uncontained strut fire. We are proposing this AD to detect and correct blockage of forward strut drain lines, which could cause flammable fluids to collect in the forward strut area and potentially cause an uncontrolled fire or cause failure of engine attachment structure and consequent airplane loss.

Related Rulemaking

On May 24, 2013, we issued AD 2013–11–14, Amendment 39–17474 (78 FR 35749, June 14, 2013), for certain The Boeing Company Model 777–200 and -300 series airplanes. AD 2013–11–14 currently requires repetitive general visual inspections of the strut forward dry bay for hydraulic fluid contamination, and related investigative and corrective actions if necessary. AD 2013–11–14 was prompted by reports of hydraulic fluid contamination found in the strut forward dry bay. The actions required by AD 2013–11–14 are intended to detect and correct hydraulic fluid contamination of the strut forward dry bay that could result in hydrogen embrittlement of the titanium forward engine mount bulkhead fittings, and the consequent inability of the fittings to carry engine loads, resulting in engine separation.

On April 12, 2011, we issued AD 2011–09–11, Amendment 39–16673 (76 FR 24354, May 2, 2011), for certain The Boeing Company Model 777–200 and -300 series airplanes. AD 2011–09–11 requires repetitive inspections for hydraulic fluid contamination of the interior of the strut disconnect assembly; repetitive inspections for discrepancies of the interior of the strut disconnect assembly, if necessary; repetitive inspections of the exterior of the strut disconnect assembly for cracks, if necessary; corrective action if necessary; and an optional terminating action for the inspections. AD 2011–09–11 resulted from reports of system disconnect boxes that have been contaminated with hydraulic fluid and, in one incident, led to subsequent cracking of titanium parts in the system disconnect assembly. We issued AD 2011–09–11 to detect and correct hydraulic fluid contamination, which can cause cracking of titanium parts in the system disconnect assembly, resulting in compromise of the engine firewall.

Relevant Service Information

We reviewed Boeing Special Attention Service Bulletin 777–54–0027, Revision 1, dated September 12, 2013. For information on the procedures and compliance times, see this service information at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2014–0523.

FAA's Determination

We are proposing this AD because we evaluated all the relevant information and determined the unsafe condition described previously is likely to exist or develop in other products of this same type design.

Proposed AD Requirements

This AD would require repetitive functional checks for blockage of the forward strut drain line, doing corrective actions (including cleaning or replacing any blocked drain lines) if necessary; and a one-time cleaning of certain forward strut drain lines. This proposed AD would require accomplishing the actions specified in the service information described previously.

The phrase ''corrective actions'' is used in this proposed AD. ''Corrective actions'' are actions that correct or address any condition found. Corrective actions in an AD could include, for example, repairs.

Interim Action

We consider this proposed AD interim action. The manufacturer is currently developing a modification that will address the unsafe condition identified in this AD. Once this modification is developed, approved, and available, we might consider additional rulemaking.

Costs of Compliance

We estimate that this proposed AD affects 54 airplanes of U.S. registry.

We estimate the following costs to comply with this proposed AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Repetitive functional checks of 2 struts per inspection cycle.	9 work-hours × $85 per hour = $765 per inspection cycle.	$0	$765 per inspection cycle	$41,310 per inspection cycle.
One-time cleaning	13 work-hours × $85 per hour = $1,105.	0	$1,105	$59,670.

We estimate the following costs to do any necessary replacements that would be required based on the results of the proposed inspection. We have no way of determining the number of aircraft that might need these replacements:

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Clean and repair drain tube assemblies in up to 2 struts.	Up to 5 work-hours × $85 per hour = $425	$0	Up to $425.
Replace drain tube assemblies in up to 2 struts	Up to 5 work-hours × $85 per hour = $425	Up to $4,484	Up to $4,909.

According to the manufacturer, some of the costs of this proposed AD may be covered under warranty, thereby reducing the cost impact on affected individuals. We do not control warranty coverage for affected individuals. As a result, we have included all costs in our cost estimate.

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 proposed regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

We determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify this proposed regulation:

(1) Is not a ''significant regulatory action'' under Executive Order 12866,

(2) Is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979),

(3) Will not affect intrastate aviation in Alaska, and

(4) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA proposes to amend 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

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

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by adding the following new airworthiness directive (AD):

The Boeing Company: Docket No. FAA–2014–0523; Directorate Identifier 2014–NM–050–AD.

(a) Comments Due Date

We must receive comments by September 22, 2014.

(b) Affected ADs

None.

(c) Applicability

This AD applies to The Boeing Company Model 777–200 and –300 series airplanes, certificated in any category, equipped with Pratt & Whitney engines, as identified in Boeing Special Attention Service Bulletin 777–54–0027, Revision 1, dated September 12, 2013.

(d) Subject

Air Transport Association (ATA) of America Code 54, Nacelles/pylons.

(e) Unsafe Condition

This AD was prompted by reports of blocked drain lines at the engine forward strut that caused flammable fluid to accumulate in a flammable leakage zone. We are proposing this AD to detect and correct blockage of forward strut drain lines, which could cause flammable fluids to collect in the forward strut area and potentially cause an uncontrolled fire or cause failure of engine attachment structure and consequent airplane loss.

(f) Compliance

Comply with this AD within the compliance times specified, unless already done.

(g) Functional Check, Cleaning, and Corrective Actions

At the applicable times specified in paragraph 1.E., ''Compliance,'' of Boeing Special Attention Service Bulletin 777–54–0027, Revision 1, dated September 12, 2013, except as provided by paragraph (h) of this AD, do the actions specified in paragraphs (g)(1) and (g)(2) of this AD, in accordance with the Accomplishment Instructions of Boeing Special Attention Service Bulletin 777–54–0027, Revision 1, dated September 12, 2013. Repeat the functional check required by paragraph (g)(1) of this AD, thereafter at the applicable times specified in paragraph 1.E., ''Compliance,'' of Boeing Special Attention Service Bulletin 777–54–0027, Revision 1, dated September 12, 2013.

(1) Do a functional check for blockage of the forward strut drain line of the left and right strut, clean the forward strut drain line, and do all applicable corrective actions (including cleaning or replacing blocked drain tubes, repairing water leaks, and cleaning the inlet drain screen on the right system disconnect assembly inlet). Do all applicable corrective actions before further flight.

(2) Do a one-time cleaning of the smaller forward strut drain lines connected to the left systems disconnect, the strut forward lower spar, and the forward fire seal pan inlets.

(h) Exception to the Service Information

Where Boeing Special Attention Service Bulletin 777–54–0027, Revision 1, dated September 12, 2013, refers to a compliance time ''after the Revision 1 date of this Service Bulletin,'' this AD requires compliance within the specified compliance time after the effective date of this AD.

(i) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Seattle Aircraft Certification Office (ACO), FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the ACO, send it to the attention of the person identified in paragraph (j)(1) of this AD. Information may be emailed to: *9-ANM-Seattle-ACO-AMOC-Requests@faa.gov*.

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

(3) An AMOC that provides an acceptable level of safety may be used for any repair required by this AD if it is approved by the Boeing Commercial Airplanes Organization Designation Authorization (ODA) that has been authorized by the Manager, Seattle ACO, to make those findings. For a repair method to be approved, the repair must meet the certification basis of the airplane, and the approval must specifically refer to this AD.

(j) Related Information

(1) For more information about this AD, contact Kevin Nguyen, Aerospace Engineer, Propulsion Branch, ANM–140S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: 425–917–6501; fax: 425–917–6590; email: *kevin.nguyen@faa.gov*.

(2) For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, P.O. Box 3707, MC 2H–65, Seattle, WA 98124–2207; telephone 206–544–5000, extension 1; fax 206–766–5680; Internet *https://www.myboeingfleet.com*. You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Issued in Renton, Washington, on July 30, 2014.

Jeffrey E. Duven,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2014–18664 Filed 8–6–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE TREASURY

Alcohol and Tobacco Tax and Trade Bureau

27 CFR Part 9

[Docket No. TTB–2014–0007; Notice No.145]

RIN 1514–AC10

Proposed Expansion of the Sta. Rita Hills Viticultural Area

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

ACTION: Notice of proposed rulemaking.

SUMMARY: The Alcohol and Tobacco Tax and Trade Bureau (TTB) proposes to expand the approximately 33,380-acre ''Sta. Rita Hills'' viticultural area in Santa Barbara County, California, by approximately 2,296 acres. The established Sta. Rita Hills viticultural area and the proposed expansion area are located entirely within the larger Santa Ynez Valley and Central Coast viticultural areas. TTB designates viticultural areas to allow vintners to better describe the origin of their wines and to allow consumers to better identify wines they may purchase. TTB invites comments on this proposed addition to its regulations.

DATES: Comments must be received by October 6, 2014.

ADDRESSES: Please send your comments on this notice to one of the following addresses. Comments submitted by other methods, including email, will not be accepted.

- *Internet: http://www.regulations.gov* (via the online comment form for this notice as posted within Docket No. TTB–2014–0007 at ''Regulations.gov,'' the Federal e-rulemaking portal);
- *U.S. Mail:* Director, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street NW., Box 12, Washington, DC 20005; or
- *Hand delivery/courier in lieu of mail:* Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street NW., Suite 200–E, Washington, DC 20005.

Please Note: See the Public Participation section of this notice for specific instructions and requirements for submitting comments, and for information on how to request a public hearing or view or obtain copies of the petition and supporting materials.

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

SUPPLEMENTARY INFORMATION:

Background on Viticultural Areas

TTB Authority

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

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

Definition

Section 4.25(e)(1)(i) of the TTB regulations (27 CFR 4.25(e)(1)(i)) defines a viticultural area for American wine as a delimited grape-growing region having distinguishing features as described in part 9 of the regulations and a name and a delineated boundary as established in part 9 of the regulations. These designations allow vintners and consumers to attribute a given quality, reputation, or other characteristic of a wine made from grapes grown in an area to its geographic origin. The establishment of AVAs allows vintners to describe more accurately the origin of their wines to consumers and helps consumers to identify wines they may purchase. Establishment of an AVA is neither an approval nor an endorsement by TTB of the wine produced in that area.

Requirements

Section 4.25(e)(2) of the TTB regulations (27 CFR 4.25(e)(2)) outlines the procedure for proposing the establishment of an AVA and provides that any interested party may petition TTB to establish a grape-growing region as an AVA. Petitioners may use the same procedures to request changes involving existing AVAs. Section 9.12 of the TTB regulations (27 CFR 9.12) prescribes standards for petitions requesting the modification of AVAs. Petitions to expand an established AVA must include the following:

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

Petition To Expand the Sta. Rita Hills Viticultural Area

TTB received a petition from Patrick L. Shabram, on behalf of John Sebastiano Vineyards and Pence Ranch Vineyards, proposing to expand the established Sta. Rita Hills AVA. The Sta. Rita Hills AVA (27 CFR 9.162) was established by T.D. ATF–454, published in the **Federal Register** on May 31, 2001 (66 FR 29476).[1]

The Sta. Rita Hills AVA, which covers approximately 33,380 acres, is located in Santa Barbara County, California, between the towns of Lompoc to the west and Buellton to the east. The Sta. Rita Hills AVA and the proposed expansion area are located within the Santa Ynez Valley AVA (27 CFR 9.54), which is also entirely within Santa Barbara County. The Santa Ynez Valley AVA is, in turn, within the larger multicounty Central Coast AVA (27 CFR

[1] The Sta. Rita Hills AVA was originally established under the name ''Santa Rita Hills.'' The AVA name was later abbreviated to ''Sta. Rita Hills'' in order to prevent possible confusion between wines bearing the Santa Rita Hills appellation and the Santa Rita brand name used by a Chilean winery. For details, see T.D. TTB–37, published in the **Federal Register** on December 7, 2005 (70 FR 72710).

9.75). The Sta. Rita Hills AVA and the proposed expansion area do not overlap any other established or proposed AVAs.

The proposed expansion area is located along a portion of the existing eastern boundary of the Sta. Rita Hills AVA. The proposed expansion would move a portion of the AVA's existing boundary further to the east, to a road within a north-to-south canyon, named ''Cañada de los Palos Blancos,'' located west of Buellton. The expansion area contains approximately 2,296 acres and three commercial vineyards, two of which are currently divided by the existing AVA boundary (the Rio Vista Vineyard and the John Sebastiano Vineyard).

According to the petition, the climate, topography, soils, and native vegetation of the proposed expansion area are similar to those of the established AVA. Unless otherwise noted, all information and data pertaining to the proposed expansion area contained in this document are from the petition and its supporting exhibits. (The expansion petition, its addendums, and its exhibits are posted for public viewing on the Regulations.gov Web site (*www.regulations.gov*) within Docket No. TTB–2014–0007 as ''supporting documents.'')

Name Evidence

The petition provides evidence that the proposed expansion area is associated with the name ''Sta. Rita Hills.'' The name ''Sta. Rita Hills'' is an abbreviation of ''Santa Rita Hills,'' which is the name of the major geographical feature of both the established AVA and the proposed expansion area. The petition notes that the USGS Board on Geographic Names defines the geographic feature known as the Santa Rita Hills as a ridge ''bound on the south by Santa Ynez River and on the north by Santa Rita Valley, just east of the community of Lompoc.'' A 1906 decision card, issued by the USGS Board on Geographic Names to define a geographic feature more specifically, describes the Santa Rita Hills as ''[h]ills, between Santa Ynez and Santa Rita Valleys, east of Lompoc, extending to the mouth of the Cañada de los Palos Blancos, Santa Barbara County, Cal.'' Evidence provided in the original Sta. Rita Hills petition and discussed in T.D. ATF–454 demonstrates that the hills are still known as the ''Santa Rita Hills,'' and that other features within the AVA share the ''Santa Rita'' name, including the hydrological feature known as the Santa Rita Uplands Basin and the historic Santa Rita Land Grant and Rancho Santa Rita.

As noted above, the petition proposes to move a portion of the existing eastern boundary of the Sta. Rita Hills AVA to a road located within the canyon known as Cañada de los Palos Blancos, and the proposed expansion area does not extend east of that canyon. Therefore, based on the definition of the Santa Rita Hills in the 1906 US Board on Geographic Names decision card, the proposed expansion area is located within the region defined as the Santa Rita Hills. Furthermore, although the boundaries of the proposed expansion area extend north of the Santa Rita Valley and south of the Santa Ynez River, TTB notes that the current Sta. Rita Hills AVA boundary also encompasses land north of the Santa Rita Valley and south of the Santa Ynez River, and the proposed expansion area boundaries do not extend any farther north or south than the current AVA boundaries.

Boundary Evidence

The current eastern boundary of the Sta. Rita Hills AVA resembles a staircase with three ''steps'' that, progressing in a north-to-south direction, take the AVA's boundary progressively further to the east. The proposed expansion area abuts the middle and bottom ''steps''. The existing boundary's bottom ''step'' currently splits the Rio Vista Vineyard, and the middle ''step'' currently divides the John Sebastiano Vineyard, placing a portion of these two vineyards within the proposed expansion area. The third vineyard within the proposed expansion area, Pence Ranch, is located east of the John Sebastiano Vineyard and west of the Cañada de los Palos Blancos. The locations of the three vineyards are marked on the map in Exhibit J of the petition.

The proposed expansion area's southeastern-most point marks the beginning point of its boundary and is located at the northeast corner of the bottom ''step'' formed by the current AVA boundary, at the peak of an unnamed 1,174-foot hilltop, south of Santa Rosa Road. The proposed boundary then proceeds northwest to the intersection of Santa Rosa Road and an unnamed, unimproved road east of a gaging station. The proposed boundary then follows the unimproved road west, crossing the Santa Ynez River, to the 320-foot elevation contour and continues along that meandering contour to an unnamed, unimproved road running along the bottom of the Cañada de los Palos Blancos. The proposed boundary then follows that unimproved road north-northwest through the canyon where the road then intersects with a jeep trail at the 1,635-foot elevation point, and the boundary finally proceeds northwest in a straight line to an unnamed hilltop with an elevation of 1,443 feet. The 1,443-foot elevation point is where the proposed boundary rejoins the current Sta. Rita Hills AVA eastern boundary, at the southeastern corner of the top ''step''.

Although the terrain immediately to the east of the proposed expansion area is similar to the terrain within the proposed expansion area, the petitioner did not include this land in the proposed expansion area because the area east of the canyon is not known as ''Santa Rita Hills.'' Additionally, farther east beyond the proposed eastern boundary, the flat, level floodplain of the Santa Ynez River becomes broader and the hills begin to take on a north-south orientation, compared to the east-west orientation of the hills of the proposed expansion area and the Sta. Rita Hills AVA. The area immediately to the south and west of the proposed expansion area is the Sta. Rita Hills AVA, which has similar topography, climate, and soils, which will be discussed later in this document. The area to the north of the proposed expansion area contains the higher elevations of the Purisima Hills, which are also to the north of the current Santa Rita Hills AVA boundary.

Distinguishing Features

According to the petition, the proposed expansion area contains the same climate, topography, soils, and native vegetation that distinguish the established Sta. Rita Hills AVA from the surrounding region. Because the established Sta. Rita Hills AVA is located to the immediate west and south of the proposed expansion area, the distinguishing features of the proposed expansion area will only be contrasted with the regions to the north and east.

Climate

According to the expansion petition and T.D. ATF–454, the defining characteristic of the established Sta. Rita Hills AVA is its cooler, marine-influenced climate. Cool air from the Pacific Ocean moves west-to-east across the Sta. Rita Hills AVA along two paths—the Santa Ynez River and the Santa Rita Valley. The Pacific air travelling through the AVA via the Santa Rita Valley exits the AVA through a narrow gap in the mountains along State Highway 246, which separates the Purisima Hills (to the north of the AVA) from the Santa Rosa Hills (to the south of the AVA). The marine air moderates the temperatures within the Sta. Rita Hills AVA and also brings nighttime

and early-morning fog to the region. The moderated temperatures allow for the production of cool-climate wine grapes such as Chardonnay and Pinot Noir.

TTB notes that T.D. ATF–454 does not include climate data from within the Sta. Rita Hills AVA or the region immediately to the east of the Sta. Rita Hills AVA, which is now the location of the proposed expansion area. Instead, T.D. ATF–454 includes data from Lompoc, the town adjacent to the western border of the AVA, and from Lake Cachuma, which is farther east of the proposed expansion area and within the easternmost portion of the Santa Ynez Valley AVA. TTB notes that Lake Cachuma is near the region that now contains the Happy Canyon of Santa Barbara AVA (27 CFR 9.217). T.D. ATF–454 states that the region around Lake Cachuma is significantly warmer than the Sta. Rita Hills AVA because ''the coastal influence is not nearly as pronounced in the Santa Ynez Valley east of Highway 101 and the Buellton Flats.'' TTB notes that U.S. Highway 101 runs north-south through the town of Buellton, approximately 4 miles due east of the current Sta. Rita Hills AVA's eastern boundary, as measured from the point where State Route 246 crosses that boundary as shown on the USGS Los Alamos and Solvang quadrangle maps. Lake Cachuma and the Happy Canyon of Santa Barbara AVA are approximately 15 miles east of Highway 101. T.D.–ATF–454 also states that the regions east of U.S. Highway 101 typically do not grow Pinot Noir or Chardonnay because the climate is more suitable for growing grapes that require ''significantly higher temperature * * * for adequate ripening,'' such as Cabernet Sauvignon, Cabernet Franc, Merlot, Sauvignon Blanc, and Mourvedre.

At the time the Sta. Rita Hills AVA was established, viticulture did not exist within the proposed expansion area, and the eastern boundary of the Sta. Rita Hills AVA was believed to be the limit of the marine-moderated climate that was suitable for growing cool-climate wine grapes such as Pinot Noir. However, three vineyards are now established within the proposed expansion area, and all three vineyards grow Pinot Noir, demonstrating that a marine-moderated climate does extend beyond the existing eastern boundary of the Sta. Rita Hills AVA. Additionally, marine fog is common within the proposed expansion area at night and in the early morning during the growing season, as it is within the Sta. Rita Hills AVA. As evidence, the petition includes a photo of fog settled over the Pence Ranch Vineyards, the easternmost vineyard within the proposed expansion area.

The petition also includes temperature data from five weather stations located within the Sta. Rita Hills AVA (Locations A, B, C, D, and E), one weather station located within the proposed expansion area (Location F, between the John Sebastiano Vineyard and the Pence Ranch Vineyard), and one weather station (Location G) within the Ballard Canyon AVA (27 CFR 9.230). TTB notes that the Ballard Canyon AVA is approximately 4 miles northeast of Buellton and is closer to the Sta. Rita Hills AVA and the proposed expansion area than Lake Cachuma is. The locations of each of the weather stations are shown on a map in Exhibit G of the expansion petition. Table 1, shown below, lists the growing season (April through October) degree day heat summations [2] for the seven weather stations. Although the petition also includes data from 2007, 2010, and 2011 for Locations A, B, E, and G, Table 1 includes only data from 2008 and 2009 because those are the only two years for which data was available from all seven stations. The additional temperature data is in the petition, which may be viewed online at the Regulations.gov Web site (*www.regulations.gov*) within Docket No. TTB–2014–0007.

TABLE 1

Location	2008	2009	Average
Sta. Rita Hills AVA:			
Location A	2,869	2,786	2,827
Location B	2,997	2,967	2,982
Location C	3,008	2,944	2,976
Location D	3,249	3,146	3,197
Location E	3,363	3,306	3,334
Proposed Expansion Area (Location F)	3,321	3,245	3,283
Ballard Canyon AVA (Location G)	3,859	3,702	3,780

The data in Table 1 shows that within the Sta. Rita Hills AVA, degree day unit accumulation varies depending on the location. Locations in the western portion of the AVA accumulate fewer degree day units over the course of the growing season than locations in the eastern portion, and all locations within the Sta. Rita Hills AVA have fewer degree day units than the Ballard Canyon AVA farther to the east.

The table also shows that the proposed expansion area is cooler than the Ballard Canyon AVA and warmer than most locations within the Sta. Rita Hills AVA except Location E, which is located in the southeastern portion of the Sta. Rita Hills AVA, directly south of the proposed expansion area. Although only data from 2008 and 2009 is included in Table 1, the petition includes additional data gathered from the Location E station during 2007, 2010, and 2011 that shows Location E has consistently warmer temperatures than the other locations within the Sta. Rita Hills AVA. A map of current vineyard locations within the Sta. Rita Hills AVA, included as Exhibit J of the petition, shows the Location E station is in an area of active viticulture with at least five vineyards nearby. An internet search by TTB showed that all of the

[2] Heat summations were calculated using the Growing Degree Day Method, which calculates degree day units based on an average daily temperature and uses the base temperature of 50 degrees Fahrenheit (F) as the minimum possible temperature. To calculate the degree day units for a given day, the day's highest temperature is added to either the day's lowest temperature or the base temperature of 50, whichever is higher, and then divided by 2. The difference between the resulting number and 50 is the number of degree day units assigned to that day. For example, if the highest temperature for a given day is 70 degrees F and the lowest temperature is 40 degrees F, the Growing Degree Day method would calculate the average temperature as (70 + 50) ÷ 2 = 60, and that day would be assigned 10 degree day units (60 is 10 more than the base of 50). This method contrasts with the Winkler heat summation method, which uses the sum of the average monthly high temperature above the base of 50 degree F multiplied by 30 days per month during the growing season of April through October. The petition states that the Growing Degree Day Method often results in a higher degree day unit total than the Winkler method. As an example, Station E had a heat summation of 2,751 degree days in 2010 using the Growing Degree Day Method, but had 2,677 degree days in 2010 using the Winkler method.

vineyards shown on Exhibit J as being near the Location E station grow Pinot Noir, indicating that even though the temperatures near the Location E station may be warmer than other locations within the Sta. Rita Hills AVA, the temperatures are still cool enough to allow for the production of cool-climate grapes such as Pinot Noir that are characteristic of the AVA.

Finally, the data also shows that degree day unit accumulations within the Sta. Rita Hills AVA are not entirely uniform and generally increase from east to west. For instance, there is a difference of 507 degree days between the average accumulations for the coolest station, Location A, and the warmest station, Location E. By comparison, the difference between the average accumulations for Location A and Location F, located within the proposed expansion area, is 456, placing the proposed expansion area within the degree day range found within the existing Sta. Rita Hills AVA.

The petition also included graphs showing the average monthly high temperatures for the same seven locations during the 2008 and 2009 growing seasons. The graphs indicate that the average monthly highs for the proposed expansion area are within the range of temperatures for the five stations within the existing Sta. Rita Hills AVA. Additionally, the average October highs within the proposed expansion area and the five Sta. Rita Hills locations were almost identical for both years, with temperatures ranging from 80 to 81 degrees F for 2008 and approximately 75 to 76 degrees F for 2009.

At the time the petition was submitted, climate data from within the proposed expansion area was only available from 2008 and 2009. However, in 2012, a private weather station was placed at the Pence Ranch Vineyards within the proposed expansion area (Location H), slightly farther to the east than the previous weather station located within the proposed expansion area (Location F). The year for which data from an entire growing season was available was 2013, and the petitioner submitted the data as Addendum 5 to the petition. Growing season data for 2013 was also gathered from two weather stations previously used, Location D (John Sebastiano Vineyards, within the Sta. Rita Hills AVA) and Location G (within the Ballard Canyon AVA). Location D was chosen because it was the easternmost weather station still existing within the Sta. Rita Hills AVA and could be expected to have temperatures similar to that of the proposed expansion area. Table 2, shown below, compares the degree day heat summations for the three stations.

TABLE 2

Location	2013 Degree day heat summation
Proposed expansion area (Location H)	3,318
Sta. Rita Hills AVA (Location D)	3,169
Ballard Canyon (Location G)	3,797

Although the 2013 degree day heat summations within the proposed expansion area are greater than those from the station within the Sta. Rita Hills, the summations are more similar to those within the established AVA than those within the Ballard Canyon AVA, farther to the east. There is only a 4.7 percent difference between the 2013 summations for the proposed expansion area (Location H) and the Sta. Rita Hills AVA (Location D), while the 2013 summations for the Ballard Canyon AVA (Location G) are 14.4 percent higher than those of the proposed expansion area. The petitioner notes that the 4.7 percent difference between Location H and Location D is within the variability found in the analysis of temperature data from locations solely within the Sta. Rita Hills. For example, degree day heat summations from 2008–2011 at Location E, in the southeastern corner of the AVA, were an average of 5.1 percent higher than those at Location D, in the northeastern corner of the AVA. The petitioner also states that the 2013 degree day heat summations for Location H, within the proposed expansion area, are lower than both the 2007 and 2008 summations for Location E, which were 3,360 and 3,363, respectively. These comparisons demonstrate that while the proposed expansion area may accumulate more degree days than several of the weather station locations within the Sta. Rita Hills AVA, there are locations within the AVA that do reach higher annual degree day summations than the proposed expansion area.

Finally, the petitioner submitted two graphs showing the 2013 daily degree day accumulation for Locations D, H, and G. The graphs show that although Location H (within the proposed expansion area) has a higher growing season degree day accumulation than Location D (within the existing Sta. Rita Hills AVA), degree day accumulations are similar for the two stations for every date, with many dates showing identical numbers and a few showing slightly lower accumulations at Location H. By contrast, the graph comparing the proposed expansion area (Location H) to Ballard Canyon (Location G) shows a significantly higher daily degree day total for Ballard Canyon, very few days showing close to or equal degree totals, and no days showing fewer totals for Ballard Canyon. In sum, this data further demonstrates that the temperatures within the proposed expansion area are more similar to those of the Sta. Rita Hills AVA than those of the regions farther to the east, such as the Ballard Canyon AVA.

Topography

T.D. ATF–454 describes the topography of the Sta. Rita Hills AVA as ''an oak-studded, hill-laden maritime throat that runs east to west, a few miles east of Lompoc to a few miles west of the Buellton Flats.'' Elevations within the AVA range from approximately 180 feet to 1,700 feet. The Santa Ynez River and its floodplain valley run east-to-west through the southern portion of the AVA, and the east-to-west Santa Rita Valley is in the northern portion of the AVA. The river and the Santa Rita Valley provide conduits for cool Pacific Ocean air to enter and travel across the AVA. East of the Santa Rita Valley is the narrow wind gap that separates the Purisima Hills from the Santa Rosa Hills.

After the marine air exits the AVA, either via the wind gap or the Santa Ynez River valley, it becomes warmer and drier as it travels farther inland. Because of the difficulty in pinpointing an exact point at which the cool marine air characteristic of the AVA begins to diminish, T.D. ATF–454 states that the original eastern boundary was drawn based on ''viticultural viability (primarily hillside and alluvial basin plantings) and the coastal influence suitable for cool-climate still winegrape production.''

The proposed expansion is comprised primarily of rolling hills. As noted above, the U.S. Board of Geographic Names considers the proposed expansion area to be geographically part of the Santa Rita Hills. The southeastern corner of the proposed expansion area does include a small portion of the flatter Santa Ynez River alluvial floodplain, between State Highway 246 and Santa Rosa Road, where the floodplain narrows significantly. Elevations within the proposed expansion area range from 280 feet along the Santa Ynez River to a 1,443-foot hilltop where the northern boundary of the expansion area rejoins the existing Sta. Rita Hills AVA boundary.

The proposed expansion area's location along the Santa Ynez River and directly east of the Santa Rita wind gap allows cooling marine air to enter the proposed expansion region. The expansion petition speculates that the original Sta. Rita Hills eastern boundary was drawn where the valley of the Santa Ynez River narrows significantly because it was presumed at the time of the original petition that the narrowing of the valley restricted the flow of cool air from moving farther east. However, the expansion petition states that the narrowing of the valley instead acts as a funnel and intensifies the movement of cool air inland. Additionally, the small wind gap east of the Santa Rita valley provides an additional channel for cool air reach the proposed expansion area.

Soils

T.D. ATF–454 states that the most common soil types within the Sta. Rita Hills AVA are ''loams, sandy loams, silt loams, and clay loams'' which contain ''large percentages of dune sand, marine deposits, recent alluvium, river wash, and terrace deposits * * *.'' T.D. ATF–454 contrasts these soils types with those of the region farther to the east, which contain ''a higher percentage of gravelly and clay loams.''

According to the expansion petition, ''[w]ithin the Sta. Rita Hills AVA, no one soil type is dominant and a wide variety of soils exist * * *.'' However, the soils of the proposed expansion area are ''not inconsistent with'' the soils of the Sta. Rita Hills AVA. An analysis of soils from the Pence Ranch Vineyard conducted by Terra Spase, a leading viticulture analysis company, showed that the surface soils were primarily of loam and clay, with pockets of silty clay loam and loam. Subsurface soils range from clay to sandy clay loam.

A map included with the petition and based on a National Resource Conservation Service soil survey also shows that the soils within the proposed expansion area are consistent with those of the Sta. Rita Hills AVA. The map shows that the most prevalent soils within the proposed expansion area are of the Tierra, Linne, and Chamise series, which are also prevalent in the region of the Sta. Rita Hills AVA adjacent to the proposed expansion area. Other soil series found in both the proposed expansion area and the Sta. Rita Hills AVA include Corralitos, Arnold Sand, and Mocho series. The map further indicates that the most prevalent soil series (Tierra, Linne and Chamise series) in the proposed expansion area are not as prevalent farther to the east, near Buellton.

In summary, the expansion petition states that although no one type of soil dominates both the Sta. Rita Hills AVA and the proposed expansion area, the soils do further demonstrate the similarities between the proposed expansion area and the Sta. Rita Hills AVA.

Native Vegetation

T.D. ATF–454 describes the hillsides of the Sta. Rita Hills AVA as ''oak-studded.'' Oak trees are also present within the proposed expansion area. Although T.D. ATF–454 mentions that the hills of the Sta. Rita Hills AVA are covered with oaks, the expansion petition further explains that with regard to the oaks in the established AVA, the majority of them are live oaks. By contrast, the petition continues, valley oaks become more numerous in the warmer regions east of U.S. Highway 101, and live oaks are virtually absent, for example, within the Happy Canyon of Santa Barbara AVA, approximately 8 miles east of Buellton. The petitioner states that, consistent with the established AVA, live oaks, but not valley oaks, are present within the proposed expansion area, providing further evidence that growing conditions are similar within the proposed expansion area and the existing Sta. Rita Hills AVA.

Comparison of the Proposed Sta. Rita Hills AVA Expansion Area to the Existing Santa Ynez Valley and Central Coast AVAs

Santa Ynez Valley AVA

The Santa Ynez Valley AVA was established by T.D. ATF–132, published in the **Federal Register** on April 15, 1983 (48 FR 16252). The Santa Ynez Valley AVA encompasses the Sta. Rita Hills AVA, as well as the Ballard Canyon AVA and the Happy Canyon of Santa Barbara AVA.

According to T.D. ATF–132, the Santa Ynez Valley AVA is the valley that contains the Santa Ynez River and is bound by the Purisima Hills and San Rafael Mountains to the north, Lake Cachuma and the Los Padres National Forest to the east, the Santa Ynez Mountains to the south, and the Santa Rita Hills to the west. Vineyards are planted on elevations ranging from 200 feet along the Santa Ynez River to 1,500 feet in the foothills of the San Rafael Mountains. The Santa Ynez Valley AVA has less marine influence from the Pacific Ocean than the more coastal regions to the west because the hills to the west of the region prevent much of the marine influence from reaching deep into the valley, resulting in a less moderated climate and overall warmer temperatures than those of areas closer to the coast. However, even without a heavy marine influence, fog is still common at elevations between 1,000 and 1,200 feet.

The proposed expansion area has elevations similar to those of the larger Santa Ynez Valley AVA. However, because of its smaller size, the proposed expansion area lacks the diversity of topography found within the larger AVA. The gently rolling hills of the proposed expansion area are more similar to the Sta. Rita Hills AVA. Like the larger Santa Ynez Valley AVA, the proposed expansion area is also warmer than regions closer to the coast. However, the proposed expansion area is cooler and receives more marine influence and fog than the Ballard Canyon and Happy Canyon of Santa Barbara AVAs farther to the east within the Santa Ynez Valley AVA, making the climate of the proposed expansion area similar to that of the Sta. Rita Hills AVA.

Central Coast AVA

The large, 1 million-acre Central Coast AVA was established by T.D. ATF–216, published in the **Federal Register** on October 24, 1985 (50 FR 43128). The Central Coast AVA encompasses all or portions of the California counties of Santa Barbara, San Luis Obispo, Monterey, San Benito, Santa Cruz, Santa Clara, San Mateo, Contra Costa, and San Francisco, and it contains 28 established AVAs. T.D. ATF–216 describes the Central Coast AVA as extending from Santa Barbara in the south to the San Francisco Bay area in the north, and east from the Pacific coast line to the California Coastal Ranges. The only distinguishing feature of the California Coast AVA addressed in T.D. ATF–216 is that the included counties experience marine climate influence due to their proximity to the Pacific Ocean.

Both the proposed expansion area and the Sta. Rita Hills AVA have marine-influenced climates, with cooler temperatures and more fog than regions farther inland. However, neither the proposed expansion area nor the Sta. Rita Hills AVA is as cool and wet as the regions within the Central Coast AVA that are closer to the coastline.

TTB Determination

TTB concludes that the petition to expand the boundaries of the established Sta. Rita Hills AVA merits consideration and public comment, as invited in this notice of proposed rulemaking.

Boundary Description

See the narrative boundary description of the petitioned-for expansion area in the proposed regulatory text published at the end of this proposed rule.

Maps

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

Impact on Current Wine Labels

Part 4 of the TTB regulations prohibits any label reference on a wine that indicates or implies an origin other than the wine's true place of origin. For a wine to be labeled with a viticultural area name or with a brand name that includes an AVA name, at least 85 percent of the wine must be derived from grapes grown within the area represented by that name, and the wine must meet the other conditions listed in 27 CFR 4.25(e)(3). If the wine is not eligible for labeling with an AVA name and that name appears in the brand name, then the label is not in compliance and the bottler must change the brand name and obtain approval of a new label. Similarly, if the AVA name appears in another reference on the label in a misleading manner, the bottler must remove or revise the misleading reference and obtain approval of a new label. Different rules apply if a wine has a brand name containing an AVA name or other viticulturally significant term that was used as a brand name on a label approved before July 7, 1986. See 27 CFR 4.39(i)(2) for details.

The approval of the proposed expansion of the Sta. Rita Hills AVA would not affect any other existing viticultural area, and would not affect any bottlers currently and properly using ''Sta. Rita Hills,'' ''Santa Ynez Valley,'' or ''Central Coast'' as an appellation of origin or in a brand name. The expansion of the Sta. Rita Hills AVA merely would allow vintners to use ''Sta. Rita Hills'' as an appellation of origin for wines made with grapes grown within the proposed expansion area if the wines otherwise meet the eligibility requirements for the use of the appellation.

Public Participation

Comments Invited

TTB invites comments from interested members of the public on whether it should expand the Sta. Rita Hills AVA as proposed. TTB is specifically interested in receiving comments on the similarity of the proposed expansion area to the established Sta. Rita Hills AVA. In addition, given the location of the proposed expansion area and the Sta. Rita Hills AVA within the existing Santa Ynez Valley and Central Coast AVAs, TTB is interested in comments on whether the evidence submitted in the petition regarding the distinguishing features of the proposed expansion area sufficiently differentiates it from the existing Santa Ynez Valley and Central Coast AVAs.

Please note: (1) All commenters should read carefully the ''General Rules for Commenting'' and ''Addresses for Submitting Comments'' sections below. TTB will accept only those comments sent by one of three approved methods noted below. Comments sent by email, FAX, or any other unapproved method will not be considered by TTB.

(2) If you submitted correspondence to TTB regarding this matter prior to the publication of this document and you wish your correspondence to be considered by TTB as a comment, please resubmit your original or revised correspondence by one of the three approved methods noted below.

General Rules for Commenting

- Please submit your comment to TTB on or before the comment period closing date of October 6, 2014. Comments sent by U.S. mail must be postmarked on or before the comment period closing date.
- Please provide specific information in support of your comments. Mere statements of opposition to or support for this proposal are not helpful to TTB in evaluating the merits of the expansion petition and its evidence.
- Your comment must reference Notice No. 145 and include your name and mailing address. TTB does not accept anonymous comments.
- Your comment must be in English, be legible, and be written in language acceptable for public disclosure. Please note that, as explained below, all comments sent to TTB are part of the public record and will be made available for public viewing.
- TTB does not acknowledge receipt of comments, and TTB considers all comments as originals.
- In your comment, please clearly state if you are commenting for yourself or on behalf of an association, business, or other entity. If you are commenting on behalf of an entity, your comment must include the entity's name as well as your name and position title. If you comment via Regulations.gov, please also enter the entity's name in the ''Organization'' blank of the online comment form. If you comment via postal mail or hand delivery/courier, please submit your entity's comment on letterhead.

Submitting Comments

You may submit comments on this notice of proposed rulemaking by using one of the three methods listed below. Comments sent by other methods, including email or FAX, will not be considered by TTB.

- *Federal e-Rulemaking Portal:* You may send comments via the online comment form posted with this notice within Docket No. TTB–2014–0007 on ''Regulations.gov,'' the Federal e-rulemaking portal, at *http://www.regulations.gov.* A direct link to that docket is available under Notice No. 145 on the TTB Web site at *http://www.ttb.gov/wine/wine-rulemaking.shtml.* Supplemental files may be attached to comments submitted via Regulations.gov.
- *Please note:* You will know that your comment has been successfully submitted if you receive a tracking number from the Regulations.gov system (for example ''1jy–89zb–i7k5''). Your comment will not immediately appear on Regulations.gov for public viewing since TTB first evaluates all comments before posting them publically to the Regulations.gov Web site. For complete instructions on how to use Regulations.gov, visit the site and click on the ''Help'' tab.
- *U.S. Mail:* You may send comments via postal mail to the Director, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street NW., Box 12, Washington, DC 20005.
- *Hand Delivery/Courier:* You may hand-carry your comments or have them hand-carried to the Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street NW., Suite 200–E, Washington, DC 20005.

You may also write to the Administrator before the comment closing date to ask for a public hearing. The Administrator reserves the right to determine whether to hold a public hearing.

Confidentiality

All submitted comments and attachments are part of the public record and subject to disclosure. Do not enclose any material in your comments that you consider to be confidential or inappropriate for public disclosure.

Public Disclosure

TTB will post, and you may view, copies of this notice, the proposed Sta. Rita Hills expansion petition, its addendums and exhibits, the original Sta. Rita Hills petition and its exhibits, and any public comments received about this proposal on the Federal e-

rulemaking portal, Regulations.gov (*http://www.regulations.gov*), within Docket No. TTB–2014–0007. A direct link to that docket is available on the TTB Web site at *http://www.ttb.gov/wine/wine_rulemaking.shtml* under Notice No. 145. You may also reach the relevant docket through the Regulations.gov search page at *http://www.regulations.gov.* For information on how to use Regulations.gov, click on the site's ''Help'' tab.

All posted comments will display the commenter's name, organization (if any), city, and State, and, in the case of mailed comments, all address information, including email addresses. TTB may omit voluminous attachments or material that the Bureau considers unsuitable for posting.

You may also view copies of this notice of proposed rulemaking, all related petitions, maps and other supporting materials, and any comments that TTB receives about this proposal by appointment at the TTB Information Resource Center, 1310 G Street NW., Washington, DC 20005. You may also obtain copies at 20 cents per 8.5- x 11-inch page. Please note that TTB is unable to provide copies of USGS maps or similarly sized documents that may have been submitted as part of either the original Sta. Rita Hills petition or the petition to expand the Sta. Rita Hills AVA. Contact TTB's information specialist at the above address or by telephone at 202–453–2270 to schedule an appointment or to request copies of comments or other materials.

Regulatory Flexibility Act

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

Executive Order 12866

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

Drafting Information

Karen A. Thornton of the Regulations and Rulings Division drafted this notice of proposed rulemaking.

List of Subjects in 27 CFR Part 9

Wine.

Proposed Regulatory Amendment

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

PART 9—AMERICAN VITICULTURAL AREAS

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

Authority: 27 U.S.C. 205.

Subpart C—Approved American Viticultural Areas

■ 2. Section 9.162 is amended by adding paragraph (b)(6), revising paragraphs (c)(3)–(6), redesignating paragraphs (c)(7)–(19) as paragraphs (c)(8)–(20), and adding a new paragraph (c)(7) to read as follows:

§ 9.162 Sta. Rita Hills.

* * * * *

(b) * * *

(6) ''Zaca Creek, Calif.,'' edition of 1959.

(c) * * *

(3) Proceed west-northwest in a straight line 0.5 mile to the intersection of Santa Rosa Road and an unnamed, unimproved road that runs just north of a marked gaging station.

(4) Proceed west along the unnamed, unimproved road approximately 0.4 mile to a ''T'' intersection with an unnamed, unimproved road and the 320-foot elevation contour, Santa Rosa Land Grant, T. 6 N, R. 32 W.

(5) Proceed northwest along the 320-foot elevation contour, crossing onto the Santa Rosa Hills, Calif., Quadrangle U.S.G.S. map, then continue northwest, north, and northeast along the meandering 320-foot elevation contour for approximately 1.2 miles, crossing onto the Solvang, Calif., Quadrangle U.S.G.S. map, and continue east then north along the 320-foot elevation contour approximately 0.5 miles, crossing onto the Zaca Creek, Calif., Quadrangle U.S.G.S. map, to the intersection of the 320-foot elevation contour with an unnamed, unimproved north-south road that follows the length of the Cañada de los Palos Blancos, San Carlos de Jonata Land Grant, T. 6 N, R. 32 W.

(6) Proceed north-northwest along the unnamed, unimproved road 1.2 miles, crossing onto the Los Alamos, Calif., Quadrangle U.S.G.S. map, and continue along the road 1.3 miles to the marked 635-foot elevation point at the intersection of the road and a 4-wheel drive trail, San Carlos de Jonata Land Grant, T. 7 N, R. 32 W.

(7) Proceed northwest in a straight line approximately 1.3 miles to an unnamed hilltop, elevation 1443 feet. Section 20, T. 7 N, R. 32 W.

* * * * *

Signed: July 31, 2014.

John J. Manfreda,

Administrator.

[FR Doc. 2014–18705 Filed 8–6–14; 8:45 am]

BILLING CODE 4810–31–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2014–0499; FRL–9914–55–Region–3]

Approval and Promulgation of Air Quality Implementation Plans; Virginia; Revisions to the Definition of Volatile Organic Compounds

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) proposes to approve the State Implementation Plan (SIP) revisions submitted by the Commonwealth of Virginia for the purpose of revising the definition of volatile organic compounds. In the Final Rules section of this **Federal Register**, EPA is approving the Commonwealth's SIP submittals as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this action, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time.

DATES: Comments must be received in writing by September 8, 2014.

ADDRESSES: Submit your comments, identified by Docket ID Number EPA–R03–OAR–2014–0499 by one of the following methods:

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

B. *Email: fernandez.cristina@epa.gov.*

C. *Mail:* EPA–R03–OAR–2014–XXXX, Cristina Fernandez, Associate Director,

Office of Air Program Planning, Air Protection Division, Mailcode 3AP30, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103.

D. *Hand Delivery:* At the previously-listed EPA Region III address. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA–R03–OAR–2014–0499. EPA's policy is that all comments received will be included in the public docket without change, and may be made available online at *www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *www.regulations.gov* or email. The *www.regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through *www.regulations.gov,* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the electronic docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, i.e., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103.

Copies of the State submittal are available at the Virginia Department of Environmental Quality, 629 East Main Street, Richmond, Virginia 23219.

FOR FURTHER INFORMATION CONTACT: Ellen Schmitt, (215) 814–5787, or by email at *schmitt.ellen@epa.gov.*

SUPPLEMENTARY INFORMATION:

For further information, please see the information provided in the direct final action, with the same title, that is located in the ''Rules and Regulations'' section of this **Federal Register** publication.

Dated: July 11, 2014.

W.C. Early,

Acting Regional Administrator, Region III.

[FR Doc. 2014–18479 Filed 8–6–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2014–0409; FRL–9914–84–OAR]

Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Determination of Attainment for the 2008 Lead National Ambient Air Quality Standard for the Lyons Nonattainment Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to determine that the Lyons, Pennsylvania (PA) nonattainment area (hereafter also referred to as the ''Lyons Area'' or ''Area'') has attained the 2008 lead (Pb) national ambient air quality standard (NAAQS). This proposed determination of attainment is based upon certified, quality-assured, and quality-controlled ambient air monitoring data from 2011–2013 which shows that the Area has monitored attainment for the 2008 Pb NAAQS. If EPA finalizes this proposed determination of attainment, the requirements for the Lyons Area to submit an attainment demonstration, associated reasonably available control measures (RACM), a reasonable further progress (RFP) plan, contingency measures, and other planning requirements related to attainment of the standard shall be suspended for so long as the Lyons Area continues to attain the 2008 Pb NAAQS.

DATES: Written comments must be received on or before September 8, 2014.

ADDRESSES: Submit your comments, identified by Docket ID Number EPA–R03–OAR–2014–0409 by one of the following methods:

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

B. *Email: fernandez.cristina@epa.gov.*

C. *Mail:* EPA–R03–OAR–2014–0409, Cristina Fernandez, Associate Director, Office of Air Program Planning, Mailcode 3AP30, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103.

D. *Hand Delivery:* At the previously-listed EPA Region III address. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA–R03–OAR–2014–0409. EPA's policy is that all comments received will be included in the public docket without change, and may be made available online at *www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *www.regulations.gov* or email. The *www.regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through *www.regulations.gov,* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the electronic docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, i.e., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material,

is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103.

FOR FURTHER INFORMATION CONTACT: Ellen Schmitt, (215) 814–5787, or by email at *schmitt.ellen@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document ''clean data determination'' and ''determination of attainment'' are used interchangeably, ''Agency'' may be used to imply the EPA, and ''3-year period'' represents three (3) consecutive calendar years. For detailed information regarding this proposed rulemaking action, EPA prepared a Technical Support Document (TSD). The TSD can be viewed at *http://www.regulations.gov.*

I. Background

On November 12, 2008 (73 FR 66964), EPA established a 2008 primary and secondary Pb NAAQS at 0.15 micrograms per cubic meter (μg/m^3) based on a maximum arithmetic 3-month mean concentration for a 3-year period. *See* 40 CFR 50.16. On November 22, 2010, (75 FR 71033), EPA published its initial air quality designations and classifications for the 2008 Pb NAAQS based upon available air quality monitoring data for calendar years 2007–2009. These designations became effective on December 31, 2010.[1] The Lyons Area, which is located in Berks County and is bounded by Kutztown Borough, Lyons Borough, Maxatawny Township, and Richmond Township, was designated nonattainment for the 2008 Pb NAAQS. *See* 40 CFR 81.339.

On March 31, 2014, the Commonwealth of Pennsylvania, through the Pennsylvania Department of Environmental Protection (PADEP), submitted a letter requesting EPA to make a determination that the Lyons nonattainment area has attained the 2008 Pb NAAQS, based on certified, quality-assured, and quality-controlled air monitoring data from 2011 through 2013.

II. Summary of Proposed Action

EPA is proposing to determine that the Lyons Area has ''clean data'' for the 2008 Pb NAAQS. This proposed action is based upon certified, quality-assured, and quality-controlled ambient air monitoring data for the 2011–2013 monitoring period that shows that the Area has monitored attainment of the 2008 Pb NAAQS.

III. Effects of Proposed Action

If this proposed determination of attainment is made final, the requirements for the Lyons Area to submit an attainment demonstration together with RACM (encompassing reasonably available control technologies (RACT)), an RFP plan, contingency measures for failure to meet RFP goals, and any other planning SIP requirements related to attainment of the 2008 Pb NAAQS will be suspended. Attainment deadlines would be suspended until such time, if any, that EPA subsequently determines that the Area has violated the 2008 Pb NAAQS. The Agency's proposal is consistent with EPA's regulations and with its longstanding interpretation of subpart 1 of part D of the Clean Air Act (CAA).

IV. EPA's Clean Data Policy

Following enactment of the CAA Amendments of 1990, EPA promulgated its interpretation of the requirements for implementing the NAAQS in the general preamble for the Implementation of Title I of the CAA Amendments of 1990 (General Preamble). *See* 57 FR 13498, 13564 (April 16, 1992). In 1995, based on the interpretation of CAA sections 171 and 172, and section 182 in the General Preamble, EPA set forth what has become known as its ''Clean Data Policy'' for the 1-hour ozone NAAQS. *See* Memorandum from John S. Seitz, Director, Office of Air Quality Planning Standards, ''RFP, Attainment Demonstration, and Related Requirements for Ozone Nonattainment Areas Meeting the Ozone National Ambient Air Quality Standard'' (May 10, 1995). In 2004, EPA indicated its intention to extend the Clean Data Policy to the fine particulate matter ($PM_{2.5}$) NAAQS. *See* Memorandum from Steve Page, Director, EPA Office of Air Quality Planning and Standards, ''Clean Data Policy for the Fine Particle National Ambient Air Quality Standards'' (December 14, 2004).[2]

EPA has applied its interpretation under the Clean Data Policy in many rulemakings, suspending certain attainment-related planning requirements for individual areas, based on a determination of attainment, or ''clean data'' determination. *See* 69 FR 21717 (April 22, 2004) (San Francisco Bay Area, 1-hour ozone), 75 FR 6570 (February 10, 2010) (Baton Rouge, Louisiana, 1-hour ozone), 75 FR 27944 (May 19, 2010) (Coso Junction, California, PM_{10}), 77 FR 52232 (August 29, 2012) (Bristol, Tennessee, Pb), 78 FR 66280 (November 5, 2013) (Bellefontaine, Ohio, Pb). For more information about the history, rationale and application of the Clean Data Policy, *see* 77 FR 35653–35654.

EPA also incorporated its interpretation under the Clean Data Policy in its implementation rules. *See* Clean Air Fine Particle Implementation Rule, 72 FR 20586 (April 25, 2007); Final Rule To Implement the 8-Hour Ozone National Ambient Air Quality Standard—Phase 2, 70 FR 71612 (November 29, 2005). The Court of Appeals for the District of Columbia Circuit (D.C. Circuit) upheld EPA's rule embodying the Clean Data Policy for the 1997 8-hour ozone standard. *NRDC* v. *EPA,* 571 F.3d 1245 (D.C. Cir. 2009). Other courts have reviewed and considered rulemakings applying EPA's Clean Data Policy, and have consistently upheld them. *Sierra Club* v. *EPA,* 99 F. 3d 1551 (10th Cir. 1996); *Sierra Club* v. *EPA,* 375 F. 3d 537 (7th Cir. 2004); *Our Children's Earth Foundation* v. *EPA,* No. 04–73032 (9th Cir. June 28, 2005 (Memorandum Opinion)), *Latino Issues Forum* v. *EPA,* Nos. 06–75831 and 08–71238 (9th Cir. March 2, 2009 (Memorandum Opinion)).

EPA's Clean Data Policy represents the Agency's interpretation that certain requirements of subpart 1 of part D of the CAA are, by EPA's terms, not applicable to areas that have attained the NAAQS before the applicable attainment date.[3] The specific requirements that are inapplicable to an area attaining the standard are the requirements to submit a SIP that provides for implementation of all: RACM, RFP, and contingency measures for failure to meet deadlines for RFP and attainment by the attainment date.

It is important to note that an area's obligation to submit an attainment demonstration and related planning submissions is suspended only for so long as the area continues to attain that standard. If EPA subsequently determines, after notice-and-comment

[1] EPA completed a second and final round of designations for the 2008 Pb NAAQS on November 22, 2011; no additional areas in Pennsylvania were designated as nonattainment under this rulemaking. *See* 76 FR 72097.

[2] Although the D.C. Circuit remanded the 1997 $PM_{2.5}$ Implementation Rule on January 4, 2013, the decision did not cast doubt on EPA's interpretation of statutory provisions, including EPA's Clean Data Policy interpretation.

[3] This discussion refers to subpart 1 as this subpart contains the general and substantive attainment-related requirements for all NAAQS. Subpart 5 establishes additional requirements for the lead NAAQS, including the applicable attainment date and the deadline for States to submit a plan to meet the substantive attainment-related requirements of subpart 1.

rulemaking, that the area has violated the standard, the requirements for the State to submit a SIP to meet the previously suspended requirements would be reinstated. It is likewise important to note that the area remains designated nonattainment pending a further redesignation action.

V. EPA's Requirements for Compliance With the 2008 Lead NAAQS

Under EPA regulations at 40 CFR 50.16, the 2008 primary and secondary Pb standards are met when the maximum arithmetic 3-month mean concentration for a 3-year period, as determined in accordance with 40 CFR part 50, Appendix R, is less than or equal to 0.15 μg/m³ at all relevant monitoring sites in the subject area. Specifically, 40 CFR part 50, Appendix R establishes that in order to determine compliance with the 2008 Pb NAAQS, a design value for each monitor is compared to the NAAQS level. Therefore, the 2008 Pb NAAQS is met at a monitoring site when the identified design value is valid and is less than or equal to 0.15 μg/m³. The design value for the 2008 Pb NAAQS is the highest valid 3-month arithmetic lead concentration for the 38-month period consisting of the most recent 3-year calendar period (36 months) plus the two preceding months for a total of 36 3-month periods.

Only data from Federal Reference Method (FRM) or Federal Equivalent Method (FEM) monitors meeting the requirements of 40 CFR part 58 and submitted to EPA's Air Quality System (AQS) can be used in calculating a design value. A lead design value that meets the 2008 Pb NAAQS is considered useable (e.g. valid) if it encompasses 36 consecutive valid 3-month means from a monitoring site. On the other hand, a violating lead design value that is greater than the NAAQS level is useable no matter how many valid 3-month means in the 3-year period it encompasses; that is, a violating design value is useable even if this highest 3-month mean is the only valid 3-month mean in the 3-year time frame.

Additionally, a 3-month mean is considered complete and valid if the average of the data capture rate of the three individual monthly means (3-month data capture rate) is greater than or equal to 75 percent. As an exception, a 3-month mean that does not meet this completeness requirement can still be considered valid and complete, if it passes either of the two ''data substitution'' tests identified in section (4)(c)(ii) of 40 CFR 50, Appendix R. Additional explanation of EPA's monitoring requirements to determine compliance with the 2008 Pb NAAQS can be found in the TSD for this proposed rulemaking action.

VI. EPA's Evaluation of Air Quality Data for the Lyons Area

The Lyons Area consists of two monitoring locations, Lyons Boro with a single FEM monitor and Lyons Park with two collocated FEM monitors. The Commonwealth of Pennsylvania submitted into EPA's AQS database quality assured, quality controlled, and certified air quality monitoring data for 2011–2013 for the 2008 lead NAAQS. EPA has reviewed this ambient air monitoring data for lead for the Lyons Area in accordance with the provisions of 40 CFR part 50, Appendix R. The monitoring data evaluated for the Lyons Area corresponds to the 36 3-month means collected during the thirty-eight (38) months from November 2010 to December 2013, which is the most recent certified, quality-assured, quality-controlled data available for the Area. Table 1 shows the 2011–2013 lead design values for the Lyons Area monitors, which are based on 36 3-month means for this 3-year period.

TABLE 1—2011–2013 DESIGN VALUES FOR LYONS AREA MONITORS

Site name	AQS site ID	2011–2013 Design values (μg/m³)
Lyons Boro	42–011–0021	* 0.05
Lyons Park	42–011–0022	0.04

* The design value for Lyons Boro includes incomplete data for one 3-month period in 2011 and one 3-month period in 2012. EPA has deemed data for these incomplete 3-month periods valid for computing the site's design value. Further explanation is provided in the TSD for this proposed rulemaking action.

Consistent with the requirements contained in 40 CFR part 50, EPA's review of these data indicates that the Lyons nonattainment area has attained the 2008 Pb NAAQS, with a 2011–2013 design value of 0.05 μg/m³ for the Area. Additional information on EPA's evaluation of the 2008 Pb NAAQS air quality data for the Lyons Area can be found in the TSD for this rulemaking action.

VII. Proposed Action

EPA is proposing to determine that the Lyons nonattainment area for the 2008 Pb NAAQS has attained the 2008 Pb NAAQS. EPA has reviewed the ambient air monitoring data for Pb, consistent with the requirements contained in 40 CFR part 50 and recorded in the EPA Air Quality System database for the Lyons Pb nonattainment area.

If EPA finalizes this proposed determination of attainment, the requirements for the Lyons Area to submit an attainment demonstration, associated RACM, an RFP, contingency measures and other planning requirements related to attainment of the standard shall be suspended for so long as the Lyons area continues to attain the 2008 Pb NAAQS.

VIII. Statutory and Executive Order Reviews

This action proposes to make a determination of attainment based on air quality, and would, if finalized, result in the suspension of certain federal requirements, and would not impose additional requirements beyond those imposed by state law. For that reason, this proposed action:

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);

• does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);

• is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);

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

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

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

In addition, this proposed determination of attainment for the Lyons Area for the 2008 Pb NAAQS does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the state, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Lead, Reporting and recordkeeping requirements.

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

Dated: July 25, 2014.

William C. Early,

Acting, Regional Administrator, Region III.

[FR Doc. 2014–18740 Filed 8–6–14; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 600

[Docket No. 130904784–4633–01]

RIN 0648–BD67

Fisheries Off West Coast States; List of Authorized Fisheries and Gear

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

ACTION: Proposed rule; request for comments.

SUMMARY: Through this action, NOAA proposes to update the Federal list of authorized fisheries and gear issued under section 305(a) of the Magnuson-Stevens Fishery Conservation and Management Act (''List of Fisheries''). The List of Fisheries includes a description of fisheries that operate in the U.S. West Coast Exclusive Economic Zone (EEZ), the Pacific Fishery Management Council's (Council's) geographic area of authority. This action is necessary because the current list is outdated and either includes several fisheries that no longer occur, or does not include fisheries that do occur, within the U.S. West Coast EEZ. The intended effect of this rule is to bring the list up to date with current West Coast fisheries and fishery management plans (FMPs).

DATES: Comments on this proposed rule must be received on or before September 8, 2014.

ADDRESSES: You may submit comments on this document, identified by NOAA–NMFS–2014–0069, by any of the following methods:

• Electronic Submission: Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2014-0069,* click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.

• Mail: Submit written comments to William W. Stelle, Jr., Regional Administrator, West Coast Region, NMFS, 7600 Sand Point Way NE., Seattle, WA 98115–0070; Attn: Yvonne deReynier.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on *www.regulations.gov* without change. All personal identifying information (*e.g.,* name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous). Attachments to electronic comments will be accepted in Microsoft Word, Excel, or Adobe PDF file formats only.

FOR FURTHER INFORMATION CONTACT: Yvonne deReynier, 206–526–6129; (fax) 206–526–6736; *Yvonne.deReynier@noaa.gov.* Joshua Lindsay, 562–980–4034; 562–980–4047; *Joshua.Lindsay@noaa.gov.*

SUPPLEMENTARY INFORMATION: Section 305(a) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) requires that the Secretary of Commerce maintain a list of all fisheries operating in the U.S. EEZ and all fishing gear used in such fisheries (16 U.S.C. 1855(a)). This section of the MSA further prohibits any person or vessel from employing fishing gear or engaging in a fishery not included on the List of Fisheries ''without giving 90 days advance written notice to the appropriate Council.'' Fishery management councils are authorized to submit changes to the list to the Secretary of Commerce as each council deems appropriate, after which the Secretary must publish a revised list after providing notice of the changes to the public and after providing an opportunity for public comment on those changes (16 U.S.C. 1855(a)(4)). These requirements became part of the MSA with the enactment of the 1996 Sustainable Fisheries Act and are implemented in Federal regulation at 50 CFR 600.725(v) and § 600.747. The regional lists in 50 CFR 600.725(v) include not just fisheries that are managed under Federal fishery management plans (FMPs), but also state-managed fisheries that may occur within the Federal waters.

From 2010–2013, the Council and its advisory bodies worked on a new Fishery Ecosystem Plan (FEP), which the Council finalized in April 2013. During its FEP discussions, the Council reviewed all of the fisheries occurring within the West Coast EEZ and determined that it needed to closely review and update the List of Fisheries at 50 CFR 600.725(v), Section VI, which lists fisheries that occur within the U.S. West Coast EEZ. The Council has not updated its section of the list since 1999 (64 FR 40781, July 28, 1999). At its September 2013 meeting, the Council finalized recommendations to NMFS for updating its section of the List of Fisheries to ensure that it accurately reflects gear currently used in West Coast fisheries. On October 1, 2013, the Council transmitted its recommended revisions to the List of Fisheries to NMFS. With this notice, NMFS proposes to amend Federal regulations in accordance with the Council's recommendations, with no additional changes or edits.

The changes to the List of Fisheries proposed via this action primarily reflect the Council's 1997 conversion and expansion of the Northern Anchovy FMP to a Coastal Pelagic Species FMP and 2003 adoption of a Highly Migratory Species FMP, both of which shifted several species from state to

Federal management. Proposed revisions to the List of Fisheries would provide more accurate detail on the types of gears used in the listed fisheries, and would remove Pacific saury (*Cololabis saira*) from the list of species expected to be fished in the West Coast EEZ. There have been no commercial landings of Pacific saury since 1980. The proposed revisions to the List of Fisheries are not expected to exclude any currently operating fisheries. NMFS welcomes comments on the accuracy and currency of list revisions proposed by this action.

While reviewing and developing recommendations to revise the List of Fisheries for the U.S. West Coast EEZ, the Council necessarily took a close look at NMFS regulations explaining the entire MSA process at § 305(a). Of particular interest to the Council was the question of restricting new fisheries that could ''compromise the effectiveness of conservation and management efforts under [the MSA]'' (16 U.S.C. 1855(a)(5)). The Council expressed interest in continuing to allow for innovation in the development of new fisheries within the EEZ, yet also wanted to ensure that new fisheries could not compromise the Council's ongoing fishery conservation and management efforts. To balance these interests, the Council outlined a process in the FEP Appendix for persons wishing to develop new fisheries to follow so that the Council would receive timely needed scientific information on those potential fisheries. That process, in the FEP's Appendix at Section A.1.1, recommends that U.S. citizens wishing to initiate new fisheries not on the List of Fisheries should approach the Council with an application for an Exempted Fishing Permit (EFP) and a science plan for that EFP, describing the data to be collected by the EFP fishery and the likely analyses needed to assess the potential effects of converting the fishery to an FMP fishery. This EFP application process is similar to processes the Council uses to allow fisheries participants to explore new gear types and configurations within existing fisheries. In assessing whether a new fishery could compromise existing Council conservation and management efforts, the Council intends to look at the effects of the fishery on: Any Council-managed species; species that are the prey of any Council-managed species, marine mammal species, seabird species, sea turtle species, or other species listed under the Endangered Species Act (ESA); habitat identified as essential fish habitat or otherwise protected under one of the Council's FMPs, critical habitat identified or protected under the ESA, or habitat protected by state or tribal management programs; species subject to state or tribal management within 0–3 nautical miles offshore of Washington, Oregon, or California; or, species that migrate beyond the U.S. EEZ. The FEP Appendix and its EFP process provide an expression of the Council's intent, but do not compel or bind the Council or the public beyond what is already required by the MSA and federal regulations. Therefore, this notice does not seek public comment on the FEP or its Appendix.

Classification

Pursuant to section 304(b)(1)(A) of the MSA, the NMFS Assistant Administrator has determined that this proposed rule is consistent with the four PFMC FMPs, other provisions of the MSA, and other applicable law, subject to further consideration after public comment.

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

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities.

The MSA requires the Secretary of Commerce to maintain a list of all fisheries under the authority of each fishery management council and all fishing gear used in such fisheries (16 U.S.C. 1855(a)). The Magnuson-Stevens Act also prohibits the use of any gear or the participation in a fishery not on the List of Fisheries without advance notice to the appropriate fishery management council (see 50 CFR 600.725(v) and 600.747). Section VI of the List of Fisheries at 50 CFR 600.725(v) lists fisheries that occur within the U.S. West Coast EEZ, the Pacific Fishery Management Council's (Council's) geographic area of authority. The Council has not updated its section of the list since 1999 (64 FR 40781, July 28, 1999.)

This proposed rule would implement the Council's recommendations that NMFS update its section of the List of Fisheries to properly represent current fisheries and gear authorized for use within the Council's geographic area of authority. The intent of this action is to update the List of Fisheries, so that the Council could ensure that it would be notified if anyone were interested in pursuing a new fishery for a currently unexploited species. Under this action, the list would more narrowly describe all existing fisheries; fisheries that no longer exist will be removed, but every fisherman fishing today would be covered by the list. In the future, any new fishery may commence after the fisherman gives the Council at least 90 days' advance notice (unless NMFS undertakes a regulatory process to restrict the proposed fishery).

The Small Business Administration (SBA) has established size standards for all major industry sectors in the U.S. including commercial finfish harvesters (NAICS code 114111), commercial shellfish harvesters (NAICS code 114112), other commercial marine harvesters (NAICS code 114119), for-hire businesses (NAICS code 487210), marinas (NAICS code 713930), seafood dealers/wholesalers (NAICS code 424460), and seafood processors (NAICS code 311710). A business primarily involved in finfish harvesting is classified as a small business if it is independently owned and operated, is not dominant in its field of operation (including its affiliates), and has combined annual receipts not in excess of $20.5 million for all its affiliated operations worldwide. For commercial shellfish harvesters, the other qualifiers apply and the receipts threshold is $5.5 million. For other commercial marine harvesters, for-hire businesses, and marinas, the other qualifiers apply and the receipts threshold is $7.5 million. A business primarily involved in seafood processing is classified as a small business if it is independently owned and operated, is not dominant in its field of operation (including its affiliates), and has combined annual employment not in excess of 500 employees for all its affiliated operations worldwide. For seafood dealers/wholesalers, the other qualifiers apply and the employment threshold is 100 employees.

No business, small or large, would be affected by this rule. The proposed action is not expected to have any direct or indirect socioeconomic impacts because it would not require fishery participants or fishing communities to alter how they operate in the fisheries, nor would it change who is permitted to participate in West Coast fisheries, nor would it alter available harvest levels for any West Coast species. Because no business would be affected by this rule, the issue of disproportionality, under which we consider whether the regulation would place a substantial number of small entities at a significant competitive disadvantage to larger entities, does not arise. Because the rule would not affect the profits, either positively or negatively, of any entity, the potential for the regulations to

reduce the profits of any small entities also does not arise.

A small organization is any not-for-profit enterprise which is independently owned and operated and is not dominant in its field. No nonprofit organization, small or large, is addressed or affected by this proposed rule. Small governmental jurisdictions are governments of cities, counties, towns, townships, villages, school districts, or special districts, with populations less than 50,000. This proposed rule does not address and would also not affect any small governmental jurisdictions.

This action is expected to have minor, if any, effects on regulated entities. All known fisheries are included on the updated List of Fisheries and NMFS does not know of any new fisheries that are likely to commence in the foreseeable future. Should a fisherman wish to start a new fishery in the future, the minor effects expected from this rule would be that the fisherman would be required by the MSA to notify the Council of his intent to begin fishing. This action does not contain any reporting, record keeping, or any other compliance requirements for either small or large entities. No duplicative, overlapping, or conflicting federal rules have been identified.

Based on the disproportionality and profitability analysis above, this rule, if adopted, will not have a significant economic impact on a substantial number of these small entities. As a result, an initial regulatory flexibility analysis is not required and none has been prepared.

This proposed rule was developed after meaningful collaboration, through the Council process, with the tribal representative on the Council. NMFS is not aware of any Treaty Indian tribe or subsistence fisheries in the EEZ other than those listed in § 600.725(v). This action does not supersede or otherwise affect exemptions that exist for Treaty Indian fisheries.

List of Subjects in 50 CFR Part 600

Administrative practice and procedure, Fisheries, Fishing vessels, Marine resources.

Dated: August 1, 2014.

Samuel D. Rauch III,

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

For the reasons discussed in the preamble, 50 CFR part 600 is proposed to be amended as follows:

PART 600—MAGNUSON-STEVENS ACT PROVISIONS

■ 1. The authority citation for part 600 continues to read as follows:

Authority: 5 U.S.C. 561 and 16 U.S.C. 1801 *et seq.*

■ 2. In § 600.725, in paragraph (v), Section VI of the table is revised to read as follows:

§ 600.725 General prohibitions.

* * * * *

(v) * * *

Fishery	Authorized gear types
* * * * * * *	
VI. Pacific Fishery Management Council	
1. Pacific Coast Salmon Fisheries (FMP):	
A. Commercial	A. Hook and line.
B. Recreational	B. Hook and line.
2. Pacific Coast Groundfish Fisheries (FMP):	
A. Commercial	A. Trawl, hook and line, pot/trap, demersal seine, set net, spear, and hand collection.
B. Recreational	B. Hook and line, spear.
3. Coastal Pelagic Species Fisheries (FMP):	
A. Commercial	A. Purse seine, lampara net, brail net, dip net, cast net, hook and line.
B. Recreational	B. Hook and line, spear, pot/trap, dip net, cast net, hand harvest, rake, harpoon, bow and arrow.
4. Highly Migratory Species Fisheries (FMP):	
A. Commercial	A. Hook and line, gillnet, harpoon, purse seine.
B. Recreational	B. Hook and line, spear, harpoon, bow and arrow.
5. Pacific Halibut Fisheries (Non-FMP):	
A. Commercial	A. Hook and line.
B. Recreational	B. Hook and line, spear.
6. Dungeness Crab Fisheries (Non-FMP):	
A. Commercial	A. Pot/trap.
B. Recreational North of 46°15′ N. lat	B. Pot/trap, dip net, hand harvest.
C. Recreational South of 46°15′ N. lat. and North of 42° N. lat	C. Pot/trap, hook and line, dip net, hand harvest, rake, crab loop.
D. Recreational South of 42° N. lat	D. Pot/trap, hand harvest, hoop net, crab loop.
7. Crab Fisheries for Species other than Dungeness crab (Non-FMP):	
A. Commercial Pot/Trap Fisheries South of 46°15′ N. lat	A. Pot/trap.
B. Recreational North of 46°15′ N. lat	B. Pot/trap, dip net, hand harvest.
C. Recreational South of 46°15′ N. lat. and North of 42° N. lat	C. Pot/trap, hook and line, dip net, hand harvest, rake, crab loop.
D. Recreational South of 42° N. lat	D. Pot/trap, hand harvest, hoop net, crab loop.
8. Shrimp and Prawn Fisheries (Non-FMP):	
A. Commercial spot prawn	A. Pot/trap.
B. Commercial pink shrimp North of 46°15′ N. lat	B. Trawl.
C. Commercial pink shrimp South of 46°15′ N. lat	C. Pot/trap, trawl.
D. Commercial coonstripe shrimp South of 46°15′ N. lat	D. Pot/trap.
E. Commercial ridgeback prawn South of 42° N. lat	E. Trawl.
F. Recreational North of 46°15′ N. lat	F. Pot/trap, dip net, hand harvest.
G. Recreational South of 46°15′ N. lat. and North of 42° N. lat	G. Pot/trap, hook and line, dip net, hand harvest, rake.
H. Recreational South of 42° N. lat	H. Pot/trap, hand harvest, dip net.
9. Hagfish Commercial Fisheries (Non-FMP)	Pot/trap.

Fishery	Authorized gear types
10. Squid, all spp. except market squid or not otherwise prohibited, and Octopus Fisheries (Non-FMP):	
A. Commercial	A. Hook and line, pot/trap, dip net, seine, trawl, set net, spear, hand harvest.
B. Recreational Squid North of 42° N. lat	B. Hook and line, cast net, dip net, hand harvest.
C. Recreational Octopus North of 42° N. lat	C. Hook and line, pot/trap, dip net, hand harvest.
D. Recreational South of 42° N. lat	D. Hook and line, dip net, hand harvest.
11. White Sturgeon Fisheries (Non-FMP):	
A. Commercial South of 46°15′ N. lat. and North of 42° N. lat	A. Trawl, pot/trap, hook and line, seine, dip net, spear.
B. Recreational North of 42° N. lat	B. Hook and line.
C. Recreational South of 42° N. lat	C. Hook and line, spear.
12. Sea Cucumber Fishery (Non-FMP):	
A. Commercial hand harvest fishery South of 46°15′ N. lat	A. Hand harvest.
B. Commercial trawl South of 42° N. lat	B. Trawl.
13. Minor Finfish Commercial Fisheries South of 46°15′ N. lat. and North of 42° N. lat. for: Salmon shark, Pacific pomfret, slender sole, wolf-eel, eelpout species, Pacific sandfish, skilfish, and walleye pollock Fisheries (Non-FMP).	Trawl, pot/trap, hook and line, seine, dipnet, spear.
14. Weathervane Scallop Commercial Fishery South of 46°15′ N. lat. and North of 42° N. lat. (Non-FMP).	Trawl.
15. California Halibut, White Seabass Commercial Fisheries South of 42° N. lat. (Non-FMP):	
A. California halibut trawl	A. Trawl.
B. California halibut and white seabass set net	B. Gillnet, trammel net.
C. California halibut hook and line	C. Hook and line.
D. White seabass hook and line	D. Hook and line.
16. California Barracuda, White Seabass, and Yellowtail Drift-Net Commercial Fishery South of 42° N. lat. (Non-FMP).	Gillnet.
17. Pacific Bonito Commercial Net Fishery South of 42° N. lat. (Non-FMP).	Purse seine.
18. Lobster Commercial Pot and Trap Fishery South of 42° N. lat. (Non-FMP).	Pot/trap.
19. Finfish and Invertebrate Fisheries Not Listed Above and Not Otherwise Prohibited (Non-FMP):	
A. Commercial South of 46°15′ N. lat	A. Hook and line, pot/trap, spear.
B. Recreational	B. Hook and line, spear, pot/trap, dip net, cast net, hand harvest, rake, harpoon, bow and arrow.

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[FR Doc. 2014–18677 Filed 8–6–14; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 635

[Docket No. 110819516–4534–01]

RIN 0648–BB02

Atlantic Highly Migratory Species; Smoothhound Shark and Atlantic Shark Management Measures

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

ACTION: Proposed rule; request for comments.

SUMMARY: This proposed rule to implement draft Amendment 9 to the 2006 Consolidated Highly Migratory Species (HMS) Fishery Management Plan (FMP) considers management measures in the smoothhound and shark fisheries. In addition to the measures in draft Amendment 9, this rulemaking would establish an effective date for previously-adopted shark management measures finalized in Amendment 3 to the 2006 Consolidated HMS FMP (Amendment 3) and the 2011 HMS Trawl Rule that were delayed, and proposes to increase the smoothhound shark annual quota that was finalized in Amendment 3, using updated landings data. It also proposes to implement the smoothhound shark-specific requirements of the 2012 Shark Biological Opinion (BiOp), and considers modifying current regulations related to the use of Vessel Monitoring Systems (VMS) by Atlantic shark fishermen using gillnet gear. For purposes of this rulemaking, the term ''smoothhound sharks'' collectively refers to smooth dogfish (*Mustelus canis*), Florida smoothhound (*M. norrisi*), Gulf smoothhound (*M. sinusmexicanus*), small eye smoothhound (*M. higmani*), and any other *Mustelus* spp. that might be found in U.S. waters of the Atlantic, Gulf of Mexico, and Caribbean, collectively. Finally, this action considers the implementation of the smooth dogfish-specific provisions in the Shark Conservation Act of 2010 (the ''SCA''). The SCA requires that all sharks landed from federal waters in the United States be landed with their fins naturally attached to the carcass, but includes a limited exception for smooth dogfish. Throughout this document, the term ''fins'' includes both the tail and the fins of the shark. For the federal Atlantic shark fisheries, current HMS regulations require federally-permitted shark fishermen to land all sharks with fins naturally attached to the carcass. The SCA's fins-attached requirement is being addressed nationwide through a separate ongoing rulemaking. Thus, regarding the SCA, this rulemaking addresses only the provision that allows fin removal at sea of Atlantic smooth dogfish.

DATES: Written comments must be received on or before November 14, 2014. NMFS will announce the dates

and locations of public hearings in a future **Federal Register** document.

ADDRESSES: You may submit comments on this document, identified by NOAA–NMFS–2014–0100, by any one of the following methods:

• *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2014-0100,* click the ''Comment Now'' icon, complete the required fields, and enter or attach your comments.

• *Mail:* Submit written comments to Margo Schulze-Haugen, NMFS/SF1, 1315 East-West Highway, National Marine Fisheries Service, SSMC3, Silver Spring, MD 20910.

Instructions: Please include the identifier NOAA–NMFS–2014–0100 when submitting comments. Comments sent by any other method, to any other address or individual, or received after the close of the comment period, may not be considered by NMFS. All comments received are a part of the public record and generally will be posted for public viewing on *www.regulations.gov* without change. All personal identifying information (*e.g.,* name, address), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous). Attachments to electronic comments will be accepted in Microsoft Word, Excel, or Adobe PDF file formats only. Written comments regarding the burden-hour estimates or other aspects of the collection-of-information requirements contained in this proposed rule may be submitted to the Atlantic Highly Migratory Species Management Division by email to *OIRA_Submission@omb.eop.gov,* or fax to 202–395–7285.

Copies of the supporting documents—including the draft Environmental Assessment (EA), Regulatory Impact Review (RIR), Initial Regulatory Flexibility Analysis (IRFA), and the 2006 Consolidated Atlantic HMS FMP are available from the HMS Web site at *http://www.nmfs.noaa.gov/sfa/hms/* or by contacting Steve Durkee at 202–670–6637.

FOR FURTHER INFORMATION CONTACT: LeAnn Hogan or Karyl Brewster-Geisz by phone: 301–427–8503 or Steve Durkee by phone: 202–670–6637, or by fax: 301–713–1917.

SUPPLEMENTARY INFORMATION: Atlantic sharks, including smoothhound sharks, are managed under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), and the authority to issue regulations has been delegated from the Secretary to the Assistant Administrator (AA) for Fisheries, NOAA. On October 2, 2006, NMFS published in the **Federal Register** (71 FR 58058) final regulations, effective November 1, 2006, implementing the 2006 Consolidated HMS FMP, which details management measures for Atlantic HMS fisheries. The implementing regulations for the 2006 Consolidated HMS FMP and its amendments are at 50 CFR part 635. This proposed rule addresses implementation of Amendment 9 to the 2006 Consolidated HMS FMP.

Except for restrictions on finning, smoothhound sharks were not managed by the Federal government before 2010. In the 1999 FMP for Atlantic Tunas, Swordfish, and Sharks (1999 FMP), NMFS included smoothhound sharks in a Federal fishery management unit that included deep water and other sharks to prevent finning of all of these species. These species of smoothhound sharks were removed from the fishery management unit in the 2003 when NMFS amended the 1999 FMP in Amendment 1, since these sharks became protected from finning under the Shark Finning Prohibition Act (67 FR 6124, February 11, 2002). In 2008, the Atlantic States Marine Fisheries Commission (ASMFC) adopted management measures for smoothhound sharks in state waters; the ASMFC measures became effective in January 2010.

In 2010, through Amendment 3, NMFS determined that smoothhound sharks were in need of federal conservation and management measures. NMFS included smoothhound sharks within the HMS-managed stocks because of the wide geographic distribution and range of smoothhound sharks and because NMFS has management authority over HMS, including ''oceanic sharks,'' under the Magnuson-Stevens Act. Details about NMFS' authority and decision to manage smoothhound sharks can be found in the Final Environmental Impact Statement (EIS) for Amendment 3. At that time, ''smoothhound sharks'' referred to a species complex consisting of smooth dogfish and Florida smoothhounds (75 FR 30484, June 1, 2010). The final rule implementing Amendment 3 published in June 2010 and delayed the effective date of the smoothhound shark management measures until approximately 2012, pending approval for the data collection under the Paperwork Reduction Act (PRA) by the Office of Management and Budget (OMB). NMFS delayed the effective date also to provide time to implement a permit requirement, for NMFS to complete a BiOp under section 7 of the ESA, and for affected fishermen to change business practices, particularly as they related to keeping the fins attached to the carcass through offloading (June 1, 2010, 75 FR 30484). OMB approved the PRA data collection in May of 2011, and NMFS met informally with smoothhound shark fishermen along the east coast in the fall of 2010.

In January 2011, the President signed the SCA (Pub. L. 111–348). This legislation requires that all sharks, except for smooth dogfish (*Mustelus canis*), landed from federal waters in the United States be landed with their fins and tail naturally attached to the carcass. It included, however, a limited exception for smooth dogfish (*Mustelus canis*), stating that the amendments made by the SCA do not apply to an ''individual engaged in commercial fishing for smooth dogfish (*Mustelus canis*) in that area of the waters of the United States located shoreward of a line drawn in such a manner that each point on it is 50 nautical miles from the baseline of a State from which the territorial sea is measured, if the individual holds a valid State commercial fishing license, unless the total weight of smooth dogfish fins landed or found on board a vessel to which this subsection applies exceeds 12 percent of the total weight of smooth dogfish carcasses landed or found on board.'' Public Law 111–348, section 103(b)(1). Throughout this document, the term ''fins'' includes both the tail and the fins of the shark.

Also, in 2011, NMFS published a final rule regarding trawl gear (August 10, 2011, 76 FR 49368). The HMS trawl rule, among other things, allowed for the retention of smoothhound sharks caught incidentally with trawl gear, provided that total smoothhound shark catch on board or offloaded does not exceed 25 percent of the total catch by weight.

In November 2011, NMFS published a final rule (76 FR 70064, November 10, 2011) that delayed the effective date for all smoothhound shark management measures in both Amendment 3 and the 2011 trawl rule indefinitely to provide time for NMFS to consider the smooth dogfish-specific provisions in the SCA, and for NMFS to finalize a Biological Opinion on the federal actions in Amendment 3, among other things.

Since that time, the 2012 Atlantic Shark Biological Opinion (2012 Shark

BiOp) on Federal actions in Amendment 3 has been completed. Except for consideration of the smooth dogfish-specific measures in the SCA, all reasons for delaying implementation of Amendment 3 and the 2011 HMS trawl gear rule have been addressed and completed. Thus, NMFS is ready to make effective previously-finalized smoothhound shark measures from Amendment 3 and the 2011 HMS trawl gear rule. In addition, new landings information and data about the smoothhound shark fishery has become available. Draft Amendment 9 considers that new information and data, and considers resulting adjustments to the quota based on that information, as well as considering implementation of smooth dogfish-specific provisions of the SCA. Draft Amendment 9 is amending the HMS FMP because of the significant modification to the Atlantic smoothhound shark quota based upon updated landings information.

During the development of Amendment 3 in 2009, molecular and morphological research indicated that Florida smoothhound (*Mustelus norrisi*) had been historically misclassified as a separate species from smooth dogfish (*M. canis*). Additionally, the Southeast Fisheries Science Center (SEFSC) advised that there were insufficient data at the time to separate smooth dogfish and Florida smoothhound into two separate species, and that they should be treated as a single stock until scientific evidence indicated otherwise. Accordingly, in Amendment 3, NMFS decided to manage both Florida smoothhound sharks and smooth dogfish together as ''smoothhound sharks'' because of this taxonomic correction and based upon SEFSC advice. Since the finalization of Amendment 3 in 2010, additional scientific information has become available from the SEFSC regarding species identification of smoothhound sharks. This updated scientific data shows that *M. norrisi* (Florida smoothhound), *M. canis* (smooth dogfish) and *M. sinusmexicanus* (Gulf smoothhound) are separate species, and that there may be additional smoothhound species in the Gulf of Mexico.

The majority of the landings in the commercial smoothhound fishery currently occur in the mid-Atlantic region. Scientific evidence indicates that smooth dogfish are almost exclusively the species found in this area and along the coast throughout the Atlantic region; however, there have been a very limited number of Florida smoothhounds reported off of southern Florida. In the Gulf of Mexico region, all three *Mustelus* species are commonly found off Florida in the Gulf of Mexico. The best available scientific information collected for the upcoming SEDAR 39 stock assessment for smoothhound sharks indicates that smooth dogfish are likely the only smoothhound shark species found along the Atlantic coast. In the Gulf of Mexico, however, there are at least three different smoothhound species, with no practical way to distinguish among them. For more information, see Draft EA for Amendment 9.

Identification between these species is difficult, and all three species' ranges overlap in the Gulf of Mexico. The most commonly used macroscopically visible external characteristics, such as dermal denticle and labial furrow differences, cannot be reliably used for species identification. Some limited success has been achieved by using other external characteristics, such as hyomandibular pore distribution, but misidentification is still common, especially for juvenile specimens. Data examined for the ongoing SEDAR 39 smoothhound stock assessment found that during shark surveys, Florida smoothhound was only correctly identified 40 percent of the time and Gulf smoothhound was only correctly identified 64 percent of the time, with the greatest identification difficulty occurring between Gulf smoothhound and smooth dogfish. Thus, it is unlikely that shark fishermen and enforcement officers would be able to tell these three species of smoothhound sharks apart without genetic analyses to differentiate between the three species. For more information, see Draft EA for Amendment 9.

Because of the overlap in range between the different species and the extreme difficulty in distinguishing among the three species, NMFS will continue to group all the smoothhound species (all *Mustelus* species within the U.S. EEZ of the Atlantic, Gulf of Mexico, and Caribbean) together within the term ''smoothhound sharks'' for management purposes and will manage them as a complex. As a result, this proposed rule expands the definition of smoothhound sharks that NMFS previously adopted in Amendment 3 to an inclusive reference to *Mustelus* species. The SCA, however, explicitly limits the fin-removal exception to commercial fishing for smooth dogfish, identifying the species by scientific name. Given the above issues, NMFS examines two alternatives for applying the exception for smooth dogfish: one that applies the exception along the Atlantic Coast and the Florida Coast in the Gulf of Mexico, and a second that would apply the exception along the Atlantic Coast but not the Florida Coast in the Gulf of Mexico. Given the challenges posed by correctly identifying different smoothhound shark species, the specificity of the SCA's application, and the presence of multiple smoothhound shark species in the Gulf of Mexico, NMFS is requesting public comment on alternatives for implementing and enforcing the SCA smooth dogfish exception.

In addition to proposing to implement exceptions found in the SCA that specifically apply to smooth dogfish, this rule would also establish an effective date for previously-adopted shark management measures finalized in Amendment 3 (June 1, 2010, 75 FR 30483) and the 2011 HMS trawl rule (August 10, 2011; 76 FR 49368). These measures include increasing the previously-adopted commercial quota for smoothhound sharks based on updated scientific information and data, implementing limited exceptions from certain provisions of the SCA that specifically apply to smooth dogfish, implementing Term and Condition 4 of the 2012 Shark BiOp, which required either net checks or soak time restrictions in the Atlantic shark gillnet fisheries, and reducing the VMS requirements for shark gillnet fishermen.

NMFS prepared a draft EA, RIR, and an IRFA, which present and analyze anticipated environmental, social, and economic impacts of each alternative contained in this proposed rule. A summary of the alternatives considered and related analyses are provided below. The complete list of alternatives and related analyses are provided in the draft EA/RIR/IRFA. A copy of the draft EA/RIR/IRFA prepared for this proposed rule is available from NMFS (see **ADDRESSES**).

Establishing an Effective Date for Previously-Adopted Shark Management Measures Finalized in Amendment 3 to the 2006 Consolidated HMS FMP and in the 2011 HMS Trawl Rule

Amendment 3 finalized certain conservation and management measures for smoothhound sharks. As described above, implementation of these measures was delayed indefinitely. This action will implement an effective date for the previously-delayed Amendment 3 management measures for smoothhound sharks, including:

- A research set-aside quota;
- An accountability measure (AM), which closes the fishery when smoothhound shark landings reach, or are expected to reach, 80 percent of the quota;
- A requirement for a dealer permit to purchase smoothhound sharks;

- A requirement for dealers to report smoothhound shark purchases;
- A smoothhound permit requirement for commercial and recreational fishing and retention;
- A requirement for vessels fishing for smoothhound sharks to carry an observer, if NMFS selects them;
- A requirement for vessels fishing for smoothhound sharks to comply with applicable Take Reduction Plans pursuant to the Marine Mammal Protection Act; and
- A requirement for commercial vessels to sell catch only to federally-permitted shark dealers.

In addition, this action addresses an effective date for the smoothhound shark management measures in the 2011 HMS trawl rule published on August 10, 2011 (76 FR 49368). As described above, the HMS trawl rule allowed, among other things, for the retention of smoothhound sharks caught incidentally with trawl gear, provided that total smoothhound shark catch on board or offloaded does not exceed 25 percent of the total catch by weight.

FMP Amendment Adjusting the Quota for the Smoothhound Shark Fishery

When Amendment 3 was finalized, smoothhound shark data was available through 2007, although there was no stock assessment for the species. Updated information is now available—in some cases as recently as 2013—although data on the number of participants, total catch, fishing techniques, spatial and temporal availability, etc., are still incomplete because of the lack of mandatory reporting requirements for this shark species. Data can be expected to improve in the future with implementation of the previously-delayed Amendment 3 requirements for a Federal permit, dealer reporting, and observer coverage as well as completion of the current smoothhound shark stock assessment. As stated in Amendment 3, NMFS' goal has been to characterize and collect data on the smoothhound fishery while minimizing changes in the fishery until it can be better assessed and additional management measures can be developed. Thus, as described in the final rule for Amendment 3, NMFS established a smoothhound shark quota using the best data available at that time equal to the highest reported annual landings between 1998 and 2007, plus two standard deviations in order to account for any underreporting due to the lack of smoothhound shark reporting requirements and to follow advice from the Northeast and Southeast Fisheries Science Centers (June 1, 2010, 75 FR 30484).

Since publishing Amendment 3, NMFS has received updated reported landings data from the Atlantic Coastal Cooperative Statistics Program (ACCSP) that warrants adjusting the quota established in Amendment 3, using the same methodology presented in Amendment 3 but with the new data. This quota adjustment would be done through an amendment to the 2006 Consolidated HMS FMP. Additionally, NMFS has begun conducting a smoothhound shark stock assessment (79 FR 17509, March 28, 2014; 79 FR 23327, April 28, 2014). In this action, NMFS analyzes quota alternatives ranging from the status quo (the quota calculated in Amendment 3) to adjusting the quota based on updated landings information to establishing the quota based on quota scenarios that could result from the ongoing stock assessment. Additional environmental analyses and regulatory action may be considered if warranted by the stock assessment outcomes, or depending on the magnitude of any resultant changes in management approaches. Landings from both the directed and incidental smoothhound shark fisheries would count against the adopted quota.

The preferred alternative in this proposed rule would establish a smoothhound quota of 1,739.9 mt dw, which is equal to the maximum annual landings from the 10 most recent years available at this time (i.e., 2004–2013) plus two standard deviations. The quota alternative that was finalized in Amendment 3 was selected because NMFS, with guidance from the NEFSC and SEFSC, determined that adding two standard deviations to the maximum annual landings was the best way to account for any underreporting in the fishery while minimizing changes in catch levels and catch rates in the smoothhound shark fishery. While the quota under the current preferred alternative is higher than the quota calculated in Amendment 3, it caps the quota at a level that reflects the current operation of the smoothhound shark fishery without allowing the quota to increase in the future if reported landings increase. As stated when establishing this methodology in Amendment 3, since landings data could be underestimated due to underreporting, setting the quota above current reported landings levels should allow the fishery to continue at current levels, minimizing changes to the fishery while collecting information on catch and participants.

In the short-term, this preferred alternative is expected to have neutral direct ecological impacts on the smoothhound stock, as the quota-setting approach was designed to bring the species under Federal management while minimizing immediate changes in the fishery. The preferred alternative could have long-term direct minor adverse ecological impacts due to a potential for increased landings of smoothhound compared to other alternatives with lower quotas. In the preferred alternative, allowable effort and landings would be higher than the quota set under Amendment 3; however, the allowable landings would more accurately represent current fishing activity and would be constrained with a cap that prevents future growth of the fishery. Implementing such a cap on landings would help ensure that the smoothhound stock is maintained at a healthy level. This preferred alternative appropriately adjusts the Amendment 3 quota and remains within the intended outcome of the range of alternatives considered in the Amendment 3 rulemaking. The intent of Amendment 3 was to minimize changes in catch levels and catch rates in the fishery to allow for the collection of catch and participant information pending completion of a stock assessment to guide Federal management. A smoothhound shark stock assessment is currently being conducted. NMFS believes it is imperative to bring smoothhound sharks under Federal management as quickly as possible, particularly given that time has passed since Amendment 3 was first published. Although a smoothhound shark stock assessment is currently underway, NMFS is proceeding with developing a quota based on landings history to avoid any further delays in federally managing this stock. As explained below, this rulemaking considers another alternative that would further adjust the quota(s) if necessary based on this stock assessment if it is available before publication of the final rule.

The preferred smoothhound quota alternative would result in potential annual revenues in the entire fishery of $3,016,460 (3,835,784 lb. of meat, 460,294 lb. of fins) assuming an ex-vessel price of $1.72 lb. for fins and $0.58 for meat. Setting the quota at current landings levels with room for presumed underreporting should allow the fishery to continue throughout the year, rather than be closed for part of the year, allowing NMFS to collect year-long information that can be used in future stock assessments. NMFS anticipates direct moderate, beneficial short- and long-term socioeconomic impacts with implementing a quota based on maximum reported recent

annual landings plus two standard deviations to allow for a buffer for potential unreported landings during that time to reflect actual landings. This would allow the fishery to continue at the landings rate and level reported in recent years. Under this alternative, NMFS anticipates the fishery would operate as it currently does, resulting in indirect, moderate beneficial socioeconomic impacts in the short- and long-term for shark dealers and processors. The preferred alternative accounts for recent trends in the fishery and the best available landings data as recalculated and reported by ACCSP, reflects recent behavior in the fishery, and provides an appropriate buffer to account for underreporting in the fishery. Additionally, providing a maximum cap on the fishery would allow fishermen, dealers, and processors to make better business decisions based on a more predictable yield (assuming that the fishery is fished to near-full capacity each year).

NMFS is also considering three other quota alternatives that are not preferred at this time. The first would not adjust the commercial smoothhound shark quota, and would instead implement the quota as calculated in Amendment 3. This alternative is not preferred because it does not use the best available information and would result in premature fishery closures, inconsistent with the objectives in Amendment 3 and in this Amendment, which are to bring smoothhound sharks within Federal management, collect data to improve future management measures, and minimize changes to the fishery in the meantime. The second alternative considers a rolling quota that would recalculate the quota each year based on the previous 5 years of available landings data. This rolling quota alternative was not preferred because the quota could grow, expanding the fishery without limit, which could lead to unsustainable fishing levels. The third quota alternative would implement a TAC and smoothhound shark quota(s) consistent with the results of the 2014 smoothhound shark stock assessment if the results become available before publication of the final rule for this action. This alternative is based on a possible range of quota recommendations that reasonably could be expected to result from the assessment. The potential range of quota recommendations from the assessment are quota(s): (1) Equal to approximately one-half the Amendment 3 quota (357.8 mt dw); (2) approximately equal to the Amendment 3 quota; (3) half way in between Amendment 3 and the proposed quota, or 1,227.7 mt dw; and (4) larger than Amendment 3, approximately equal to or greater than the quota under preferred alternative (1,739.9 mt dw). Because the stock assessment is not yet final and it is unknown if it will be available before the final rule for this action publishes, NMFS does not prefer this alternative at this time. Additional environmental analyses and regulatory action may be considered, if warranted by the stock assessment outcomes or depending on the magnitude of any resultant changes in management approaches.

Implementation of the Smooth Dogfish-Specific Provisions of the Shark Conservation Act of 2010

The SCA amended the Magnuson-Stevens Act to provide greater protection from illegal ''finning'' of sharks. Shark finning is the practice of taking a shark, removing a fin or fins (whether or not including the tail), and returning the remainder of the shark to the sea. Among the provisions in subsection 103(a) of the SCA is a requirement that all sharks landed from federal waters in the United States be maintained with the fins naturally-attached to the carcass through offloading. Subsection (b), however, provides the following exception: ''The amendments made by subsection (a) do not apply to an individual engaged in commercial fishing for smooth dogfish (*Mustelus canis*) in that area of the waters of the United States located shoreward of a line drawn in such a manner that each point on it is 50 nautical miles from the baseline of a State from which the territorial sea is measured, if the individual holds a valid State commercial fishing license, unless the total weight of smooth dogfish fins landed or found on board a vessel to which this subsection applies exceeds 12 percent of the total weight of smooth dogfish carcasses landed or found on board.'' The SCA provides that ''State'' has the same meaning as in section 803 of Public Law 103–206 (16 U.S.C. 5102), which refers to ''Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida, the District of Columbia, or the Potomac River Fisheries Commission.'' To implement the exception, this proposed rule considers three issues: Catch composition, state permit requirements, and geographic applicability of the exception—and explores alternatives for each issue. If a federally-permitted shark fisherman does not qualify for this exception under the SCA, he will be required to land smooth dogfish with the fins naturally attached. Note that although several Atlantic coast states have laws addressing shark fins, those state laws as of the date of this proposed rule provide an exception for smooth dogfish, and so present no conflict with the SCA as applied to smooth dogfish, whether or not the SCA exception applies.

NMFS considered four Catch Composition sub-alternatives to address the SCA text regarding ''an individual engaged in commercial fishing for smooth dogfish (*Mustelus canis*).'' Because the SCA specifies that the exception applies when an individual is fishing ''for'' smooth dogfish as opposed to fishing ''for'' other species and incidentally catching smooth dogfish or simply ''when fishing,'' the proposed rule examines alternatives that limit the exception to those fishing for smooth dogfish, i.e., fishing with the object of commercially harvesting smooth dogfish.

Under the preferred sub-alternative, smoothhound sharks must make up 75 percent of the retained catch on board a vessel to constitute a trip fishing ''for'' smooth dogfish. Implementing a target catch requirement of 75 percent smooth dogfish would preclude fishermen on trips for other species but who incidentally catch smooth dogfish from removing smooth dogfish fins at sea. Only those fishermen fishing for smooth dogfish as defined by this rulemaking would be allowed to remove the fins of the species while at sea. Under this preferred sub-alternative, no sharks other than smooth dogfish could be retained when smooth dogfish fins are removed at sea. This requirement would ensure that no other shark species are on board with fins removed, ensuring consistency with other provisions of the SCA. This sub-alternative would likely have direct short- and long-term minor beneficial impacts. Indirect ecological impacts to species caught with smooth dogfish would likely both be neutral in the short- and long-term, because fishing effort or rates are not expected to change under this sub-alternative. The only changes that would occur under this sub-alternative would be in fisheries for other species that incidentally catch smooth dogfish. Fishermen in these incidental fisheries do not plan trips around smooth dogfish; rather, they engage in fishing operations based on the target species availability and market. Therefore, a prohibition on at-sea fin removal of smooth dogfish fins in the incidental fishery would not be expected to alter effort. Indirect impacts are generally positively correlated with effort. Effort

would not likely be affected, and indirect impacts would be neutral. Since this sub-alternative would be unlikely to have adverse ecological impacts and provides some flexibility in retained catch, NMFS prefers this sub-alternative at this time.

Because some fishermen catch smooth dogfish while fishing for other species, the preferred catch composition sub-alternative is likely to have short- and long-term direct, minor, adverse socioeconomic impacts since it would reduce flexibility in which species may be retained, though not to the extent that other alternatives would. The number of mixed species trips where fishermen could take advantage of the fins-attached exception would decrease. However, this sub-alternative provides more flexibility than other sub-alternatives, specifically the sub-alternative that examines a 100-percent smooth dogfish catch composition requirement for the exception to apply. For these reasons, NMFS prefers this sub-alternative at this time.

NMFS also considered three other catch composition sub-alternatives. The first would not implement any catch composition requirement, allowing the fins of smooth dogfish to be removed at sea regardless of the composition of the rest of the catch, provided no other sharks are retained. This measure was not preferred because it would not limit the at-sea processing allowance to ''fishing for smooth dogfish,'' consistent with the SCA. Second, NMFS considered a 25-percent smooth dogfish catch composition for at-sea processing, which would allow some fishermen who are fishing for species other than smooth dogfish and catching smooth dogfish incidental to those fishing activities to use the limited exception. This measure was not preferred because it would not limit the at-sea processing allowance to individuals ''fishing for smooth dogfish,'' consistent with the SCA. Third, NMFS considered a 100-percent smooth dogfish catch composition for at-sea processing. Although this sub-alternative would even more narrowly limit the fins-attached exception to fishermen only ''fishing for smooth dogfish,'' consistent with the SCA, it would remove all flexibility in retained catch on board vessels that remove smooth dogfish fins at sea, possibly increasing dead discards without providing any clear benefits beyond the preferred sub-alternative. For this reason, NMFS does not prefer that sub-alternative at this time.

NMFS considered two State Fishing Permit sub-alternatives to address text in the SCA exception regarding ''if the individual holds a valid State commercial fishing license.'' The preferred sub-alternative would require federally-permitted smooth dogfish fishermen to possess a State commercial fishing license that allows fishing for smooth dogfish in order to be able to remove smooth dogfish fins at sea. A ''valid state commercial fishing license'' would be any state license that allows the individual to engage in commercial fishing for smooth dogfish, whether it is dogfish-specific or a general shark permit or a general commercial fishing permit. This sub-alternative recognizes variations in state fishing permit processes that allow commercial fishing for smooth dogfish.

NMFS is also examining a sub-alternative based on a more narrow application of the exception. The language in the smooth dogfish-specific provision of the SCA states that it applies to an ''individual engaged in commercial fishing for smooth dogfish . . . if the individual holds a valid State commercial fishing license.'' Sub-alternative 2 would interpret this more narrowly to mean that the individual has a smoothhound-specific State commercial fishing license, since the exception applies only to ''individuals engaged in commercial fishing 'for' smooth dogfish.''' By requiring a smooth dogfish-specific permit and not a general state commercial license, NMFS would be further ensuring that the individual is one ''engaged in commercial fishing for smooth dogfish,'' which NMFS interprets as narrowing the limited at-sea fin removal allowance only to those fishing for smooth dogfish. Requiring a smooth dogfish-specific State fishing permit would likely lead to direct and indirect short and long-term neutral ecological impacts since this sub-alternative would not increase fishing effort. Because not all states have smooth dogfish-specific permits, NMFS does not prefer this alternative at this time but is seeking comments, particularly from the States, about their preferences and what approach would work best in conjunction with their state approach to permitting and state fishery objectives.

NMFS considered two alternatives for Geographic Application of the SCA exception: Applying the exception along the Atlantic Coast and the Florida Coast in the Gulf of Mexico, and applying the exception only along the Atlantic Coast. As explained earlier, as a practical matter, smooth dogfish and other smoothhound species are essentially indistinguishable in the field, and while the Atlantic population is entirely smooth dogfish but for the occasional Florida smoothhound, the Gulf of Mexico population includes all three species. The best available scientific information indicates smooth dogfish are the predominant smoothhound species along the Atlantic coast (only a handful of Florida smoothhound have ever been recorded in the Atlantic, and those have been near southern Florida). In the Gulf of Mexico, however, there are at least three different smoothhound species, with no practical way to readily distinguish among them. The non-preferred sub- alternative would apply the smooth dogfish exception 50 nautical miles from the baseline of all the States that fall under the SCA definition of ''State,'' including the west coast of Florida in the Gulf of Mexico. This sub-alternative could result in smoothhound sharks other than smooth dogfish indirectly falling under the exception, because they cannot be distinguished from smooth dogfish, which would violate the specific requirements of the SCA and pose enforcement difficulties. The preferred sub-alternative would apply the exception only along the Atlantic Coast where the population is almost entirely smooth dogfish, but not in the Gulf of Mexico—even on the Florida Coast. By limiting the exception to the Atlantic region, as specified at § 635.27(b)(1), this sub-alternative would ensure that the exception would only apply where the population is almost entirely smooth dogfish, reducing identification problems and inadvertent finning violations. NMFS expects neutral direct and indirect short- and long-term ecological impacts because, at this time, there is no commercial fishery for smooth dogfish in the Gulf of Mexico. For the same reason, NMFS expects neutral direct and indirect short- and long-term socioeconomic impacts. NMFS prefers this sub-alternative at this time because it simplifies enforcement and compliance without adverse impacts.

Implementation of the 2012 Shark Biological Opinion

On December 12, 2012, following consultation under section 7(a)(2) of the Endangered Species Act (ESA), NMFS determined that the continued operation of the Atlantic shark and smoothhound shark fisheries is not likely to jeopardize the continued existence of Atlantic sturgeon, smalltooth sawfish, or any species of ESA-listed large whale or sea turtles. In order to avoid take prohibited by Section 9 of the ESA, NMFS must comply with the Reasonable and Prudent Measures (RPMs) and the Terms and Conditions (TCs) in the 2012 Shark BiOp. NMFS has reviewed the 2012 Shark BiOp and associated TCs and has determined that the current

regulations meet the specifications of all the TCs except for TC 4, which requires either net checks or soak time restrictions in the Atlantic shark gillnet fisheries. Therefore, this rulemaking considers measures that would ensure the Atlantic shark gillnet fisheries operate consistent with TC 4 in the 2012 Shark BiOp.

NMFS proposes to establish a soak time limit of 24 hours for fishermen using sink gillnet gear and a 2-hour net check requirement for fishermen using drift gillnet gear in the Atlantic shark and smoothhound shark fisheries. Drift gillnets would be defined as those that are unattached to the ocean bottom with a float line at the surface, and sink gillnet gear would be defined as those with a weight line that sinks to the ocean bottom, has a submerged float line, and is designed to be fished on or near the bottom. Most smoothhound shark gillnet fishermen would be required to limit soak times to 24 hours, since they primarily use sink gillnet gear. This requirement would not significantly change smoothhound shark fishing practices. With regard to other Atlantic shark fishermen, fishermen who use sink gillnet gear would be required to limit soak times to 24 hours and those that use drift gillnets would be required to perform net checks at least every 2 hours. Currently, all Atlantic shark fishermen that use gillnet gear to fish for or who are in possession of any large coastal, small coastal, or pelagic shark, regardless of gillnet type, are required to perform net checks at least every 2 hours (see § 635.21(e)(3)(v)). During the net checks, fishermen are required to look for and remove any sea turtles, marine mammals, or smalltooth sawfish. Only a few Atlantic shark limited access permit holders use gillnet gear and the proportions of each type (e.g., sink or drift) vary in any one year. Fishermen are not required to report the type of gillnet gear used, so the proportion of each type is best estimated using data from observed gillnet trips, although it is important to note that not all observed trips targeted sharks. From 2009 through 2012, the portion of gillnet trips that used sink gillnet gear ranged from a low in 2009 of 47 percent, up to 87 percent, 100 percent, and 93 percent in 2010–2012, respectively. For a variety of reasons (e.g., reduced LCS retention limits and gillnet gear fishing restrictions), it appears that the fishery has moved predominately to sink gillnet gear. Under the preferred alternative, shark gillnet fishermen that use sink gillnet gear would no longer be required to perform net checks at least every 2 hours under this alternative. Instead, they would be required to limit soak times to 24 hours. In the 2002 rulemaking that implemented the net checks (July 9, 2002, 67 FR 45393), NMFS stated that the net checks would be unlikely to impact the bycatch of species that are not protected resources. This statement was made because the net checks do not require fishermen to remove or disentangle any animals except protected species during the net checks, thus, non-protected resource bycatch species would be unlikely to be removed from the net. In the 2012 BiOp, the requirement to use either net checks or the 24 hour set limitation was determined to ensure that any incidentally taken ESA-listed species are detected and released in a timely manner, reducing the likelihood of mortality.

As such, this preferred alternative would likely result in short- and long-term direct minor adverse ecological impacts because the target species, sharks, could remain in the gillnet for longer periods of time before being released, reducing the chances of a live release. Similarly, this alternative could result in short- and long-term indirect neutral ecological impacts to non-target, incidentally caught fish species and bycatch because net checks do not require fishermen to remove or disentangle any animals except protected species during the net checks. This alternative would likely have, however, short- and long-term minor beneficial impacts on protected resources since it would implement one of the Terms and Conditions of the 2012 Shark BiOp to minimize impacts on protected resources. Since this alternative complies with the Biological Opinion, has only minor adverse direct and indirect ecological impacts to other species, and allows all smoothhound shark gillnet fishermen to continue current fishing practices, NMFS prefers this alternative at this time.

This action would likely result in neutral short- and long-term direct socioeconomic impacts. Smoothhound shark fishermen, who typically use sink gillnets, would be required to limit soak times to 24 hours and as discussed above, this requirement is unlikely to significantly alter smoothhound shark fishing practices. Drift gillnet fishermen, who are more likely to target Atlantic sharks rather than smoothhound sharks, would be required to check their nets at least every 2 hours, as is currently required. Thus, this alternative is unlikely to have any socioeconomic impacts to Atlantic shark and smoothhound shark fishermen since it would not change current fishing practices. Similarly, this alternative would likely result in neutral short- and long-term indirect socioeconomic impacts since supporting businesses, including dealers and bait, tackle, and ice suppliers, should not be impacted. The preferred alternative would impact the approximately 31 vessels that annually direct on smoothhound sharks with gillnet gear. Since this action would have minimal economic impact but is still consistent with the 2012 Shark BiOp, and thus sufficiently protects protected resources, NMFS prefers this alternative at this time.

NMFS also considered three other alternatives to implement the 2012 Shark BiOp gillnet requirements in the Atlantic shark fisheries. First, NMFS considered not implementing the requirements, but does not prefer this alternative because it would not be consistent with the 2012 Shark BiOp. Second, NMFS considered requiring smoothhound shark fishermen to conduct net checks at least every 2 hours to look for and remove any protected species. This measure was not preferred because it would change current fishing practices, reducing efficiency and landings, thus reducing profitability, without reducing the likelihood of mortality of protected species per the 2012 BiOp. Third, NMFS considered different requirements based on permit type. It would establish a gillnet soak time limit of 24 hours for smoothhound shark permit holders. Under this alternative, fishermen holding both an Atlantic shark limited access permit and a smoothhound shark permit would have to abide by the 24-hour soak time restriction and conduct net checks at least every 2 hours. This would disadvantage smoothhound shark fishermen holding both permits relative to smoothhound shark fishermen only holding a smoothhound shark permit without ecological benefits to protected resources. For this reason, this measure is not preferred at this time.

Atlantic Shark Gillnet Vessel Monitoring System Requirements

This proposed rule would also revise the requirement to use VMS by shark fishermen using gillnet gear. Currently, Federal directed shark permit holders with gillnet gear on board are required to use VMS, regardless of vessel location. This requirement was implemented as part of the 2003 Amendment 1 to the 1999 FMP to ensure shark gillnet vessels were complying with the Atlantic Large Whale Take Reduction Plan (ALWTRP) time/area closures and observer requirements (50 CFR 229.32). The ALWTRP requirements apply only to

Atlantic directed shark limited access permit holders with gillnet gear on board in the Southeast U.S. Monitoring Area. At the time of implementation in 2003, NMFS determined that requiring all gillnet fishermen with a directed shark permit to use VMS regardless of geographic location would simplify compliance and outreach, particularly if these fishermen regularly fished different regions, including in the Southeast U.S. Monitoring Area. Since then, however, it has become apparent that while some of these fishermen fish multiple regions, many do not fish in or even near the Southeast U.S. Monitoring Area. Thus, this rulemaking considers measures to bring the VMS requirements in-line with the requirements of the ALWTRP.

NMFS proposes to require Federal directed Atlantic shark limited access permit holders with gillnet gear on board to use VMS only in the vicinity of the Southeast U.S. Monitoring Area, pursuant to ALWTRP requirements. This action is expected to have neutral short- and long-term direct and indirect ecological impacts. These VMS requirements are an enforcement tool for complying with the ALWTRP requirements and would not affect catch. VMS requirements do not impact incidentally caught species. The preferred alternative would likely provide short- and long-term moderate beneficial impacts for protected resources, because it maintains the requirement to have VMS on board when gillnet fishing in the U.S. Southeast Monitoring Area, as required in the ALWTRP. The difference between this alternative and the No Action alternative is that this alternative would limit the VMS requirement for Atlantic shark permit holders using gillnet gear to the vicinity of the Southeast U.S. Monitoring Area. Requirements to minimize large whale interactions would not change, only the geographic area of the VMS requirement. For this reason, protected resource impacts resulting from the preferred alternative are the same as for the no action alternative. Thus, because this alternative maintains the VMS requirements for large whales consistent with the ALWTRP, and at the same time reduces adverse socioeconomic impacts, NMFS prefers this alternative at this time.

This change to the VMS gillnet requirement would have short- and long-term direct minor beneficial socioeconomic impacts. Atlantic shark gillnet fishermen fishing in the vicinity of the Southeast U.S Monitoring Area would still incur the installation costs of the VMS, but data transmission would be limited to those times when the vessel is in this area. Furthermore, shark gillnet fishermen outside of this area that do not fish in the vicinity of the Southeast U.S Monitoring Area would not need to install a VMS unit or, if they already have one, maintain the VMS unit or replace a malfunctioning one. Thus, the socioeconomic impacts from this alternative, while still adverse, are of a lesser degree than those under the No Action alternative. This alternative would likely result in neutral short- and long-term indirect socioeconomic impacts since supporting businesses including dealers and bait, tackle, and ice suppliers would not be impacted. Since this alternative is more in line with the requirements of the ALWTRP, and because it would reduce socioeconomic impacts while still maintaining beneficial ecological impacts for protected whale species, NMFS prefers this alternative at this time.

Other Measures

Currently, the Atlantic shark fishery observer program is administered by the NMFS Southeast Fisheries Science Center (SEFSC). However, because a portion of the commercial smoothhound shark fishery occurs in the Northeast region, there is a possibility that the smoothhound shark observer program could be run by the NMFS Northeast Fisheries Science Center (NEFSC). The two regional science center observers programs differ in the way they notify fishermen of their selection to carry an observer. The SEFSC notifies fishermen in writing at the time of selection. This process is currently in the 50 CFR part 635 regulations. The NEFSC does not require written notification of selection and any vessel holding an applicable permit can be selected. Thus, NMFS is proposing changes to the observer regulations in 50 CFR part 635 to incorporate the relevant portions of the Northeast observer regulations found at 50 CFR part 648. In this action, NMFS proposes to update the regulatory text to incorporate the observer selection process used by the NEFSC into the current selection process used by the SEFSC. These proposed changes are administrative in nature, will not have any biological, economic, or social impacts or impacts on the physical environment and are not anticipated to affect the current fishing level or practices in commercial highly migratory species fisheries, and, therefore, are not further analyzed in this document.

Request for Comments

Comments on this proposed rule may be submitted via *http://www.regulations.gov,* or mail, and comments may also be submitted at a public hearing. NMFS solicits comments on this proposed rule by November 14, 2014 (See **DATES** and **ADDRESSES**). We will announce the dates and locations of public hearings in a future **Federal Register** notice.

Classification

Pursuant to the Magnuson-Stevens Act, the NMFS Assistant Administrator has determined that the proposed rule is consistent with the 2006 Consolidated HMS FMP and its amendments, other provisions of the Magnuson-Stevens Act, and other applicable law, subject to further consideration after public comment.

NMFS prepared a draft EA for Draft Amendment 9 that discusses the impact on the environment that would occur as a result of this proposed action. In this proposed action, NMFS is considering measures for the smoothhound shark fishery, smooth dogfish, and the Atlantic shark gillnet fishery. A copy of the EA is available from NMFS (see **ADDRESSES**).

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

This proposed rule contains a collection-of-information requirement subject to review and approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act (PRA). This requirement has been submitted to OMB for approval.

The Federal commercial smoothhound shark permit requirement analyzed in Amendment 3 will become effective upon the effective date of a final rule. NMFS submitted a PRA change request to OMB to add this permit to the existing HMS permit PRA package (OMB control number 0648–0327). OMB subsequently accepted the change request to add the Federal commercial smoothhound shark permit to the HMS permit PRA package.

Public comment is sought regarding: Whether this proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the burden estimate; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the collection of information, including through the use of automated collection techniques or other forms of information technology. Send comments

on these or any other aspects of the collection of information to (enter office name) at the **ADDRESSES** above, and by email to *OIRA_Submission@omb.eop.gov* or fax to (202) 395–7285.

Notwithstanding any other provision of law, no person is required to respond to, and no person shall be subject to penalty for failure to comply with, a collection of information subject to the requirements of the PRA, unless that collection of information displays a currently valid OMB control number.

Regulatory Flexibility Act

An initial regulatory flexibility analysis (IRFA) was prepared, as required by section 603 of the Regulatory Flexibility Act (RFA). The IRFA describes the economic impact this proposed rule would have on small entities if adopted. A description of the action, why it is being considered, and the legal basis for this action are contained at the beginning of this section in the preamble and in the **SUMMARY** section of the preamble. A summary of the analysis follows. A copy of this analysis is available from NMFS (see **ADDRESSES**).

This proposed action is designed to implement the smooth dogfish provisions of the Shark Conservation Act of 2010 and to implement the smoothhound sharks measures in Amendment 3 to the 2006 Consolidated HMS FMP (75 FR 30484, June 1, 2010) and the 2011 Atlantic HMS Trawl Rule (76 FR 49368, August 10, 2011) that are currently on hold. This action also reexamines the smoothhound shark quota that would be implemented along with the Amendment 3 measures. NMFS has updated landings data that could necessitate a recalculation of the quota. See Section 1.3 of the Draft EA for Amendment 9 for more information.

On December 12, 2012, consistent with Section 7(b)(4) of the ESA, NMFS determined that the continued operation of the Atlantic shark and smoothhound shark fisheries is not likely to jeopardize the continued existence of Atlantic sturgeon, smalltooth sawfish, or any species of ESA-listed large whale or sea turtles. In order to be exempt from take prohibitions established by Section 9 of the ESA, NMFS must comply with the RPMs and TCs listed in the 2012 Shark BiOp. One purpose of Amendment 9 is to propose measures to implement the 2012 Shark BiOp TCs that are specific to the Atlantic shark and smoothhound shark fisheries. See Section 1.3 of the Draft EA for Amendment 9 for more information.

Currently, Federal directed shark permit holders with gillnet gear on board are required to use VMS regardless of vessel location. This requirement was originally implemented to comply with the ALWTRP requirements at 50 CFR 229.32. However, these requirements require federal directed shark permit holders with gillnet gear on board to use VMS only when fishing in a certain area in the South Atlantic. Thus, another purpose of this rulemaking is to examine measures to bring current VMS regulations for Federal directed shark permit holders using gillnet gear in-line with the current requirements of the ALWTRP at 50 CFR 229.32. See Section 1.3 of the Draft EA for Amendment 9 for more information.

The management goals and objectives of this action are to provide for the sustainable management of smoothhound sharks and Atlantic shark species under authority of the Secretary consistent with the requirements of the Magnuson-Stevens Act and other statutes which may apply to such management, including the ESA and the Marine Mammal Protection Act (MMPA). The management objectives are to achieve the following:

- Implement the smooth dogfish provisions of the SCA.
- Implement other measures, as necessary, to ensure that the smooth dogfish provisions of the SCA do not negatively impact the sustainable fishery of other shark species.
- Reexamine the smoothhound shark quota in light of updated landings data.
- Implement the Term and Condition of the 2012 Smoothhound Shark and Atlantic Shark Biological Opinion related to gillnet impacts on ESA-listed species.
- Reexamine Atlantic shark gillnet VMS regulation in compliance with the ALWTRP, per the MMPA.

Section 603(b)(3) of the RFA requires Agencies to provide an estimate of the number of small entities to which the rule would apply. On June 12, 2014, the Small Business Administration (SBA) issued a final rule revising the small business size standards for several industries effective July 14, 2014 (79 FR 33647; June 12, 2014). The rule increased the size standard for Finfish Fishing from $19.0 to 20.5 million. NMFS has reviewed the analyses prepared for this action in light of the new size standards. Under the former, lower size standards, all entities subject to this action were considered small entities; thus, they all would continue to be considered small entities under the new standards. NMFS does not believe that the new size standards affect analyses prepared for this action and solicits public comment on the analyses in light of the new size standards. Under these standards, NMFS considers all Atlantic HMS permit holders subject to draft Amendment 9 to be small entities.

As discussed in Section 6.1 of the Draft EA for Amendment 9, NMFS does not have exact numbers on affected commercial fishermen. The smoothhound shark commercial permit has not yet been created, so NMFS does not know how many smoothhound shark fishermen will be impacted. An annual average of 275 vessels reported retaining smooth dogfish through VTR from 2003–2012. This is NMFS' best estimate of affected smoothhound shark fishermen.

While the retention of sharks in federal waters requires one of two limited access commercial shark permits, these permits do not specify gear type, such as gillnets. For this reason, NMFS does not know the exact number of affected shark gillnet fishermen. As of July 11, 2013, there are 216 directed shark and 261 incidental shark permit holders. Logbook records indicate that there are usually about 10 Atlantic shark directed permit holders that use gillnet gear in any year. However, the universe of directed permit holders using gillnet gear can change from year to year and could include anyone who holds an Atlantic shark directed permit.

As of July 11, 2013, there are 96 Atlantic shark dealers. These dealers could be affected by these measures to varying degrees. Not all of these dealers purchase smoothhound sharks and those that do are concentrated in the Mid-Atlantic region. NMFS will know more about the number of affected dealers when smoothhound reporting requirements go into place. Similarly, not all of these dealers purchase Atlantic sharks caught with gillnet gear. The number is likely low and is concentrated in Florida and the Gulf of Mexico.

NMFS has determined that the proposed rule is not likely to affect any small governmental jurisdictions. More information regarding the description of the fisheries affected, and the categories and number of permit holders can be found in Chapter 3 of the Draft EA for Amendment 9.

Under section 603(b)(4) of the RFA, Agencies are required to describe any new reporting, record-keeping and other compliance requirements. The Federal commercial smoothhound shark permit requirement analyzed in Amendment 3 to the 2006 Consolidated HMS FMP will become effective upon the effective date of this rule. NMFS submitted a PRA change request to OMB to add this permit to the existing HMS permit PRA package (OMB control number 0648–

0327). OMB subsequently accepted the change request to add the federal commercial smoothhound shark permit to the HMS permit PRA package.

On November 15, 2013, NMFS published a final rule (78 FR 68757) that modifies declaration requirements for Atlantic shark fishermen using VMS. The final rule implements requirements for operators of vessels that have been issued Atlantic HMS permits and are required to use their VMS units to provide hourly position reports 24 hours a day, 7 days a week (24/7). The final rule implements requirements allowing the operators of such vessels to make declarations out of the fishery when not retaining or fishing for Atlantic HMS for specified periods of time that encompass two or more trips. These changes alter the burden estimates under the existing HMS permit PRA package (OMB control number 0648–0327).

Under section 603(b)(5) of the RFA, agencies must identify, to the extent practicable, relevant Federal rules which duplicate, overlap, or conflict with the proposed rule. Fishermen, dealers, and managers in these fisheries must comply with a number of international agreements, domestic laws, and other FMPs. These include the Magnuson-Stevens Act, the Atlantic Tunas Convention Act, the High Seas Fishing Compliance Act, the Marine Mammal Protection Act, the Endangered Species Act, the National Environmental Policy Act, the Paperwork Reduction Act, and the Coastal Zone Management Act. This proposed rule has also been determined not to duplicate, overlap, or conflict with any other Federal rules.

One of the requirements of an IRFA is to describe any alternatives to the proposed rule which accomplish the stated objectives and which minimize any significant economic impacts. These impacts are discussed below. Additionally, the RFA (5 U.S.C. 603(c)(1)–(4)) lists four general categories of ''significant'' alternatives that would assist an agency in the development of significant alternatives. These categories of alternatives are: (1) Establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) clarification, consolidation, or simplification of compliance and reporting requirements under the rule for such small entities; (3) use of performance rather than design standards; and, (4) exemptions from coverage of the rule for small entities.

In order to meet the objectives of this proposed rule, consistent with the Magnuson-Stevens Act, ATCA, and the ESA, NMFS cannot establish differing compliance requirements for small entities or exempt small entities from compliance requirements. Thus, there are no alternatives discussed that fall under the first and fourth categories described above. NMFS does not know of any performance or design standards that would satisfy the aforementioned objectives of draft Amendment 9 while, concurrently, complying with the Magnuson-Stevens Act. As described below, NMFS analyzed several different alternatives in this proposed rulemaking and provides rationale for identifying the preferred alternative to achieve the desired objective.

The alternatives considered and analyzed are described below. The IRFA assumes that each vessel will have similar catch and gross revenues to show the relative impact of the proposed action on vessels.

With regard to the implementation of the SCA, NMFS considered two alternatives. Alternative A1, which would not implement the smooth dogfish-specific provisions of the SCA and would instead implement the fins attached requirement finalized in Amendment 3, and Alternative A2, which proposes to implement the smooth dogfish-specific provisions of the SCA and has sub-alternatives that address the specific elements of the smooth dogfish-specific provisions.

Alternative A1 would not implement the smooth dogfish-specific provisions of the SCA and would require all smooth dogfish to be landed with fins naturally attached. This alternative would change current fishing practices since smooth dogfish caught in the directed and incidental fisheries are fully processed while at sea. As a result, this Alternative A1 would likely lead to reduced landings and a lower ex-vessel price since the product would not be fully processed. This could lead to adverse socioeconomic impacts.

Under Alternative A2, the preferred alternative, an allowance for the removal of smooth dogfish fins at sea would increase efficiency in the smooth dogfish fishery and provide a more highly processed product for fishermen to sell to dealers. Quantifying the financial benefits is difficult since baseline effort and increases in efficiency cannot be calculated, but the benefit would not exceed $585,516, the ex-vessel value of the entire smooth dogfish gillnet fishery. The benefit to individual vessels is likely equal to the average annual per vessel revenues from smooth dogfish caught in the directed sink gillnet fishery was which was $15,365.

Supporting entities, such as bait and tackle suppliers, ice suppliers, dealers, and other similar businesses, could experience increased revenue if the efficiency of fin removal at sea results in a higher quality product. However, while supporting businesses would benefit from the increased profitability of the fishery, they do not solely rely on the smooth dogfish fishery. In the long-term, it is likely that changes in the smooth dogfish fishery would not have large impacts on these businesses.

Under Sub-Alternative A2–1a, smooth dogfish could make up any portion of the retained catch on board, provided that no other sharks are retained. This sub-alternative would authorize smooth dogfish fishermen to retain any non-shark species of fish while still availing themselves of the at-sea fin removal allowance. Smooth dogfish are often caught incidentally during other fishing operations, thus this sub-alternative would allow fishermen to maximize the profitability of each trip and allow individual operators the flexibility to make decisions, before the trip and while on the water, as to the retained catch composition that would maximize ex-vessel revenues. Under this alternative, fishermen could remove smooth dogfish fins at sea during any type of trip including those trips that are directing on other non-shark species. This alternative would maintain the current practice in the fishery and vessels could continue to have ex-vessel revenues of $585,516 per year in the smooth dogfish gillnet fishery.

Under Sub-Alternative A2–1b, fishermen could avail themselves of the at-sea fin removal allowance only if smooth dogfish comprise 25 percent of the retained catch on board. This sub-alternative would authorize smooth dogfish fishermen to retain some non-shark species of fish while still availing themselves of the at-sea fin removal allowance. Smooth dogfish are often caught incidentally during other fishing operations, thus this sub-alternative would allow fishermen to increase the profitability of each trip and allow individual operators the flexibility to make decisions, before the trip and while on the water, as to the retained catch composition that would increase ex-vessel revenues. This increase in flexibility would be to a lesser extent than Sub-Alternative A2–1a, which would not have a catch composition requirement, but greater than the other sub-alternatives that limit the fins-attached exception to the directed fishery. This sub-alternative would decrease total ex-vessel revenues relative to the current level of $585,516

per year in the smooth dogfish gillnet fishery.

Under Sub-Alternative A2–1c, a preferred sub-alternative, fishermen could avail themselves of the at-sea fin removal allowance only if smooth dogfish comprise 75 percent of the retained catch on board. NMFS chose this threshold because in other HMS fisheries, 75 percent retention of the target catch is considered a trip where the fisherman is fishing for that species. Thus, implementing a target catch requirement of 75 percent smooth dogfish would limit the at-sea fin removal allowance to those fishing for smooth dogfish. Because some fishermen catch smooth dogfish while fishing for other species, this sub-alternative is likely to reduce flexibility in which species may be retained and would decrease the number of mixed species trips where fishermen could take advantage of the at-sea fin removal allowance. Between 2003 and 2012, an annual average of 275 vessels landed smooth dogfish, but only around 30 vessels targeted smooth dogfish in any given year. For this reason, NMFS estimates that approximately 245 vessels in the mixed species fishery would be impacted by sub-Alternative A2–1c.

Sub-Alternative A2–1d would require smooth dogfish to comprise 100 percent of the retained catch on board the vessel in order for fishermen to avail themselves of the at-sea fin removal allowance for smooth dogfish. This sub-alternative would eliminate the ability of mixed trips to take advantage of the at-sea fin removal, and would reduce flexibility in deciding which species to retain on each fishing trip. However, the approximately 30 vessels (annual average 2003–2012) that target smooth dogfish often only retain smooth dogfish due to the processing practices in place. Thus, these fishermen would only have smooth dogfish on board and would not be impacted by a 100 percent smooth dogfish requirement, and would benefit from the ability to remove the smooth dogfish fins at sea.

Sub-Alternative A2–2a would require federal smoothhound permitted fishermen to obtain a smooth dogfish-specific state commercial fishing license in order to be able to remove smooth dogfish fins at sea. The requirement to obtain a smooth dogfish-specific state commercial fishing license may be more difficult for fishermen who are in states that do not have smooth dogfish-specific permits in place. This sub-alternative would result in the increased burden on fishermen to obtain another permit, and depending upon the state, could result in an additional permit charge. Since most permits are valid for one year, fishermen would likely need to renew the permit each year for as long as they wish to retain smooth dogfish and remove the fins while at sea. Because not all states have smooth dogfish-specific permits, NMFS does not prefer this alternative at this time but is seeking comments, particularly from the States, about their preferences and what approach would work best in conjunction with their state approach to permitting and state fishery objectives.

Sub-Alternative A2–2b, the preferred alternative, would require fishermen to hold any state commercial fishing permit that allows retention of smooth dogfish. It is likely, however, that most smooth dogfish fishermen already hold this type of state permit and would be unaffected by this requirement. This sub-alternative would likely be the most straightforward for regulatory compliance since the permit requirement would be the simpler than sub-alternative A2–2a. Thus, NMFS prefers this sub-alternative at this time but is seeking comments, particularly from the States, about their preferences and what approach would work best in conjunction with their state approach to permitting and state fishery objectives.

NMFS considered two alternatives for Geographic Application of the SCA exception. Under Sub-Alternative A2–3a, the exception would apply along the Atlantic Coast and the Florida west coast in the Gulf of Mexico. As explained earlier, as a practical matter, smooth dogfish and other smoothhound species are indistinguishable. The best available scientific information indicates that smooth dogfish are likely the only smoothhound shark species along the Atlantic coast. In the Gulf of Mexico, however, there are at least three different smoothhound species, with no practical way to distinguish among them. This sub-alternative would apply the smooth dogfish exception 50 nautical miles from the baseline of all the States that fall under the SCA definition of ''State.'' This sub-alternative could result in other smoothhound sharks indirectly falling under the exception, because they cannot be distinguished from smooth dogfish. NMFS does not expect any impacts from this alternative because there is no commercial fishery for smooth dogfish in the Gulf of Mexico at this time. However, NMFS does not prefer this sub-alternative at this time because, if a fishery does develop, species misidentification could result in enforcement action.

Under Sub-Alternative 3b, the preferred sub-alternative, the exception would only apply along the Atlantic coast and not the Florida west coast in the Gulf of Mexico. By not extending the exception into the Gulf of Mexico, this sub-alternative would ensure that the smooth dogfish fins attached exception would only apply along the Atlantic Coast where the population is almost entirely smooth dogfish, reducing identification problems and inadvertent finning violations. NMFS does not expect any impacts from this alternative because, at this time, there is no commercial fishery for smooth dogfish in the Gulf of Mexico. NMFS prefers this sub-alternative at this time because it simplifies enforcement and compliance without adverse impacts.

NMFS considered 4 alternatives to the smoothhound quota alternatives. Alternative B1, which would implement the smoothhound shark quota finalized in Amendment 3; Alternative B2, which would establish a rolling quota based on the most recent five years of landings data; Alternative B3, the preferred alternative, which would calculate the smoothhound quota using the same method as in Amendment 3 but would use updated smoothhound landings information; and Alternative B4 which would establish smoothhound shark quotas that reflect any necessary adjustments as a result of the 2014 smoothhound shark stock assessment.

Alternative B1 would implement the quota finalized in Amendment 3 (715.5 mt dw), which was based on the calculation of quotas from a historical period in the fishery (1998 to 2007) and adding two standard deviations. Current reported smoothhound shark landings are higher than the quota level in Alternative B1. As such, implementing this quota would prevent fishermen from fishing at current levels, resulting in lost revenues. In 2011, the most recent year when landings exceeded the Amendment 3 quota, smoothhound shark landings totaled 2,078,251 lb dw (ACCSP data), resulting in revenues across the entire smoothhound shark fishery of $1,634,337 (2,078,251 lb of meat, 249,390 lb of fins). Implementation of the Amendment 3 quota (715.5 mt dw) would result in ex-vessel revenues of only $1,240,460 (1,577,391 lb of meat, 189,287 lb of fins), which is $393,877 less than 2011 ex-vessel revenues. Both of these estimates assume $1.72/lb for fins, $0.58/lb for meat based on 2013 HMS dealer data, and a 12 percent fin-to-carcass ratio from the SCA. Seventy-six percent of all landings in the smoothhound shark fishery come from sink gillnets, and there are approximately 82 vessels that use sink gillnet gear to fish for smoothhound sharks. Assuming an average of 82 sink

gillnet vessels fishing for smoothhound sharks, the quota in this alternative would result in annual ex-vessel revenues of $15,128 per vessel, which is less than current ex-vessel revenues of $19,931 per vessel. This is an average across all directed and incidental sink gillnet vessels and this individual annual vessel ex-vessel revenue may fluctuate based on the degree to which fishermen direct on smoothhound sharks.

The quota in Alternative B1 does not accurately characterize current reported landings of smoothhound sharks. The VTR data for the Northeastern United States shows that an average of 31 vessels between 2002 and 2012 directed on smoothhound shark. These vessels likely fished opportunistically on multiple species of coastal migratory fish and elasmobranches, and it is unlikely that any sector within the fishing industry in the Northeast (fisherman, dealer, or processor) relies wholly upon smoothhound sharks. Longer-term impacts are expected to be neutral given the small size of the fishery and the generalist nature of the sink gillnet fishery.

Alternative B2 would establish a rolling smoothhound shark quota set above the maximum annual landings for the preceding five years; this quota would be recalculated annually to account for the most recent landing trends within the smoothhound complex (2015 quota would be 1,663 mt dw based on 2009–2013 data). The 2015 quota under this alternative would likely result in annual revenues of $2,883,139 (3,666,250 lb of meat, 439,950 lb of fins) assuming an ex-vessel price of $1.72 lb for fins and $0.58 lb for meat based on 2013 HMS dealer data. Seventy-six percent of all landings in the smoothhound shark fishery come from sink gillnets, and there are approximately 82 vessels that use sink gillnet gear to fish for smoothhound sharks. Assuming an average of 82 sink gillnet vessels fishing for smoothhound sharks, the quota in this alternative would result in individual vessel annual revenues of $35,160, which is more than current ex-vessel revenues of $19,931 per vessel. This is an average across all directed and incidental sink gillnet vessels, and this individual annual vessel revenue may fluctuate based on the degree to which fishermen direct on smoothhound sharks.

Per the intent of Amendment 3, smoothhound management measures are designed to characterize and collect data while minimizing changes in catch levels and catch rates in the fishery. This goal necessitates a quota near actual exploitation levels. Thus, setting the quota above current landings levels should allow the fishery to continue, rather than be closed, allowing for NMFS to collect more information that can be used in future stock assessments. Alternative B2 is consistent with the intent of Amendment 3, which was to minimize changes to the fishery while information on catch and participants was collected. Because landings in the smoothhound shark fishery are likely underreported, it is unclear at this time whether the increase in reported landings is due to existing smoothhound fishermen reporting in anticipation of future management or increased effort (e.g., new entrants into the fishery). While a rolling quota would cover all current reporting and likely cover all underreporting of landings, the fishery could grow exponentially if reported landings continue to increase over consecutive years, possibly resulting in stock declines and in turn a potential loss of revenue to the fishing industry. The rolling quota could also lead to lower quotas in consecutive years if landings decrease over time. Thus, the changing nature of the rolling quota could lead to uncertainty in the fishery and could cause direct and indirect minor adverse socioeconomic impacts in the long term.

Alternative B3, the preferred alternative, would create a smoothhound quota equal to the maximum annual landings from 2004–2013 plus two standard deviations, and would equal 1,739.9 mt dw. This alternative establishes a smoothhound quota two standard deviations above the maximum annual landings reported over the last ten years, which is the method used to calculate the smoothhound shark quota that was finalized in Amendment 3. This quota would result in potential annual revenues in the entire fishery of $3,016,460 (3,835,784 lb of meat, 460,294 lb of fins) assuming an ex-vessels price of $1.72 lb for fins and $0.58 for fins based on 2013 HMS dealer data. Seventy six percent of all landings in the smoothhound shark fishery come from sink gillnets, and there are approximately 82 vessels that use sink gillnet gear to fish for smoothhound sharks. Assuming an average of 82 sink gillnet vessels fishing for smoothhound sharks, the quota proposed in this alternative would result in individual vessel annual revenues of $36,786. This is an average across all directed and incidental sink gillnet vessels and this individual annual vessel revenue may fluctuate based on the degree to which fishermen direct on smoothhound sharks.

Consistent with the intent of Amendment 3, the preferred alternative B3 would set the quota above current landings levels to allow the fishery to continue throughout the year, rather than be closed for part of the year. This would allow NMFS to collect year-round fishery data that could be used in future smoothhound shark stock assessments. Because landings in the smoothhound fishery are likely underreported, it is unclear at this time whether the increase in reported landings is due to existing smoothhound shark fishermen reporting in anticipation of future management or increased effort. Under this alternative, NMFS anticipates the fishery would operate as it currently does. Alternative B3 accounts for recent trends in the fishery and the best available landings data as recalculated and reported by ACCSP reflects recent behavior in the fishery, and provides an appropriate buffer to account for underreporting in the fishery. Alternative B3 provides for more stability in the fishery due to a quota that does not change from year to year as in alternative B2. Additionally, providing a maximum cap on the fishery would allow fishermen, dealers, and processors to make better business decisions based on a more predictable yield (assuming that the fishery is fished to near-full capacity each year).

Alternative B4 would implement a smoothhound shark quota consistent with the results of the 2014 smoothhound shark stock assessment, if the results become available before publication of the final rule for this action. For the entire smoothhound shark complex, there are four possible outcomes: (1) One or more of the stocks is found to be overfished but not experiencing overfishing; (2) one or more of the stocks is found to be experiencing overfishing but not yet overfished; (3) one or more of the stocks is found to be overfished and experiencing overfishing; or (4) all stocks are found to not be overfished or experiencing overfishing (healthy). A smoothhound shark quota that is based on the results of a stock assessment would provide short and long-term ecological benefits and the resulting sustainable fishery will ensure long-term socioeconomic benefits for the smoothhound shark fishermen. Unless the stock assessment indicates that current fishing levels are unsustainable, short-term negative socioeconomic impacts are unlikely to result from this alternative. However, the stock assessment is not yet available and NMFS is unsure if it will be available

before the final rule for this action publishes. Therefore, NMFS does not prefer this alternative at this time.

In order to implement the TCs of the 2012 Shark BiOp in the smoothhound shark fishery, NMFS considered 4 alternatives. The No Action alternative, which would not implement TC 4 of the 2012 Shark BiOp; C2 which would require smoothhound shark fishermen to conduct net checks at least every 2 hours; C3 which would require smoothhound shark fishermen to limit their gillnet soak time to 24 hours and those smoothhound shark fishermen that also have a Atlantic shark limited access permit to check their nets at least every 2 hours; and C4 which would require smoothhound and Atlantic shark fishermen using sink gillnet to soak their nets no longer than 24 hours and those fishermen using drift gillnets to check their nets at least every 2 hours.

Alternative C1 would not implement the BiOp term and condition requiring all smoothhound shark permit holders to either check their gillnet gear at least every 2.0 hours, or limit their soak time to no more than 24 hours. This alternative would likely result in short- and long-term neutral direct socioeconomic impacts. Under Alternative C1, smoothhound shark fishermen would continue to fish as they do now and so this alternative would not have economic impacts that differ from the status quo. Similarly, this alternative would likely result in neutral short and long-term indirect socioeconomic impacts since supporting businesses including dealers and bait, tackle, and ice suppliers would not be impacted.

Alternative C2 would require smoothhound shark fishermen using gillnet gear to conduct net checks at least every 2 hours to check for and remove any protected species, and would likely result in short- and long-term direct moderate adverse socioeconomic impacts. Some smoothhound shark gillnet fishermen fish multiple nets at one time or deploy their net(s), leave the vicinity, and return at some later time. Alternative C2 would require these fishermen to check each gillnet at least once every 2 hours, making fishing with multiple nets or leaving nets unattended difficult. This would likely lead to a reduction in effort and landing levels, resulting in lower ex-vessel revenues. Quantifying the loss of income is difficult without information characterizing the fishery, including the number of nets fished. However, limiting the amount of fishing effort in this manner is likely to reduce total landings of smoothhound sharks or, in order to keep landing levels high, extend the length of trips. Landings of incidentally caught fish species could be reduced as well, although under preferred sub-Alternative A2–1c, smoothhound shark fishermen that wish to remove smooth dogfish fins at sea could not retain other species. This alternative would not have a large impact on supporting businesses such as dealers or bait, tackle, and ice suppliers, since these businesses do not solely rely on the smoothhound shark fishery. The smoothhound shark fishery is small relative to other fisheries. Thus, Alternative C2 would likely result in short- and long-term indirect neutral socioeconomic impacts. Alternative C2 would impact the approximately 31 vessel that annually direct on smoothhound sharks with gillnet gear (annual average from 2003–2013).

Alternative C3 would establish a gillnet soak time limit of 24 hours for smoothhound shark permit holders. Under this alternative, fishermen holding both an Atlantic shark limited access permit and a smoothhound shark permit must abide by the 24 hour soak time restriction and conduct net checks at least every 2 hours. This alternative would likely result in short- and long-term direct minor adverse socioeconomic impacts to those smoothhound permitted fishermen that also have an Atlantic shark limited access permit, and therefore would be required to check their nets at least every 2 hours. Currently, smoothhound shark gillnet fishermen sometimes fish multiple nets or leave nets unattended for short periods of time. Rarely are these nets soaked for more than 24 hours, thus, this alternative would not impact smoothhound shark gillnet fishermen that do not have an Atlantic shark limited access permit. Adverse socioeconomic impacts resulting from this alternative would likely occur to the subset of smoothhound shark fishermen that also hold an Atlantic shark limited access permit. These smoothhound shark fishermen would be at a disadvantage to other smoothhound shark fishermen that do not have an Atlantic shark limited access permit, because they would be required to check their gillnets at least every 2 hours, which is a large change in the way the smoothhound shark fishery currently operates. Dropping the Atlantic shark permit to avoid the net check requirement is not likely feasible, since Atlantic shark permits are limited access and cannot be easily obtained. Additionally, pelagic longline fishermen are required to have an incidental or directed shark permit when targeting swordfish or tunas, even if they are not fishing for sharks, due to the likelihood of incidental shark catch. In practical terms, this alternative could result in smoothhound shark gillnet fishermen abiding by the 2 hour net check requirement even if they do not fish for Atlantic sharks and only hold a Atlantic shark limited access permit to fish for swordfish or tunas (note that gillnets cannot be used to target swordfish or tunas, but some vessels may switch gears between trips). For this subset of fishermen, basing gillnet requirements on permit types could introduce fishing inefficiencies when compared to other smoothhound fishermen, likely resulting in adverse socioeconomic impacts to these fishermen. It is unlikely that this alternative would have a large impact on supporting businesses such as dealers or bait, tackle, and ice suppliers since these businesses do not solely rely on the smoothhound shark fishery. As noted above, the smoothhound shark fishery is small relative to other fisheries, and it is difficult to determine the number of fishermen that would be adversely affected since NMFS does not yet know which vessels will obtain a smoothhound shark fishing permit. However, it is likely that this number will be approximately 170, which is the average annual number of vessel that retain smoothhound sharks.

Alternative C4, the preferred alternative, would establish a soak time limit of 24 hours for fishermen using sink gillnet gear and a 2 hour net check requirement for fishermen using drift gillnet gear in the Atlantic shark and smoothhound shark fisheries. Drift gillnets would be defined as those that are unattached to the ocean bottom with a float line at the surface. Sink gillnet gear would be defined as those with a weight line that sinks to the ocean bottom, has a submerged float line, and is designed to be fished on or near the bottom. Alternative C4 would likely result in neutral short- and long-term direct socioeconomic impacts. Smoothhound shark fishermen, who typically use sink gillnets, would be required to limit soak times to 24 hours and as discussed above, this requirement is unlikely to significantly alter smoothhound shark fishing practices. Drift gillnet fishermen, who are more likely to target Atlantic sharks other than smoothhound sharks, would be required to check their nets at least every 2 hours, as is currently required. Thus, this alternative is unlikely to have any socioeconomic impacts to Atlantic shark and smoothhound shark fishermen since it would not change

current fishing practices. Similarly, this alternative would likely result in neutral short- and long-term indirect socioeconomic impacts since supporting businesses including dealers and bait, tackle, and ice suppliers should not be impacted. Alternative C4 would impact the approximately 31 vessels that annually direct on smoothhound sharks with gillnet gear. Since Alternative C4 would have minimal economic impact but is still consistent with the 2012 Shark BiOp, NMFS prefers this alternative at this time.

NMFS also considered two alternatives to streamline the current VMS requirements for Atlantic shark fishermen with gillnet gear on board. NMFS considered two alternatives, the No Action alternative that would maintain the current requirement to have VMS on board when fishing for Atlantic sharks with gillnet regardless of where the vessel is fishing, and alternative D2 that would only require VMS on board for Atlantic shark fishermen using gillnet gear in an area specified by the ALWTRP requirements at 50 CFR 229.32.

Alternative D1 would maintain the current requirement that Atlantic shark permit holders fishing with gillnet gear must have VMS on board from November 15–April 15, regardless of where the vessel is fishing. These VMS requirements were put in place as an enforcement tool for complying with the ALWTRP requirements set forth in 50 CFR 229.32. Per 50 CFR 229.32 (h)(2)(i) Atlantic shark gillnet fishermen are only required to have VMS if they are fishing in the Southeast U.S. Monitoring Area. Purchasing and installing a VMS unit costs fishermen around $3,500 and monthly data transmission charges cost, on average, approximately $44.00. Because these monthly costs are currently incurred whenever a shark gillnet fishermen is fishing from November 15–April 15, these costs can affect the fishermen's annual revenues. Although the affected fishermen already have VMS installed, they continue to pay for transmission and maintenance costs, and could need to buy a new unit if theirs fails. NMFS notes that there may be a reimbursement program that would defray part of the purchase cost, but whether that program will exist is not certain at this time. Thus, it is likely that this alternative could have short and long-term direct minor adverse socioeconomic impacts to fishermen due to the cost of purchasing and maintaining a VMS unit. While the retention of sharks in federal waters requires one of two limited access commercial shark permits, these permits do not specify gear type, including gillnets. For this reason, NMFS does not know the exact number of affected shark gillnet fishermen. As of July 11, 2013, there are 216 directed shark and 261 incidental shark permit holders. Logbook records indicate that there are usually about 10 Atlantic shark directed permit holders that use gillnet gear in any year. However, the universe of directed permit holders using gillnet gear can change from year to year and could include anyone who holds an Atlantic shark directed permit.

Alternative D2, the preferred alternative, would change the gillnet VMS requirements to require federal directed shark permit holders with gillnet gear on board to use VMS only in the vicinity of the Southeast U.S. Monitoring Area, pursuant to ALWTRP requirements. This alternative would have short- and long-term direct minor beneficial socioeconomic impacts. Atlantic shark gillnet fishermen fishing in the vicinity of the Southeast U.S. Monitoring Area would still incur the installation costs of the VMS, but data transmission would be limited to those times when the vessel is in this area. Furthermore, shark gillnet fishermen outside of this area that do not fish in the vicinity of the Southeast U.S Monitoring Area would not need to install a VMS unit or, if they already have one, maintain the VMS unit or replace a malfunctioning one. Thus, the socioeconomic impacts from this alternative, while still adverse, are of a lesser degree than those under Alternative D1, the No Action alternative. This alternative would likely result in neutral short- and long-term indirect socioeconomic impacts, since supporting businesses including dealers and bait, tackle, and ice suppliers would not be impacted. As noted in the other alternatives discussions, NMFS does not know the exact number of shark gillnet fishermen that would be affected by this alternative. As of July 11, 2013, there are 216 directed shark and 261 incidental shark permit holders. Logbook records indicate that there are usually about 10 Atlantic shark directed permit holders that use gillnet gear in any year. However, the universe of directed permit holders using gillnet gear can change from year to year and could include anyone who holds an Atlantic shark directed permit. Since this alternative is more in line with the requirements of the ALWTRP, and because it would reduce socioeconomic impacts while still maintaining beneficial ecological impacts for protected whale species, NMFS prefers this alternative at this time.

List of Subjects in 50 CFR Part 635

Fisheries, Fishing, Fishing vessels, Penalties, Reporting and recordkeeping requirements, Retention limits.

Dated: August 1, 2014.

Samuel D. Rauch III,

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

For reasons set out in the preamble, 50 CFR part 635 is proposed to be amended as follows:

PART 635—ATLANTIC HIGHLY MIGRATORY SPECIES

■ 1. The authority citation for part 635 continues to read as follows:

Authority: 16 U.S.C. 971 *et seq.;* 16 U.S.C. 1801 *et seq.*

■ 2. In § 635.2, definitions for ''Atlantic States,'' ''Drift gillnet,'' ''Sink gillnet,'' and ''Smoothhound shark'' are added in alphabetical order to read as follows:

§ 635.2 Definitions.

* * * * *

Atlantic States, consistent with section 803 of Public law 103–206 (16 U.S.C. 5102), refers to Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida, the District of Columbia, and the Potomac River Fisheries Commission, for purposes of applying the Shark Conservation Act exception at 50 CFR 635.30(c)(5).

* * * * *

Drift gillnet means a gillnet that is unattached to the ocean bottom and not anchored, secured or weighted to the ocean bottom.

* * * * *

Sink gillnet means a gillnet that is designed to be or is fished on or near the bottom in the lower third of the water column by means of a weight line or enough weights and anchors that the bottom of the gillnet sinks to, on, or near the ocean bottom.

* * * * *

Smoothhound shark(s) means one of the species, or part thereof, listed in section E of table 1 in appendix A to this part.

* * * * *

■ 3. In § 635.4, paragraphs (e)(4) and (m)(2) are revised to read as follows:

§ 635.4 Permits and fees.

* * * * *

(e) * * *

(4) Owners of vessels that fish for, take, retain, or possess the Atlantic

oceanic sharks listed in section E of Table 1 of Appendix A with an intention to sell must obtain a Federal commercial smoothhound permit. A Federal commercial smoothhound permit may be issued to a vessel alone or to a vessel that also holds either a Federal Atlantic commercial shark directed or incidental limited access permit.

* * * * *

(m) * * *

(2) *Shark and swordfish permits.* A vessel owner must obtain the applicable limited access permit(s) issued pursuant to the requirements in paragraphs (e) and (f) of this section and/or a Federal commercial smoothhound permit issued under paragraph (e) of this section; or an HMS Commercial Caribbean Small Boat permit issued under paragraph (o) of this section, if: The vessel is used to fish for or take sharks commercially from the management unit; sharks from the management unit are retained or possessed on the vessel with an intention to sell; or sharks from the management unit are sold from the vessel. A vessel owner must obtain the applicable limited access permit(s) issued pursuant to the requirements in paragraphs (e) and (f) of this section, a Swordfish General Commercial permit issued under paragraph (f) of this section, an Incidental HMS Squid Trawl permit issued under paragraph (n) of this section, an HMS Commercial Caribbean Small Boat permit issued under paragraph (o) of this section, or an HMS Charter/Headboat permit issued under paragraph (b) of this section, which authorizes a Charter/Headboat to fish commercially for swordfish on a non for-hire trip subject to the retention limits at § 635.24(b)(4) if: The vessel is used to fish for or take swordfish commercially from the management unit; swordfish from the management unit are retained or possessed on the vessel with an intention to sell; or swordfish from the management unit are sold from the vessel. The commercial retention and sale of swordfish from vessels issued an HMS Charter/Headboat permit is permissible only when the vessel is on a non for-hire trip. Only persons holding non-expired shark and swordfish limited access permit(s) in the preceding year are eligible to renew those limited access permit(s). Transferors may not renew limited access permits that have been transferred according to the procedures in paragraph (l) of this section.

* * * * *

■ 4. In § 635.7, paragraph (a) is revised and paragraph (g) is added to read as follows:

§ 635.7 At-sea observer coverage.

(a) *Applicability.* NMFS may select for at-sea observer coverage any vessel that has an Atlantic HMS, tunas, shark or swordfish permit issued under § 635.4 or § 635.32. Vessels permitted in the HMS Charter/Headboat and Angling categories will be requested to take observers on a voluntary basis. When selected, vessels issued any other permit under § 635.4 or § 635.32 are required to take observers on a mandatory basis. Requirements for selection, notification, and assignment of observers for vessels that have been issued Federal commercial smoothhound permits are set forth in paragraph (g) of this section.

* * * * *

(g) *Selection, Notification, and Assignment of Observers for Commercial Smoothhound Vessels.* (1) NMFS may request any vessel issued a Federal commercial smoothhound shark permit to carry a NMFS-approved observer.

(2) If requested to carry an observer, it is the responsibility of the vessel owner to arrange for and facilitate observer placements. Owners of vessels selected for observer coverage must notify NMFS, at an address specified by NMFS, before commencing any fishing trip that may result in the harvest of smoothhound sharks. Notification procedures are set forth in paragraph (4) below.

(3) NMFS may waive the requirement to carry an observer if an observer is not available for placement or if the facilities on a vessel for housing the observer, or for carrying out observer functions, are so inadequate or unsafe that the health or safety of the observer, or the safe operation of the vessel, would be jeopardized.

(4) A vessel issued a Federal smoothhound permit may not begin a fishing trip without providing notice as required under this paragraph and receiving an observer notification or waiver pursuant to paragraph (g)(5) of this section. Unless otherwise notified by NMFS, at least 48 hours prior to departing port on any trip, the owner or operator of a vessel issued a Federal smoothhound permit must provide notice to NMFS at an address specified by NMFS of the vessel name and permit number; contact name and telephone number for coordination of observer deployment; date, time, and port of departure; and the vessel's trip plan, including area to be fished and gear type to be used. For trips lasting 48 hours or less from the time the vessel leaves port to begin a fishing trip until the time the vessel returns to port upon the completion of the fishing trip, the vessel owner or operator may make a weekly notification rather than trip-by-trip calls. For weekly notifications, a vessel owner or operator must notify NMFS at an address specified by NMFS by 1 a.m. of the Friday preceding the week (Sunday through Saturday) that it intends to complete at least one smoothhound trip during the following week and provide the date, time, port of departure, area to be fished, and gear type to be used for each trip during that week. Such weekly notifications must be made no more than 10 days in advance of each fishing trip. The vessel owner or operator must notify NMFS of any trip plan changes at least 24 hours prior to vessel departure from port.

(5) Within 24 hours of a notice made under paragraph (g)(4) of this section, NMFS will notify the vessel owner or operator via the information provided by the vessel owner or operator, whether the vessel must carry an observer or if a waiver has been granted pursuant to paragraph (g)(3) of this section. All trip notifications shall be issued a unique confirmation number. A vessel may not fish on a smoothhound shark trip with an observer waiver confirmation number that does not match the trip plan that was provided to NMFS, pursuant to paragraph (g)(4) of this section. Confirmation numbers for trip notification calls are valid for 48 hours from the intended sail date. If a trip is interrupted and returns to port due to bad weather or other circumstance beyond the owner's or operator's control, and goes back out within 48 hours, the same confirmation number and observer status remains. If the layover time is greater than 48 hours, a new trip notification must be made by the operator or owner of the vessel.

■ 5. In § 635.20, paragraph (e)(4) is revised to read as follows

§ 635.20 Size limits.

* * * * *

(e) * * *

(4) There is no size limit for smoothhound sharks taken under the recreational retention limits specified at § 635.22(c)(6).

* * * * *

■ 6. In § 635.21, paragraphs (g)(2) and (3), as proposed to be amended at 78 FR 52032, August 21, 2013, are further revised to read as follows:

§ 635.21 Gear operation and deployment restrictions.

* * * * *

(g) * * *

(2) While fishing with a drift gillnet, a vessel issued or required to be issued a Federal Atlantic commercial shark

limited access permit and/or a Federal commercial smoothhound permit must conduct net checks at least every 2 hours to look for and remove any sea turtles, marine mammals, Atlantic sturgeon, or smalltooth sawfish, and the drift gillnet must remain attached to at least one vessel at one end, except during net checks. Smalltooth sawfish must not be removed from the water while being removed from the net.

(3) While fishing with a sink gillnet, vessels issued or required to be issued a Federal Atlantic commercial shark limited access permit and/or a Federal commercial smoothhound permit must limit the soak time of the sink gillnet gear to 24 hours, measured from the time the sink gillnet first enters the water to the time it is completely removed from the water.

* * * * *

■ 7. In § 635.22, paragraph (c)(6) is revised to read as follows:

§ 635.22 Recreational retention limits.

* * * * *

(c) * * *

(6) The smoothhound sharks listed in Section E of Table 1 of Appendix A to this part may be retained and are subject only to the size limits described in § 635.20(e)(4).

* * * * *

■ 8. In § 635.24, paragraph (a)(7) is revised to read as follows:

§ 635.24 Commercial retention limits for sharks, swordfish, and BAYS tunas.

* * * * *

(a) * * *

(7) A person who owns or operates a vessel that has been issued a Federal commercial smoothhound permit may retain, possess, and land smoothhound sharks if the smoothhound fishery is open in accordance with §§ 635.27 and 635.28. Persons aboard a vessel in a trawl fishery that has been issued a Federal commercial smoothhound permit and are in compliance with all other applicable regulations, may retain, possess, land, or sell incidentally-caught smoothhound sharks, but only up to an amount that does not exceed 25 percent, by weight, of the total catch on board and/or offloaded from the vessel. A vessel is in a trawl fishery when it has no commercial fishing gear other than trawls on board and when smoothhound sharks constitute no more than 25 percent by weight of the total catch on board or offloaded from the vessel.

* * * * *

■ 9. In § 635.27, paragraphs (b)(1)(xi) and (b)(4)(iv) are added and read as follows:

§ 635.27 Quotas.

* * * * *

(b) * * *

(1) * * *

(xi) *Smoothhound sharks.* The base annual commercial quota for smoothhound sharks is 1782.2 mt dw.

* * * * *

(4) * * *

(iv) The base annual quota for persons who collect smoothhound sharks under a display permit or EFP is 6 mt ww (4.3 mt dw).

* * * * *

■ 10. In § 635.30, paragraph (c) is revised to read as follows:

§ 635.30 Possession at sea and landing.

* * * * *

(c) *Shark.* (1) In addition to the regulations issued at part 600, subpart N, of this chapter, a person who owns or operates a vessel issued a Federal Atlantic commercial shark permit under § 635.4 must maintain all the shark fins including the tail naturally attached to the shark carcass until the shark has been offloaded from the vessel, except for under the conditions specified in § 635.30(c)(5). While sharks are on board and when sharks are being offloaded, persons issued a Federal Atlantic commercial shark permit under § 635.4 are subject to the regulations at part 600, subpart N, of this chapter.

(2) A person who owns or operates a vessel that has a valid Federal Atlantic commercial shark permit may remove the head and viscera of the shark while on board the vessel. At any time when on the vessel, sharks must not have the backbone removed and must not be halved, quartered, filleted, or otherwise reduced. All fins, including the tail, must remain naturally attached to the shark through offloading, except under the conditions specified for smooth dogfish in paragraph (c)(5) of this section. While on the vessel, fins may be sliced so that the fin can be folded along the carcass for storage purposes as long as the fin remains naturally attached to the carcass via at least a small portion of uncut skin. The fins and tail may only be removed from the carcass once the shark has been landed and offloaded, except under the conditions specified in paragraph (c)(5) of this section.

(3) A person who owns or operates a vessel that has been issued a Federal Atlantic commercial shark permit and who lands sharks in an Atlantic coastal port, including ports in the Gulf of Mexico and Caribbean Sea, must have all fins and carcasses weighed and recorded on the weighout slips specified in § 635.5(a)(2) and in accordance with part 600, subpart N, of this chapter. Persons may not possess any shark fins not naturally attached to a shark carcass on board a fishing vessel at any time, except under the conditions specified in paragraph (c)(5) of this section. Once landed and offloaded, sharks that have been halved, quartered, filleted, cut up, or reduced in any manner may not be brought back on board a vessel that has been or should have been issued a Federal Atlantic commercial shark permit.

(4) Persons aboard a vessel that does not have a Federal Atlantic commercial shark permit must maintain a shark intact through landing with the head, tail, and all fins naturally attached, except under the conditions specified in paragraph (c)(5) of this section. The shark may be bled and the viscera may be removed.

(5) A person who owns or operates a vessel that has been issued or is required to be issued a Federal commercial smoothhound permit may remove the fins and tail of a smooth dogfish shark prior to offloading if the conditions in paragraphs (c)(5)(i) through (iv) of this section have been met. If the conditions in paragraphs (c)(5)(i) through (iv) have not been met, all fins, including the tail, must remain naturally attached to the smooth dogfish through offloading from the vessel:

(i) The smooth dogfish was caught within waters of the United States located shoreward of a line drawn in such a manner that each point on it is 50 nautical miles from the baseline of an Atlantic State, from which the territorial sea is measured, from Maine south through Florida to the Atlantic and Gulf of Mexico shark regional boundary defined in § 635.27(b)(1).

(ii) The vessel has been issued both a Federal commercial smoothhound permit and a valid State commercial fishing permit that allows for fishing for smooth dogfish.

(iii) Smooth dogfish make up at least 75 percent of the retained catch on board, and no other shark species are retained.

(iv) Total weight of the smooth dogfish fins landed or found on board a vessel cannot exceed 12 percent of the total dressed weight of smooth dogfish carcasses on board or landed from the fishing vessel.

* * * * *

■ 11. In § 635.69, paragraph (a)(3) is revised to read as follows:

§ 635.69 Vessel monitoring systems.

* * * * *

(a) * * *

(3) Pursuant to Atlantic large whale take reduction plan requirements at 50

CFR 229.32(h), whenever a vessel issued a directed shark LAP has a gillnet(s) on board.

* * * * *

■ 12. In § 635.71, paragraphs (d)(6), (d)(7), and (d)(18) are revised to read as follows:

§ 635.71 Prohibitions.

* * * * *

(d) * * *

(6) Fail to maintain a shark in its proper form, as specified in § 635.30(c). Fail to maintain naturally attached shark fins through offloading as specified in § 635.30(c), except for under the conditions specified in § 635.30(c)(5).

(7) Sell or purchase smooth dogfish fins that are disproportionate to the weight of smooth dogfish carcasses, as specified in § 635.30(c)(5).

* * * * *

(18) Retain or possess on board a vessel in the trawl fishery smoothhound sharks in an amount that exceeds 25 percent, by weight, of the total fish on board or offloaded from the vessel, as specified at § 635.24(a)(7).

* * * * *

■ 13. In appendix A to part 635, section E of table 1 is revised to read as follows:

Appendix A to Part 635—Species Tables

Table 1 of Appendix A to Part 635—Oceanic Sharks

* * * * *

E. Smoothhound Sharks

Smooth dogfish, *Mustelus canis*
Florida smoothhound, *Mustelus norrisi*
Gulf smoothhound, *Mustelus sinusmexicanus*
Mustelus species

[FR Doc. 2014–18671 Filed 8–6–14; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 130822745–4627–01]

RIN 0648–BD64

Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Atlantic Surfclam and Ocean Quahog Fishery; Information Collection

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes an information collection program for the Atlantic surfclam and ocean quahog fishery. The intended effect of this rule is to collect more detailed information about individuals and businesses that hold fishery quota allocation in the Atlantic surfclam and ocean quahog individual transferable quota programs. This action is necessary to ensure that the Mid-Atlantic Fishery Management Council has the information needed to develop a future management action intended to establish an excessive share cap in this fishery.

DATES: Comments must be received by September 8, 2014.

ADDRESSES: You may submit comments, identified by NOAA–NMFS–2014–0088, by any of the following methods:

- *Electronic Submissions:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2014-0088,* click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.
- *Fax:* (978) 281–9135, Attn: Douglas Potts.
- *Mail:* John K. Bullard, Regional Administrator, NMFS, Greater Atlantic Regional Fisheries Office, 55 Great Republic Drive, Gloucester, MA 01930. Mark the outside of the envelope: ''Comments on Surfclam/Ocean Quahog Information Collection.''

Instructions: All comments received are part of the public record and will generally be posted to *www.regulations.gov* without change. All Personal Identifying Information (for example, name, address, etc.) voluntarily submitted by the commenter may be publicly accessible. Do not submit confidential business information or otherwise sensitive or protected information.

NMFS will accept anonymous comments. Attachments to electronic comments will be accepted via Microsoft Word, Microsoft Excel, WordPerfect, or Adobe PDF file formats only.

Written comments regarding the burden-hour estimates or other aspects of the collection-of-information requirements contained in this proposed rule may be submitted to the Greater Atlantic Regional Fisheries Office and by email to *OIRA_Submission@omb.eop.gov* or fax to (202) 395–5806.

FOR FURTHER INFORMATION CONTACT: Douglas Potts, Fishery Policy Analyst, 978–281–9341.

SUPPLEMENTARY INFORMATION:

Background

Section 402(a)(1) for the Magnuson-Stevens Fishery Conservation and Management Act authorizes the Secretary of Commerce to implement an information collection program if a fishery management council determines that additional information would be beneficial for developing, implementing, or revising a fishery management plan (FMP). The Mid-Atlantic Fishery Management Council requests that NMFS implement an information collection program in the Atlantic surfclam and ocean quahog individual transferable quota (ITQ) fisheries. The specific components of the requested information collection are detailed in a white paper titled, ''Data Collection Recommendations for the Surfclam and Ocean Quahog Fisheries'' that was prepared by the Surfclam and Ocean Quahog Data Collection Fishery Management Action Team, at the direction of the Council. The purpose of this information collection is to better identify the specific individuals who hold or control ITQ allocation in these fisheries. The Council will use the information collected to inform the development of a future management action intended to establish an excessive share cap as part of the Council's Surfclam/Ocean Quahog FMP.

The Atlantic surfclam and ocean quahog fisheries have been managed under an ITQ system since 1990. Vessel owners received an initial allocation of quota share based on a formula of historical catch and vessel size. Each year, the total commercial quotas for the surfclam and ocean quahog ITQ fisheries are divided among the individuals who hold quota share. Annual allocations take the form of cage tags for the standard 32-bushel (1,700L) cages, which must be used to land the product. The quota share or cage tags are both considered types of ITQ allocation, and may be leased or sold to anyone, except foreign owners.

While managed jointly, the surfclam and ocean quahog ITQ fisheries are operationally distinct. The commercial quotas, quota shareholders, and cage tags are different for the two species. In addition, vessels may not land both surfclams and ocean quahogs on the same trip. Because these fisheries are managed in the same way, this information collection program applies equally to both fisheries.

Currently, NMFS collects only basic information about the individuals or businesses that hold surfclam and ocean quahog ITQ allocations. This information is collected at the time that

an entity first acquires ITQ allocation and is not routinely verified or updated. The information collection program proposed by this action is intended to identify the specific individuals who have an ownership interest in surfclam or ocean quahog ITQ allocation through a corporation, partnership, or other entity, or control the use of ITQ allocation through the use of long-term contracts or other agreements. This action would also ensure that the ownership information on file remains current by modifying the procedures for receiving and maintaining an ITQ allocation permit.

With this action, we are proposing to change the current surfclam and ocean quahog ITQ allocation permit, which currently never expires, into an annual ITQ permit. A surfclam or ocean quahog ITQ permit would need to be renewed each year before the ITQ permit holder could receive cage tags. In addition, if the permit holder has quota share, the permit would need to be renewed before the end of the fishing year or that quota could be considered voluntarily relinquished, and no longer eligible to receive an annual allocation of cage tags.

To receive a surfclam or ocean quahog ITQ permit, an applicant would need to complete both an ITQ permit application form and an ITQ ownership form. In subsequent years, the permit renewal process would require the applicant to review a pre-filled copy of these forms, make any necessary changes, then sign and submit the forms to NMFS in order to verify that the information on file remains current. Any transfer of ITQ quota share or cage tags would require an ITQ transfer application form.

Application for Surfclam/Ocean Quahog ITQ Permit

The ITQ permit application form would collect the applicant's name, business address, telephone number, and date of birth (for individuals) or taxpayer identification number (TIN) (for businesses) to positively identify people or businesses with similar names. The applicant would also need to verify that the permit holder meets the requirement to be eligible to own a documented vessel under the terms of 46 U.S.C. 12103(b). This requirement ensures that the applicant is a U.S. citizen or a U.S. controlled corporation.

Surfclam/Ocean Quahog ITQ Ownership Form

The ITQ ownership form would collect detailed information about the entities that hold ITQ allocation. The form would collect the ITQ permit holder's name, business address, telephone number, date of birth (for individuals) or TIN (for businesses), state registered in (for businesses), and identify the organization type (e.g., individual/sole proprietorship, joint ownership, partnership, corporation, etc.).

As requested by the Council, the form would allow state or federal chartered banks that hold ITQ allocation as collateral on a loan, but do not exert control over the use of the allocation, to attest to this fact. Such banks would need to identify the borrower, but would not need to complete the more detailed ownership information described below. To ensure that the borrower is the controlling factor in the use of the ITQ allocation, the borrower would need to maintain a separate ITQ permit, and any transfer of quota share or cage tags from the bank would be restricted to the borrower. Allocation could then be transferred to a third party, at the discretion of the borrower. A borrower would therefore need to complete the more detailed ownership information in order to maintain a valid ITQ permit.

ITQ holders that are not eligible banks would need to provide more detailed ownership information. An ITQ permit holder that is a business entity would need to identify corporate officers. All ITQ permit holders would need to identify any shareholders with a 10 percent or greater ownership interest in the permit holder down to the individual level. This means that if an ITQ permit is held by a business entity, and that business is owned in part by another business entity, ownership of that second business would also need to be identified to the level of individual persons that make up that business. If that second business was part owned by another business entity, then ownership of that third business would need to be identified to the level of individual persons, and so on. In addition, the applicant would need to identify any immediate family members of the ITQ permit holder, or the individuals who have an ownership interest in the ITQ permit holder, that also have an ownership interest in any other surfclam or ocean quahog ITQ permit. For purposes of this collection, we are using the definition of ''immediate family member'' used by the Small Business Administration: Father, mother, husband, wife, son, daughter, brother, sister, grandfather, grandmother, grandson, granddaughter, father-in-law, and mother-in-law.

Application To Transfer Surfclam/Ocean Quahog ITQ

The current ITQ transfer form would be modified by this action. Information about the allocation holder would be removed, as that would now be collected through the ITQ permit application and the ITQ ownership form. The transfer form would clarify whether or not a permanent transfer of ITQ quota share includes all of the cage tags for the current fishing year. The current transfer process does not allow a permanent transfer of quota share without also transferring all of the associated cage tags for the current fishing year. This can be restrictive on quota shareholders who might wish to transfer quota share separate from transfer of the current allocation of cage tags. This action would add questions to the transfer form to better understand the nature of the transfer. These questions include: Total price paid for the transfer, including any fees; broker fees paid, if applicable; whether the transfer is part of a long-term (more than 1 year) contract; if so, the duration of the contract and whether the price is fixed or flexible; and any other conditions on the transfer. As on the current transfer form, both parties would need to sign the form.

In addition, this action would make minor corrections and clarifications to the surfclam and ocean quahog regulations. The current regulations contain an outdated cross reference to the portion of the U.S.C. that defines which persons or entities are eligible to own a documented vessel. Several paragraphs in the Prohibitions section at § 648.14(j) that pertain to the surfclam and ocean quahog fisheries have incorrect cross references to other sections of the part 648 regulations. The regulations specifying when the Regional Administrator may deny a transfer are currently unclear. This action would revise the regulations to provide additional detail and clarity.

Classification

Pursuant to section 304(b)(1)(A) of the Magnuson-Stevens Act, the Assistant Administrator for Fisheries, NOAA, has determined that this proposed rule is consistent with the Atlantic Surfclam and Ocean Quahog FMP, other provisions of the Magnuson-Stevens Act, and other applicable law, subject to further consideration after public comment.

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

The Chief Counsel for Regulation of the Department of Commerce certified

to the Chief Counsel for Advocacy of the Small Business Administration (SBA) that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities.

The factual basis for this certification is as follows:

The proposed measures would only affect allocation permit holders that would need to apply for the new annual ITQ permit. This includes entities that hold surfclam or ocean quahog quota share, or that lease the cage tags that are used to land product in these fisheries. In 2013, there were 189 allocation permit holders that either held quota share and/or participated in a lease of cage tags for surfclams or ocean quahog.

Note that individual allocations are often registered in the name of a corporation, rather than an individual. It is common for owners of multiple fishing vessels to list each one as being owned by a separate corporation for the purpose of limiting liability. Similarly, a single individual might hold multiple allocations that are listed in NMFS's records as being registered to distinct corporations for the same reason. Banks that have loaned money to allocation holders will often require that the allocation be placed in the bank's name as collateral for the loan. A single individual may have several such loans. As such, it is important to understand that the number of allocations is not equal to the number of allocation owners. The number of owners will be smaller due to the ownership of multiple allocations, which may be listed under a corporate name or in the name of a bank.

However, NMFS currently does not have information to characterize small entities at the ITQ allocation level. Instead, information on fishing activities is used to characterize and enumerate small entities. One of the benefits of this action would be a better understanding of ownership of allocation holders, which could lead to better identification of small entities and help analyze the impacts of future management actions.

The Small Business Administration defines a small business in the commercial shellfish harvesting sector, as a firm with total annual receipts (gross revenues) not in excess of $5.5 mil. In 2012, there were 498 fishing firms that held at least one surfclam or ocean quahog vessel permit. Vessel permits are open access, available to anyone who applies. Many of the permitted vessels do not actively participate in the fishery. These potential participants likely do not own quota, likely do not have established marketing relationships with surfclam and ocean quahog processors, and likely do not own gear needed to harvest surfclam and ocean quahog. Therefore, while there are 498 regulated entities, many of these entities are only potential participants and unlikely to experience any direct effects of any changes in regulations. In order to provide a more accurate count and description of the directly regulated entities, landings data are used to select only firms that were active in either the surfclam and ocean quahog fishery. There are 38 active fishing firms, of which 36 are small entities and 2 are large entities.

Some of the detailed ownership information has not been previously collected, we have estimated just over one hour of additional time and effort will be necessary on the part of the ITQ permit holder to complete the forms in the first year. However, in subsequent years, renewal forms would be sent to ITQ permit holders completed with the information on file. An ITQ permit holder would just need to review and sign the forms to ensure that the information on file is still correct. This review process is estimated to take 5 minutes per form if the ownership information does not need to be changed.

Therefore, because this action is administrative and because no significant change in fishing effort, participation in the fishery, or fishery expenses is expected, this action will not have a significant economic impact on a substantial number of small entities. As a result, an initial regulatory flexibility analysis is not required and none has been prepared.

This proposed rule contains collection-of-information requirements subject to review and approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act (PRA). These requirements have been submitted to OMB for approval. Public reporting burden is estimated to average 5 minutes per response for the application for surfclam/ocean quahog ITQ permit; 60 minutes per response for new entrants completing the surfclam/ocean quahog ITQ ownership form and to average 5 minutes per response when the form is pre-filled for renewing entities; and the application to transfer surfclam/ocean quahog ITQ are estimated to average 5 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

Public comment is sought regarding: Whether this proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the burden estimate; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the collection of information, including through the use of automated collection techniques or other forms of information technology. Send comments on these or any other aspects of the collection of information to the Greater Atlantic Regional Fisheries Office at the **ADDRESSES** above, and email to *OIRA_Submission@omb.eop.gov,* or fax to (202) 395–5806.

Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the PRA, unless that collection of information displays a currently valid OMB Control Number. All currently approved NOAA collections of information may be viewed at: *www.cio.noaa.gov/services_programs/prasubs.html.*

List of Subjects in 50 CFR Part 648

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: August 1, 2014.

Samuel D. Rauch III,

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

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

PART 648—FISHERIES OF THE NORTHEASTERN UNITED STATES

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

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

■ 2. In § 648.14, revise paragraphs (j)(1)(ii), (j)(2), (j)(3)(v), (j)(3)(vi), (j)(5)(ii), (j)(5)(iv), (j)(5)(v), (j)(6)(ii), (j)(6)(iii) to read as follows:

§ 648.14 Prohibitions.

* * * * *

(j) * * *

(1) * * *

(ii) Shuck surfclams or ocean quahogs harvested in or from the EEZ at sea, unless permitted by the Regional Administrator under the terms of § 648.75.

* * * * *

(2) *Transfer and purchase.* (i) Receive for a commercial purpose other than solely for transport on land, surfclams or ocean quahogs harvested in or from the EEZ, whether or not they are landed

under an allocation under § 648.74, unless issued a dealer/processor permit under this part.

* * * * *

(3) * * *

(v) Possess an empty cage to which a cage tag required by § 648.77 is affixed, or possess any cage that does not contain surfclams or ocean quahogs and to which a cage tag required by § 648.77 is affixed.

(vi) Land or possess, after offloading, any cage holding surfclams or ocean quahogs without a cage tag or tags required by § 648.77, unless the person can demonstrate the inapplicability of the presumptions set forth in § 648.77(h).

* * * * *

(5) * * *

(ii) Land unshucked surfclams and ocean quahogs harvested in or from the EEZ within the Maine mahogany quahog zone in containers other than cages from vessels capable of carrying cages unless, with respect to ocean quahogs, the vessel has been issued a Maine mahogany quahog permit under this part and is not fishing for an individual allocation of quahogs under § 648.74.

(iii) * * *

(iv) Offload unshucked ocean quahogs harvested in or from the EEZ within the Maine mahogany quahog zone from vessels not capable of carrying cages, other than directly into cages, unless the vessel has been issued a Maine mahogany quahog permit under this part and is not fishing for an individual allocation of quahogs under § 648.74.

(v) Land or possess ocean quahogs harvested in or from the EEZ within the Maine mahogany quahog zone after the effective date published in the **Federal Register** notifying participants that Maine mahogany quahog quota is no longer available for the respective fishing year, unless the vessel is fishing for an individual allocation of ocean quahogs under § 648.74.

(6) * * *

(ii) Surfclams or ocean quahogs landed from a trip for which notification was provided under § 648.15(b) or § 648.74(b) are deemed to have been harvested in the EEZ and count against the individual's annual allocation, unless the vessel has a valid Maine mahogany quahog permit issued pursuant to § 648.4(a)(4)(i) and is not fishing for an individual allocation under § 648.74.

(iii) Surfclams or ocean quahogs found in cages without a valid state tag are deemed to have been harvested in the EEZ and are deemed to be part of an individual's allocation, unless the vessel has a valid Maine mahogany quahog permit issued pursuant to § 648.4(a)(4)(i) and is not fishing for an individual allocation under § 648.74; or, unless the preponderance of available evidence demonstrates that he/she has surrendered his/her surfclam and ocean quahog permit issued under § 648.4 and he/she conducted fishing operations exclusively within waters under the jurisdiction of any state. Surfclams and ocean quahogs in cages with a Federal tag or tags, issued and still valid pursuant to this part, affixed thereto are deemed to have been harvested by the individual allocation holder to whom the tags were issued or transferred under § 648.74 or § 648.77(b).

* * * * *

■ 3. Revise § 648.74 to read as follows:

§ 648.74 Individual Transferable Quota (ITQ) Program.

(a) *Annual individual allocations.* Each fishing year, the Regional Administrator shall determine the initial annual allocation of surfclams and ocean quahogs for the next fishing year for each ITQ permit holder holding ITQ quota share pursuant to the requirements of this section. For each species, the initial allocation for the next fishing year is calculated by multiplying the quota share percentage held by each ITQ permit holder as of the last day of the previous fishing year in which quota share holders are permitted to permanently transfer quota share percentage pursuant to paragraph (b) of this section (i.e., October 15 of every year), by the quota specified by the Regional Administrator pursuant to § 648.72. The total number of bushels of annual allocation shall be divided by 32 to determine the appropriate number of cage tags to be issued or acquired under § 648.77. Amounts of annual allocation of 0.5 cages or smaller created by this division shall be rounded downward to the nearest whole number, and amounts of annual allocation greater than 0.5 cages created by this division shall be rounded upward to the nearest whole number, so that annual allocations are specified in whole cages.

(1) *Surfclam and ocean quahog ITQ permits.* Surfclam and ocean quahog ITQ allocations shall be issued in the form of annual ITQ permits. The ITQ permit shall specify the quota share percentage held by the ITQ permit holder and the annual allocation in cages and cage tags for each species.

(i) *Eligibility.* In order to be eligible to hold a surfclam or ocean quahog ITQ permit, an individual must be eligible to own a documented vessel under the terms of 46 U.S.C. 12103(b).

(ii) *Application.* (A) *General.* Applicants for a surfclam or ocean quahog ITQ permit under this section must submit a completed ITQ permit application and a completed ITQ ownership form on the appropriate forms obtained from NMFS. The ITQ permit application and ITQ ownership form must be filled out completely and signed by the applicant. The Regional Administrator will notify the applicant of any deficiency in the application.

(B) *Renewal applications.* Applications to renew a surfclam or ocean quahog ITQ permit must be received by November 1 to be processed in time for permits to be issued by December 15, as specified in paragraph (a)(1)(iii) of this section. Renewal applications received after this date may not be approved, and a new permit may not be issued before the start of the next fishing year. An ITQ permit holder must renew his/her ITQ permit(s) on an annual basis by submitting an application and an ownership form for such permit prior to the end of the fishing year for which the permit is required. Failure to renew a surfclam or ocean quahog ITQ permit in any fishing year will result in any surfclam or ocean quahog ITQ quota share held by that ITQ permit holder to be considered abandoned and relinquished as specified in paragraph (a)(1)(ix) of this section.

(iii) *Issuance.* Except as provided in subpart D of 15 CFR part 904, and provided an application for such permit is submitted by November 1, as specified in paragraph (a)(1)(ii)(B) of this section, NMFS shall issue annual ITQ permits on or before December 15, to allow allocation owners to purchase cage tags from a vendor specified by the Regional Administrator pursuant to § 648.77(b).

(iv) *Duration.* An ITQ permit is valid through December 31 of each fishing year unless it is suspended, modified, or revoked pursuant to 15 CFR part 904, or revised due to a transfer of all or part of the ITQ quota share or cage tag allocation under paragraph (b) of this section.

(v) *Alteration.* An ITQ permit that is altered, erased, or mutilated is invalid.

(vi) *Replacement.* The Regional Administrator may issue a replacement permit upon written application of the annual ITQ permit holder.

(vii) *Transfer.* The annual ITQ permit is valid only for the person to whom it is issued. All or part of the ITQ quota share or the cage tag allocation specified in the ITQ permit may be transferred in accordance with paragraph (b) of this section.

(viii) *Fee.* The Regional Administrator may, after publication of a fee notification in the **Federal Register**, charge a permit fee before issuance of the permit to recover administrative expenses. Failure to pay the fee will preclude issuance of the permit.

(ix) *Abandonment or voluntary relinquishment.* Any ITQ permit that is voluntarily relinquished to the Regional Administrator, or deemed to have been voluntarily relinquished for failure to renew in accordance with paragraph (a)(1)(ii) of this section, shall not be reissued or renewed in a subsequent year, except as specified in paragraph (a)(1)(x) of this section.

(x) *Transitional grace period.* A surfclam or ocean quahog quota share holder who does not apply for an ITQ permit before the end of the 2015 fishing year, may be granted a grace period of up to one year to complete the initial application process, and be issued an ITQ permit, before the quota share is considered permanently relinquished. If an individual is issued a 2015 ITQ permit, but fails to renew that ITQ permit before the end of the 2016 fishing year, the Regional Administrator may allow a grace period until no later than July 1, 2017, to complete the renewal process and retain the permit. A permit holder may not be issued cage tags or transfer quota share until a valid ITQ permit is issued. Failure to complete the ITQ permit application or renewal process, and be issued a valid ITQ permit before the end of such a grace period would result in the ITQ permit and any associated ITQ quota share being permanently forfeit.

(2) [Reserved]

(b) *Transfers*—(1) *Quota share percentage.* Subject to the approval of the Regional Administrator, part or all of a quota share percentage may be transferred in the year in which the transfer is made, to any person or entity with a valid ITQ allocation permit under paragraph (a). Approval of a transfer by the Regional Administrator and for a new ITQ permit reflecting that transfer may be requested by submitting a written application for approval of the transfer and for issuance of a new ITQ permit to the Regional Administrator at least 10 days before the date on which the applicant desires the transfer to be effective, in the form of a completed transfer form supplied by the Regional Administrator. The transfer is not effective until the new holder receives a new or revised ITQ permit from the Regional Administrator reflecting the new quota share percentage. An application for transfer may not be made between October 15 and December 31 of each year.

(2) *Cage tags.* Cage tags issued pursuant to § 648.77 may be transferred at any time, and in any amount subject to the restrictions and procedure specified in paragraph (b)(1) of this section; provided that application for such cage tag transfers may be made at any time before December 10 of each year. The transfer is effective upon the receipt by the transferee of written authorization from the Regional Administrator.

(3) *Denial of ITQ transfer application.* The Regional Administrator may reject an application to transfer surfclam or ocean quahog ITQ quota share or cage tags for the following reasons: The application is incomplete; the transferor or transferee does not possess a valid surfclam or ocean quahog ITQ permit for the appropriate species; the transferor's or transferee's surfclam or ocean quahog ITQ permit has been sanctioned pursuant to an enforcement proceeding under 15 CFR part 904; or any other failure to meet the requirements of this subpart. Upon denial of an application to transfer ITQ allocation, the Regional Administrator shall send a letter to the applicant describing the reason(s) for the denial. The decision by the Regional Administrator is the final decision of the Department of Commerce; there is no opportunity for an administrative appeal.

[FR Doc. 2014–18676 Filed 8–6–14; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 131115973–4630–01]

RIN 0648–BD74

Fisheries of the Exclusive Economic Zone Off Alaska; Amendment 96 to the Gulf of Alaska Fishery Management Plan; Management of Community Quota Entities

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes regulations to implement Amendment 96 to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP). If approved, Amendment 96 would amend certain provisions of the Individual Fishing Quota Program for the Fixed-Gear Commercial Fisheries for Pacific Halibut and Sablefish in Waters in and off Alaska (IFQ Program). This action would remove a regulation that prohibits a Gulf of Alaska (GOA) Community Quota Entity (CQE) from transferring and holding small blocks of halibut and sablefish quota share (QS). This action would allow CQEs to acquire additional QS and facilitate sustained participation by CQE community residents in the IFQ Program. This action would promote the goals and objectives of the Magnuson-Stevens Fishery Conservation and Management Act, the Northern Pacific Halibut Act of 1982, the FMP, and other applicable law.

DATES: Submit comments on or before September 8, 2014.

ADDRESSES: You may submit comments on this document, identified by NOAA–NMFS–2013–0161, by any of the following methods:

- *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2013-0161,* click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.
- *Mail:* Submit written comments to Glenn Merrill, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region, NMFS, Attn: Ellen Sebastian. P.O. Box 21668, Juneau, AK 99802–1668.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on *www.regulations.gov* without change. All personal identifying information (e.g., name, address), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous). Attachments to electronic comments will be accepted in Microsoft Word, Excel, or Adobe PDF file formats only.

An electronic copy of the Regulatory Impact Review (RIR)/Initial Regulatory Flexibility Analysis (IRFA) (collectively, Analysis) prepared for Amendment 96 and the regulatory amendment to allow CQE acquisition of small block halibut QS is available from *http://www.regulations.gov* or from the NMFS Alaska Region Web site at *http://*

alaskafisheries.noaa.gov. An electronic copy of the 2010 Review of the CQE Program under the Halibut and Sablefish IFQ Program prepared by the North Pacific Fishery Management Council (Council) is available from the Council Web site at *www.npfmc.org/community-quota-entity-program/.*

FOR FURTHER INFORMATION CONTACT: Peggy Murphy, (907) 586–7228.

SUPPLEMENTARY INFORMATION:

Regulatory Authority

NMFS proposes regulations to implement Amendment 96 to the FMP and a regulatory amendment to revise the CQE Program. The Council recommended and NMFS approved the FMP in 1978 under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) (16 U.S.C. 1801 *et seq.*). Regulations implementing the FMP and general regulations governing groundfish appear at 50 CFR part 679. Fishing for Pacific halibut (*Hippoglossus stenolepis*) is managed by the International Pacific Halibut Commission (IPHC) and the Council under the Northern Pacific Halibut Act of 1982 (Halibut Act). Section 773(c) of the Halibut Act authorizes the Council to develop regulations that are in addition to, and not in conflict with, approved IPHC regulations. Such Council-recommended regulations may be implemented by NMFS only after approval by the Secretary of Commerce.

The Council submitted Amendment 96 for review by the Secretary of Commerce, and a Notice of Availability of this amendment was published in the **Federal Register** on July 25, 2014 (79 FR 43377) with comments invited through September 23, 2014. All relevant written comments received by the end of the applicable comment period, whether specifically directed to the FMP amendment, this proposed rule, or both, will be considered in the decision to approve or disapprove Amendment 96 and addressed in the response to comments in the final decision.

Background

The IFQ Program is a limited access privilege program for the commercial fixed-gear halibut and sablefish (*Anoplopoma fimbria*) fisheries in and off Alaska. The IFQ Program limits access to the halibut and sablefish fisheries to those persons holding QS in specific regulatory areas. Quota shares equate to individual harvesting privileges that are given effect on an annual basis through the issuance of IFQ permits. An annual IFQ permit authorizes the permit holder to harvest a specified amount of IFQ halibut or sablefish in a regulatory area. A comprehensive explanation of the IFQ Program can be found in the final rule implementing the IFQ Program (58 FR 59375, November 9, 1993).

Although the IFQ Program resulted in significant safety and economic benefits for many fishermen, since the inception of the IFQ Program, many residents of Alaska's smaller remote coastal communities in the GOA who held QS have transferred their QS to non-community residents or moved out of the smaller coastal communities. As a result, the number of resident QS holders has declined substantially in most of the GOA communities with IFQ Program participants. This transfer of halibut and sablefish QS and the associated fishing effort from the GOA's smaller remote coastal communities has limited the ability of residents to locally purchase or lease QS and reduced the diversity of fisheries to which fishermen in remote coastal communities have access. The Council recognized that a number of remote coastal communities were struggling to remain economically viable and developed the CQE Program to provide these communities with long-term opportunities to access the halibut and sablefish resources that have been historically available to resident fishermen.

The Council recommended the CQE Program as an amendment to the IFQ Program in 2002 (Amendment 66 to the FMP), and NMFS implemented the program in 2004 (69 FR 23681, April 30, 2004). The CQE Program adopted by the Council, and implemented by NMFS, was specifically intended to provide fishing opportunities to communities in the GOA that had a historic dependence on the halibut and sablefish fisheries. The Council recommended and NMFS implemented a CQE Program that would provide similar opportunities to coastal communities in the Aleutian Islands in 2013, known as the Aleutian Islands CQE Program (79 FR 8870, February 14, 2014). The Aleutian Islands CQE Program would not be affected by this proposed action and is not addressed further. Where the terms ''CQE'' or ''CQE Program'' are used in this preamble, they are specifically referring to the regulations and management measures applicable to the GOA CQE Program, and not to the Aleutian Islands CQE Program.

The CQE Program allows 45 small, remote, coastal communities in the GOA that met historic participation criteria in the halibut and sablefish fisheries to transfer (purchase) and hold catcher vessel halibut and sablefish QS in specific regulatory areas (see Table 21 to 50 CFR Part 679). The communities are eligible to participate in the CQE Program once they are represented by a NMFS-approved non-profit entity called a CQE. After NMFS approval, a CQE may receive catcher vessel QS for the represented community or communities through NMFS-approved transfers. The CQE is the holder of the QS and is issued the IFQ annually by NMFS. Once a CQE holds QS in the GOA, the CQE can lease the annual IFQ derived from its QS to individual GOA community residents. With certain exceptions, the QS must be held by the CQE. This program structure creates a permanent asset for the community to use. The structure promotes community access to QS to generate participation in, and fishery revenues from, the commercial halibut and sablefish fisheries. The CQE Program also promotes QS ownership by individual community residents. Individuals who lease annual IFQ from the CQE could use resulting IFQ revenue to transfer their own QS. The Council believed, and NMFS agrees, that both CQE- and non-CQE-held QS are important in terms of providing community residents fishing access that promotes the economic health of communities.

Current CQE Program regulations include a number of management provisions that originated from the IFQ Program structure and affect the use of CQE-held QS and the annual IFQ derived from the QS. Under some provisions, a CQE has the same privileges and is held to the same limitations as individual QS holders in the IFQ fishery. For example, CQE-held QS is subject to the same IFQ regulatory area use cap that applies to non-CQE held QS. In other instances, the CQE is subject to less restrictive provisions than individual, non-CQE QS holders. For example, a community resident leasing IFQ from a CQE may fish the IFQ assigned to a larger vessel size category on a smaller size category of catcher vessel. In other instances, the CQE must operate under more restrictive provisions than individual, non-CQE QS holders, in part to protect existing QS holders and preserve ''entry-level'' opportunities for new entrants. A comprehensive explanation of the CQE Program provisions can be found in the final rule implementing the CQE Program (69 FR 23681, April 30, 2004). Recent modifications to the CQE Program can be found in a rule that amended several components of the CQE Program (78 FR 33243, June 4, 2013).

A number of IFQ Program provisions that apply to CQE Program participants are important to understanding the

proposed action and are summarized in this preamble. These provisions include regulatory area and vessel size categories; QS use caps; and QS blocks. Additional detail on the IFQ Program is available in the final rule implementing the IFQ Program (58 FR 59375, November 9, 1993). Since implementation of the IFQ Program, there have been changes to halibut and sablefish QS use caps (62 FR 7947, February 21, 1997; 67 FR 20916, April 29, 2002) and to the halibut block use cap (72 FR 44795, August 9, 2007).

IFQ Regulatory Area and Vessel Size Categories

The IFQ Program annually issues fixed-gear halibut and sablefish QS specific to IFQ regulatory area and vessel category. In the GOA there are three IPHC halibut regulatory areas: Areas 2C (Southeast Alaska), 3A (Central Gulf of Alaska), and 3B (Western Gulf of Alaska), and four sablefish regulatory areas: Southeast (SE), West Yakutat (WY), Central GOA (CG), and Western GOA (WG). The boundaries for the halibut and sablefish IFQ regulatory areas are defined in regulation (see definition of ''IFQ Regulatory Area'' at § 679.2). Each QS is assigned to a vessel based upon the size of the vessel from which IFQ halibut and sablefish may be harvested and/or processed (see regulations at § 679.40(a)(5)). Halibut QS and its associated IFQ are assigned to one of four vessel categories in each regulatory area: Freezer (catcher/processor) category (category A); catcher vessel greater than 60 ft. length overall (LOA) (category B); catcher vessel 36 ft. to 60 ft. LOA (category C); and catcher vessel 35 ft. LOA or less (category D). Sablefish QS and its associated IFQ are assigned to one of three vessel categories in each regulatory area: Freezer (catcher/processor) category (category A); catcher vessel greater than 60 ft. LOA (category B); and catcher vessel 60 ft. LOA or less (category C). The vessel categories were designed to ensure that the IFQ Program did not substantially change the structure of the fleet that existed at the time the IFQ Program was implemented. These vessel size restrictions prevent the fishery from being dominated by large vessels or by any particular vessel category.

CQEs may obtain by transfer and hold QS only in specified areas in order to facilitate local support of community fishing operations (see § 679.40 and Table 21 to part 679). However, CQEs are restricted in terms of the IFQ regulatory area(s) in which they may transfer and hold halibut. Table 1 below illustrates the IFQ regulatory area and vessel category of halibut QS a CQE can transfer and hold based on the location of the community represented by the CQE. As shown in Table 1 (below) and in Table 21 to part 679, a CQE representing an eligible community may transfer and hold halibut QS in the regulatory area in which the community is located (their regulatory area). CQEs are restricted, however, to transferring and holding certain halibut QS inside and outside their regulatory area. For example, CQEs in Area 2C may not transfer and hold halibut category D QS in Area 2C. Generally, CQEs can transfer and hold halibut QS in adjacent regulatory areas. However, CQEs located in Area 3A may not transfer and hold halibut QS in Area 2C, although CQEs located in Area 2C may transfer and hold halibut category A, B and C QS in Area 3A. CQEs located in Areas 3A or 3B may transfer and hold halibut QS in Areas 3A and 3B, but CQEs in Area 3B cannot transfer and hold category D QS in Area 3A. Table 1 (below) illustrates the limitations on CQEs' transferring and holding halibut QS by regulatory area and vessel category. For further explanation and the rationale for the restrictions, see the final rule implementing the CQE Program (69 FR 23681, April 30, 2004) and subsequent amendment (78 FR 33243, June 4, 2013).

TABLE 1—AUTHORITY OF A CQE REPRESENTING A COMMUNITY LOCATED IN IFQ REGULATORY AREAS 2C, 3A, OR 3B (ROW) TO OBTAIN THROUGH TRANSFER AND HOLD CATEGORY A, B, C AND/OR D HALIBUT QUOTA SHARE BY AREA 2C, 3A OR 3B (COLUMN)

Area	Halibut quota share category by area					
	Area 2C A, B, C	Area 2C D	Area 3A A, B, C	Area 3A D	Area 3B A, B, C	Area 3B D
2C	Yes	No	Yes	No	No	No.
3A	No	No	Yes	Yes	Yes	Yes.
3B	No	No	Yes	No	Yes	Yes.

The CQE Program authorizes CQEs to obtain by transfer and hold catcher vessel QS: Category B, C, and D halibut QS, with area-specific limitations for category D halibut QS; and category B and C sablefish QS. However, the vessel size categories do not apply to IFQ derived from QS held by a CQE, with an exception for category D halibut QS in Area 3A.

The Council recommended specific limitations for CQEs to transfer and hold category D halibut QS in Areas 2C and 3A. These limitations were intended to balance the Council's objective for providing CQEs with increased opportunities to acquire halibut QS with its objective to limit potential competition for category D halibut QS between non-CQE and CQE QS holders. Vessel category D halibut QS is generally the least expensive category of halibut QS because non-CQE IFQ derived from category D QS must be used on the smallest category of catcher vessel. It is often transferred and held by smaller operations or by new entrants to the IFQ fisheries. CQE Program regulations at § 679.41(g)(5) prohibit a CQE from transferring and holding category D halibut QS in Area 2C. The Council recommended this prohibition because a greater portion of the total Area 2C halibut QS is issued as category D QS relative to Areas 3A and 3B, and category D halibut QS is more commonly transferred by new entrants in Area 2C than in Areas 3A and 3B.

A CQE representing one or more communities in Area 3A is allowed to transfer and hold a limited amount of Area 3A category D halibut QS, but the IFQ derived from that QS must (among other restrictions) be fished on a category D vessel, which are vessels less than or equal to 35 ft. LOA (see regulations at § 679.42(a)(2)(iii)). Category D vessels are typically held by new entrants and by most fishery participants residing in Area 3A communities. An Area 3A CQE is limited to transferring and holding no more than the total number of category D halibut QS units initially issued to individual residents of Area 3A CQE communities. The Council recommended this provision to provide

opportunities for CQEs to transfer and hold an amount of category D halibut QS up to the amount historically held by CQE residents without increasing potential competition for category D halibut QS between non-CQE and CQE QS holders (78 FR 14490, March 6, 2013).

A CQE representing one or more communities in Areas 3A and 3B is allowed to transfer and hold Area 3B category D halibut QS. As noted in the final rule implementing the CQE Program (69 FR 23681, April 30, 2004), a relatively small amount of category D halibut QS exists in Area 3B, and traditionally few prospective buyers exist for this category of QS.

CQE Program QS Use Caps

Individual community use caps limit the amount of halibut QS and sablefish QS that each CQE may transfer and hold on behalf of a community. The use caps accommodate existing QS holders who are concerned that shifting QS holdings to CQEs could disadvantage individual fishermen in the IFQ fishery by reducing the amount of QS available to them in the QS market. In the CQE Program, the CQE individual community use cap is limited to an amount of QS equal to the individual IFQ Program use cap. GOA CQEs are limited to transferring and holding a maximum of 1 percent of the Area 2C halibut QS (see regulations at § 679.42(f)(2)(ii)) and a maximum of 0.5 percent of the combined Area 2C, 3A, and 3B halibut QS (see regulations at § 679.42(f)(2)(i)). GOA CQEs also are limited to transferring and holding a maximum of 1 percent of the Southeast sablefish QS (see regulations at § 679.42(e)(5)) and a maximum of 1 percent of all combined sablefish areas QS (see regulations at § 679.42(e)(4)(i)).

In addition to individual community use caps, cumulative community use caps limit the amount of halibut QS and sablefish QS that all CQE eligible communities within an IFQ regulatory area can transfer and hold. CQEs are limited to a maximum of 21 percent of the total halibut QS pool (see regulations at § 679.42(f)(5)) and a maximum of 21 percent of the total sablefish QS pool (see regulations at § 679.42(e)(6)) in each IFQ regulatory area in the GOA. Therefore, all CQEs in the GOA are subject to the maximum cumulative community use cap of 21 percent of each species' total QS pool in each IFQ regulatory area.

QS Blocks

The IFQ Program initially issued QS in blocks. A block is a consolidation of QS units that cannot be subdivided upon transfer (see regulations at § 679.41(e)(1)). One of the primary purposes of QS blocks and the subsequent amendments to the block provisions was to conserve small blocks of QS that could be transferred at a relatively low cost by crew members and new entrants to the IFQ fisheries. Blocked QS typically is less expensive and more affordable for new entrants. The IFQ Program incorporates a ''sweep-up'' provision to allow very small blocks of QS to be permanently consolidated, up to specified limits, so as to be practical to fish (see regulations at §§ 679.41(e)(2) and (e)(3)).

QS Block Use Cap

A block use cap restricts how many blocks of QS an individual can transfer and hold. In the IFQ Program, an individual may transfer and hold no more than three blocks of halibut QS and two blocks of sablefish QS (see regulations at § 679.42(g)(1)). The purpose of this cap is to limit the consolidation of blocked QS and to ensure that smaller aggregate units would be available on the market. These provisions were established to prevent unrestricted transfer of QS by fishermen with greater capital or operating efficiency. These fishermen could also disadvantage new entrants, particularly fishermen with smaller operations in remote communities who have typically sought to transfer ''blocked QS.'' The block use cap was intended to preserve the character of the fishing fleet in remote Alaska fishing communities by ensuring that QS would be available to the fleet of smaller operators, thereby maintaining the diversity in operation types that exist in more remote coastal communities.

The IFQ Program also limits the number of blocks a CQE may transfer and hold. The limitation prevents CQEs from consolidating the type of QS that is most attractive to and feasible for new entrant, non-CQE fishermen to transfer. CQEs may transfer and hold up to a maximum of 10 blocks of halibut QS and 5 blocks of sablefish QS in each GOA regulatory area (see regulations at § 679.42(g)(ii)). These limits on CQE block holdings and the limit on where CQEs can hold QS restrict CQEs to 20 halibut QS blocks (10 blocks in each of two areas) and 20 sablefish QS blocks (5 blocks in each of four areas).

Minimum Block Size

During development of the CQE Program, the Council and NMFS were concerned that CQEs would seek to acquire as much of the most affordable QS as they were allowed to hold. The Council and NMFS determined that if no limit on the acquisition of blocked QS was established, then gains in CQE holdings could reflect losses of QS holdings among residents of the same CQE communities. The Council and NMFS were also concerned that CQEs might have greater access to capital than individuals, so they could buy up blocks of QS that are most in demand by non-CQE fishermen with small operations. Fishermen entering the IFQ fishery tend to seek relatively smaller blocks of QS. Smaller blocks of QS are typically designated for vessels of a smaller size category: Category C and D in the halibut fishery and category C in the sablefish fishery. New entrants tend to own or use smaller category C and D vessels. Therefore, smaller blocks are more in demand by new entrants, and less in demand by fishermen using larger vessels. Smaller blocks of QS are typically more affordable due to their low total cost compared to the cost of larger blocks (see Section 2.7.2.2 of the Analysis). Given these factors, the Council and NMFS determined it was appropriate to restrict CQEs from purchasing or holding blocked QS of less than a minimum size to preserve fishing opportunities for new entrants in certain regulatory areas.

The CQE program prohibits CQEs from transferring and holding a QS block that is less than the ''sweep up'' limit, or the number of QS units initially issued as blocks that could be combined to form a single block (see regulations at §§ 679.41(e)(4) and (e)(5)). Quota share blocks that are less than or equal to the ''sweep up'' limit are known as ''small blocks.'' The amount of QS units that comprise a small block in each IFQ regulatory area in the GOA is specified for the halibut fishery (see regulations at § 679.41(e)(3)) and for the sablefish fishery (see regulations at § 679.41(e)(2)) (see Table 2 below). Currently, CQEs are prohibited from purchasing or using small blocks of halibut QS in Areas 2C and 3A (see regulations at § 679.41(e)(5)), and sablefish QS in the SE., WY, CG, and WG (see regulations at § 679.41(e)(4)) regulatory areas. The Council did not recommend a small block restriction for Area 3B halibut QS. Fewer small blocks exist in Area 3B and few new entrants in Area 3B have sought these small blocks of halibut QS (69 FR 23681, April 30, 2004). Therefore, CQEs transferring Area 3B QS are not subject to a small block restriction.

TABLE 2—CURRENT AND PROPOSED RESTRICTIONS ON THE MINIMUM BLOCK SIZE BY IFQ REGULATORY AREA.

Species	Area	Current minimum block size restriction	Proposed block size restriction
Halibut	2C	33,320 QS	No Restriction.
	3A	46,520 QS	No Restriction.
	3B	No Restriction	No Restriction.
Sablefish	SE	33,270 QS	No Restriction.
	WY	43,390 QS	No Restriction.
	CG	46,055 QS	No Restriction.
	WG	48,410 QS	No Restriction.

The total amount of QS units issued in small blocks differs by IFQ regulatory area. Sections 2.6.3.2 and 2.7.1 of the Analysis report that 11.3 percent of the total Area 2C and Area 3A halibut QS is small block halibut QS, and 3.7 percent of the total sablefish QS (i.e., SE., WY, CG, and WG) is small block sablefish QS. Even though a relatively small proportion of QS is issued as small blocks and not available for transfer by CQEs, existing regulations may constrain small block holders from selling their small blocks and CQEs from transferring QS.

Proposed Action

This proposed action would amend the FMP and halibut and sablefish CQE regulations to remove the restriction on CQEs' ability to purchase and use small blocks of halibut and sablefish QS less than or equal to the sweep-up limit currently specified in regulations at §§ 679.41(e)(5) and 679.41(e)(4), respectively. Under this proposed action, all CQEs in the GOA could receive by transfer any size block of halibut and sablefish QS to hold for use by eligible community members. CQEs would be able to transfer the similar size of QS blocks in the market place as individual non-CQE QS holders. The objectives of this action are to provide CQE communities in the GOA with increased opportunity to transfer and hold QS and sustain participation of CQE community residents in the IFQ halibut and sablefish fisheries.

Although the proposed action would allow CQEs to transfer any size block of QS from any QS holder, provisions of the IFQ Program described above would still apply. These include regulatory area restrictions, community QS use caps (individual and cumulative), the prohibition on CQEs' transfer and holding of category D halibut QS in Area 2C, the limitation on the amount of category D halibut QS that an Area 3A CQE may transfer and hold, and the prohibition on transfer and holding of category D halibut QS in Area 3A by CQEs located outside Area 3A.

The proposed rule would update Table 21 to part 679 to clarify the category of halibut QS (A, B, C and D) and IFQ regulatory area of the QS that a CQE can transfer by area. This revision to Table 21 to part 679 would provide a clearer and more comprehensive summary of CQE harvesting privileges.

Rationale for and Effects of the Proposed Action

This proposed action would provide additional opportunities for CQEs to transfer and hold QS, and NMFS expects it will not adversely affect the ability of non-CQE fishery participants to transfer and hold small blocks of QS. In proposing this action, the Council and NMFS considered the current participation of CQE and non-CQE QS holders in the IFQ fishery, and the potential impact on QS access and markets. The Council and NMFS determined that removing the small block restriction from the CQE Program could improve the ability of CQEs to obtain the most affordable blocks of QS without negatively impacting the ability of non-CQE fishery participants to obtain the similar size blocks of QS.

CQEs participating in the CQE Program have made little progress towards reaching the regulatory limits on the maximum amount of QS that may be transferred or IFQ that may be harvested. Since implementation of the CQE program in 2004, only two of the 45 communities eligible for the CQE program have formed CQEs, transferred QS, and harvested the resulting IFQ. These two CQEs hold less than 0.5 percent of the combined Area 2C, 3A, and 3B halibut QS pool. These two CQEs do not hold sablefish QS. The Council's analysis of the CQE Program indicated that lack of participation in the CQE Program can be attributed to 1) financial barriers to transferring QS, and 2) CQE Program-related restrictions. Key financial barriers to the transfer of QS by CQEs include limited availability of QS for transfer, increased market prices for halibut and sablefish QS, and limited viable options for financing QS transfer. Each of these barriers is a function of market forces and cannot be addressed through regulatory amendment (see the Review of the CQE Program under the Halibut and Sablefish IFQ Program and Section 2.6.3.1 of the Analysis for additional detail (see **ADDRESSES**)).

Analysis of the percent of blocked and unblocked QS in 2013 (the year of the most recent available data) indicates that the percentage of small block QS relative to the total amount of QS in the GOA IFQ regulatory areas is greater for halibut (11.3 percent of the total Area 2C and Area 3A halibut QS) than for sablefish (3.7 percent of the total SE., WY, CG, WG sablefish QS). Therefore, while this proposed action would impact sablefish QS holders, it likely would have a greater impact on halibut QS holders. Section 2.7.2.1 of the Analysis (see **ADDRESSES**) examines the amount of small block QS in the 2013 QS pool by regulatory area and vessel size category and serves as an example of the amount of small block QS that could be made available to CQEs as a result of this action. The Analysis considers the maximum potential impacts of the proposed action, which assumes that all eligible communities form CQEs and secure funding to transfer all the newly available small blocks of QS, up to CQE Program limits described above and in regulations at §§ 679.41 and 679.42. For reasons described above, the Analysis indicates this outcome is unlikely given reasonably foreseeable trends in QS holdings by CQEs.

Within Areas 2C and 3A, less than 1 percent of the total amount of category A halibut QS could be made available for transfer by CQEs if they could hold small blocks of category A halibut QS; less than 5 percent of the total amount of category B halibut QS could be made available for transfer by CQEs if they could hold small blocks of category B halibut QS; about 50 percent of the total amount of category C halibut QS in these areas could be available for transfer by CQEs if they could hold small blocks of category C halibut QS; and 43 percent of Area 3A category D

halibut QS could be available for transfer by CQEs if they could hold small blocks of Area 3A category D halibut QS. This proposed action would not remove the regulation at § 679.41(g)(5) prohibiting a CQE from transferring and holding category D halibut QS in Area 2C. Therefore, no small blocks of category D halibut QS could be transferred and held by a CQE in Area 2C (see Table 1 in the section titled ''IFQ Regulatory Area and Vessel Size Categories'' of this proposed rule). Because there is no restriction on CQEs transferring and holding small blocks of Area 3B category D halibut QS, this proposed action would not affect the ability of CQEs in Areas 3A and 3B to transfer and hold small blocks of Area 3B category D halibut QS.

In Southeast, West Yakutat, Central GOA and Western GOA regulatory areas, 2 percent, 7 percent, 3 percent, and 15 percent of the total amount of A share sablefish QS could be available, respectively, for purchase by CQEs if they could hold small blocks of A share sablefish QS; 9 percent, 19 percent, 26 percent, and 37 percent of the B share sablefish QS could be available, respectively, for purchase by CQEs if they could hold small blocks of B share sablefish QS; and 89 percent, 75 percent, 71 percent, and 47 percent of the C share sablefish QS could be available, respectively, for purchase by CQEs if they could hold small blocks of C share sablefish QS.

Analysis of the amount of small block QS by regulatory area in 2013 indicates that cumulative use caps on CQE QS ownership would not constrain the maximum potential transfer of QS by CQEs. The more likely constraint on CQE transfer and holding of QS would be the limit on the number of blocks that a CQE can own in any one area (10 halibut blocks and 5 sablefish blocks). Based on 2013 data, CQEs in Area 2C would gain access to 507 small blocks of Area 2C halibut QS plus 635 small blocks of Area 3A halibut QS in categories A, B and C. At maximum participation, even if all 23 eligible communities in Area 2C formed CQEs, those CQEs could not transfer and hold more than 230 small blocks of the 507 small blocks of halibut QS available in Area 2C due to the block limit of 10 blocks per CQE eligible to purchase in Area 2C. At maximum participation, even if all 23 eligible communities in Area 2C, all 14 eligible communities in Area 3A, and all 8 eligible communities in Area 3B formed CQEs, those CQEs could not transfer and hold more than 450 of the 635 small blocks of halibut QS available in Area 3A due to the block limit of 10 blocks per CQE eligible to transfer in Area 3A. In addition, the 8 eligible communities in Area 3B would gain access to the same 635 blocks of category A, B and C QS in Area 3A, but none of the category D QS in Area 3A. Even at maximum CQE participation, QS block limits and the reservation of a limited amount of Area 3A category D QS for transfer by CQEs representing communities in Area 3A would prevent CQEs from collectively acquiring all small block halibut QS made available under the proposed action. Thus, the Council and NMFS determined that small block halibut QS would continue to be available to non-CQE participants in the IFQ halibut fishery. See section 2.7.2.1 of the Analysis for additional detail.

For sablefish, a CQE can own up to 5 blocks of QS in its area plus 5 blocks from each of the other 3 sablefish regulatory areas. Based on 2013 data, CQEs would gain access to 156 small blocks of SE sablefish QS, 122 small blocks of WY sablefish QS, 179 small blocks of CG sablefish QS, and 59 small blocks of WG sablefish QS. At maximum participation, if all 45 eligible communities formed CQEs, those CQEs could transfer and hold 225 small blocks of sablefish QS in each IFQ regulatory area. Under these allowable block limits, CQEs would be able collectively to transfer and hold all the available sablefish small block QS in each IFQ regulatory area. Given the financial barriers to CQE transfers of QS, such as limited availability of QS for transfer, increased market prices for halibut and sablefish QS, and limited viable options for financing QS transfer, described above and in the Analysis, the Council and NMFS determined it is unlikely that CQEs would transfer the maximum amount of small block sablefish QS made available by the proposed action. Thus, small block halibut QS would continue to be available to non-CQE participants in the IFQ sablefish fishery. See sections 2.6.3.1 and 2.7.2.1 of the Analysis for additional detail.

Although this proposed action would allow CQEs to transfer and hold small blocks of category A halibut and sablefish QS, the Council and NMFS anticipate that CQE transfers of category A QS would be extremely limited. Because IFQ derived from category A halibut and sablefish QS may be caught and processed at sea, category A QS is typically priced much higher than all other QS categories. In addition, the total amount of category A QS issued is small relative to all other categories of QS. Therefore, the potential impact of allowing CQEs to transfer and hold small blocks of category A QS on new entrants, small-boat operations and CQE fishery participants would be minimal. See sections 2.6.3.1 and 2.7.2.1 of the Analysis for additional detail.

To date, CQEs have transferred and held a limited amount of QS that likely has not negatively impacted non-CQE fishery participants' ability to acquire QS in the open market. Transferring and holding small block QS will benefit CQEs, their community members, and future community members, who tend to rely on these restricted blocks of mainly small vessel category QS. Allowing CQEs to transfer and hold small block QS could also enhance a CQE's ability to keep QS in remote communities and create some operational efficiencies that could provide a net benefit to both the CQEs and their community residents. The impacts of the proposed action can be categorized into (1) changes in access to QS, (2) effects on the QS market, and (3) social and economic tradeoffs. These impacts are described in section 2.7.2.2 of the Analysis and are summarized here.

Changes in Access to QS

Under this proposed action, CQE fishery participants gain access to more lower-cost QS, though the extent to which this occurs will be shaped by a CQE's progress in securing the necessary financing for CQE transfers. In turn, CQEs provide fishery access by leasing QS to community residents. Leasing QS from a CQE at favorable financial terms, compared to lease fees on the QS market, can aid new entrants in building up the financial base necessary to transfer and hold QS in the future. While this may facilitate CQE community resident ownership of QS, it may not benefit persons who do not reside in a CQE-eligible community. Transfer of small block QS by CQEs under the proposed action could result in a reduction in the amount of QS that would be available to individual CQE community residents and could constitute an economic loss for these individuals. Conversely, CQE acquisition of QS could also be considered a benefit to community residents because it is a public investment in the community's future. The proposed action would also enable CQE residents retiring from the IFQ fishery to transfer small block QS to a CQE by selling or gifting the QS.

Effects on the QS Market

The Council and NMFS considered whether entry of CQEs into the small block QS market could bid up the price of QS. This price effect could occur through price competition and reduced

supply of small blocks on the market. If CQEs can afford to pay as much or more for small block QS than existing buyers, then competition could increase the price for small block QS. This type of demand-driven price effect would impact both CQE and non-CQE community residents who are in the market for small block QS. However, based on the 10-year review of the CQE Program (see **ADDRESSES**), CQEs have not and are not likely to accrue the financial assets to transfer a quantity of QS that would have a large impact on QS price.

Allowing CQEs to transfer and hold small blocks of QS could reduce the supply of small block QS available for transfer. This could occur when CQE community residents, who are reducing their fishery participation, transfer their QS to benefit other small operators or new entrants in the CQE community. However, allowing CQEs access to small block QS is not expected to reduce QS supply to non-CQE fishery participants or result in a corresponding near-term increase in QS price.

Social and Economic Tradeoffs

An increase in CQE QS holdings would likely result in both social and economic trade-offs. Social benefits could include increased fishery participation for communities eligible to form CQEs and transfer QS, as well as increased harvest opportunities for new entrants and fishery participants who live in these communities. These social benefits could have varying distributional impacts since CQEs by nature are localized. From an economic view point, facilitating community QS transfer comes at a cost but also offers some operational efficiency that may not be realized when QS is held by individuals living in remote communities. For example, when CQEs transfer QS they gain an asset that can be leased out to new entrants and small-boat operators who then could build up their own financial base to transfer QS. Benefits from QS holdings that provide future value to the community support the original goals of the CQE Program. Any future value that does not accrue to individual CQE or non-CQE community residents could be viewed as an indirect impact that the Council and NMFS acknowledged as consistent with the goals of the CQE Program.

Other Alternatives Considered

The Council and NMFS considered two alternatives for the proposed action, one of which is the status quo. The action alternative (Alternative 2) would revise regulations to allow a CQE to transfer and hold any size block of halibut and sablefish QS from any QS holder (Option 1), or from a subset of QS holders determined by the location of the QS holder's residence (Options 2 and 3). The Council selected the least restrictive option, Option 1 under Alternative 2.

Option 2 would allow CQE communities to transfer and hold any size block of halibut and sablefish QS from residents of any CQE community. Option 2 was not selected because a relatively small number of small blocks are held by residents of CQE communities, and many of those small blocks are designated as category C and D QS. This would greatly limit the potential number of small blocks available to CQEs, and would increase potential competition among CQEs and residents of CQE communities seeking to transfer these small blocks (see Section 2.7.2 of the Analysis for additional detail).

Option 3 would allow CQE communities to transfer and hold any size block of halibut and sablefish QS from residents of their CQE community, but not from any non-resident. Option 3 was not selected because an even smaller number of small blocks are held by residents of CQE communities, and in some CQE communities, no CQE resident may hold small blocks, effectively excluding some CQE communities and not others from holding small blocks. Section 2.7.2 of the Analysis notes that no CQE residents hold small blocks of halibut QS in 17 of the 45 eligible CQE communities, and no CQE residents hold small blocks of sablefish QS in 31 of the 45 communities. Overall, option 3 would limit the number of CQEs that could transfer and hold small block QS more than Options 1 or 2 (see Section 2.7.2 of the Analysis for additional detail).

Classification

Pursuant to sections 304(b)(1)(A) and 305(d) of the Magnuson-Stevens Act, the NMFS Assistant Administrator has determined that Amendment 96 and this proposed rule are consistent with the FMP, provisions of the Magnuson-Stevens Act, the Halibut Act, and other applicable laws, subject to further consideration after public comment.

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

Initial Regulatory Flexibility Analysis

An Initial Regulatory Flexibility Analysis (IRFA) was prepared for this action, as required by section 603 of the Regulatory Flexibility Act (RFA). The IRFA describes the economic impact this proposed rule, if adopted, would have on small entities. The IRFA describes the reasons why this action is being proposed; the objectives and legal basis for the proposed rule; the number of small entities to which the proposed rule would apply; any projected reporting, recordkeeping, or other compliance requirements of the proposed rule; any overlapping, duplicative, or conflicting Federal rules; impacts of the action on small entities; and any significant alternatives to the proposed rule that would accomplish the stated objectives of the Magnuson-Stevens Act, and any other applicable statutes, and would minimize any significant adverse impacts of the proposed rule on small entities. The description of the proposed action, its purpose, and the legal basis are contained earlier in this preamble and in the **SUMMARY** and are not repeated here. A summary of the IRFA follows. A copy of the Analysis is available from NMFS (see **ADDRESSES**).

On June 12, 2014, the Small Business Administration (SBA) issued a final rule revising the small business size standards for several industries effective July 14, 2014 (79 FR 33647, June 12, 2014). The rule increased the size standard for Finfish Fishing from $19.0 to 20.5 million. The new size standards were used to prepare the IRFA for this action.

Number and Description of Small Entities Directly Regulated by the Proposed Action

The proposed action would directly regulate 45 CQEs that would be considered small entities under the RFA (Section 601(3)). The CQEs qualify as small not-for-profit organizations that are not dominant in their field. CQEs represent small communities that would directly benefit from the proposed action. Each of the communities qualifies as a small entity under the RFA since they are governments of towns or villages with populations less than 50,000 people. The CQE acquires QS and makes the resulting IFQ available by lease to eligible harvesters who are community residents. Those harvesters are required to make a series of reports and declarations to NMFS in order to be found eligible to participate. Therefore, those commercial fishing operations would be directly regulated small entities, although their number is unknown at this time. No adverse economic impact on community residents is expected under the proposed action. Further, NMFS anticipates that any economic impacts accruing from the proposed action to these small entities would be beneficial

because their access to the IFQ fisheries will be improved.

Existing individual halibut and sablefish QS holders and new entrants to the IFQ fishery have potential to be impacted by this proposed action but are not directly regulated by this proposed rule. Currently, there are 2,565 unique halibut QS holders and 845 unique sablefish QS holders across all regulatory areas. These entities and future fishery entrants, of which the number is unknown, could potentially be impacted by this proposed action. Under the IRFA, NMFS considers only those entities that are directly regulated by the proposed action. An impact on existing halibut and sablefish QS holders and new entrants to the IFQ fishery could be realized if CQE transfer of QS results in a significant increase in the price for QS. The Analysis indicates this impact has not been observed in the past and is not likely to occur in the future, given the present constraints on CQE access to investment capital and the range of other factors that also influence QS prices (see Section 2.6.3.1 of the Analysis). Therefore, existing and potential future non-CQE QS holders are not considered to be directly regulated by this action and are not further analyzed in this IRFA.

Impacts of the Action on Small Entities

This proposed rule would remove the regulations prohibiting Gulf of Alaska CQE from transferring and holding small blocks of halibut and sablefish quota share. The proposed rule is intended to allow CQEs to acquire small block QS and make the resulting IFQ available by lease to eligible harvesters who are community residents. Allowing CQEs to transfer and hold small block QS should benefit their community members or future community members. Unrestricted transfer of small block QS should enhance the CQEs' ability to keep QS in remote communities and as a result provide for active participation of CQE and community residents in the halibut and sablefish fisheries in the future. By increasing their QS transfers and holdings under the proposed action, CQEs would provide fishery access through leasing to community residents who are new entrants to the fishery or who currently fish small quota holdings and wish to increase their participation. Leasing quota from a CQE at favorable terms, compared to market lease fees, could aid new entrants in building up the financial base necessary to transfer and hold individual QS in the future. However, Section 2.7.2.1 of the Analysis notes that the amount of QS that would become available is likely greater than what CQEs could expect to finance in the present capital market. Increased QS availability to CQEs under the proposed action could provide some operational efficiency that results in a net benefit to both the CQEs and their community residents. One such efficiency that could result from allowing CQEs to transfer and hold small block QS is that community residents would be able to transfer small block QS to a CQE as they retire or otherwise reduce their active participation in the fishery, keeping the QS holdings within the community.

Description of Significant Alternatives That Minimize Adverse Impacts on Small Entities

The IRFA also requires a description of any significant alternatives to the preferred alternative that accomplish the stated objectives, are consistent with applicable statutes, and would minimize any significant economic impact of the proposed rule on small entities. The suite of potential actions includes two alternatives and associated options. A detailed description of these alternatives and options is provided in section 2.7 of the Analysis.

The significant alternative to the proposed action is the status quo alternative (Alternative 1). Under Alternative 1, NMFs would make no changes to the current regulations. Alternative 1 would not have adverse economic impacts on CQEs or the resident QS holders in the CQE qualifying communities, which would be the small entities directly regulated by this action. Alternative 1 does not meet the objectives of the action to promote more CQE access to QS and facilitate the sustained participation by CQE community residents in the IFQ Program. Under Alternative 2, NMFS would implement the proposed action, which is less restrictive on CQEs than Alternative 1, and is the least burdensome of the available alternatives for directly regulated small entities. Alternative 2 specified three options (Options 1, 2 and 3) that allow CQEs to transfer any size block of QS from any QS holder or a subset of QS holders depending on the option and determined by the location of the QS holder's residence.

Option 1 would allow CQEs to transfer and hold any size block of halibut or sablefish QS. This option is the least burdensome on directly regulated small entities of all the options considered, and would minimize any significant adverse economic impact. Option 2 would allow CQE communities to transfer and hold any size block of halibut and sablefish QS from residents of any CQE community. Option 2 was not selected because it would have greatly limited the potential number of small blocks available to CQEs. This would be more burdensome on directly regulated CQEs than Option 1. Option 3 would allow CQE communities to transfer and hold any size block of halibut and sablefish QS from residents of their CQE community, but not from any non-resident. Option 3 was not selected because it would have limited the potential number of small blocks available to CQEs and the number of CQEs that could transfer and hold small block QS. Option 3 would be more burdensome on directly regulated CQEs than either Option 1 or 2. The Analysis did not identify any other alternatives that would more effectively meet the RFA criteria to minimize adverse economic impacts on directly regulated small entities.

Projected Reporting, Recordkeeping and Other Compliance Requirements

This action does not modify reporting, recordkeeping or other compliance requirements.

Duplicate, Overlapping, or Conflicting Federal Rules

No Federal rules that might duplicate, overlap, or conflict with these proposed actions have been identified.

List of Subjects in 50 CFR Part 679

Alaska, Fisheries.

Dated: August 1, 2014.

Samuel D. Rauch III,

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

For the reasons set out in the preamble, NMFS proposes to amend 50 CFR part 679 as follows:

PART 679—FISHERIES OF THE EXCLUSIVE ECONOMIC ZONE OFF ALASKA

■ 1. The authority citation for part 679 continues to read as follows:

Authority: 16 U.S.C. 773 *et seq.;* 1801 *et seq.;* 3631 *et seq.;* Pub. L. 108–447.

§ 679.41 [Amended]

■ 2. In § 679.41, remove paragraphs (e)(4) and (e)(5).

■ 3. Revise Table 21 to part 679 to read as follows:

TABLE 21 TO PART 679—ELIGIBLE COMMUNITIES, HALIBUT IFQ REGULATORY AREA LOCATION, COMMUNITY GOVERNING BODY THAT RECOMMENDS THE CQE, AND THE FISHING PROGRAMS AND ASSOCIATED AREAS WHERE A CQE REPRESENTING AN ELIGIBLE COMMUNITY MAY BE PERMITTED TO PARTICIPATE

Eligible GOA or AI community	Halibut IFQ regulatory area in which the community is located	Community governing body that recommends the CQE	May hold halibut QS in halibut IFQ regulatory area and vessel category				May hold sablefish QS in sablefish IFQ regulatory areas		Maximum number of CHPs that may be held in halibut IFQ regulatory area		Maximum number of Pacific cod endorsed non-trawl groundfish licenses that may be assigned in the GOA groundfish regulatory area	
			Area 2C	Area 3A	Area 3B	Area 4B	CG, SE, WG, and WY (All GOA)	AI	Area 2C	Area 3A	Central GOA	Western GOA
Adak	4B	City of Adak				All		X				
Akhiok	3A	City of Akhiok		All	All		X			7	2	
Angoon	2C	City of Angoon	A,B,C	A,B,C			X		4			
Chenega Bay	3A	Chenega IRA Village		All	All		X			7	2	
Chignik	3B	City of Chignik		A,B,C	All		X				3	
Chignik Lagoon	3B	Chignik Lagoon Village Council.		A,B,C	All		X				4	
Chignik Lake	3B	Chignik Lake Traditional Council.		A,B,C	All		X				2	
Coffman Cove	2C	City of Coffman Cove	A,B,C	A,B,C			X		4			
Cold Bay	3B	City of Cold Bay		A,B,C	All		X					2
Craig	2C	City of Craig	A,B,C	A,B,C			X					
Edna Bay	2C	Edna Bay Community Association.	A,B,C	A,B,C			X		4			
Elfin Cove	2C	Community of Elfin Cove.	A,B,C	A,B,C			X					
Game Creek	2C	N/A	A,B,C	A,B,C			X		4			
Gustavus	2C	Gustavus Community Association.	A,B,C	A,B,C			X					
Halibut Cove	3A	N/A		All	All		X			7	2	
Hollis	2C	Hollis Community Council.	A,B,C	A,B,C			X		4			
Hoonah	2C	City of Hoonah	A,B,C	A,B,C			X		4			
Hydaburg	2C	City of Hydaburg	A,B,C	A,B,C			X		4			
Ivanof Bay	3B	Ivanof Bay Village Council.		A,B,C	All		X					2
Kake	2C	City of Kake	A,B,C	A,B,C			X		4			
Karluk	3A	Native Village of Karluk.		All	All		X			7	2	
Kasaan	2C	City of Kasaan	A,B,C	A,B,C			X		4			
King Cove	3B	City of King Cove		A,B,C	All		X					9
Klawock	2C	City of Klawock	A,B,C	A,B,C			X		4			
Larsen Bay	3A	City of Larsen Bay		All	All		X			7	2	
Metlakatla	2C	Metlakatla Indian Village.	A.B.C	A,B,C			X		4			
Meyers Chuck	2C	N/A	A,B,C	A,B,C			X		4			
Nanwalek	3A	Nanwalek IRA Council.		All	All		X			7	2	
Naukati Bay	2C	Naukati Bay, Inc	A,B,C	A,B,C			X		4			
Old Harbor	3A	City of Old Harbor		All	All		X			7	5	
Ouzinkie	3A	City of Ouzinkie		All	All		X			7	9	
Pelican	2C	City of Pelican	A,B,C	A,B,C			X		4			
Perryville	3B	Native Village of Perryville.		A,B,C	All		X					2
Point Baker	2C	Point Baker Community.	A,B,C	A,B,C			X		4			
Port Alexander	2C	City of Port Alexander.	A,B,C	A,B,C			X		4			
Port Graham	3A	Port Graham Village Council.		All	All		X			7	2	
Port Lions	3A	City of Port Lions		All	All		X			7	6	
Port Protection	2C	Port Protection Community Association.	A,B,C	A,B,C			X		4			
Sand Point	3B	City of Sand Point		A,B,C	All		X					14
Seldovia	3A	City of Seldovia		All	All		X			7	8	
Tatitlek	3A	Native Village of Tatitlek.		All	All		X			7	2	
Tenakee Springs	2C	City of Tenakee Springs.	A,B,C	A,B,C			X		4			
Thorne Bay	2C	City of Thorne Bay	A,B,C	A,B,C			X		4			
Tyonek	3A	Native Village of Tyonek.		All	All		X			7	2	
Whale Pass	2C	Whale Pass Community Association.	A,B,C	A,B,C			X		4			
Yakutat	3A	City of Yakutat		All	All		X			7	3	

N/A means there is not a governing body recognized in the community at this time.
CHPs are Charter halibut permits.
All means category A, B, C, and D quota share.

[FR Doc. 2014–18678 Filed 8–6–14; 8:45 am]

BILLING CODE 3510–22–P

Notices

Federal Register

Vol. 79, No. 152

Thursday, August 7, 2014

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Shasta-Trinity National Forest, California: Red Fir Restoration Project

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare an environmental impact statement.

SUMMARY: The Shasta-Trinity National Forest proposes to treat diseased stands of Shasta red fir (*Abies magnifica* var. *shastensis*) and mixed conifer to reduce disease occurrence and fuels accumulations on approximately 1,400 acres. Vegetative treatments include regeneration with legacy tree retention, thin from above, sanitation/improvement cutting, plantation/pre-commercial thinning, and a roadside fuels buffer. Removed trees would primarily be those infected with disease (dwarf mistletoe and Cytospora canker) as well as those contributing to overcrowded stand conditions. Young seedlings would be planted in openings created by removal of the diseased overstory. Fuels would be reduced to less hazardous levels in all treated stands. The proposed project area includes 29 miles of National Forest System Roads, which would be maintained and/or reconstructed in order to meet National Forest System Road standards. The project area is in Township 1, 2 and 3 North, and Range 5 and 6 East, Humboldt Meridian, located in Trinity and Humboldt Counties, approximately six miles west of Hyampom, California.

DATES: Comments concerning the scope of the analysis must be received within 45 days of this publication in the **Federal Register**. The draft environmental impact statement is expected March 2015 and the final environmental impact statement is expected June 2015.

ADDRESSES: Send written comments to Red Fir Restoration Project, Attn: Keli McElroy, Shasta-Trinity National Forest, 3644 Avtech Parkway, Redding, CA 96002. Comments may also be sent via email to *comments-pacificsouthwest-shasta-trinity-yollabolla-hayfork@fs.fed.us.*

FOR FURTHER INFORMATION CONTACT: Keli McElroy by phone (530) 226–2354, or by email *kmcelroy@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 a.m. and 8 p.m., Eastern Time, Monday through Friday.

SUPPLEMENTARY INFORMATION:

Purpose and Need for Action

Land management has been proposed in order to sustain the presence of red fir consistent with historic conditions while improving forest health and fire resiliency on the South Fork Mountain ridge top. Specifically, there are 3 parts to the purpose and need:

- *Forest Health:* Preserve the diversity of tree species on South Fork Mountain ridge top by maintaining red fir populations and improving the overall health of residual stands.
- *Fuels Reduction:* Reduce fuel loading along the ridge top in order to protect habitat and watershed resources, reduce threat of wildfire in the wildland urban interface (WUI), as well as reduce the risk of loss of heritage sites.
- *Socioeconomics:* Support local communities and contribute raw materials toward the existing forest products infrastructure.

The existing condition of the proposed project area consists of Shasta red fir infected with dwarf mistletoe and Cytospora canker. In some areas 100 percent of existing red fir are exhibiting signs of severe infection. The overstory is inoculating understory with disease, and growth is stunted due to parasitic and fungal infections, resulting in accelerated mortality. In addition, some natural stands and plantations in the proposed project area are overstocked, causing the trees to compete for resources, be more susceptible to disease and mortality, and further contribute to fuel loading.

The accelerated mortality and past management practices have contributed to heavy fuel loading in some parts of the project area, resulting in moderate to high fire hazard. The project area is within a National Register of Historic Places eligible Historic District, and high intensity fire could damage these sites. In addition, the project area has high recreational value for hunters, hikers and motorized users due to the ridgetop views and unique forest character. The Trinity County Community Wildfire Protection Plan (2010) also identifies much of the project area as a Wildland Urban Interface due to its proximity to private land and value as a point of ingress/egress, with fuels reduction along South Fork Mountain Road as a priority.

With over seventy percent of the county's land base in public ownership and low quantities of timber sold over the last decade, the local forest products industry that contributes to the overall health of the Trinity County economic infrastructure is underutilized. Sale and removal of timber products within the project area would meet forest health and fuels objectives, and would contribute to the local forest products infrastructure.

The desired conditions for the proposed project area consist of ridgetop stands with structural and species diversity that create a resilience to disturbance. This may be accomplished through reduced sources of dwarf mistletoe infection, reduced concentrations of surface fuels, maintenance of the condition of historic sites and active use of existing local forest products infrastructure. In some areas, reducing the sources of infections (i.e. heavily diseased overstory) would allow the current young trees to respond to release and outgrow the disease. Areas that are heavily diseased and currently do not have a cohort of young trees capable of outgrowing the infection, would be planted to native conifer species. Natural regeneration of red fir would also occur in the openings created by removing diseased trees. Structural diversity would be maintained through the retention of older trees that constitute biological legacies (not including diseased red fir), especially where they exist in clumps exhibiting old growth characteristics. In addition, thinning the currently overcrowded and diseased mixed conifer stands would allow more resources to be available to individual trees thereby improving overall forest stand health and resilience.

Concentrations of surface fuels would be at a level where stands are more

resilient to wildfire and where the intensity of fire in those stands would cause less damage to habitat, watershed and heritage resources. Merchantable timber and biomass/forest products removed to achieve forest health and fuels objectives would provide support to local economies and provide local employment opportunities.

The South Fork Mountain ridge top includes some of the most substantial concentrations of disease and resultant mortality on the west side of the Shasta-Trinity National Forest. Due to continued deterioration of red fir trees and the integrity of the forest stands on South Fork Mountain, implementation should occur as soon as possible to prevent further damage to the young cohort of trees, reestablish healthy stands, and reduce fuel loads before a fire event occurs.

Proposed Action

In response to this purpose and need, the Shasta-Trinity National Forest is proposing a combination of regeneration harvests and thinning from above (removal of infected overstory) in many of the predominantly red fir stands. Also sanitation with improvement cutting is proposed in the red fir/mixed conifer stands to reduce the sources of infection as well as stand densities, and promote healthier stand dynamics. Treatments are proposed on approximately 1,400 acres to address disease and mortality issues in forested stands on South Fork Mountain. Prescriptions vary by stand according to site specific conditions including: (1) The extent of disease present, (2) species composition, and (3) structural stage of residual stand. Vegetative treatments include:

- *Regeneration with legacy tree retention* (approximately 205 acres): On the most infected red fir stands: Retain healthy red fir and non-red fir tree species within the stand, harvest/treat the remaining trees in the stand and reforest the site with an uninfected native understory.
- *Thin from above* (approximately 75 acres) remove mistletoe-infected red fir trees from the overstory in stands that have an uninfected, vigorous population of advanced red fir regeneration; followed up with pre-commercial thinning of established natural regeneration, where appropriate.
- *Sanitation/Improvement thinning* (approximately 860 acres): Thin dense conifer stands to improve overall stand health, retaining the largest, healthiest trees; may be accomplished through small group selections in predominantly red fir stands or individual tree selections in mixed conifer stands.
- *Plantation pre-commercial thinning* (approximately 180 acres) of young plantations: Reduce conifer densities from 400–1,800 trees/acre to 200–300 trees/acre in order to decrease inter-tree competition, thereby promoting increased growth rates, crown development and height differentiation.
- *Roadside fuels buffer* (approximately 80 acres): Non-commercial fuels reduction consisting of treatment of small trees and shrubs as well as down woody debris along the South Fork Mountain ridgetop road.

Fuels would be reduced to less hazardous levels in all treated stands. Fuels treatments vary according to site conditions and may be accomplished using prescribed burning, biomass and/or forest products removal, mechanical treatments such as mastication or machine piling of existing and activity fuels, as well as hand or machine piling and burning of activity fuels only.

Reforestation would be implemented in stands where a regeneration with legacy tree retention treatment would create the desired condition, as well as portions of stands where thinning from above and/or sanitation would create the desired condition (in the absence of sufficient natural regeneration). Regeneration consists of planting trees indigenous to the area (red fir, Douglas-fir, sugar pine, incense cedar, ponderosa pine and white fir), including planting non-red fir species within 50 feet of residual stands containing red fir or in pockets to break up the continuity of red fir. By buffering residual red fir stands with non-host species, the spread of dwarf mistletoe infection will be greatly reduced. Reforestation will be completed within five years of final harvest.

Due to the presence of *Annosus* root rot (a fungus that often initially infects freshly cut stumps, and can spread to neighboring live trees through root contact), a licensed borate compound (Sporax® or equivalent) may be utilized to treat all conifer (especially true fir) stumps to minimize the potential for increased infection due to management activities.

The Red Fir Restoration project area includes 29 miles of National Forest System Roads. Maintenance and/or reconstruction of road segments used for haul routes may be accomplished in order to meet National Forest System Road standards, water quality standards and/or allow for forest product removal. Road actions may include culvert upgrades, widening, outsloping, grading, vegetation brushing, rocking, paving and drainage work. Where feasible and appropriate, existing unauthorized routes would be utilized as temporary roads. These routes would be subsequently decompacted, decommissioned and revegetated upon completion of implementation.

The project is planned to begin implementation in 2016.

Responsible Official

David R. Myers, Forest Supervisor, Shasta-Trinity National Forest.

Nature of Decision To Be Made

The Forest Supervisor will decide whether to implement the proposed action, take an alternative action that meets the purpose and need or take no action. The decision may include project-specific, non-significant forest plan amendments pertaining to treatment units where regeneration harvests are prescribed that permit (a) size of openings within Management Prescription III, Roaded Recreation, to average more than 5 acres but not exceed 40 acres, and (b) retention of less than 15% of the largest oldest trees where the existing uninfected overstory, including alternate host trees, does not achieve 15%. If it is determined that deviation from the 15% green tree retention minimum standard and guideline established by the Northwest Forest Plan Record of Decision is necessary to meet the purpose and need, the Forest would seek the approval of the Regional Interagency Executive Committee. In addition, land allocation boundaries may be adjusted from Administratively Withdrawn to Matrix in the northeastern corner (45.6 acres) of Township 2 North, Range 6 East, Section 28 to account for a mapping inaccuracy in the Trinity National Forest Forest Plan Allocations map.

Scoping Process

This notice of intent initiates the scoping process, which guides the development of the environmental impact statement. In an effort to provide for collaborative design of this project or alternatives, open public meetings will be held on Saturday, August 9, 2014 between 10:00 a.m. and 12:00 p.m. and on Thursday, September 4, 2014 between 1:00 p.m. and 3:00 p.m. at the Hayfork Ranger Station, with a field visit on Tuesday, August 19. Any additional meetings will be announced to the public through the Record Searchlight and Trinity Journal newspapers along with the project Web site. Additional information is available on the Shasta-Trinity National Forest NEPA Projects Web site at: *http://www.fs.fed.us/nepa/nepa_project_exp.php?project=32935.*

It is important that reviewers provide their comments at such times and in

such a way that they are useful to the Agency's preparation of the environmental impact statement. Therefore, comments should be provided prior to the close of the comment period and should clearly articulate the reviewer's concerns about alternative means of allocating resources to meet the purpose and need.

Comments received in response to this solicitation, including names and addresses of those who comment, will be part of the public record for this proposed action. Comments submitted anonymously will be accepted and considered, however anonymous comments will not provide the respondent with standing to participate in subsequent administrative review or judicial review.

Dated: July 31, 2014.

David R. Myers,

Forest Supervisor, Shasta-Trinity National Forest.

[FR Doc. 2014–18669 Filed 8–6–14; 8:45 am]

BILLING CODE 3410–11–P

DEPARTMENT OF AGRICULTURE

Forest Service

Flathead Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meetings.

SUMMARY: The Flathead Resource Advisory Committee (RAC) will meet in Kalispell, Montana. The committee is authorized under the Secure Rural Schools and Community Self-Determination Act of 2000, (the Act) (Pub. L. 112–141) and operates in compliance with the Federal Advisory Committee Act (FACA) (Pub. L. 92–463). The purpose of the committee is to improve collaborative relationships and to provide advice and recommendations to the Forest Service concerning projects and funding consistent with the Title II of the Act. The meetings are open to the public. The purpose of the meetings is to hear project proposal presentations for 2015.

DATES: The meetings will be held from 4:00 p.m. to 6:30 p.m. on the following dates:

- August 26, 2014
- September 2, 2014
- September 9, 2014
- September 16, 2014
- September 23, 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 meetings will be held at the Flathead National Forest (NF) Supervisor's Office, 650 Wolfpack Way, Kalispell, Montana.

Written comments may be submitted as described under **SUPPLEMENTARY INFORMATION** listed below. 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 Flathead NF Supervisor's Office. Please call ahead to facilitate entry into the building in order to view comments.

FOR FURTHER INFORMATION CONTACT: Wade Muehlhof, Designated Federal Officer, by phone at 406–758–5252 or by email at *ewmuehlof@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.* 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 1, 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 Wade Muehlhof, RAC Designated Federal Officer, 650 Wolfpack Way, Kalispell, Montana 59901; by email to *ewmuehlhof@fs.fed.us* or via facsimile to 406–758–5351.

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 25, 2014.

Chip Weber,

Forest Supervisor.

[FR Doc. 2014–18668 Filed 8–6–14; 8:45 am]

BILLING CODE 3411–15–P

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the West Virginia Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act (FACA), that a planning meeting of the West Virginia Advisory Committee to the Commission will convene at 10:00 a.m. (EDT), on Monday, August 25, 2014, in the Board Room of the WV Human Rights Commission, 1321 Plaza East, Room 108 A, Charleston, WV 2530. The purpose of the meeting is to select the topic of the Committee's civil rights project and discuss and plan the future public briefing meeting on the topic.

Members of the public are entitled to submit written comments. The comments must be received in the regional office by Wednesday, September 24, 2014. Written comments may be mailed to the Eastern Regional Office, U.S. Commission on Civil Rights, 1331 Pennsylvania Avenue, Suite 1150, Washington, DC 20425, faxed to (202) 376–7548, or emailed to Evelyn Bohor at *ero@usccr.gov.* Persons who desire additional information may contact the Eastern Regional Office at 202–376–7533.

Persons needing accessibility services should contact the Eastern Regional Office at least 10 working days before the scheduled date of the meeting.

Records generated from this meeting may be inspected and reproduced at the Eastern Regional Office, as they become available, both before and after the meeting. Persons interested in the work of this advisory committee are advised to go to the Commission's Web site, *www.usccr.gov,* or to contact the Eastern Regional Office at the above phone number, email or street address.

The meetings will be conducted pursuant to the provisions of the rules and regulations of the Commission and FACA.

Dated August 4, 2014.

David Mussatt,

Chief, Regional Programs Unit.

[FR Doc. 2014–18696 Filed 8–6–14; 8:45 am]

BILLING CODE 6335–01–P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Illinois Advisory Committee for a Meeting To Hear Testimony Regarding Hate Crimes in Illinois

AGENCY: U.S. Commission on Civil Rights.

ACTION: Notice of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act that the Illinois Advisory Committee (Committee) will hold a meeting on Thursday, August 21, 2014, for the purpose of hearing presenters testify about hate crimes in Illinois.

Members of the public are invited and welcomed to make statements into the record at the meeting starting at 3:15 p.m. Members of the public are also entitled to submit written comments; the comments must be received in the regional office by September 21, 2014. Written comments may be mailed to the Midwestern Regional Office, U.S. Commission on Civil Rights, 55 W. Monroe St., Suite 410, Chicago, IL 60615. They may also be faxed to the Commission at (312) 353–8311, or emailed to Administrative Assistant, Carolyn Allen at *callen@usccr.gov.* Persons who desire additional information may contact the Midwestern Regional Office at (312) 353–8311.

Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Midwestern Regional Office at least ten (10) working days before the scheduled date of the meeting.

Records generated from this meeting may be inspected and reproduced at the Midwestern Regional Office, as they become available, both before and after the meeting. Records of the meeting will be available via *www.facadatabase.gov* under the Commission on Civil Rights, Illinois Advisory Committee link. Persons interested in the work of this Committee are directed to the Commission's Web site, *http://www.usccr.gov,* or may contact the Midwestern Regional Office at the above email or street address.

Agenda

8:30–8:45 Introduction

8:45–10:00 *Panel 1—Data Discrepancy*

- Why does the FBI data collected for Illinois between 2008 and 2011 not match the State data covering the same period? Has this problem been resolved?
- What are federal policy recommendations?

10:00–10:15 Break

10:15–11:30 *Panel 2—Data Deficit*

- NGO research shows the underreporting of hate crimes. Why is this and what can be done to improve data accuracy?
- Is there a federal role in helping to improve accuracy?

11:30–11:45 Break

11:45–1:00 *Panel 3—Trend Analysis*

- How has the available data changed over time in distribution of crimes by demographic category?
- How has the available data changed over time in distribution of crimes by location?
- Does the available data show increases or decreases in overall crimes in Illinois?

1:00–2:00 Lunch Break

2:00–3:15 *Panel 4—Special concerns presented by religiously-motivated hate crimes and discrimination against religious institutions*

- Is federal RLUIPA adequately protecting these places of worship?
- What legal tools are currently available to vulnerable communities?

3:15 Open Session

4:00 Adjournment

DATES: The meeting will be held on Thursday, August 21, 2014, at 8:30 a.m.

ADDRESSES: The meeting will be held at the Metcalfe Federal Building, Room 331, 77 W. Jackson Blvd., Chicago, IL 60604.

Dated August 4, 2014.

David Mussatt, Chief,

Regional Programs Unit.

[FR Doc. 2014–18695 Filed 8–6–14; 8:45 am]

BILLING CODE 6335–01–P

COMMISSION ON CIVIL RIGHTS

Sunshine Act Notice

AGENCY: United States Commission on Civil Rights.

ACTION: Notice of Business Meeting.

DATE AND TIME: Friday, August 15, 2014; 9:30 a.m. EST.

PLACE: 1331 Pennsylvania Ave. NW., Suite 1150, Washington, DC 20425.

Business Meeting Agenda

I. Program Planning

- Discussion and Vote on Part A & Part B of the briefing report: Increasing Compliance with Section 7 of the NVRA

II. Management and Operations

- Staff Director's Report

III. State Advisory Committee (SAC) Appointments

- Indiana
- North Carolina
- Oklahoma
- Virginia

CONTACT PERSON FOR FURTHER INFORMATION: Lenore Ostrowsky, Acting Chief, Public Affairs Unit (202) 376–8591.

Hearing-impaired persons who will attend the briefing and require the services of a sign language interpreter should contact Pamela Dunston at (202) 376–8105 or at *signlanguage@usccr.gov* at least seven business days before the scheduled date of the meeting.

Dated: August 4, 2014.

David Mussatt,

Chief, Regional Programs Unit.

[FR Doc. 2014–18733 Filed 8–5–14; 11:15 am]

BILLING CODE 6335–01–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–53–2014]

Foreign-Trade Zone 84—Houston, Texas; Application for Reorganization Under Alternative Site Framework

An application has been submitted to the Foreign-Trade Zones (FTZ) Board by the Port of Houston Authority, grantee of FTZ 84, requesting authority to reorganize the zone under the alternative site framework (ASF) adopted by the FTZ Board (15 CFR Sec. 400.2(c)). The ASF is an option for grantees for the establishment or reorganization of zones and can permit significantly greater flexibility in the designation of new subzones or ''usage-driven'' FTZ sites for operators/users located within a grantee's ''service area'' in the context of the FTZ Board's standard 2,000-acre activation limit for a zone. The application was submitted pursuant to the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR part 400). It was formally docketed on August 1, 2014.

FTZ 84 was approved on July 15, 1983 (Board Order 214, 48 FR 34792, 8/1/83). The zone was expanded on December 24, 1991 (Board Order 551, 57 FR 42, 1/2/92), on December 23, 1993 (Board Order 670, 59 FR 61, 1/3/94), on August 24, 2000 (Board Order 1115, 65 FR 54197, 9/7/00), on March 21, 2003 (Board Order 1271, 68 FR 15431, 3/31/03), on May 14, 2003 (Board Order 1277, 68 FR 27987, 5/22/03), on April 24, 2009 (Board Order 1611, 74 FR 27777–27778, 6/11/09), on August 23, 2013

(Board Order 1912, 78 FR 53426, 8/29/13), and on May 16, 2014 (Board Order 1937, 79 FR 30077–30078, 5/27/14).

The current zone includes the following sites: *Site 1* (420.70 acres)—Houston Ship Channel Turning Basin, Clinton Drive at Highway 610 East Loop, Houston; *Site 2* (97 acres, sunset 8/31/2018)—Bulk Materials Handling Plant (Houston Ship Channel), Green Bayou and Penn City Road, Houston; *Site 3* (58.39 acres, sunset 8/31/2018)—Barbours Cut Turning Basin, Highway 146 and Highway 225, Houston; *Site 4* (3.47 acres)—Cargoways Logistics, 1201 Hahlo Street, Houston; *Site 5* (7.53 acres, sunset 8/31/2018)—Proler Southwest, 6747 Avenue W, Houston; *Site 6* (73 acres)—Odfjell Terminals (Houston), Inc., 12211 Port Road, Houston; *Site 7* (126 acres)—Jacintoport Terminal (Houston Ship Channel), 16398 Jacintoport Blvd., Houston; *Site 8* (162.5 acres)—Central Green Business Park, 16638 Air Center Blvd., Houston; *Site 9* (72.52 acres)—Manchester Terminal Corporation, 10000 Manchester Street, Houston; *Site 10* (14.2 acres)—Greens Port Industrial Park, 13609 Industrial Road, Houston; *Site 11* (269 acres)—Oiltanking of Houston, Inc., 15602 Jacintoport Blvd., Houston; *Site 12* (146 acres, sunset 8/31/2018)—Kinder Morgan Liquids Terminal LLC, Clinton Drive at Panther Creek and North Witter Street at Bayou Street, Houston; *Site 13* (18 acres)—Exel Logistics, Inc., 8833 City Park Loop Street, Houston; *Site 14* (22 acres, sunset 8/31/2018)—George Bush Intercontinental Airport jet fuel storage and distribution system, Fuel Storage Road, Houston; *Site 15* (196 acres)—Magellan Petroleum Terminal, 12901 American Petroleum Road, Galena Park; *Site 16* (72 acres)—Katoen Natie Gulf Coast Warehousing Complex, located at Miller Road Cutoff and U.S. Highway 225, Pasadena; *Site 20* (299 acres)—Port Crossing Industrial Park, McCabe Road and State Highway 146, La Porte; *Site 23* (16.94 acres, sunset 8/31/2018)—Katoen Natie Gulf Coast, Inc., 102 Old Underwood Road and 1100 Underwood Drive, Deer Park; *Site 24* (11.32 acres)—Kuehne + Nagel, Inc., 15450 Diplomatic Plaza Drive, Houston; *Temporary Site 25* (11.87 acres, expires 12/31/2014)—Emerson Process Management Valve Automation, Inc., 19200 Northwest Freeway, Houston; *Site 26* (1,091.22 acres, sunset 8/31/2018)—Texas Triangle Park, located at State Highway 6 and Louis E. Mikulin Road, Brazos County; *Temporary Site 27* (45.3 acres, expires 5/31/2015)—Mitsubishi Caterpillar Forklift America, Inc., 2121 West Sam Houston Parkway North, Houston; *Site 28* (199.6 acres, sunset 5/31/2019)—within the 3,635-acre Generation Park, located at the intersection of Beltway 8 and North Lake Houston Parkway, Houston; *Site 29* (593.935 acres, sunset 5/31/2019)—within the 1,800-acre Texas Deepwater Industrial Port, located at the northeast and southwest corner of Jacintoport Boulevard and the Beltway 8 Bridge, Houston; *Temporary Site 30* (1.045 acres, expires 1/31/2016)—Millett Duty Free Inc., 5610 Armour Drive, Houston; and, *Temporary Site 31* (26 acres, expires 11/30/2014)—Westway Terminal Company LLC, 9325 East Avenue ''S'', Houston.

The grantee's proposed service area under the ASF would be Harris County, Texas, as described in the application. If approved, the grantee would be able to serve sites throughout the service area based on companies' needs for FTZ designation. The proposed service area is within and adjacent to the Houston Customs and Border Protection port of entry. The grantee proposes to retain its existing Site 26 which is located in Brazos County.

The applicant is requesting authority to reorganize its existing zone to include existing Sites 1, 2, 3, 8, 10, 20, 26, 28 and 29 as ''magnet'' sites and Sites 4, 5, 6, 7, 9, 11, 12, 13, 14, 15, 16, 23 and 24 as ''usage-driven'' sites. Temporary Sites 25, 26, 30 and 31 will maintain their current designation. The ASF allows for the possible exemption of one magnet site from the ''sunset'' time limits that generally apply to sites under the ASF, and the applicant proposes that Site 3 be so exempted. No new subzones/usage-driven sites are being requested at this time. The application would have no impact on FTZ 84's previously authorized subzones.

In accordance with the FTZ Board's regulations, Camille Evans of the FTZ Staff is designated examiner to evaluate and analyze the facts and information presented in the application and case record and to report findings and recommendations to the FTZ Board.

Public comment is invited from interested parties. Submissions shall be addressed to the FTZ Board's Executive Secretary at the address below. The closing period for their receipt is October 6, 2014. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to October 21, 2014.

A copy of the application will be available for public inspection at the Office of the Executive Secretary, Foreign-Trade Zones Board, Room 21013, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230–0002, and in the ''Reading Room'' section of the FTZ Board's Web site, which is accessible via *www.trade.gov/ftz.* For further information, contact Camille Evans at *Camille.Evans@trade.gov* or (202) 482–2350.

Dated: August 1, 2014.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2014–18710 Filed 8–6–14; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–831]

Fresh Garlic From the People's Republic of China: Initiation of Antidumping Duty New Shipper Review; 2013–2014

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

SUMMARY: On May 21, 2014, the Department received a timely request for NSR from Jinxiang Kaihua Imp & Exp Co., Ltd. (Kaihua), in accordance with section 751(a)(2)(B)(i) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.214(c). The Department of Commerce (Department) has determined that the request for a new shipper review (NSR) of the antidumping duty order on fresh garlic from the People's Republic of China (PRC) meets the statutory and regulatory requirements for initiation. The period of review (POR) is November 1, 2013, through April 30, 2014.

DATES: *Effective Date:* August 7, 2014.

FOR FURTHER INFORMATION CONTACT: Milton Koch, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–2584.

SUPPLEMENTARY INFORMATION:

Background

The Department published the antidumping duty order on fresh garlic from the PRC in the **Federal Register** on November 16, 1994.[1] On May 21, 2014, the Department received a timely request for NSR from Kaihua. Kaihua certified that it is the exporter and producer of the fresh garlic upon which the request for a NSR is based. Pursuant

[1] *See Antidumping Duty Order: Fresh Garlic From the People's Republic of China,* 59 FR 59209 (November 16, 1994).

to section 751(a)(2)(B)(i)(I) of the Act and 19 CFR 351.214(b)(2)(i), Kaihua certified that it did not export fresh garlic for sale to the United States during the period of investigation (POI).[2] Moreover, pursuant to section 751(a)(2)(B)(i)(II) of the Act and 19 CFR 351.214(b)(2)(iii)(A), Kaihua certified that, since the investigation was initiated, it never has been affiliated with any exporter or producer who exported the subject merchandise to the United States during the POI, including those not individually examined during the investigation.[3] Further, as required by 19 CFR 351.214(b)(2)(iii)(B), it certified that its export activities are not controlled by the central government of the PRC.[4] Kaihua also certified it had no subsequent shipments of subject merchandise.[5]

In addition to the certifications described above, pursuant to 19 CFR 351.214(b)(2)(iv), Kaihua submitted documentation establishing the following: (1) The dates on which the fresh garlic was first entered; (2) the volumes of those shipments; and (3) the date of its first sale to an unaffiliated customer in the United States.[6]

The Department queried the database of U.S. Customs and Border Protection (CBP) in an attempt to confirm that shipment reported by Kaihua had entered the United States for consumption and that liquidation had been properly suspended for antidumping duties. The information which the Department examined was consistent with that provided by Kaihua in its request.[7]

Period of Review

Pursuant to 19 CFR 351.214(c), an exporter or producer may request an NSR within one year of the date on which its subject merchandise was first entered. Moreover, 19 CFR 351.214(d)(1) states that if the request for the review is made during the six-month period ending with the end of the semiannual anniversary month, the Secretary will initiate an NSR in the calendar month immediately following the semiannual anniversary month. Further, 19 CFR 315.214(g)(1)(i)(B) states that if the NSR was initiated in the month immediately following the semiannual anniversary month, the POR will be the six-month period immediately preceding the semiannual anniversary month. Within one year of the date on which its fresh garlic was first entered, Kaihua made the request for an NSR that included all documents and information required by the statute and regulations. Its request was filed in May, which is the semiannual anniversary month of the order. Therefore, the POR is November 1, 2013, through April 30, 2014.[8]

Initiation of New Shipper Review

Pursuant to section 751(a)(2)(B) of the Act and 19 CFR 351.214(b), and the information on the record, the Department finds that Kaihua's request meets the threshold requirements for initiation of an NSR and, therefore, is initiating an NSR of Kaihua. The Department intends to issue the preliminary results within 180 days after the date on which this review is initiated and the final results within 90 days after the date on which we issue the preliminary results.[9]

It is the Department's usual practice in cases involving non-market economies to require that a company seeking to establish eligibility for an antidumping duty rate separate from the country-wide rate (*i.e.,* a separate rate) provide evidence of *de jure* and *de facto* absence of government control over the company's export activities.[10] Accordingly, the Department will issue questionnaires to Kaihua that include a separate rate section. The review will proceed if the responses provide sufficient indication that the exporter and producer are not subject to either *de jure* or *de facto* government control with respect to their exports of fresh garlic.

The Department will instruct CBP to allow, at the option of the importer, the posting, until the completion of the review, of a bond or security in lieu of a cash deposit for certain entries of the subject merchandise from Kaihua in accordance with section 751(a)(2)(B)(iii) of the Act and 19 CFR 351.214(e). Specifically, the bonding privilege will only apply to entries of subject merchandise exported and produced by Kaihua, the sales of which are the basis for this NSR request.

Interested parties requiring access to proprietary information in this proceeding should submit applications for disclosure under administrative protective order in accordance with 19 CFR 351.305 and 351.306.

This initiation and notice are in accordance with section 751(a)(2)(B) of the Act and 19 CFR 351.214 and 351.221(c)(1)(i).

Dated: August 1, 2014.

Christian Marsh,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2014–18708 Filed 8–6–14; 8:45 am]

BILLING CODE 3510–DS–P

[2] *See* Kaihua's request for an NSR dated May 21, 2014 at Exhibit 1.

[3] *Id.*

[4] *Id.*

[5] *Id.*

[6] *See* Kaihua's request for an NSR at Exhibit 2.

[7] *See* Memo to the File from Milton Koch, International Trade Compliance Analyst, ''New Shipper Reviews of the Antidumping Duty Order on Fresh Garlic from the People's Republic of China: Customs Entries from November 1, 2014, to April 30, 2014,'' dated August 1, 2014.

[8] *See* 19 CFR 351.214(g)(1)(i)(B).

[9] *See* section 751(a)(2)(B)(iv) of the Act.

[10] *See* Import Administration Policy Bulletin, Number: 05.1. (*http://ia.ita.doc.gov/policy/bull05-1.pdf*).

DEPARTMENT OF COMMERCE

International Trade Administration

[C–580–875, C–557–817, C–523–809, C–583–855, C–552–819]

Certain Steel Nails From the Republic of Korea, Malaysia, the Sultanate of Oman, Taiwan, and the Socialist Republic of Vietnam: Postponement of Preliminary Determinations in the Countervailing Duty Investigations

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

FOR FURTHER INFORMATION CONTACT: Ilissa Kabak Shefferman at (202) 482–4684 or Angelica Mendoza at (202) 482–3019 (Malaysia, Vietnam and Taiwan), Office VI; Erin Kearney at (202) 482–0167 or Dana Mermelstein at (202) 482–1391 (Korea) and Trisha Tran at (202) 482–4852 (Oman), Office IV; Enforcement and Compliance, International Trade Administration, Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Background

On June 18, 2014, the Department of Commerce (the Department) initiated countervailing duty investigations on certain steel nails from India, the Republic of Korea, Malaysia, the Sultanate of Oman, Taiwan, the Republic of Turkey and the Socialist Republic of Vietnam.[1] Currently, the preliminary determinations are due no later than August 22, 2014.

Postponement of the Preliminary Determinations

Section 703(b)(1) of the Tariff Act of 1930, as amended (the Act), requires the

[1] *See Certain Steel Nails from India, the Republic of Korea, Malaysia, the Sultanate of Oman, Taiwan, the Republic of Turkey, and the Socialist Republic of Vietnam: Initiation of Countervailing Duty Investigations,* 79 FR 36014 (June 25, 2014). Due to the negative preliminary determinations by the U.S. International Trade Commission with respect to imports from India and Republic of Turkey, the CVD investigations have been terminated with respect to both countries.

Department to issue the preliminary determination in a countervailing duty investigation within 65 days after the date on which the Department initiated the investigation. However, if the petitioner makes a timely request for an extension in accordance with 19 CFR 351.205(e), section 703(c)(1)(A) of the Act allows the Department to postpone the preliminary determination until no later than 130 days after the date on which the Department initiated the investigation.

On July 28, 2014, Petitioner [2] submitted a timely request pursuant to section 703(c)(1)(A) of the Act and 19 CFR 351.205(e) to postpone these preliminary determinations.[3] Therefore, in accordance with section 703(c)(1)(A) of the Act, we are fully extending the due date for the preliminary determinations to not later than 130 days after the day on which these investigations were initiated. As a result, the deadline for completion of these preliminary determinations is now October 27, 2014.[4]

This notice is issued and published pursuant to section 703(c)(2) of the Act and 19 CFR 351.205(f)(1).

Dated: July 31, 2014.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2014–18718 Filed 8–6–14; 8:45 am]

BILLING CODE 3510–DS–P

[2] Mid Continent Steel & Wire, Inc. (Petitioner).

[3] *See* various letters from Petitioner, entitled ''Certain Steel Nails from the Republic of Korea, Malaysia, the Sultanate of Oman, Taiwan, and the Socialist Republic of Vietnam: Petitioner's Request for Postponement of Preliminary Determinations,'' dated July 28, 2014.

[4] The actual deadline based on a 65-day extension is October 26, 2014, which is a Sunday. Department practice dictates that where a deadline falls on a weekend or federal holiday, the appropriate deadline is the next business day. *See Notice of Clarification: Application of ''Next Business Day'' Rule for Administrative Determination Deadlines Pursuant to the Tariff Act of 1930, As Amended,* 70 FR 24533 (May 10, 2005).

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP14–1132–000.
Applicants: Alliance Pipeline L.P.
Description: August 1–31, 2014. Auction to be effective 8/1/2014.
Filed Date: 7/29/14.
Accession Number: 20140729–5001.
Comments Due: 5 p.m. ET 8/11/14.

Docket Numbers: RP14–1133–000.
Applicants: Total Peaking Services, L. L. C.
Description: Total Peaking Services Compliance Filing to be effective 9/1/2014.
Filed Date: 7/29/14.
Accession Number: 20140729–5040.
Comments Due: 5 p.m. ET 8/11/14.

Docket Numbers: RP14–1134–000.
Applicants: Questar Pipeline Company.
Description: Negotiated Rate Version 8.0.0, Cross Timbers Energy, LLC to be effective 8/1/2014.
Filed Date: 7/29/14.
Accession Number: 20140729–5046.
Comments Due: 5 p.m. ET 8/11/14.

Docket Numbers: RP14–1135–000.
Applicants: LA Storage, LLC.
Description: LA Storage, LLC proposed revisions to Section 5.3.1 to be effective 8/31/2014.
Filed Date: 7/29/14.
Accession Number: 20140729–5047.
Comments Due: 5 p.m. ET 8/11/14.

Docket Numbers: RP14–1136–000.
Applicants: Natural Gas Pipeline Company of America.
Description: Tenaska LPS–RO–8/1/2014 to be effective 8/1/2014.
Filed Date: 7/29/14.
Accession Number: 20140729–5058.
Comments Due: 5 p.m. ET 8/11/14.

Docket Numbers: RP14–1137–000.
Applicants: Iroquois Gas Transmission System, L.P.
Description: 07/29/14 Negotiated Rates—Trafigura AG (RTS) 7443–03 to be effective 8/1/2014.
Filed Date: 7/29/14.
Accession Number: 20140729–5092.
Comments Due: 5 p.m. ET 8/11/14.

Docket Numbers: RP14–1138–000.
Applicants: Transcontinental Gas Pipe Line Company.
Description: Negotiated Rates—Cherokee AGL—Replacement Shippers—Aug 2014 to be effective 8/1/2014.
Filed Date: 7/29/14.
Accession Number: 20140729–5107.
Comments Due: 5 p.m. ET 8/11/14.

Docket Numbers: RP14–1139–000.
Applicants: Transcontinental Gas Pipe Line Company.
Description: Remove X–269 References to be effective 8/1/2014.
Filed Date: 7/29/14.
Accession Number: 20140729–5108.
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 30, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–18586 Filed 8–6–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #2

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC14–120–000.
Applicants: Astoria Energy LLC.
Description: Application for Authorization Under Section 203 of the Federal Power Act and Request for Waivers and Expedited Action of Astoria Energy LLC.
Filed Date: 7/31/14.
Accession Number: 20140731–5106.
Comments Due: 5 p.m. ET 8/21/14.

Docket Numbers: EC14–121–000.
Applicants: Osage Wind, LLC.
Description: Application for Authorization Under Section 203 of the Federal Power Act, Request for Shortened Notice Period, Expedited Consideration and Confidential Treatment of Osage Wind, LLC.
Filed Date: 7/31/14.
Accession Number: 20140731–5134.
Comments Due: 5 p.m. ET 8/21/14.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER13–75–005.
Applicants: Public Service Company of Colorado.
Description: 2014–07–31_Order 1000-Att R–PSCo-Amnd-0.3.1-Filing to be effective 12/31/9998.
Filed Date: 7/31/14.
Accession Number: 20140731–5148.
Comments Due: 5 p.m. ET 8/14/14.

Docket Numbers: ER13–77–003.

Applicants: Tucson Electric Power Company.
Description: Tucson Electric Power Company submits Order No. 1000 Compliance Filing to be effective 12/31/9998.
Filed Date: 7/31/14.
Accession Number: 20140731–5182.
Comments Due: 5 p.m. ET 8/14/14.
Docket Numbers: ER13–78–003.
Applicants: UNS Electric, Inc.
Description: UNS Electric, Inc. submits Order No. 1000 Compliance Filing to be effective 12/31/9998.
Filed Date: 7/31/14.
Accession Number: 20140731–5183.
Comments Due: 5 p.m. ET 8/14/14.
Docket Numbers: ER13–79–003.
Applicants: Public Service Company of New Mexico.
Description: Order No. 1000 OATT Compliance Filing to be effective 12/31/9998.
Filed Date: 7/31/14.
Accession Number: 20140731–5137.
Comments Due: 5 p.m. ET 8/14/14.
Docket Numbers: ER13–82–003.
Applicants: Arizona Public Service Company
Description: OATT Order No. 1000 Compliance Filing—Attachment E to be effective 12/31/9998.
Filed Date: 7/31/14.
Accession Number: 20140731–5088.
Comments Due: 5 p.m. ET 8/14/14.
Docket Numbers: ER13–91–003.
Applicants: El Paso Electric Company.
Description: El Paso Electric Company submits OATT Order No. 1000 Compliance Filing to be effective 12/31/9998.
Filed Date: 7/31/14.
Accession Number: 20140731–5116.
Comments Due: 5 p.m. ET 8/14/14.
Docket Numbers: ER13–96–003.
Applicants: Black Hills Power, Inc.
Description: Order No. 1000 OATT Compliance Filing to be effective 12/31/9998.
Filed Date: 7/31/14.
Accession Number: 20140731–5173.
Comments Due: 5 p.m. ET 8/14/14.
Docket Numbers: ER13–97–003.
Applicants: Black Hills/Colorado Electric Utility Company, LP.
Description: Black Hills/Colorado Electric Utility Company, LP submits Order No. 1000 OATT Compliance Filing to be effective 12/31/9998.
Filed Date: 7/31/14.
Accession Number: 20140731–5174.
Comments Due: 5 p.m. ET 8/14/14.
Docket Numbers: ER13–120–003.
Applicants: Cheyenne Light, Fuel and Power Company.
Description: Cheyenne Light, Fuel and Power Company submits Order No. 1000 OATT Compliance Filing to be effective 12/31/9998.
Filed Date: 7/31/14.
Accession Number: 20140731–5176.
Comments Due: 5 p.m. ET 8/14/14.
Docket Numbers: ER14–2430–001.
Applicants: Arizona Public Service Company.
Description: Large Generator Interconnection Agreements with Hyder—Re-file Title Pages to be effective 8/13/2014.
Filed Date: 7/31/14.
Accession Number: 20140731–5004.
Comments Due: 5 p.m. ET 8/21/14.
Docket Numbers: ER14–2486–000.
Applicants: Covanta Union, LLC.
Description: Amendment to July 24, 2014 Covanta Union, LLC tariff filing.
Filed Date: 7/31/14.
Accession Number: 20140731–5132.
Comments Due: 5 p.m. ET 8/21/14.
Docket Numbers: ER14–2543–000.
Applicants: Equilon Enterprises LLC.
Description: Equilon Supplement to Change In Status to be effective 8/1/2014.
Filed Date: 7/31/14.
Accession Number: 20140731–5065.
Comments Due: 5 p.m. ET 8/21/14.
Docket Numbers: ER14–2544–000.
Applicants: PacifiCorp.
Description: OATT EIM Attachment T Revisions to be effective 8/15/2014.
Filed Date: 7/31/14.
Accession Number: 20140731–5078.
Comments Due: 5 p.m. ET 8/21/14.
Docket Numbers: ER14–2545–000.
Applicants: PJM Interconnection, L.L.C.
Description: Queue W3–175; Service Agreement No. 3904 to be effective 7/2/2014.
Filed Date: 7/31/14.
Accession Number: 20140731–5081.
Comments Due: 5 p.m. ET 8/21/14.
Docket Numbers: ER14–2546–000.
Applicants: NorthWestern Corporation.
Description: OATT Order No 789 Compliance Filing (Montana) to be effective 10/1/2014.
Filed Date: 7/31/14.
Accession Number: 20140731–5087.
Comments Due: 5 p.m. ET 8/21/14.
Docket Numbers: ER14–2547–000.
Applicants: Union Power Partners, L.P.
Description: Revised Rate Schedule FERC No. 2 to be effective 10/1/2014.
Filed Date: 7/31/14.
Accession Number: 20140731–5094.
Comments Due: 5 p.m. ET 8/21/14.
Docket Numbers: ER14–2548–000.
Applicants: Ocean State Power.
Description: Ocean State Power LLC Notice of Succession to be effective 7/1/2014.
Filed Date: 7/31/14.
Accession Number: 20140731–5095.
Comments Due: 5 p.m. ET 8/21/14.
Docket Numbers: ER14–2549–000.
Applicants: PacifiCorp.
Description: UMPA ARTSOA Rev 4 to be effective 10/1/2014.
Filed Date: 7/31/14.
Accession Number: 20140731–5103.
Comments Due: 5 p.m. ET 8/21/14
Docket Numbers: ER14–2550–000.
Applicants: Louisville Gas and Electric Company.
Description: Order No. 792 Compliance Filing to be effective 8/4/2014.
Filed Date: 7/31/1.4
Accession Number: 20140731–5112.
Comments Due: 5 p.m. ET 8/21/14.
Docket Numbers: ER14–2551–000.
Applicants: Duke Energy Progress, Inc., Duke Energy Florida, Inc., Duke Energy Carolinas, LLC.
Description: OATT Order 792 Compliance Filing to be effective 8/4/2014.
Filed Date: 7/31/14.
Accession Number: 20140731–5138.
Comments Due: 5 p.m. ET 8/21/14
Docket Numbers: ER14–2552–000.
Applicants: New York Independent System Operator, Inc.
Description: Section 205 tariff revisions of credit requirements for CTS External Transaction to be effective 12/31/9998.
Filed Date: 7/31/14.
Accession Number: 20140731–5149.
Comments Due: 5 p.m. ET 8/21/14.
Docket Numbers: ER14–2553–000.
Applicants: Southwest Power Pool, Inc.
Description: Revisions to Implement Long Term Congestion Rights—FERC Order 681 to be effective 2/1/2015.
Filed Date: 7/31/14.
Accession Number: 20140731–5165.
Comments Due: 5 p.m. ET 8/21/14.
Docket Numbers: ER14–2554–000.
Applicants: Illinois Power Generating Company.
Description: Requests for Waivers of Parts 41, 101 and 141 of the Commission's Regulations to be effective 8/1/2014.
Filed Date: 7/31/14.
Accession Number: 20140731–5166.
Comments Due: 5 p.m. ET 8/21/14.
Docket Numbers: ER14–2555–000.
Applicants: Southwest Power Pool, Inc.
Description: Southwest Power Pool, Inc. submits 2158R4 Arkansas Electric Cooperative Corp NITSA and NOA to be effective 7/1/2014.
Filed Date: 7/31/14.
Accession Number: 20140731–5178.

Comments Due: 5 p.m. ET 8/21/14.

Docket Numbers: ER14–2556–000.

Applicants: South Carolina Electric & Gas Company.

Description: South Carolina Electric & Gas Company submits: Compliance filing Order No. 792 to be effective 7/31/2014.

Filed Date: 7/31/14.

Accession Number: 20140731–5180.

Comments Due: 5 p.m. ET 8/21/14.

Take notice that the Commission received the following land acquisition reports:

Docket Numbers: LA14–2–000.

Applicants: Alpaugh 50, LLC, Alpaugh North, LLC, CED White River Solar, LLC, CED White River Solar 2, LLC, CED Corcoran Solar, LLC, CED Corcoran Solar 2, LLC.

Description: Quarterly Land Acquisition Report of the CED Companies.

Filed Date: 7/31/14.

Accession Number: 20140731–5119.

Comments Due: 5 p.m. ET 8/21/14.

Docket Numbers: LA14–2–000.

Applicants: AES Alamitos, LLC, AES Armenia Mountain Wind, LLC, AES Beaver Valley, LLC, AES Energy Storage, LLC, AES ES Tait, LLC, AES Huntington Beach, L.L.C., AES Laurel Mountain, LLC, AES Redondo Beach, L.L.C., Mountain View Power Partners, LLC.

Mountain View Power Partners IV, LLC, Indianapolis Power & Light Company, The Dayton Power and Light Company, DPL Energy, LLC.

Description: Quarterly Land Acquisition Report of the AES Corporation.

Filed Date: 7/31/14.

Accession Number: 20140731–5150.

Comments Due: 5 p.m. ET 8/21/14.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

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Dated: July 31, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–18694 Filed 8–6–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP14–1140–000.

Applicants: Big Sandy Pipeline, LLC.

Description: Big Sandy Fuel Filing effective 9–1–2014.

Filed Date: 7/30/14.

Accession Number: 20140730–5096.

Comments Due: 5 p.m. ET 8/11/14.

Docket Numbers: RP14–1141–000.

Applicants: Trunkline LNG Company, LLC.

Description: Misc. Revenue Surcharge Report filed 7–31–14.

Filed Date: 7/31/14.

Accession Number: 20140731–5021.

Comments Due: 5 p.m. ET 8/12/14.

Docket Numbers: RP14–1142–000.

Applicants: Equitrans, L.P.

Description: Negotiated Rate Service Agreement—Antero to be effective 8/1/2014.

Filed Date: 7/31/14.

Accession Number: 20140731–5032.

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 31, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–18587 Filed 8–6–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–1325–003; ER12–1946–003; ER10–2566–005; ER11–2080–003; ER10–1333–003; ER13–2387–001; ER12–1958–003; ER13–2322–001; ER10–1335–003.

Applicants: CinCap V LLC, Duke Energy Beckjord, LLC, Duke Energy Carolinas, LLC, Duke Energy Commercial Asset Management, Inc., Duke Energy Commercial Enterprises, Inc., Duke Energy Florida, Inc., Duke Energy Piketon, LLC, Duke Energy Progress, Inc., Duke Energy Retail Sales, LLC.

Description: Notice of Non-Material Change in Status of Duke Southeast MBR Sellers.

Filed Date: 7/30/14.

Accession Number: 20140730–5154.

Comments Due: 5 p.m. ET 8/20/14.

Docket Numbers: ER10–3124–003; ER10–3129–003; ER10–3130–003; ER10–3132–003; ER10–3134–003; ER10–3137–003.

Applicants: Noble Altona Windpark, LLC, Noble Bliss Windpark, LLC, Noble Chateaugay Windpark, LLC, Noble Clinton Windpark I, LLC, Noble Ellenburg Windpark, LLC, Noble Wethersfield Windpark, LLC.

Description: Amendment to June 23, 2014 Triennial Market Power Analysis of Noble Altona Windpark, LLC, et al.

Filed Date: 7/31/14.

Accession Number: 20140731–5054.

Comments Due: 5 p.m. ET 8/21/14.

Docket Numbers: ER12–678–005.

Applicants: Midcontinent Independent System Operator, Inc.

Description: 2014–07–30 VLR Compliance Filing to be effective 9/1/2012.

Filed Date: 7/30/14.

Accession Number: 20140730–5140.

Comments Due: 5 p.m. ET 8/20/14.

Docket Numbers: ER14–2538–000.

Applicants: Duke Energy Progress, Inc.

Description: NCEMPA NITSA Revisions RS 268 to be effective 7/1/2014.

Filed Date: 7/30/14.

Accession Number: 20140730–5136.

Comments Due: 5 p.m. ET 8/20/14.

Docket Numbers: ER14–2539–000.

Applicants: Idaho Power Company.

Description: OATT Order No. 789 Compliance Filing to be effective 10/1/2014.

Filed Date: 7/31/14.
Accession Number: 20140731–5001.
Comments Due: 5 p.m. ET 8/21/14.

Docket Numbers: ER14–2540–000.
Applicants: Pacific Gas and Electric Company.
Description: CCSF IA—46th Quarterly Filing of Facilities Agreements to be effective 6/30/2014.
Filed Date: 7/31/14.
Accession Number: 20140731–5002.
Comments Due: 5 p.m. ET 8/21/14.

Docket Numbers: ER14–2541–000.
Applicants: New England Power Pool Participants Committee.
Description: August 2014 Membership Filing to be effective 8/1/2014.
Filed Date: 7/31/14.
Accession Number: 20140731–5022.
Comments Due: 5 p.m. ET 8/21/14.

Docket Numbers: ER14–2542–000.
Applicants: Emera Maine.
Description: Order No. 792 Compliance Filing to be effective 9/30/2014.
Filed Date: 7/31/14.
Accession Number: 20140731–5036.
Comments Due: 5 p.m. ET 8/21/14.

Take notice that the Commission received the following electric securities filings:
Docket Numbers: ES13–46–001; ES13–49–001.
Applicants: Entergy Louisiana, LLC, Entergy Texas, Inc.
Description: Application to amend existing FPA Section 204 authority of Entergy Louisiana, LLC and Entergy Texas, Inc.
Filed Date: 7/30/14.
Accession Number: 20140730–5156.
Comments Due: 5 p.m. ET 8/20/14.

Docket Numbers: ES14–47–000.
Applicants: Wheeling Power Company.
Description: Application to issue securities pursuant to Section 204 of the Federal Power Act of Wheeling Power Company.
Filed Date: 7/31/14.
Accession Number: 20140731–5033.
Comments Due: 5 p.m. ET 8/21/14.

Take notice that the Commission received the following land acquisition reports:
Docket Numbers: LA14–2–000.
Applicants: Elizabethtown Energy, LLC, Lumberton Energy, LLC, Hatchet Ridge Wind, LLC, Spring Valley Wind LLC, Ocotillo Express LLC, Lyonsdale Biomass, LLC, ReEnergy Sterling CT Limited Partnership, Bayonne Plant Holding, L.L.C., Camden Plant Holding, L.L.C., Dartmouth Power Associates Limited Partnership, Elmwood Park Power, LLC, Newark Bay Cogeneration Partnership, L.P., Pedricktown Cogeneration Company LP, York Generation Company LLC, Sapphire Power Marketing LLC, ReEnergy Ashland LLC, ReEnergy Fort Fairfield LLC, ReEnergy Livermore Falls LLC, ReEnergy Stratton LLC, ReEnergy Black River LLC, Brandon Shores LLC, C.P. Crane LLC, H.A. Wagner LLC, Raven Power Marketing LLC, TrailStone Power, LLC, and CSOLAR IV West, LLC.
Description: Quarterly Land Acquisition Report of the Riverstone Entities.
Filed Date: 7/30/14.
Accession Number: 20140730–5151.
Comments Due: 5 p.m. ET 8/20/14.

Docket Numbers: LA14–2–000.
Applicant: Alabama Electric Marketing, LLC, Astoria Generating Company, L.P., Big Sandy Peaker Plant, LLC, California Electric Marketing, LLC, Crete Energy Venture, LLC, CSOLAR IV South, LLC, CSOLAR IV West, LLC, High Desert Power Project, LLC, Kiowa Power Partners, LLC, Lincoln Generating Facility,LLC, New Covert Generating Company, LLC, New Mexico Electric Marketing, LLC, Rolling Hills Generating, L.L.C., Tenaska Alabama Partners, L.P., Tenaska Alabama II Partners, L.P., Tenaska Frontier Partners, Ltd., Tenaska Gateway Partners, Ltd., Tenaska Georgia Partners, L.P., Tenaska Power Management, LLC, Tenaska Power Services Co., Tenaska Virginia Partners, L.P., Texas Electric Marketing, LLC, TPF Generation Holdings, LLC, and Wolf Hills Energy, LLC.
Description: Quarterly Land Acquisition Report of the Tenaska MBR Sellers.
Filed Date: 7/30/14.
Accession Number: 20140730–5152.
Comments Due: 5 p.m. ET 8/20/14.

Docket Numbers: LA14–2–000.
Applicants: E.ON Global Commodities North America LLC, EC&R O&M, LLC, Munnsville Wind Farm, LLC, Pioneer Trail Wind Farm, LLC, Settlers Trail Wind Farm, LLC, Stony Creek Wind Farm, LLC and Wildcat Wind Farm I, LLC.
Description: Quarterly Land Acquisition Report of the E.ON CRNA Sellers.
Filed Date: 7/31/14.
Accession Number: 20140731–5050.
Comments Due: 5 p.m. ET 8/21/14.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR385.211 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 31, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–18693 Filed 8–6–14; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OARM–2014–0058; FRL—9912–96–OEI]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; Contractor Conflicts of Interest (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency is planning to submit an information collection request (ICR), ''Contractor Conflicts of Interest (Renewal)'' (EPA ICR No. 1550.10, OMB Control No. 2030–0023) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). This is a proposed extension of the ICR, which is currently approved through August 31, 2014. Public comments were previously requested via the **Federal Register** (79 FR 11783) on March 3, 2014, during a 60-day comment period. This notice allows for an additional 30 days for public comments. A more comprehensive description of the ICR is given below, including its estimated burden and cost to the public. An Agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: Additional comments may be submitted on or before September 8, 2014.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–OARM–2014–0058, to (1) EPA online

using *www.regulations.gov* (our preferred method), by email to *oei.docket@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW., Washington, DC 20460, and (2) OMB via email to *oira_submission@omb.eop.gov.* Address comments to OMB Desk Officer for EPA.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Daniel Humphries, Policy, Training, and Oversight Division, Acquisition Policy and Training Service Center (3802R), Environmental Protection Agency, 1200 Pennsylvania Avenue NW., Washington, DC 20460; telephone number: (202) 564–4377; email address: *Humphries.daniel@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents which explain in detail the information that the EPA will be collecting are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets.*

Abstract: EPA contractors will be required to disclose business relationships and corporate affiliations to determine whether EPA's interests are jeopardized by such relationships (40 CFR part 486(c). Because EPA has the dual responsibility of cleanup and enforcement and because its contractors are often involved in both activities, it is imperative that contractors are free from conflicts of interest so as not to prejudice response and enforcement actions. Contractors will be required to maintain a database of business relationships and report information to EPA on either an annual basis or when each work order is issued.

ICR numbers: EPA ICR No. 1550.10, OMB Control No. 2030–0023.

Form Numbers: None.

Respondents/affected entities: Private businesses or non-profits.

Respondent's obligation to respond: Required to obtain or retain benefits.

Estimated number of respondents: 135 (total).

Frequency of response: On occasion.

Total estimated burden: 164,525 hours (per year). Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: Estimated total annual costs are $10,684,253.50, includes $0 annualized capital or operation & maintenance costs.

Changes in Estimates: There is an increase of 10,899 hours in the total estimated respondent burden compared with the ICR currently approved by OMB. The reason for this change is due to a correction of the calculations for the 10 new respondents.

Spencer Clark,

Acting Director, Collection Strategies Division.

[FR Doc. 2014–18585 Filed 8–6–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OAR–2013–0491; FRL9914–78–OAR]

California State Motor Vehicle Pollution Control Standards; Heavy-Duty Tractor-Trailer Greenhouse Gas Regulations; Notice of Decision

AGENCY: Environmental Protection Agency.

ACTION: Notice of Decision.

SUMMARY: The Environmental Protection Agency (EPA) is granting the California Air Resources Board's (CARB) request for a waiver of Clean Air Act preemption to enforce provisions of its Heavy-Duty Tractor-Trailer Greenhouse Gas Regulations (''HD GHG Regulations'') applicable to new 2011 through 2013 model year (MY) Class 8 tractors equipped with integrated sleeper berths (sleeper-cab tractors) and to new 2011 and subsequent MY dry-van and refrigerated-van trailers that are pulled by such tractors on California highways. This decision is issued under the authority of the Clean Air Act (''CAA'' or ''the Act'').

DATES: Petitions for review must be filed by October 6, 2014.

ADDRESSES: EPA has established a docket for this action under Docket ID EPA–HQ–OAR–2013–0491. All documents relied upon in making this decision, including those submitted to EPA by CARB, are contained in the public docket. Publicly available docket materials are available either electronically through *www.regulations.gov* or in hard copy at the Air and Radiation Docket in the EPA Headquarters Library, EPA West Building, Room 3334, 1301 Constitution Avenue NW., Washington, DC. The Public Reading Room is open to the public on all federal government working days from 8:30 a.m. to 4:30 p.m.; generally, it is open Monday through Friday, excluding holidays. The telephone number for the Reading Room is (202) 566–1744. The Air and Radiation Docket and Information Center's Web site is *http://www.epa.gov/oar/docket.html.* The email address for the Air and Radiation Docket is: *a-and-r-docket@epa.gov,* the telephone number is (202) 566–1742, and the fax number is (202) 566–9744. An electronic version of the public docket is available through the federal government's electronic public docket and comment system at *http://www.regulations.gov.* After opening the *www.regulations.gov* Web site, enter EPA–HQ–OAR–2013–0491 in the ''Enter Keyword or ID'' fill-in box to view documents in the record. Although a part of the official docket, the public docket does not include Confidential Business Information (''CBI'') or other information whose disclosure is restricted by statute.

EPA's Office of Transportation and Air Quality (''OTAQ'') maintains a Web page that contains general information on its review of California waiver and authorization requests. Included on that page are links to prior waiver **Federal Register** notices, some of which are cited in today's notice; the page can be accessed at *http://www.epa.gov/otaq/cafr.htm.*

FOR FURTHER INFORMATION CONTACT: David Read, Office of Transportation and Air Quality, U.S. Environmental Protection Agency, 2565 Plymouth Rd., Ann Arbor, MI 48105. Telephone: (734) 214–4367. Fax: (734) 214–4212. Email: *read.david@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

By letter dated June 20, 2013, CARB requested that EPA grant a waiver of preemption pursuant to section 209(b) of the CAA for the California HD GHG Regulations applicable to new 2011 through 2013 model year (MY) Class 8 tractors equipped with integrated sleeper berths (sleeper-cab tractors) and to new 2011 and subsequent MY dry-van and refrigerated-van trailers that are pulled by such tractors on California highways. The HD GHG Regulations are set forth at title 17, California Code of Regulations (CCR) sections 95300 through 95312.[1] The HD GHG

[1] Please note that, as used herein, the term ''HD GHG Regulations'' encompasses all of 17 CCR 95300 through 95312, thus including provisions whose scope may apply to products beyond

Regulations apply to new and in-use 53-foot or longer trailers and the new and in-use tractors that pull them.[2] However, California expressly limited the scope of its waiver request to just new MY2011–MY2013 tractors and MY2011 and later trailers, as described above, ''that together are considered to operate as an integrated vehicle.'' [3]

CARB did not include the full suite of HD GHG Regulations in its waiver request, nor did it include emergency, temporary amendments to the HD GHG Regulations that CARB adopted in 2012.[4]

CARB's June 20, 2013 submission provides analysis and evidence to support its finding that the HD GHG Regulations satisfy the CAA section 209(b) criteria and that a waiver of preemption should be granted.

The request notes that CARB promulgated the HD GHG Regulations in response to the California Global Warming Solutions Act of 2006 (AB 32).[5] That legislation directs CARB to implement ''discrete early action GHG emission reduction measures'' to achieve cost-effective reductions in GHG emissions. The resulting HD GHG Regulations are designed to reduce GHG emissions by, *inter alia,* requiring certain tractors and semitrailers on California highways to employ aerodynamic technologies and low-rolling-resistance tires. CARB determined that aerodynamic and other efficiency upgrades would yield the greatest GHG benefits when installed on vehicles that operate frequently at highway speeds. The HD GHG Regulations therefore exempt certain types of tractors and trailers that CARB deemed to be less likely to travel at highway speeds.[6]

For vehicles that are not exempted, the HD GHG Regulations incorporate elements of EPA's SmartWay® Program,[7] in effect mandating use of technologies that fleets may adopt voluntarily to achieve SmartWay designation.[8] Specifically, the HD GHG Regulations subject to this waiver request require new 2011 and subsequent MY sleeper-cab tractors [9] that haul 53-foot or longer box-type trailers on California highways to be SmartWay certified [10] and to use SmartWay verified tires beginning January 1, 2010.[11] Likewise, new 2011 and subsequent MY dry-van and refrigerated-van trailers are also required to be SmartWay certified (or equipped with specified SmartWay Verified Technologies) beginning January 1, 2010.[12] The HD GHG Regulations apply to tractors and trailers when driven on a highway within California whether or not the equipment is registered in California.[13]

CARB projects that the HD GHG Regulations overall will reduce GHG emissions in California by 0.7 million metric tons of carbon-dioxide equivalent emissions by 2020.[14] CARB also projects that the HD GHG Regulations will reduce nitrogen oxide (NO_X) emissions in California by 3.1 tons per day in 2014, thereby helping California meet national ambient air quality standards for particulate matter and ozone.[15]

CARB states that it formally adopted the HD GHG Regulations on October 23, 2009, and the HD GHG Regulations became operative under state law on January 1, 2010.[16] Amendments to provide compliance flexibility (''the 2010 Amendments''), including limited five-day exemptions and an alternative compliance schedule, were adopted by CARB on October 26, 2011, and became operative on January 11, 2012.[17]

II. Principles Governing This Review

A. Scope of Review

Section 209(a) of the CAA provides:

> No State or any political subdivision thereof shall adopt or attempt to enforce any standard relating to the control of emissions from new motor vehicles or new motor vehicle engines subject to this part. No State shall require certification, inspection or any other approval relating to the control of emissions from any new motor vehicle or new motor vehicle engine as condition precedent to the initial retail sale, titling (if any), or registration of such motor vehicle, motor vehicle engine, or equipment.[18]

Section 209(b)(1) of the Act requires the Administrator, after an opportunity for public hearing, to waive application of the prohibitions of section 209(a) for any state that has adopted standards (other than crankcase emission standards) for the control of emissions from new motor vehicles or new motor vehicle engines prior to March 30, 1966, if the state determines that its state standards will be, in the aggregate, at least as protective of public health and welfare as applicable federal standards.[19] However, no such waiver shall be granted if the Administrator finds that: (A) The protectiveness determination of the state is arbitrary and capricious; (B) the state does not need such state standards to meet compelling and extraordinary conditions; or (C) such state standards and accompanying enforcement procedures are not consistent with section 202(a) of the Act.[20]

Key principles governing this review are that EPA should limit its inquiry to the specific findings identified in section 209(b)(1) of the Clean Air Act, and that EPA will give substantial deference to the policy judgments California has made in adopting its regulations. In previous waiver decisions, EPA has stated that Congress intended the Agency's review of California's decision-making to be narrow. EPA has rejected arguments that

California's waiver request. EPA will clarify when statements herein apply exclusively to provisions that are included in the waiver request, and not also to the HD GHG Regulations more generally.

[2] 17 CCR §§ 95301(a)(1) and 95302(a)(28).

[3] California Waiver Request Support Document, June 20, 2013, EPA–HQ–OAR–2013–0491–0003, at 2. California's waiver request does not include California's more recent action to harmonize its HD GHG Regulations with EPA's HD GHG rule beginning MY 2014.

[4] Id. at 8.

[5] California Global Warming Solutions Act of 2006, Assembly Bill 32, Stats. 2006, Chapter 488.

[6] 17 CCR § 95301(b), (c). Exemptions include local-haul and short-haul tractors and trailers, drayage tractors and trailers, storage trailers, empty trailers, drop-frame trailers, chassis trailers, curtain-side trailers, livestock trailers, refuse trailers, and box-type trailers that are less than 53 feet in length.

[7] EPA's SmartWay Technology Program is a voluntary testing, verification, and designation program to help freight companies identify equipment, technologies and strategies that save fuel and lower emissions. *See http://epa.gov/smartway/about/index.htm.*

[8] These criteria for tractors include (i) a 2007 or subsequent MY federally certified engine, (ii) an integrated sleeper-cab high roof fairing, (iii) tractor-mounted side-fairing gap reducers, (iv) tractor fuel-tank side fairings, (v) aerodynamic bumpers and mirrors, (vi) low-rolling-resistance tires meeting SmartWay specifications, and (vii) optional systems for reducing extended engine idling. California Waiver Request Support Document, June 20, 2013, EPA–HQ–OAR–2013–0491–0003, at 9.

[9] As noted above, this waiver request is applicable only to MY 2011–2013 sleeper-cab tractors.

[10] California's term ''SmartWay certified'' is synonymous with EPA's term ''SmartWay designated'' herein.

[11] 17 CCR § 95303(a).

[12] 17 CCR § 95303(b). EPA SmartWay criteria for dry-van trailers include five possible configurations, all requiring low-rolling-resistance tires and aerodynamic improvements (e.g., trailer side skirt fairings, trailer front-mounted gap reducer fairings, and trailer rear fairings). California Waiver Request Support Document, June 20, 2013, EPA–HQ–OAR–2013–0491–0003, at 11.

[13] 17 CCR §§ 95301(a), 95302(a)(37), 95303.

[14] California Waiver Request Support Document, June 20, 2013, EPA–HQ–OAR–2013–0491–0003, at 1.

[15] California Waiver Request Support Document, June 20, 2013, EPA–HQ–OAR–2013–0491–0003, at 1. The NO_X reduction benefit is projected to fall to a 1 ton per day reduction in NO_X emissions by 2020. *Id.*

[16] California Waiver Request Support Document, June 20, 2013, EPA–HQ–OAR–2013–0491–0003, at 4.

[17] Id. at 7.

[18] CAA § 209(a). 42 U.S.C. 7543(a).

[19] CAA § 209(b)(1). 42 U.S.C. 7543(b)(1). California is the only state that meets section 209(b)(1)'s requirement for obtaining a waiver. *See* S. Rep. No. 90–403 at 632 (1967).

[20] CAA § 209(b)(1). 42 U.S.C. 7543(b)(1).

are not specified in the statute as grounds for denying a waiver:

''The law makes it clear that the waiver requests cannot be denied unless the specific findings designated in the statute can properly be made. The issue of whether a proposed California requirement is likely to result in only marginal improvement in California air quality not commensurate with its costs or is otherwise an arguably unwise exercise of regulatory power is not legally pertinent to my decision under section 209, so long as the California requirement is consistent with section 202(a) and is more stringent than applicable Federal requirements in the sense that it may result in some further reduction in air pollution in California.'' [21]

This principle of narrow EPA review has been upheld by the U.S. Court of Appeals for the District of Columbia Circuit.[22] Thus, EPA's consideration of all the evidence submitted concerning a waiver decision is circumscribed by its relevance to those questions that may be considered under section 209(b)(1).

B. Burden and Standard of Proof

As the U.S. Court of Appeals for the D.C. Circuit has made clear in *MEMA I,* opponents of a waiver request by California bear the burden of showing that the statutory criteria for a denial of the request have been met:

''[T]he language of the statute and its legislative history indicate that California's regulations, and California's determinations that they must comply with the statute, when presented to the Administrator are presumed to satisfy the waiver requirements and that the burden of proving otherwise is on whoever attacks them. California must present its regulations and findings at the hearing and thereafter the parties opposing the waiver request bear the burden of persuading the Administrator that the waiver request should be denied.'' [23]

The Administrator's burden, on the other hand, is to make a reasonable evaluation of the information in the record in coming to the waiver decision. As the court in *MEMA I* stated: ''here, too, if the Administrator ignores evidence demonstrating that the waiver should not be granted, or if he seeks to overcome that evidence with unsupported assumptions of his own, he runs the risk of having his waiver decision set aside as 'arbitrary and capricious.' '' [24] Therefore, the Administrator's burden is to act ''reasonably.'' [25]

With regard to the standard of proof, the court in *MEMA I* explained that the Administrator's role in a section 209 proceeding is to:

''[. . .]consider all evidence that passes the threshold test of materiality and . . . thereafter assess such material evidence against a standard of proof to determine whether the parties favoring a denial of the waiver have shown that the factual circumstances exist in which Congress intended a denial of the waiver.'' [26]

In that decision, the court considered the standards of proof under section 209 for the two findings related to granting a waiver for an ''accompanying enforcement procedure.'' Those findings involve: (1) Whether the enforcement procedures impact California's prior protectiveness determination for the associated standards, and (2) whether the procedures are consistent with section 202(a). The principles set forth by the court, however, are similarly applicable to an EPA review of a request for a waiver of preemption for a standard. The court instructed that ''the standard of proof must take account of the nature of the risk of error involved in any given decision, and it therefore varies with the finding involved. We need not decide how this standard operates in every waiver decision.'' [27]

With regard to the protectiveness finding, the court upheld the Administrator's position that, to deny a waiver, there must be ''clear and compelling evidence'' to show that proposed enforcement procedures undermine the protectiveness of California's standards.[28] The court noted that this standard of proof also accords with the congressional intent to provide California with the broadest possible discretion in setting regulations it finds protective of the public health and welfare.[29]

With respect to the consistency finding, the court did not articulate a standard of proof applicable to all proceedings, but found that the opponents of the waiver were unable to meet their burden of proof even if the standard were a mere preponderance of the evidence. Although *MEMA I* did not explicitly consider the standards of proof under section 209 concerning a waiver request for ''standards,'' as compared to a waiver request for accompanying enforcement procedures, there is nothing in the opinion to suggest that the court's analysis would not apply with equal force to such determinations. EPA's past waiver decisions have consistently made clear that: ''[E]ven in the two areas concededly reserved for Federal judgment by this legislation—the existence of 'compelling and extraordinary' conditions and whether the standards are technologically feasible—Congress intended that the standards of EPA review of the State decision to be a narrow one.'' [30]

C. Deference to California

In previous waiver decisions, EPA has recognized that the intent of Congress in creating a limited review based on specifically listed criteria was to ensure that the federal government did not second-guess state policy choices. As the Agency explained in one prior waiver decision:

''It is worth noting . . . I would feel constrained to approve a California approach to the problem which I might also feel unable to adopt at the federal level in my own capacity as a regulator. . . . Since a balancing of [ ] risks and costs against the potential benefits from reduced emissions is a central policy decision for any regulatory agency under the statutory scheme outlined above, I believe I am required to give very substantial deference to California's judgments on this score.'' [31]

Similarly, EPA has stated that the text, structure, and history of the California waiver provision clearly indicate both a congressional intent and appropriate EPA practice of leaving the decision on ''ambiguous and controversial matters of public policy'' to California's judgment.[32] This interpretation is supported by relevant discussion in the House Committee Report for the 1977 amendments to the CAA. Congress had the opportunity through the 1977 amendments to restrict the preexisting waiver provision, but elected instead to expand California's flexibility to adopt a complete program of motor vehicle emission controls. The report explains that the amendment is intended to ratify and strengthen the preexisting California waiver provision and to affirm the underlying intent of that provision, that is, to afford California the broadest possible discretion in selecting the best means to

[21] ''Waiver of Application of Clean Air Act to California State Standards,'' 36 FR 17458 (Aug. 31, 1971). Note that the more stringent standard expressed here, in 1971, was superseded by the 1977 amendments to section 209, which established that California must determine that its standards are, in the aggregate, at least as protective of public health and welfare as applicable federal standards.

[22] *See, e.g., Motor and Equip. Mfrs Assoc.* v. *EPA,* 627 F.2d 1095 (D.C. Cir. 1979) (''*MEMA I*'').

[23] *MEMA I,* note 19, at 1121.

[24] *Id.* at 1126.

[25] *Id.* at 1126.

[26] *Id.* at 1122.

[27] *Id.*

[28] *Id.*

[29] *Id.*

[30] *See, e.g.,* ''California State Motor Vehicle Pollution Control Standards; Waiver of Federal Preemption,'' 40 FR 23102 (May 28, 1975), at 23103.

[31] 40 FR 23102, 23103–04 (May 28, 1975).

[32] 40 FR 23102, 23104 (May 28, 1975); 58 FR 4166 (January 13, 1993).

protect the health of its citizens and the public welfare.[33]

D. EPA's Administrative Process in Consideration of California's Request

On August 21, 2013, EPA published a notice of opportunity for public hearing and comment on California's waiver request. EPA scheduled a public hearing concerning CARB's request for September 6, 2013, and asked for written comments to be submitted by October 18, 2013.[34] EPA's notice of CARB's request invited public comment on the following issues:

''Whether (a) California's determination that its motor vehicle emission standards are, in the aggregate, at least as protective of public health and welfare as applicable federal standards is arbitrary and capricious, (b) California needs such standards to meet compelling and extraordinary conditions, and (c) California's standards and accompanying enforcement procedures are consistent with section 202(a) of the Clean Air Act.'' [35]

EPA received no requests for a public hearing, so EPA did not hold a hearing. In response to the request for comments, EPA received comments from the California Construction Trucking Association (''CCTA''),[36] the Owner-Operated Independent Drivers Association, Inc. (OOIDA),[37] the California Trucking Association (CTA),[38] and American Trucking Associations, Inc. (ATA).[39] EPA also received an additional submission from CARB.[40]

III. Discussion

As discussed above, California's HD GHG Regulations apply to trailers as well as to tractors. The inclusion of trailers in the HD GHG Regulations led to comments raising the question of whether California's HD GHG trailer regulations are ''standards relating to the control of emissions from new motor vehicles or new motor vehicle engines'' and thus, subject to CAA preemption under section 209(a) and EPA waiver review under section 209(b)(1). As a result, before proceeding to a discussion on the merits of the waiver request, the Agency will first address the threshold question of whether the trailer regulations are indeed preempted and subject to EPA waiver review.

A. Whether Regulation of GHG Emissions Associated With Trailer Use Relates to the Control of Emissions From New Motor Vehicles

Section 209(a) of the CAA only applies to states' efforts to ''adopt or attempt to enforce any standard relating to the control of emissions from new motor vehicles or new motor vehicle engines.'' [41] Thus, if a California regulation (in this case the regulation of greenhouse gas emissions associated with trailers) does not relate to the control of emissions from new motor vehicles or new motor vehicle engines, there would be no preemption under section 209(a), in which case no waiver is necessary under section 209(b) for California to enforce its regulation. Conversely, a waiver would be necessary and a waiver review appropriate for any California regulation that sets forth any standard relating to the control of emissions from new motor vehicles or new motor vehicle engines. Therefore, as a threshold issue, the Agency first examines whether the HD GHG Regulations, as applied to the reduction of emissions associated with trailer use, relate to the control of emissions from new motor vehicles or new motor vehicle engines, as defined and applied under the CAA.

EPA received comments from CCTA and OOIDA arguing that trailers are not by themselves ''motor vehicles'' and do not by themselves produce emissions, and therefore the HD GHG Regulations for trailers are not related to the control of emissions from new motor vehicles.[42] If this argument were correct, then California would not need a waiver of preemption under section 209(b), as discussed above. We note that both CCTA and OOIDA make this point as part of arguments that assume that CARB's authority to regulate comes from CAA section 209, and that CARB has no authority to regulate trailers apart from the CAA. However, CARB's authority to regulate comes from California state law.[43] As noted in *MEMA I,* the U.S. Court of Appeals for the District of Columbia Circuit, in reviewing the legislative history of section 209, noted that California had regulated motor vehicle pollution well before any federal emission standards were promulgated.[44] Section 209 only relates to the potential Clean Air Act preemption of California's laws on the issue. EPA did not receive comment indicating why a regulation that is not preempted by section 209(a) should be disallowed by EPA. Certainly, for the purposes of this proceeding, if a state regulation is not prohibited under section 209(a), then a waiver of preemption is unnecessary under section 209(b).

CARB's waiver request did not address the statutory interpretation of the CAA definition of ''motor vehicle,'' or specifically, whether that would include trailers. CARB nevertheless requested a waiver for the HD GHG Regulations (including the trailer provisions), stating that its request ''is consistent with EPA's statements that trailers affect the aerodynamic drag, rolling resistance, and overall weight of combination tractor-trailers.'' [45] In addition, CARB notes that EPA had found that addressing GHG emissions from heavy-duty trucks requires a focus on the entire vehicle, and that trailers impact the carbon dioxide emissions from combination tractors.[46]

The CAA defines ''motor vehicle'' as ''any self-propelled vehicle designed for transporting persons or property on a street or highway.'' [47] The commenters note that a trailer by itself is not ''self-propelled.'' They claim that as a result, a trailer does not constitute a ''motor vehicle'' under the Act. EPA disagrees. Another evident way to view the issue is that the heavy-duty vehicles subject to this waiver discussion are comprised of two major components: The tractor and the trailer. The vehicle consists of these two detachable parts. The trailer's sole purpose is to serve as the cargo-hauling part of the vehicle. Without the tractor, the trailer cannot transport property; however, the tractor is also incomplete without the trailer. The motor vehicle needs both parts to accomplish its fully intended use.

[33] *MEMA I,* 627 F.2d at 1110 (*citing* H.R. Rep. No. 294, 95th Cong., 1st Sess. 301–02 (1977)).

[34] 78 FR 51724 (August 21, 2013).

[35] 78 FR 51725 (August 21, 2013).

[36] CCTA comments are at EPA–HQ–OAR–2013–0491–0051.

[37] OOIDA comments are at EPA–HQ–OAR–2013–0491–0053.

[38] CTA comments are at EPA–HQ–OAR–2013–0491–0052.

[39] ATA comments are at EPA–HQ–OAR–2013–0491–0050.

[40] CARB supplemental comments are at EPA–HQ–OAR–2013–0491–0054.

[41] 42 U.S.C. 7543(a).

[42] CCTA, at 2; OOIDA, at 4.

[43] *See* Response to Comments Submitted by Parties Opposing California's Request for Waiver for California's Tractor-Trailer Greenhouse Gas Regulation Pursuant to Clean Air Act Section 209(b), December 6, 2013, EPA–HQ–OAR–2013–0491–0054 (''CARB's Supplemental Comment''), at 2 (''CARB's authority to regulate new 53-foot and longer box-type trailers pulled by tractors is derived from *state law,* primarily, the California Global Warming Solutions Act of 2006. . .'')

[44] *MEMA I* at 1110–1111 (''The history of congressional consideration of the California waiver provision, from its original enactment up through 1977, indicates that Congress intended the State to *continue and expand* its pioneering efforts at adopting and enforcing motor vehicle emission standards. . . .'') (Emphasis added).

[45] California Waiver Request Support Document, June 20, 2013, EPA–HQ–OAR–2013–0491–0003, at 2 n.4.

[46] CARB's Supplemental Comment, at 3–4, *citing* 75 FR 74152, 74159–160, 74346 (November 30, 2010) and 76 FR 57106, 57362 (September 15, 2011).

[47] 42 U.S.C. 7550(2).

Connected together, a tractor and trailer constitute ''a self-propelled vehicle designed for transporting persons or property on a street or highway,'' and thus meet the definition of ''motor vehicle'' under the Act.

This analysis is consistent with definitions in the federal regulations issued under the Act at 40 CFR 86.1803.01, where a heavy-duty vehicle ''that has the primary load carrying device or container attached'' is referred to as a ''[c]omplete heavy-duty vehicle,'' while a heavy-duty vehicle or truck ''which does not have the primary load carrying device or container attached'' is referred to as an ''[i]ncomplete heavy-duty vehicle'' or ''[i]ncomplete truck.'' [48] The trailers covered by California's HD GHG Regulations here are properly considered ''the primary load carrying device or container'' for the heavy-duty vehicles to which they become attached for use. Therefore, such trailers are implicitly part of a ''complete heavy-duty vehicle,'' and thus part of a ''motor vehicle.''

Moreover, it is important to remember that the preemption language in section 209 does not apply to ''motor vehicles,'' but to ''standards relating to the control of emissions from new motor vehicles or new motor vehicle engines.'' As EPA discussed in its regulation of greenhouse gas emissions from heavy-duty engines, improvement of trailer aerodynamic properties will result in GHG emission reductions from the engine of the vehicle. Likewise, the efficiency of the trailer's tires affects GHG emission levels.[49] It is therefore logical to treat emission-related regulations directed at trailers pulled by tractors as regulations related to emissions of motor vehicles under the CAA. In the same way, EPA has applied its regulations to other equipment that is known to be generally part of a motor vehicle and to affect the emissions of the motor vehicle, but is not part of the engine system or powertrain itself. For example, emissions testing provisions under the federal rules controlling GHG emissions from heavy-duty vehicles and engines consider the test vehicle's tires in determining the vehicle's emissions test results. Light-duty vehicle roof racks and side mirrors (which affect vehicle aerodynamics, and hence GHG emissions) are additional examples from the EPA light-duty vehicle rules. Similarly, under 40 CFR 86.1832–01, optional equipment that exceeds a certain minimum weight is counted in the curb weight for a motor vehicle if it is expected to be attached to at least a certain minimum percentage of the car line. Like trailers, these parts of a motor vehicle do not generally produce emissions by themselves, but they are nevertheless considered in determining emissions related to motor vehicles under the CAA.

In addition, we note that the California program regulates emissions associated with trailers when the trailer is operated as part of the vehicle. The reason the trailers are regulated is because of their effect on the vehicle's emissions. CCTA, in its comments, does not dispute that a trailer affects the GHG emissions of the tractor pulling the trailer or that the HD GHG Regulations as to trailers are intended to create emissions reductions from new motor vehicles that include those trailers.[50] In summary, California's HD GHG Regulations clearly relate to the control of emissions from new motor vehicles and are thus subject to the CAA preemption and waiver requirements under section 209 of the Act.

Moreover, as noted above, even under the commenters' argument that emission standards applicable to trailers are not standards related to emissions from motor vehicles, the effect of that argument would be that California regulations affecting trailers would not be preempted under section 209(a) of the Act, and thus would not need a waiver under section 209(b) of the Act to be enforced.

B. California's Protectiveness Determination

Section 209(b)(1)(A) of the Act sets forth the first of the three criteria governing a waiver request—whether California was arbitrary and capricious in its determination that its state standards will be, in the aggregate, at least as protective of public health and welfare as applicable federal standards. Section 209(b)(1)(A) of the CAA requires EPA to deny a waiver if the Administrator finds that California's protectiveness determination was arbitrary and capricious. However, a finding that California's determination was arbitrary and capricious must be based upon clear and convincing evidence that California's finding was unreasonable.[51]

CARB did make a protectiveness determination in adopting the HD GHG Regulations, and found that the HD GHG Regulations would not cause California motor vehicle emissions standards, in the aggregate, to be less protective of the public health and welfare than applicable federal standards.[52] CARB noted that EPA has not issued regulations to control GHG emissions from medium and heavy-duty on-road vehicles for MYs 2011 through 2013, nor has EPA issued regulations to control GHG emissions relating to trailer usage. Thus, CARB concluded that California's 2011 through 2013 MY standards for sleeper-cab tractors and California's standards for MY 2011 and subsequent trailers are clearly, in the aggregate, at least as protective of the public health and welfare as applicable federal standards.[53]

Under CAA section 209(b)(2), ''[i]f each State standard is at least as stringent as the comparable applicable Federal standard, such State standard shall be deemed to be at least as protective of health and welfare as such Federal standards for purposes of [209(b)(1)].'' [54] Where, as here, there are no federal standards directly comparable to the specific California standards under review,[55] the analysis then occurs against the backdrop of previous waivers, which have determined that the California program overall was at least as protective as the federal program.[56] Consistent with this precedent, we cannot find that the HD GHG Regulations for which California is now requesting a waiver diminish the protectiveness of the overall California program.

EPA received no comments or evidence suggesting that CARB's protectiveness determination, under EPA's traditional analysis, is arbitrary and capricious. In particular, no commenter disputes that California

[48] 40 CFR 86.1803.01 ''*Complete heavy-duty vehicle* means any Otto-cycle heavy-duty vehicle of 14,000 pounds Gross Vehicle Weight Rating or less that has the primary load carrying device or container attached at the time the vehicle leaves the control of the manufacturer of the engine.'' . . . ''*Incomplete heavy-duty vehicle* means any heavy-duty vehicle which does not have the primary load carrying device or container attached.'' . . . ''*Incomplete truck* means any truck which does not have the primary load carrying device or container attached.''

[49] See 75 FR 74152, 74347–49 (Nov. 30, 2010); 76 FR 57106, 57362 (Sept. 15, 2011). Weight reduction from trailers affords another opportunity for GHG reductions. Id.

[50] CCTA, at 2.

[51] *MEMA I,* 627 F.2d at 1122, 1124 (''Once California has come forward with a finding that the procedures it seeks to adopt will not undermine the protectiveness of its standards, parties opposing the waiver request must show that this finding is unreasonable.''); *see also* 78 FR 2112, at 2121 (Jan. 9, 2013).

[52] California Waiver Request Support Document, June 20, 2013, EPA–HQ–OAR–2013–0491–0003, at 16, citing Board Resolutions 08–44 and 10–46.

[53] Id.

[54] CAA § 209(b)(2); *see also* 78 FR 2112, at 2121–22 (Jan. 9, 2013).

[55] As mentioned, while comparable federal standards for tractors will apply beginning MY 2014, there are no comparable standards for MYs 2011–2013 and no comparable federal standards for trailers.

[56] 78 FR 2112, at 2122 n. 52 (Jan. 9, 2013); *see also* 71 FR 78190 (December 21, 2006).

standards, whether looking at the particular California standards being analyzed in this proceeding or the entire suite of California standards applicable to heavy-duty motor vehicles and engines, are at least as stringent, in the aggregate, as applicable federal standards.

CTA did note that EPA provided policy reasons for not regulating trailers in the first phase of EPA's Heavy-Duty National Program.[57] However, EPA's policy discussion cited by CTA does not indicate regulation of trailers was not protective of public health. As noted above, EPA acknowledged that regulation of trailers could have an effect on emissions.

CTA commented that CARB's protectiveness conclusion was not rationally based on any empirical evidence demonstrating benefits from the HD GHG Regulations.[58] CTA argues that the actual emission reduction benefits of the HD GHG Regulations are much lower than CARB claimed, although CTA acknowledges that the HD GHG Regulations do provide at least some emissions reduction benefit in the aggregate.[59]

However, this comment does not take into account that the protectiveness criterion does not require EPA to determine whether California's projections of emission reductions are correct in all of its aspects, but rather whether CARB's protectiveness determination is arbitrary and capricious. EPA need not confirm the precise accuracy of California's projections of emission benefits to find that its protectiveness determination is not arbitrary or capricious. This has not been EPA's practice in prior waiver decisions. As previously explained, the text, structure, and history of section 209(b)(1) clearly indicate both a congressional intent and appropriate EPA practice of leaving the decision on ''ambiguous and controversial matters of public policy'' to California's judgment.[60] Thus, unless EPA finds California's protectiveness determination to be arbitrary and capricious, the state's determination that the HD GHG regulations provide an emissions reduction benefit that is at least equivalent to federal standards is sufficient.

Indeed, California standards are most clearly ''at least as protective'' when they are compared to the absence of federal emission standards.[61] In the absence of EPA standards there is a clear rational basis for CARB's determination that its standards will be at least as protective of human health and welfare as applicable federal standards.

Because the commenters have not presented evidence to show that CARB's protectiveness determination is arbitrary and capricious, EPA cannot find that California's protectiveness determination is arbitrary and capricious.

C. Whether the Standards are Necessary to Meet Compelling and Extraordinary Conditions

Section 209(b)(1)(B) instructs that EPA cannot grant a waiver if the Agency finds that California ''does not need such California standards to meet compelling and extraordinary conditions.'' EPA's inquiry under this second criterion has traditionally been to determine whether California needs its own mobile source pollution program (i.e. set of standards) for the relevant class or category of vehicles or engines to meet compelling and extraordinary conditions, and not whether the specific standards that are the subject of the waiver request are necessary to meet such conditions.[62] In recent waiver actions, EPA again examined the language of section 209(b)(1)(B) and reiterated this longstanding traditional interpretation as the better approach for analyzing the need for ''such State standards'' to meet ''compelling and extraordinary conditions.''[63]

CARB determined in Resolutions 08–44 and 10–46 that California continues to need its own motor vehicle program to meet serious ongoing air pollution problems.[64] CARB asserted that ''[t]he geographical and climatic conditions and the tremendous growth in vehicle population and use that moved Congress to authorize California to establish vehicle standards in 1967 still exist today . . . and therefore there can be no doubt of the continuing existence of compelling and extraordinary conditions justifying California's need for its own motor vehicle emissions control program.''[65] Specifically, CARB's Board noted ''The proposed regulation is estimated to result in statewide reductions of oxides of nitrogen emissions of approximately 4.3 tons per day in 2014 and 1.4 tons per day in 2020. These reductions will help with progress toward attainment of National and State Ambient Air Quality Standards for particulate matter and ozone.''[66]

There has been no evidence submitted to indicate that California's compelling and extraordinary conditions do not continue to exist. California, particularly the South Coast and San Joaquin Valley air basins, continues to experience some of the worst air quality in the nation and many areas in California continue to be in non-attainment with national ambient air quality standards for fine particulate matter and ozone.[67] As California has previously stated, ''nothing in [California's unique geographic and climatic] conditions has changed to warrant a change in this determination.''[68]

California projects reductions in NO_X emissions of 3.1 tons per day in 2014 and one ton per day in 2020 due to the HD GHG Regulations.[69] California states that these emissions reductions will help California in its efforts to attain applicable air quality standards. California further projects that the HD GHG Regulations will reduce GHG emissions in California by approximately 0.7 million metric tons (MMT) of carbon dioxide equivalent emissions (CO_2e) by 2020.[70]

Based on the record before us, EPA is unable to identify any change in

[57] CTA, at 3; ''Greenhouse Gas Emissions Standards and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles,'' 76 FR 57106 (September 15, 2011) (''Heavy-Duty National Program'').

[58] CTA, at 3–4.

[59] CTA, at 4 and at Attachment B.

[60] 40 FR 23102, 23104 (May 28, 1975); 58 FR 4166 (January 13, 1993).

[61] 74 FR 32744, 32755 (July 8, 2009).

[62] *See* California State Motor Vehicle Pollution Control Standards; Notice of Decision Granting a Waiver of Clean Air Act Preemption for California's 2009 and Subsequent Model Year Greenhouse Gas Emission Standards for New Motor Vehicles,'' 74 FR 32744 (July 8, 2009), at 32761; *see also* ''California State Motor Vehicle Pollution Control Standards; Waiver of Federal Preemption Notice of Decision,'' 49 FR 18887 (May 3, 1984), at 18889–18890.

[63] *See* 78 FR 2112, at 2125–26 (Jan. 9, 2013) (''EPA does not look at whether the specific standards at issue are needed to meet compelling and extraordinary conditions related to that air pollutant.'' ; *see also* EPA's July 9, 2009 GHG Waiver Decision wherein EPA rejected the suggested interpretation of section 209(b)(1)(B) as requiring a review of the specific need for California's new motor vehicle greenhouse gas emission standards as opposed to the traditional interpretation (need for the program as a whole) applied to local or regional air pollution problems.

[64] California Waiver Request Support Document, at 16–17.

[65] California Waiver Request Support Document, at 17.

[66] *See* CARB Resolution 08–44 at 5. These estimates were later reduced somewhat. *See* footnote 69 hereafter.

[67] 74 FR 32744, 32762–63 (July 8, 2009).

[68] 74 FR 32744, 32762 (July 8, 2009); 76 FR 77515, 77518 (December 13, 2011).

[69] California Waiver Request Support Document, at 1; *see also* CARB Staff Report: Initial Statement of Reasons for Proposed Rulemaking (ISOR), October 2008, at ES5 and 56 (initially projecting even higher CO_2 and NO_X emission reductions).

[70] California Waiver Request Support Document, at 1.

circumstances or evidence to suggest that the conditions that Congress identified as giving rise to serious air quality problems in California no longer exist. Therefore, EPA cannot deny the waiver based on EPA's traditional interpretation under this waiver prong.

EPA received comment suggesting that the Agency's past actions suggest that there can be no ''need'' for CARB's trailer standards. Specifically, in one comment, CCTA argues that the EPA's ''cause or contribution finding,'' made at the same time as EPA's endangerment finding, concludes that current and projected concentrations of six key greenhouse gases in the atmosphere threaten the public health and welfare of current and future generations, but only included a definition of ''new motor vehicles and new motor vehicle engines'' and did not include new or newer trailers in the finding.[71] While CCTA phrased its comment as an argument against a necessity determination, these issues are extraneous to EPA's evaluation of the request as dictated by section 209(b)(1)(B).[72] First, as previously noted, the HD GHG Regulations relate to the control of emissions from new motor vehicles, and trailers are appropriately considered within that term. Therefore, CCTA's claim that EPA's cause or contribution finding excluded trailers is incorrect. Second, the HD GHG Regulations are promulgated under the authority of California state law, and are neither contingent on nor dependent upon EPA's endangerment finding.[73] Finally, EPA's evaluation of whether California's standards are necessary to meet compelling and extraordinary conditions is not contingent on or directly related to EPA's cause or contribution finding, which was a completely different determination than whether California needs its mobile source pollution program to meet compelling and extraordinary conditions in California.

CTA, also commenting on protectiveness, argues that California has not quantified how the HD GHG Regulations would ''contribute to attainment of ozone or fine particle standards in any meaningful way.''[74] But nothing in section 209(b)(1)(B) calls for California to quantify specifically how its regulations would affect attainment of the national ambient air quality standards in the state. As noted above, California did quantify the projected reductions in emissions.[75] California further states that these emissions reductions will help California in its efforts to attain national and California air quality standards for particulate matter and ozone. As stated before, the relevant question is whether California needs its own motor vehicle pollution program to meet compelling and extraordinary conditions, and not whether the specific standards that are the subject of this waiver request are necessary to meet such conditions.[76]

In another comment, CCTA argues that since EPA and the National Highway Transportation Safety Administration (NHTSA) have embarked on the Heavy-Duty National Program to regulate GHG emissions from heavy-duty vehicles, California's program is no longer necessary.[77] However, as EPA has explained in previous decisions, the existence of a parallel or harmonized national program does not mean that California's program is no longer necessary.[78] Furthermore, EPA's GHG regulations for heavy-duty vehicles apply to 2014 and later tractors. California's HD GHG Regulations, on the other hand, extend further than EPA's regulations to cover 2011 through 2013 tractors and also 2011 and later trailers. The California HD GHG Regulations apply earlier than the Heavy-Duty National Program, reflecting CARB's interest in further action to address California's ongoing air quality conditions. The CCTA presents no evidence that CARB's emissions regulation program is not necessary to address the ''compelling and extraordinary conditions'' underlying the state's air pollution problems.

In summary, EPA has not received any adverse comments suggesting that California no longer needs a separate motor vehicle emissions program to address the various conditions that led to serious and unique air pollution problems in California. Based on the record, EPA is unable to identify any change in circumstances or any evidence to suggest that the conditions that California identified as giving rise to serious air quality problems in California no longer exist. Therefore, EPA cannot deny the waiver request here based on this criterion.

D. Consistency With Section 202(a)

For the third and final criterion, EPA evaluates the program for consistency with section 202(a) of the CAA. Under section 209(b)(1)(C) of the CAA, EPA must deny California's waiver request if EPA finds that California's standards and accompanying enforcement procedures are not consistent with section 202(a). Section 202(a) requires that regulations ''shall take effect after such period as the Administrator finds necessary to permit the development and application of the relevant technology, considering the cost of compliance within that time.''

EPA has previously stated that the determination is limited to whether those opposed to the waiver have met their burden of establishing that California's standards are technologically infeasible, or that California's test procedures impose requirements inconsistent with the federal test procedure. Infeasibility is shown by demonstrating that there is inadequate lead time to permit the development of technology necessary to meet the HD GHG Regulations that are subject to the waiver request, giving appropriate consideration to the cost of

[71] CCTA, at 6. As background, on December 7, 2009 the EPA Administrator made two distinct findings regarding greenhouse gases under section 202(a) of the Clean Air Act. These findings were published at 74 FR 66496 (December 15, 2009). EPA noted that the transportation sources covered under section 202(a) (the section under which the two findings occur) include passenger cars, light- and heavy-duty trucks, buses, and motorcycles.

[72] Although CCTA did not suggest that a supposed lack of an endangerment and/or cause or contribution finding regarding trailers causes CARB's Regulations to be inconsistent with section 202(a) (and thus a waiver should not be granted under the third waiver prong), EPA nevertheless incorporates the reasoning set forth in the 2009 light-duty motor vehicle greenhouse gas emission waiver at 74 FR 32744, 32778–32780 (July 8, 2009).

[73] CCTA acknowledges that the California program to reduce emissions from motor vehicles in fact predates the CAA. Here, California's HD GHG tractor-trailer regulations are particularly authorized under the California Global Warming Solutions Act of 2006 (AB 32), codified at California Health and Safety Code section 38560.5. *See* CARB Supplemental Comments, EPA–HQ–OAR–2013–0491–0054, at 2–3.

[74] CTA, at 2. CTA's argument is perhaps more relevant to the ''protectiveness'' criterion discussed above, but CTA nevertheless raised the issue under this prong instead, as to whether California's program is necessary to meet compelling and extraordinary conditions.

[75] California Waiver Request Support Document, at 1; *see also* CARB Staff Report: Initial Statement of Reasons for Proposed Rulemaking (ISOR), October 2008, at ES5 and 56 (initially projecting even higher CO_2 and NO_X emission reductions).

[76] *See* 78 FR 2112, at 2125–26 (Jan. 9, 2013) (''EPA does not look at whether the specific standards at issue are needed to meet compelling and extraordinary conditions related to that air pollutant.''); *see also* EPA's July 9, 2009 GHG Waiver Decision wherein EPA rejected the suggested interpretation of section 209(b)(1)(B) as requiring a review of the specific need for California's new motor vehicle greenhouse gas emission standards as opposed to the traditional interpretation (need for the program as a whole) applied to local or regional air pollution problems.

[77] CCTA, at 6.

[78] *See, e.g.,* California State Motor Vehicle Pollution Control Standards; Notice of Decision Granting a Waiver of Clean Air Act Preemption for California's 2009 and Subsequent Model Year Greenhouse Gas Emission Standards for New Motor Vehicles,'' 74 FR 32744 (July 8, 2009) (granting waiver despite the fact that EPA and NHTSA had embarked on a parallel national program to reduce GHG emissions from light duty vehicles).

compliance within that time.[79] California's accompanying enforcement procedures would also be inconsistent with section 202(a) if the federal and California test procedures conflicted, i.e., if manufacturers would be unable to meet both the California and federal test requirements with the same test vehicle.[80]

EPA has reviewed the information submitted to the record to determine whether the parties opposing this waiver request have met their burden to demonstrate that the HD GHG Regulations subject to the waiver request are not consistent with section 202(a). Regarding test procedure conflict, as CARB notes, there is no issue of test procedure inconsistency because there are no analogous federal standards or associated test procedures applicable to new 2011 through 2013 MY sleeper tractors and new 2011 and subsequent MY dry-van and refrigerated-van trailers that are pulled by such tractors.[81] EPA has received no adverse comment or evidence of test procedure inconsistency. Therefore, EPA cannot deny the waiver on the grounds of test procedure inconsistency.

EPA did not receive comments arguing that the HD GHG Regulations were infeasible when reviewed purely as a matter of technology. The Agency did, however, receive comment arguing that the cost of compliance is excessive. In its comment, OOIDA states that the HD GHG Regulations impose large expenses on thousands of small and financially struggling carriers.[82]

Regarding cost of compliance arguments such as OOIDA's, EPA's previous waiver decisions indicate that cost of compliance as it relates to lead time must be shown to be excessive in order to find that California's standards are inconsistent with section 202(a).[83] In *MEMA I,* the court addressed the cost of compliance issue in reviewing a waiver decision. According to the court:

> Section 202's cost of compliance concern, juxtaposed as it is with the requirement that the Administrator provide the requisite lead time to allow technological developments, refers to the economic costs of motor vehicle emission standards and accompanying enforcement procedures. *See* S. Rep. No. 192, 89th Cong., 1st Sass. 5–8 (1965); H.R. Rep. No. 728 90th Cong., 1st Sass. 23 (1967), *reprinted in* U.S. Code Cong. & Admin. News 1967, p. 1938. It relates to the timing of a particular emission control regulation rather than to its social implications. Congress wanted to avoid undue economic disruption in the automotive manufacturing industry and also sought to avoid *doubling or tripling* the cost of motor vehicles to purchasers. It, therefore, requires that the emission control regulations be technologically feasible within economic parameters. Therein lies the intent of the cost of compliance requirement (emphasis added).

OIDA does not submit sufficient evidence to meet the opponents' burden of proof to show that the costs of compliance with the HD GHG Regulations are so excessive as to constitute technological infeasibility. For tractors, CARB estimated the average incremental capital cost of compliance in 2008 to be $2,100 per tractor, which could be recovered within 1.0 to 1.5 years through fuel savings.[84] OOIDA does not submit any evidence contrary to these estimates for tractors, and no evidence in the record refutes these estimates. Therefore, EPA cannot find that the costs of compliance have been shown to be excessive for tractors.

For trailers, OOIDA disagrees with CARB's estimate of total average cost of compliance. CARB calculated the average incremental cost of trailer compliance as $2,900 per trailer, plus an additional $125 annually for maintenance and reporting costs.[85] CARB estimated that the additional cost could be recovered within 18 months through reduced fuel consumption (or, alternatively, through commanding higher rates from freight carriers due to the improved fuel efficiency provided by the aerodynamic trailers).[86] CARB's cost estimate has since decreased to an estimated $1,250 per trailer, which is expected to be recovered in 11 months, on average, through fuel savings.[87] OOIDA, on the other hand, portrays the cost as $7,520–$9,325 per trailer,[88] and says that CARB's projected payback is greatly overstated.[89]

OOIDA does not provide evidence or data to support its higher cost estimates for trailers. Instead, OOIDA relies upon an incorrect portrayal of CARB's original estimates. OOIDA misstates CARB's cost estimates in two ways. First, OOIDA's estimate incorrectly assumes that a company must install all available types of trailer aerodynamic devices (i.e., front, side, and rear fairings) simultaneously to achieve compliance.[90] However, this assumption overestimates likely costs since the CARB-mandated levels of performance can be attained with single devices or with paired combinations (e.g., front with side fairing, rear with side fairing, or front and large rear fairing).[91] Second, OOIDA incorrectly counts a $2,800 incremental cost for a ''SmartWay certified trailer'' as a separate and additional cost above the cost of the aerodynamic technologies used, when instead the cost is duplicative (i.e., the incremental cost for a SmartWay certified trailer includes the cost of the aerodynamic technologies).[92] Adjusted for these differences, OOIDA's cost figures are in relative agreement with CARB's original cost projections (which CARB now estimates are even lower). Therefore, there is no evidence showing CARB's estimated cost of compliance for trailers to be excessive or infeasible.[93]

OOIDA also submits various arguments about cost-effectiveness of the HD GHG Regulations, asserting that the costs of the HD GHG Regulations outweigh the emission benefits that CARB seeks to attain.[94] OOIDA argues that the HD GHG Regulations are especially not cost-effective for trailers,

[79] *See, e.g.,* 38 F.R 30136 (November 1, 1973) and 40 FR 30311 (July 18, 1975).

[80] *See, e.g.,* 43 FR 32182 (July 25, 1978).

[81] California Waiver Request Support Document, at 22. EPA notes that California's trailer requirements are based on EPA's SmartWay program, including requiring implementation of EPA SmartWay verified technologies (or their equivalents). However, as mentioned above, EPA's SmartWay Program is a voluntary system, and does not involve any federal standards or test procedures that could be considered inconsistent with California's HD GHG Regulations.

[82] OOIDA, at 3–4.

[83] *See, e.g.,* 78 FR 2134 (Jan. 9, 2013), 47 FR 7306, 7309 (Feb. 18, 1982), 43 FR 25735 (Jun. 17, 1978), and 46 FR 26371, 26373 (May 12, 1981).

[84] California Waiver Request Support Document, June 20, 2013, EPA–HQ–OAR–2013–0491–0003, at 21.

[85] California Waiver Request Support Document, June 20, 2013, EPA–HQ–OAR–2013–0491–0003, at 24–25; *see also* CARB Staff Report: Initial Statement of Reasons for Proposed Rulemaking (ISOR), October 2008, at 33–42, 60–62.

[86] California Waiver Request Support Document, at 25; ISOR, at 42.

[87] ATA, at 5 (citing CARB estimates that were updated in 2012).

[88] OOIDA, at 4.

[89] OOIDA, at 5, 10, 14.

[90] *Compare* OOIDA, at 4, and California Waiver Request Support Document, June 20, 2013, EPA–HQ–OAR–2013–0491–0003, at 24–25; *see also* ISOR, at 20, 60, and CARB's Supplemental Comment, at 14.

[91] 17 C.C.R. § 95303(b) (requiring 2011 and newer trailers to be either (i) a U.S. EPA Certified SmartWay Trailer or (ii) equipped with verified SmartWay tires plus any combination or aerodynamic technologies demonstrated to provide a specified level of fuel savings (4% for refrigerated trailers, and 5% for dry van trailers)). Specifications for EPA Certified SmartWay Trailer configurations generally have a gap reducer on the trailer front or tail, but not both. *See* U.S. EPA Designated SmartWay Mark: License Agreement, Technical Specification & Requirements, and Graphics Standards & Usage Guide for Tractor & Trailer Manufacturers, '' at 7 (publication available at *http://www.epa.gov/smartway/documents/technology/get-designated/420-B11-013.pdf*).

[92] *Compare* OOIDA, at 4, and ISOR, at 33–42, 60–62; *see also* CARB's Supplemental Comment, at 14.

[93] California Waiver Request Support Document, at 24–25; ISOR, at 33–42, 60–62.

[94] OOIDA, at 4.

which OOIDA estimates are on the road only one-third as often as tractors, and for motor carriers who only occasionally make trips into California.[95] OOIDA also notes that compliance with the HD GHG Regulations will have negative side effects. For example, OOIDA states that the required low-rolling-resistance (LRR) tires will have a shorter life span and be less safe than regular tires, causing increased traffic backups or use of tire chains (and thus increased fuel usage) in inclement weather. OOIDA also argues that the HD GHG Regulations will cause reduced freight capacity and revenue due to the added weight of the required aerodynamic equipment.[96] OOIDA does not provide any supporting evidence to verify or quantify these potential additional costs. Finally, OOIDA and other commenters suggest that many tractors do not obtain the expected fuel savings due to application-specific factors such as typical speeds and miles travelled.[97] However, they have not provided any evidence supporting a significantly different average cost or payback time.

CARB disputes OOIDA's assertions about shorter life spans or difficulties in inclement weather with LRR tires, stating that there is no evidence to support OOIDA's claims.[98] CARB additionally states that reduced freight capacity due to weight of the aerodynamic equipment would be relatively insignificant for a heavy duty vehicle, with the average weight of a set of side skirts being between 150 and 350 lbs.[99]

In the context of a section 209(b) waiver review, EPA generally does not consider arguments that a regulation will result in only marginal air quality improvements, or that the expected air quality benefits will be outweighed by the costs, to be legally pertinent in evaluating cost-of-compliance.[100] EPA has stated that ''[t]he appropriate level of cost-effectiveness is a policy decision of California,'' and EPA has historically deferred to California on these policy decisions.[101] In addition, the costs of compliance with the HD Regulations are expected to be quickly recovered through fuel savings, as stated above.

In summary, the evidence that has been presented is insufficient to show that the HD GHG Regulations are technologically infeasible, considering costs of compliance. Indeed, such a finding is particularly unlikely where the average lifetime fuel savings created by compliance with the trailer regulations are expected to exceed the projected cost of compliance. In addition, no evidence has been presented showing that California's test procedures impose requirements inconsistent with federal test procedures. Therefore, the waiver opponents have presented no evidence demonstrating that the HD GHG Regulations are not consistent with Section 202(a).

E. Other Issues Raised Outside of the Scope of This Review

a. Constitutional Issues

Some of the commenters, including the CCTA and OOIDA, argue that the HD GHG Regulations violate the commerce clause of the U.S. Constitution in that the HD GHG Regulations will have the effect of disproportionately and unfairly burdening out-of-state carriers.[102] For example, CCTA argues that exemptions in the HD GHG Regulations for local-haul, drayage, and short-haul tractors and trailers will result in the exemption of most California in-state motor carriers, but virtually no out-of-state motor carriers. The comments further point out that the uneven impact does not correlate closely, if at all, with expected GHG emissions from the respective vehicles.[103] OOIDA argues that the HD GHG Regulations unfairly burden out-of-state carriers who contribute less in emissions than exempted in-state motor carriers.[104]

However, commerce clause issues are beyond the scope of this review. As stated in *MEMA I,* ''[t]he waiver proceeding produces a forum ill-suited to the resolution of constitutional claims.'' [105] Constitutional challenges to the HD GHG Regulations are more appropriately addressed by a legal challenge directly against the state. Moreover, EPA has consistently refrained from reviewing California's requests for waivers based on criteria that extend beyond those set forth in section 209(b) of the CAA,[106] and courts have confirmed that EPA could not deny a waiver based on such additional criteria. ''If EPA concludes that California's standards [meet section 209(b)], it is obligated to approve California's waiver application.'' [107] Therefore, EPA cannot find this issue to be a proper ground for denial of California's waiver request.

b. Conflict With the Federal Aviation Administration Authorization Act

CCTA and OOIDA also argue that the HD GHG Regulations violate the Federal Aviation Administration Authorization Act (FAAAA) [108] on grounds that the requirements directly affect the prices, routes, and services of motor carriers.[109] However, as discussed above, the criteria EPA must apply in deciding whether to grant or deny a waiver are specifically prescribed in section 209(b). Conflict with the FAAAA is not one of those criteria. Thus, questions about whether California's HD GHG Regulations comply with the FAAAA are outside of the proper scope of review under section 209(b) and EPA cannot deny a waiver request under section 209(b) based on this issue. Therefore, EPA cannot find this issue to be a proper ground for denial of California's waiver request.

c. Whether the HD GHG Regulations Improperly Regulate Fuel Economy

CCTA argues that the California HD GHG Regulations impermissibly regulate fuel economy, and that the authority to regulate fuel economy resides solely with the National Highway Traffic Safety Administration (NHTSA).[110] Again, however, as with the commerce clause and FAAAA issues, the Agency has previously determined that this issue is outside of the proper scope of review since it is not among the criteria listed under section 209(b).[111] As a result, EPA cannot deny a waiver request based on whether California's HD GHG Regulations regulate fuel economy. Therefore, EPA cannot find this issue to be a proper

[95] OOIDA, at 5, 14.

[96] OOIDA, at 9–10.

[97] Id.

[98] CARB's Supplemental Comment, at 15–16.

[99] CARB's Supplemental Comment, at 16.

[100] *See* 78 FR 2134 (Jan. 9, 2013).

[101] Id.

[102] CCTA, at 3–5; OOIDA, at 3, 10–17.

[103] CCTA, at 4–5; OOIDA, at 6–8. A disproportionate impact on out-of-state carriers is supported by CARB's data as well. *See, e.g.,* ISOR, at 12–15 (projecting only 37,009 impacted MY 2010 tractors and 92,523 impacted MY 2010 trailers in California, versus 398,677 impacted MY 2010 tractors and 996,693 impacted MY 2010 trailers outside of California, Thus, over 90% of the cost impact of California's Regulations is expected to occur outside of California.).

[104] OOIDA, at 3, 8.

[105] *MEMA I, supra,* 627 F.2d at 1114–1120; *See also Motor & Equipment Mfrs Ass'n* v. *Nichols,* 142 F.3d 449, 462–463, 466–467 (D.C. Cir. 1998).

[106] *See* 78 FR 2112, 2145 (January 9, 2013) and 74 FR 3030 (January 16, 2009).

[107] *Motor & Equipment Mfrs Ass'n* v. *Nichols,* 142 F.3d 449 at 463.

[108] CCTA, at 3; OOIDA, at 17.

[109] CCTA, at 3.

[110] CCTA, at 2–3. Presumably, CTA is arguing that the Energy Policy and Conservation Act (EPCA) preempts the California HD GHG Regulations to the extent that they regulate fuel economy.

[111] 74 FR 32744, 32782–83 (July 8, 2009) (''As EPA has stated on numerous occasions, section 209(b) of the Clean Air Act limits our authority to deny California's requests for waivers to the three criteria therein, and EPA has refrained from denying California's request for waivers based on any other criteria.'').

ground for denial of California's waiver request.

d. Effects of Delay and Previous Non-Enforcement of the Regulations

Some commenters, including the ATA and CTA, criticize California for not enforcing the HD GHG Regulations for nearly four years after implementation. They argue that the non-enforcement has increased carrier costs and has disadvantaged carriers who attempted to comply with the HD GHG Regulations on time.[112] ATA further asks EPA to consider in its waiver decisions whether California has adequate enforcement resources to actually achieve the projected levels of compliance and emissions benefits that CARB projects when it makes its waiver requests.[113] California responds that CTA's and ATA's assertions on enforcement issues are not issues properly considered in this decision.[114]

As discussed above, EPA may only deny waiver requests that are based on criteria listed under section 209(b), and both delayed enforcement and previous non-enforcement of prior regulations are not among them. Thus, these issues are outside of the proper scope of review because they are not among the criteria listed under section 209(b). Therefore, EPA cannot find these issues to be a proper ground for denial of California's waiver request.

e. Applicability of the Regulations to Already-Purchased Equipment

Finally, ATA expresses concern about delays in the submission and approval of California waivers and authorizations, and ATA asks EPA to determine whether it is ''valid'' for the HD GHG Regulations to apply to equipment that has already been purchased and is in operation.'' [115] However, ATA does not show how this concern is relevant to the criteria that EPA must evaluate related to California's request for a waiver under section 209(b).

As previously explained, EPA may only deny waiver requests that are based on criteria listed under section 209(b), and EPA has consistently refrained from reviewing California's requests for waivers and authorizations based on criteria that extend beyond the criteria of section 209(b) of the CAA. Therefore, EPA cannot find this issue to be a proper ground for denial of California's waiver request.

[112] ATA, at 6; CTA, at 2.

[113] ATA, at 6.

[114] CARB's Supplemental Comment, at 20.

[115] ATA, at 6.

IV. Decision

The Administrator has delegated the authority to grant California section 209(b) waivers to the Assistant Administrator for Air and Radiation. After evaluating CARB's amendments to the HD GHG Regulations described above and CARB's submissions for EPA review, EPA is hereby granting a waiver for California's Tractor-Trailer Greenhouse Gas Regulations (''HD GHG Regulations'') for new 2011 through 2013 MY Class 8 tractors equipped with integrated sleeper berths (sleeper-cab tractors) and to new 2011 and subsequent MY dry-van and refrigerated-van trailers that are pulled by such tractors on California highways.

This decision will affect not only persons in California, but also manufacturers and operators nationwide who must comply with California's requirements. In addition, because other states may adopt California's standards for which a section 209(b) waiver has been granted under section 177 of the Act if certain criteria are met, this decision would also affect those states and those persons in such states. For these reasons, EPA determines and finds that this is a final action of national applicability, and also a final action of nationwide scope or effect for purposes of section 307(b)(1) of the Act. Pursuant to section 307(b)(1) of the Act, judicial review of this final action may be sought only in the United States Court of Appeals for the District of Columbia Circuit. Petitions for review must be filed by October 6, 2014. Judicial review of this final action may not be obtained in subsequent enforcement proceedings, pursuant to section 307(b)(2) of the Act.

V. Statutory and Executive Order Reviews

As with past waiver and authorization decisions, this action is not a rule as defined by Executive Order 12866. Therefore, it is exempt from review by the Office of Management and Budget as required for rules and regulations by Executive Order 12866.

In addition, this action is not a rule as defined in the Regulatory Flexibility Act, 5 U.S.C. 601(2). Therefore, EPA has not prepared a supporting regulatory flexibility analysis addressing the impact of this action on small business entities.

Further, the Congressional Review Act, 5 U.S.C. 801, *et seq.,* as added by the Small Business Regulatory Enforcement Fairness Act of 1996, does not apply because this action is not a rule for purposes of 5 U.S.C. 804(3).

Dated: July 30, 2014.

Janet G. McCabe,

Acting Assistant Administrator, Office of Air and Radiation.

[FR Doc. 2014–18742 Filed 8–6–14; 8:45 am]

BILLING CODE 6560–50–P

FARM CREDIT ADMINISTRATION

Farm Credit Administration Board; Sunshine Act; Regular Meeting

AGENCY: Farm Credit Administration.

SUMMARY: Notice is hereby given, pursuant to the Government in the Sunshine Act, of the regular meeting of the Farm Credit Administration Board (Board).

DATE AND TIME: The regular meeting of the Board will be held at the offices of the Farm Credit Administration in McLean, Virginia, on August 14, 2014, from 9:00 a.m. until such time as the Board concludes its business.

FOR FURTHER INFORMATION CONTACT: Dale L. Aultman, Secretary to the Farm Credit Administration Board, (703) 883–4009, TTY (703) 883–4056.

ADDRESSES: Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102–5090. Submit attendance requests via email to *VisitorRequest@FCA.gov.* See **SUPPLEMENTARY INFORMATION** for further information about attendance requests.

SUPPLEMENTARY INFORMATION: Parts of this meeting of the Board will be open to the public (limited space available), and parts will be closed to the public. Please send an email to *VisitorRequest@FCA.gov* at least 24 hours before the meeting. In your email include: Name, postal address, entity you are representing (if applicable), and telephone number. You will receive an email confirmation from us. Please be prepared to show a photo identification when you arrive. If you need assistance for accessibility reasons, or if you have any questions, contact Dale L. Aultman, Secretary to the Farm Credit Administration Board, at (703) 883–4009. The matters to be considered at the meeting are:

Open Session

A. *Approval of Minutes*

- July 10, 2014

B. *New Business*

- Institution Stockholder Voting Procedures—Proposed Rule

Closed Session *

Reports

- Office of Secondary Market Oversight Quarterly Report

Dated: August 5, 2014.

Dale L. Aultman,

Secretary, Farm Credit Administration Board.

[FR Doc. 2014–18821 Filed 8–5–14; 4:15 pm]

BILLING CODE 6705–01–P

FEDERAL COMMUNICATIONS COMMISSION

Sunshine Act Meeting; Open Commission Meeting

August 1, 2014.

The Federal Communications Commission will hold an Open Meeting on the subjects listed below on Friday, August 8, 2014. The meeting is scheduled to commence at 10:30 a.m. in Room TW–C305, at 445 12th Street, SW., Washington, DC.

Item No.	Bureau	Subject
1	WIRELESS TELE–COMMUNICATIONS.	TITLE: 2004 and 2006 Biennial Regulatory Reviews—Streamlining and Other Revisions of Parts 1 and 17 of the Commission's Rules Governing Construction, Marking and Lighting of Antenna Structures (WT Docket No. 10–88); Amendments to Modernize and Clarify Part 17 of the Commission's Rules Concerning Construction, Marking and Lighting of Antenna Structures. SUMMARY: The Commission will consider a Report and Order to streamline and update the rules governing the construction, marking, and lighting of antenna structures. These updates will improve efficiency, reduce regulatory burdens, and enhance compliance with tower painting and lighting requirements, while continuing to ensure the safety of pilots and aircraft passengers nationwide.
2	PUBLIC SAFETY & HOMELAND SECURITY.	TITLE: Facilitating the Deployment of Text-to-911 and Other Next Generation 911 Applications (PS Docket No. 11–153); Framework for Next Generation 911 Deployment (PS Docket No. 10–255) SUMMARY: The Commission will consider a Second Report and Order and Third Further Notice of Proposed Rulemaking that establishes deadlines for covered text providers to be capable of delivering texts to appropriate 911 public safety answering points, and seeks comment on proposals to improve text-to-911 service, such as through the provision of better location information and roaming support.

* * * * * * *

CONSENT AGENDA

The Commission will consider the following subjects listed below as a consent agenda and these items will not be presented individually:

1	MEDIA	TITLE: New Visalia Broadcasting, Inc., Former licensee of Station DKSLK(FM), Visalia, California. SUMMARY: The Commission will consider a Memorandum Opinion and Order concerning an Application for Review filed by New Visalia Broadcasting seeking review of a Media Bureau decision.
2	MEDIA	TITLE: Nelson Multimedia, Inc. for a Major Change to the Licensed Facilities of WSPY(AM), Geneva, Illinois. SUMMARY: The Commission will consider a Memorandum Opinion and Order concerning an Application for Review filed by Nelson Multimedia seeking review of a decision by the Media Bureau dismissing its community of license change application.
3	MEDIA	TITLE: Sunburst Media-Louisiana, LLC, Application for a Construction Permit for a Minor Change to a Licensed Facility, Station KXMG(FM), Jean Lafitte, Louisiana. SUMMARY: The Commission will consider a Memorandum Opinion and Order concerning an Application for Review filed by William Clay seeking review of a Media Bureau decision.
4	MEDIA	TITLE: WDKA Acquisition Corporation, Licensee of Station WDKA(TV), Paducah, Kentucky. SUMMARY: The Commission will consider a Memorandum Opinion and Order concerning an Application for Review filed by WDKA Acquisition Corporation seeking review of a Forfeiture Order issued by the Media Bureau's Video Division.
5	MEDIA	TITLE: Colonial Radio Group, Inc., Applications for Minor Modification of Construction Permits, Application for License to Cover FM Translator Station W230BO, Olean, New York. SUMMARY: The Commission will consider a Memorandum Opinion and Order concerning an Application for Review filed by Backyard Broadcasting Olean Licensee, LLC seeking review of a Media Bureau decision.

* The summaries listed in this notice are intended for the use of the public attending open Commission meetings. Information not summarized may also be considered at such meetings. Consequently these summaries should not be interpreted to limit the Commission's authority to consider any relevant information.

The meeting site is fully accessible to people using wheelchairs or other mobility aids. Sign language interpreters, open captioning, and assistive listening devices will be provided on site. Other reasonable accommodations for people with disabilities are available upon request. In your request, include a description of the accommodation you will need and a way we can contact you if we need more information. Last minute requests will be accepted, but may be impossible to fill. Send an email to: *fcc504@fcc.gov* or call the Consumer & Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (tty).

Additional information concerning this meeting may be obtained from Meribeth McCarrick, Office of Media Relations, (202) 418–0500; TTY 1–888–835–5322. Audio/Video coverage of the meeting will be broadcast live with

* Session Closed-Exempt pursuant to 5 U.S.C. Section 552b(c)(8) and (9).

open captioning over the Internet from the FCC Live Web page at *www.fcc.gov/live.*

For a fee this meeting can be viewed live over George Mason University's Capitol Connection. The Capitol Connection also will carry the meeting live via the Internet. To purchase these services call (703) 993–3100 or go to *www.capitolconnection.gmu.edu.*

Copies of materials adopted at this meeting can be purchased from the FCC's duplicating contractor, Best Copy and Printing, Inc. (202) 488–5300; Fax (202) 488–5563; TTY (202) 488–5562. These copies are available in paper format and alternative media, including large print/type; digital disk; and audio and video tape. Best Copy and Printing, Inc. may be reached by email at *FCC@BCPIWEB.com.*

Federal Communications Commission.

Sheryl D. Todd,

Deputy Secretary.

[FR Doc. 2014–18726 Filed 8–5–14; 4:15 pm]

BILLING CODE 6712–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Sunshine Act Meeting

Pursuant to the provisions of the ''Government in the Sunshine Act'' (5 U.S.C. 552b), notice is hereby given that at 10:01 a.m. on Tuesday, August 5, 2014, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session to consider matters related to the Corporation's supervision, corporate, and resolution activities.

In calling the meeting, the Board determined, on motion of Vice Chairman Thomas M. Hoenig, seconded by Director Jeremiah O. Norton (Appointive), concurred in by Director Thomas J. Curry (Comptroller of the Currency), Director Richard Cordray (Director, Consumer Financial Protection Bureau), and Chairman Martin J. Gruenberg, that Corporation business required its consideration of the matters which were to be the subject of this meeting on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(4), (c)(8), (c)(9)(B), and (c)(10) of the ''Government in the Sunshine Act'' (5 U.S.C. 552b(c)(4), (c)(8), (c)(9)(B), and (c)(10)).

The meeting was held in the Board Room of the FDIC Building located at 550–17th Street NW., Washington, DC.

Dated: August 5, 2014.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2014–18784 Filed 8–5–14; 4:15 pm]

BILLING CODE 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 22, 2014.

A. Federal Reserve Bank of Atlanta (Chapelle Davis, Assistant Vice President) 1000 Peachtree Street NE., Atlanta, Georgia 30309:

1. *Paul Gonsoulin Moresi Jr., Linda Hebert Moresi, and Paul Gonsoulin Moresi III,* all of Abbeville, Louisiana; to retain voting shares of Bank of Erath Holding Company, and thereby indirectly retain voting shares of Bank of Erath both in Erath, Louisiana.

B. Federal Reserve Bank of Kansas City (Dennis Denney, Assistant Vice President) 1 Memorial Drive, Kansas City, Missouri 64198–0001:

1. *Timothy W. Olsen,* Atlanta, Georgia; to acquire voting shares of Astra Financial Corporation, Prairie Village, Kansas, and thereby indirectly acquire voting shares of TriCentury Bank, Simpson, Kansas.

Board of Governors of the Federal Reserve System, August 4, 2014.

Michael J. Lewandowski,

Associate Secretary of the Board.

[FR Doc. 2014–18680 Filed 8–6–14; 8:45 am].

BILLING CODE 6210–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Board of Scientific Counselors, National Institute for Occupational Safety and Health (BSC, NIOSH)

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the following meeting for the aforementioned committee:

Time and Date: 8:30 a.m.–3:30 p.m., September 5, 2014.

Place: Patriots Plaza I, 395 E Street SW., Room 9000, Washington, DC 20201.

Status: Open to the public, limited only by the space available. The meeting room accommodates approximately 33 people. If you wish to attend in person or by webcast, please see the NIOSH Web site to register (*http://www.cdc.gov/niosh/bsc/*) or call (404) 498–2539, at least 48 hours in advance for building access information. Teleconference is available toll-free; please dial (888) 397–9578, participant pass code 63257516.

Purpose: The Secretary, the Assistant Secretary for Health, and by delegation the Director, CDC, are authorized under Sections 301 and 308 of the Public Health Service Act to conduct directly or by grants or contracts, research, experiments, and demonstrations relating to occupational safety and health and to mine health. The Board of Scientific Counselors shall provide guidance to the Director, NIOSH on research and prevention programs. Specifically, the Board shall provide guidance on the Institute's research activities related to developing and evaluating hypotheses, systematically documenting findings and disseminating results. The Board shall evaluate the degree to which the activities of NIOSH: (1) Conform to appropriate scientific standards, (2) address current, relevant needs, and (3) produce intended results.

Matters For Discussion: NIOSH Director Update, NIOSH Total Worker Health program, the proposed NIOSH carcinogen policy, and NIOSH implementation of National Academies' recommendations for the NIOSH Respiratory Disease Research Program, the Construction Research Program, the Traumatic Injuries Research Program, the Hearing Loss Research Program, the Personal Protective Technology Program, and the Health Hazard Evaluation Program.

Agenda items are subject to change as priorities dictate. An agenda is also posted on the NIOSH Web site (*http://www.cdc.gov/niosh/bsc/*).

Contact Person For More Information: John Decker, Executive Secretary, BSC, NIOSH, CDC, 1600 Clifton Road NE., MS–E20, Atlanta, Georgia 30333, Telephone: (404) 498–2500, Fax: (404) 498–2526.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Gary Johnson,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2014–18687 Filed 8–6–14; 8:45 am]

BILLING CODE 4163–19–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Subcommittee on Procedures Review, Advisory Board on Radiation and Worker Health (ABRWH or Advisory Board), National Institute for Occupational Safety and Health (NIOSH)

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the following meeting for the aforementioned subcommittee:

Time And Date: 11:00 a.m.–5:00 p.m., Eastern Time, August 28, 2014.

Place: Audio Conference Call via FTS Conferencing.

Status: Open to the public. The public is welcome to submit written comments in advance of the meeting, to the contact person below. Written comments received in advance of the meeting will be included in the official record of the meeting. The public is also welcome to listen to the meeting by joining the teleconference at the USA toll-free, dial-in number, 1–866–659–0537 and the passcode is 9933701.

Background: The ABRWH was established under the Energy Employees Occupational Illness Compensation Program Act of 2000 to advise the President on a variety of policy and technical functions required to implement and effectively manage the compensation program. Key functions of the ABRWH include providing advice on the development of probability of causation guidelines that have been promulgated by the Department of Health and Human Services (HHS) as a final rule; advice on methods of dose reconstruction which have also been promulgated by HHS as a final rule; advice on the scientific validity and quality of dose estimation and reconstruction efforts being performed for purposes of the compensation program; and advice on petitions to add classes of workers to the Special Exposure Cohort (SEC).

In December 2000, the President delegated responsibility for funding, staffing, and operating the Advisory Board to HHS, which subsequently delegated this authority to CDC. NIOSH implements this responsibility for CDC. The charter was issued on August 3, 2001, renewed at appropriate intervals, and will expire on August 3, 2015.

Purpose: The ABRWH is charged with (a) providing advice to the Secretary, HHS, on the development of guidelines under Executive Order 13179; (b) providing advice to the Secretary, HHS, on the scientific validity and quality of dose reconstruction efforts performed for this program; and (c) upon request by the Secretary, HHS, providing advice to the Secretary on whether there is a class of employees at any Department of Energy facility who were exposed to radiation but for whom it is not feasible to estimate their radiation dose, and on whether there is a reasonable likelihood that such radiation doses may have endangered the health of members of this class. The Subcommittee on Procedures Review was established to aid the ABRWH in carrying out its duty to advise the Secretary, HHS, on dose reconstructions. The Subcommittee on Procedures Review is responsible for overseeing, tracking, and participating in the reviews of all procedures used in the dose reconstruction process by the NIOSH Division of Compensation Analysis and Support (DCAS) and its dose reconstruction contractor (Oak Ridge Associated Universities—ORAU).

Matters for Discussion: The agenda for the Subcommittee meeting includes: discussion of procedures in the following ORAU and DCAS technical documents: ORAU Team Technical Information Bulletin (OTIB) 0034 (''Internal Dose Coworker Data for X–10''), OTIB 0054 (''Fission and Activation Product Assignment for Internal Dose-Related Gross Beta and Gross Gamma Analyses''), OTIB 0083 (''Dissolution Models for Insoluble Plutonium 238''), Program Evaluation Report (PER) 011 (''K–25 [Technical Basis Document] TBD and TIB Revisions''), PER 018 (''Los Alamos National Laboratory TBD Revision, Rev. 00,''), PER 031 (''Y–12 TBD Revisions''), PER 033 (''Reduction Pilot Plant TBD Revision''), PER 038 (''Hooker Electrochemical TBD Revisions''); Update on Review of ORAU Team Report 0053 (''Stratified Co-Worker Sets''); and a continuation of the comment-resolution process for other dose reconstruction procedures under review by the Subcommittee.

The agenda is subject to change as priorities dictate.

Contact Person for More Information: Theodore Katz, Designated Federal Officer, NIOSH, CDC, 1600 Clifton Road NE., Mailstop E–20, Atlanta, Georgia 30333, Telephone (513) 533–6800, Toll Free 1(800) CDC–INFO, Email *ocas@cdc.gov*.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Gary Johnson,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2014–18686 Filed 8–6–14; 8:45 am]

BILLING CODE 4163–19–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

[CFDA Number: 93.568]

Reallotment of FY 2013 Funds for the Low Income Home Energy Assistance Program (LIHEAP)

AGENCY: Office of Community Services, ACF, HHS.

ACTION: Notice of determination concerning Federal Fiscal Year (FFY) 2013 funds available for reallotment.

SUMMARY: The Administration for Children and Families (ACF), Office of Community Services (OCS), Division of Energy Assistance (DEA) announces the reallotment of $10,880,543 of FFY 2013 funds for the Low Income Home Energy Assistance Program (LIHEAP).

FOR FURTHER INFORMATION CONTACT: Lauren Christopher, Director, Division of Energy Assistance, Office of Community Services, 370 L'Enfant Promenade SW., Washington, DC 20447 Telephone (202) 401–4870; email: *lauren.christopher@acf.hhs.gov.*

SUPPLEMENTARY INFORMATION: In accordance with Section 2607(b)(1) of the Low Income Home Energy Assistance Act (the Act), Title XXVI of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 8621, *et seq.*), as amended, a notice was published in the **Federal Register** on January 14, 2014 announcing the Secretary's preliminary determination that $2,192,230 of FFY 2013 funds for the Low Income Home Energy Assistance Program (LIHEAP) may be available for reallotment. Subsequent to the publication of this notice, two additional grantees reported $8,688,313 of funds for reallotment. Thus, a total of $10,880,543 was reported by grantees as available for reallotment from FY 2013.

These funds became available from the following grantees:

REALLOTMENT AMOUNTS OF FFY 2013 LIHEAP FUNDS

Grantee name	FY 2013 Reallotment amount
State of Nebraska	$2,180,356.00
State of South Carolina	7,358,414.00
State of Utah	1,329,899.00
Delaware Tribe of Indians	9,793.00
Salt River Pima-Maricopa Indian Community	2,081.00
Total	10,880,543.00

Pursuant to the statute cited above, these funds were reallotted on June 17, 2014 to all current LIHEAP grantees by distributing the total reallotted funds under the formula Congress set for FFY 2014 funding. The only exception is that grantees whose allocations would have been less than $25 did not receive an award.

The reallotted funds may be used for any purpose authorized under LIHEAP. Grantees must add these funds to their total LIHEAP funds payable for FFY 2014 for purposes of calculating statutory caps on administrative costs, carryover, assurance 16 activities, and weatherization assistance.

Statutory Authority: 45 CFR 96.81 and 42 U.S.C. 8621 et seq.

Jeannie Chaffin,

Director, Office of Community Services.

[FR Doc. 2014–18672 Filed 8–6–14; 8:45 am]

BILLING CODE 4180–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2014–N–1104]

Agency Information Collection Activities; Proposed Collection; Comment Request; State Petitions for Exemption From Preemption

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing an opportunity for public comment on our proposed collection of certain information. Under the Paperwork Reduction Act of 1995 (the PRA), Federal Agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice invites comments on the information collection provisions of our reporting requirements contained in existing FDA regulations governing state petitions for exemption from preemption.

DATES: Submit either electronic or written comments on the collection of information by October 6, 2014.

ADDRESSES: Submit electronic comments on the collection of information to *http://www.regulations.gov*. Submit written comments on the collection of information to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852. All comments should be identified with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: FDA PRA Staff, Office of Operations, Food and Drug Administration, 8455 Colesville Rd., COLE–14526, Silver Spring, MD 20993–0002, *PRAStaff@fda.hhs.gov*.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes Agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal Agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, we are publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, we invite comments on these topics: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of our estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

State Petitions for Exemption From Preemption—21 CFR 100.1(d) (OMB Control No. 0910–0277)—Extension

Under section 403A(b) of the Federal Food, Drug, and Cosmetic Act (the FD&C Act) (21 U.S.C. 343–1(b)), states may petition FDA for exemption from Federal preemption of state food labeling and standard of identity requirements. Section 100.1(d) (21 CFR 100.1(d)) sets forth the information a state is required to submit in such a petition. The information required under § 100.1(d) enables FDA to determine whether the state food labeling or standard of identity requirement satisfies the criteria of section 403A(b) of the FD&C Act for granting exemption from Federal preemption.

We estimate the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

21 CFR 100.1(d)	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Form of petition	1	1	1	40	40

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

The reporting burden for § 100.1(d) is minimal because petitions for exemption from preemption are seldom submitted by states. In the last 3 years, we have received one new petition for exemption from preemption; therefore, we estimate that one or fewer petitions will be submitted annually.

Dated: August 1, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–18640 Filed 8–6–14; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2011–N–0017]

Agency Information Collection Activities; Announcement of Office of Management and Budget Approval; Voluntary National Retail Food Regulatory Program Standards

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a collection of information entitled ''Voluntary National Retail Food Regulatory Program Standards'' has been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995.

FOR FURTHER INFORMATION CONTACT: FDA PRA Staff, Office of Operations, Food and Drug Administration, 8455 Colesville Rd., COLE–14526, Silver Spring, MD 20993–0002, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: On May 29, 2014, the Agency submitted a proposed collection of information entitled ''Voluntary National Retail Food Regulatory Program Standards'' 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 0910–0621. 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 31, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–18600 Filed 8–6–14; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2014–N–1027]

Agency Information Collection Activities; Proposed Collection; Comment Request; Infant Formula Recall Regulations

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing an opportunity for public comment on the proposed collection of certain information by the Agency. Under the Paperwork Reduction Act of 1995 (the PRA), Federal Agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on information collection provisions in FDA's infant formula recall regulations.

DATES: Submit either electronic or written comments on the collection of information by October 6, 2014.

ADDRESSES: Submit electronic comments on the collection of information to *http://www.regulations.gov.* Submit written comments on the collection of information to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852. All comments should be identified with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: FDA PRA Staff, Office of Operations, Food and Drug Administration, 8455 Colesville Rd., COLE–14526, Silver Spring, MD 20993–0002, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes Agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal Agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Infant Formula Recall Regulations—21 CFR 107.230, 107.240, 107.250, 107.260, and 107.280 (OMB Control Number 0910–0188)—Extension

Section 412(e) of the Federal Food, Drug, and Cosmetic Act (the FD&C Act) (21 U.S.C. 350a(e)) provides that if the manufacturer of an infant formula has

knowledge that reasonably supports the conclusion that an infant formula processed by that manufacturer has left its control and may not provide the nutrients required in section 412(i) of the FD&C Act or is otherwise adulterated or misbranded, the manufacturer must promptly notify the Secretary of Health and Human Services (the Secretary). If the Secretary determines that the infant formula presents a risk to human health, the manufacturer must immediately take all actions necessary to recall shipments of such infant formula from all wholesale and retail establishments, consistent with recall regulations and guidelines issued by the Secretary. Section 412(f)(2) of the FD&C Act states that the Secretary shall by regulation prescribe the scope and extent of recalls of infant formula necessary and appropriate for the degree of risk to human health presented by the formula subject to recall. FDA's infant formula recall regulations in part 107 (21 CFR part 107) implement these statutory provisions.

Section 107.230 requires each recalling firm to conduct an infant formula recall with the following elements: (1) Evaluate the hazard to human health, (2) devise a written recall strategy, (3) promptly notify each affected direct account (customer) about the recall, and (4) furnish the appropriate FDA district office with copies of these documents. If the recalled formula presents a risk to human health, the recalling firm must also request that each establishment that sells the recalled formula post (at point of purchase) a notice of the recall and provide FDA with a copy of the notice. Section 107.240 requires the recalling firm to conduct an infant formula recall with the following elements: (1) Notify the appropriate FDA district office of the recall by telephone within 24 hours, (2) submit a written report to that office within 14 days, and (3) submit a written status report at least every 14 days until the recall is terminated. Before terminating a recall, the recalling firm is required to submit a recommendation for termination of the recall to the appropriate FDA district office and wait FDA's written concurrence (§ 107.250). Where the recall strategy or implementation is determined to be deficient, FDA may require the firm to change the extent of the recall, carry out additional effectiveness checks, and issue additional notifications (§ 107.260). In addition, to facilitate location of the product being recalled, the recalling firm is required to maintain distribution records for at least 1 year after the expiration of the shelf life of the infant formula (§ 107.280).

The reporting and recordkeeping requirements described previously are designed to enable FDA to monitor the effectiveness of infant formula recalls in order to protect babies from infant formula that may be unsafe because of contamination, nutritional inadequacy, or otherwise adulterated or misbranded. FDA uses the information collected under these regulations to help ensure that such products are quickly and efficiently removed from the market.

FDA estimates the annual burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

21 CFR Section; activity	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
107.230; Elements of infant formula recall	2	1	2	4,450	8,900
107.240; Notification requirements	2	1	2	1,482	2,964
107.250; Termination of infant formula recall	2	1	2	120	240
107.260; Revision of an infant formula recall [2]	1	1	1	625	625
Total					12,729

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

[2] No burden has been estimated for the recordkeeping requirement in § 107.280 because these records are maintained as a usual and customary part of normal business activities. Manufacturers keep infant formula distribution records for the prescribed period as a matter of routine business practice.

The reporting and third-party disclosure burden estimates are based on FDA's records, which show that there are 5 manufacturers of infant formula and that there have been, on average, 2 infant formula recalls per year for the past 3 years. Based on this information, FDA estimates that there will be, on average, approximately 2 infant formula recalls per year over the next 3 years.

Thus, FDA estimates that 2 respondents will conduct recalls annually pursuant to §§ 107.230, 107.240, and 107.250. The estimated number of respondents for § 107.260 is minimal because FDA seldom uses this section; therefore, FDA estimates that there will be 1 or fewer respondents annually for § 107.260. The estimated number of hours per response is an average based on FDA's experience and information from firms that have conducted recalls. FDA estimates that 2 respondents will conduct infant formula recalls under § 107.230 and that it will take a respondent 4,450 hours to comply with the requirements of that section, for a total of 8,900 hours. FDA estimates that 2 respondents will conduct infant formula recalls under § 107.240 and that it will take a respondent 1,482 hours to comply with the requirements of that section, for a total of 2,964 hours. FDA estimates that 2 respondents will submit recommendations for termination of infant formula recalls under § 107.250 and that it will take a respondent 120 hours to comply with the requirements of that section, for a total of 240 hours. Finally, FDA estimates that one respondent will need to carry out additional effectiveness checks and issue additional notifications, for a total of 625 hours.

Under 5 CFR 1320.3(b)(2), the time, effort, and financial resources necessary to comply with a collection of information are excluded from the burden estimate if the reporting, recordkeeping, or disclosure activities needed to comply are usual and customary because they would occur in the normal course of activities. No burden has been estimated for the recordkeeping requirement in § 107.280 because these records are maintained as a usual and customary part of normal business activities. Manufacturers keep infant formula distribution records for the prescribed period as a matter of routine business practice.

TABLE 2—ESTIMATED ANNUAL THIRD-PARTY DISCLOSURE BURDEN [1]

21 CFR Section; activity	Number of respondents	Number of disclosures per respondent	Total annual disclosures	Average burden per disclosure	Total hours
107.230; Elements of infant formula recall	2	1	2	50	100
107.260; Revision of an infant formula recall	1	1	1	25	25
Total					125

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Table 2 reports FDA's third-party disclosure burden estimates for §§ 107.230 and 107.260. The estimated burden hours per disclosure is an average based on FDA's experience. The third-party disclosure burden in § 107.230 is the requirement to promptly notify each affected direct-account (customer) about the recall, and if the recalled formula presents a risk to human health, the recalling firm must also request that each establishment that sells the recalled formula post a notice of the recall at the point of purchase. FDA estimates that 2 respondents will conduct infant formula recalls under § 107.230 and that it will take a respondent 50 hours to comply with the third-party disclosure requirements of that section, for a total of 100 hours. The third-party disclosure burden in § 107.260 is the requirement to issue additional notifications where the recall strategy or implementation is determined to be deficient. FDA estimates that 1 respondent will issue additional notifications under § 107.260 and that it will take a respondent 25 hours to comply with the third-party disclosure requirements of that section, for a total of 25 hours.

Dated: August 1, 2014.

Peter Lurie,

Associate Commissioner for Policy and Planning.

[FR Doc. 2014–18665 Filed 8–6–14; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2007–N–0383]

Agency Information Collection Activities; Announcement of Office of Management and Budget Approval; Radioactive Drug Research Committees

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a collection of information entitled ''Radioactive Drug Research Committees'' has been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995.

FOR FURTHER INFORMATION CONTACT: FDA PRA Staff, Office of Operations, Food and Drug Administration, 8455 Colesville Rd., COLE–14526, Silver Spring, MD 20993–0002, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: On May 9, 2014, the Agency submitted a proposed collection of information entitled ''Radioactive Drug Research Committees'' 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 0910–0053. 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 31, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–18609 Filed 8–6–14; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2014–N–1088]

Center for Devices and Radiological Health: Experiential Learning Program; General Training Program

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA), Center for Devices and Radiological Health (CDRH or Center) is announcing a new component of the Experiential Learning Program (ELP) identified as the ELP General Training Program. This training component is intended to provide CDRH staff with an opportunity to understand the policies, laboratory practices, and challenges faced in broader disciplines that impact the device development life cycle. The purpose of this document is to invite medical device industry, academia, and health care facilities to apply to participate in this formal training program for FDA's medical device review staff, or to contact CDRH for more information regarding the ELP General Training Program.

DATES: Submit either an electronic or written request for participation in the ELP General Training Program by September 8, 2014.

ADDRESSES: Submit either electronic requests to *http://www.regulations.gov* or written requests to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852. Identify proposals with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Latonya Powell, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 4448, Silver Spring, MD 20993–0002, 301–796–6965, FAX: 301–827–3079, *Latonya.powell@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

CDRH is responsible for ensuring the safety and effectiveness of medical devices marketed in the United States. Furthermore, CDRH assures that patients and providers have timely and continued access to high-quality, safe, and effective medical devices and safe radiation-emitting products. In support of this mission, the Center launched various training and development initiatives to enhance performance of its staff involved in regulatory review and

in the premarket review process. One of these initiatives, the ELP Pilot, was launched in 2012 and fully implemented on April 2, 2013 (see 78 FR 19711).

CDRH is committed to advancing regulatory science; providing industry with predictable, consistent, transparent, and efficient regulatory pathways; and helping to ensure consumer confidence in medical devices marketed in the United States and throughout the world. The ELP General Training Program component is intended to provide CDRH staff with an opportunity to understand the policies, laboratory practices, and challenges faced in broader disciplines that impact the device development life cycle. This component is a collaborative effort to enhance communication and facilitate the premarket review process. Furthermore, CDRH is committed to understanding current industry practices, innovative technologies, regulatory impacts, and regulatory needs.

These formal training visits are not a mechanism for FDA to inspect, assess, judge, or perform a regulatory function (e.g., compliance inspection), but rather they are an opportunity to provide CDRH review staff a better understanding of the products they review. Through this notice, CDRH is formally requesting participation from companies, academia, and clinical facilities, including those that have previously participated in the ELP or other FDA site visit programs.

II. ELP General Training Program

A. ELP General Training Component

In this training program, groups of CDRH staff will observe operations at research, manufacturing, academia, and health care facilities. The focus areas and specific areas of interest for visits may include the following:

TABLE 1—AREAS OF INTEREST: OFFICE OF DEVICE EVALUATION

Focus area	Specific areas of interest
Biocompatibility testing	Decisionmaking process for biocompatibility test selection; considerations for use of animal testing vs. in vitro testing; sample preparation of nanoscale, bioabsorbable, and in situ polymerized materials; evaluation of color additives.
Combination products	Devices coated with drug(s); drug delivery products.
Emerging manufacturing methods	3–D printing; additive manufacturing; additional or unique validation and verification activities.
Management of clinical trials for medical devices	Understanding clinical trial infrastructure, roles, responsibilities, and relationships with other organizations involved in the management and conduct of clinical trials; challenges encountered in obtaining regulatory approval and successfully executing a clinical trial; issues related to early feasibility studies; institutional review boards; clinical research organizations.
Reprocessing and sterilization	Reprocessing challenges in the manufacturing or clinical environment; validation of reprocessing or sterilization instructions; simulated use testing; unique sterilization methods (e.g., use of flexible bags, sound waves, ultraviolet light, microwave radiation.)

TABLE 2—AREAS OF INTEREST: OFFICE OF IN VITRO DIAGNOSTIC DEVICES AND RADIOLOGICAL HEALTH

Focus area	Specific areas of interest
Manufacturing of in vitro diagnostic devices	Preanalytical devices (i.e. blood tubes), pathogen collection devices, micro collection/transport devices; general reagents, manual reagents; general assays, common point-of-care devices.
Instrument training of medical devices (manufacturer or clinical laboratory).	Hands-on instrument and system training; clinical implication of common laboratory testing.
Quality system in manufacturing environments based on 21 CFR part 820.	Observation of implemented quality systems practices based on current good manufacturing practices.

B. Site Selection

The Center will be responsible for CDRH staff travel expenses associated with the site visits. CDRH will not provide funds to support the training provided by the site to the ELP General Training Program. Selection of potential facilities will be based on CDRH's priorities for staff training and resources available to fund this program. In addition to logistical and other resource factors, all sites must have a successful compliance record with FDA or another Agency with which FDA has a memorandum of understanding. If a site visit involves a visit to a separate physical location of another firm under contract with the site, that firm must agree to participate in the ELP General Training program and must also have a satisfactory compliance history.

III. Request for Participation

Submit proposals for participation with the docket number found in the brackets in the heading of this document. Received requests may be seen in the Division of Dockets Management (see **ADDRESSES**) between 9 a.m. and 4 p.m., Monday through Friday, and will be posted to the docket at *http://www.regulations.gov*.

The proposal should include a description of your facility relative to focus areas described in table 1or 2. Please include the Area of Interest (see table 1or 2) that the site visit will demonstrate to CDRH staff, a contact person, site visit location(s), length of site visit, proposed dates, and maximum number of CDRH staff that can be accommodated during a site visit. Proposals submitted without this minimum information will not be considered. In addition, please include an agenda outlining the proposed training for the site visit. A sample request and agenda are available on the ELP Web site at *http://www.fda.gov/downloads/ScienceResearch/ScienceCareerOpportunities/UCM392988.pdf* and *http://*

www.fda.gov/scienceresearch/sciencecareeropportunities/ucm380676.htm.

Dated: July 31, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–18662 Filed 8–6–14; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Neurological Disorders and Stroke; 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 materials, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Neurological Disorders and Stroke Special Emphasis Panel; Udall Centers Review.

Date: August 21–22, 2014.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Admiral Fell Inn, 888 South Broadway, Baltimore, MD 21231.

Contact Person: Birgit Neuhuber, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Research, NINDS/NIH/DHHS/Neuroscience Center, 6001 Executive Boulevard, Suite 3208, MSC 9529, Bethesda, MD 20892–9529, 301–496–3562, *neuhuber@ninds.nih.gov.*

Name of Committee: National Institute of Neurological Disorders and Stroke Special Emphasis Panel; DMFP Contract Review.

Date: August 27–28, 2014.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda North Marriott Hotel & Conference Center, 5701 Marinelli Road, Bethesda, MD 20852.

Contact Person: Ernest Lyons, Ph.D., Scientific Review Administrator, Scientific Review Branch, Division of Extramural Research, NINDS/NIH/DHHS/Neuroscience Center, 6001 Executive Boulevard, Suite 3208, MSC 9529, Bethesda, MD 20892–9529, 301–496–405, *lyonse@ninds.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.853, Clinical Research Related to Neurological Disorders; 93.854, Biological Basis Research in the Neurosciences, National Institutes of Health, HHS)

Dated: August 1, 2014.

Carolyn Baum,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–18597 Filed 8–6–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4185–DR; Docket ID FEMA–2014–0003]

Nebraska; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Nebraska (FEMA–4185–DR), dated July 28, 2014, and related determinations.

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

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated July 28, 2014, the President issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''), as follows:

I have determined that the damage in certain areas of the State of Nebraska resulting from severe storms, tornadoes, straight-line winds, and flooding during the period of June 1–4, 2014, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 et seq. (the ''Stafford Act''). Therefore, I declare that such a major disaster exists in the State of Nebraska.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance in the designated areas and Hazard Mitigation throughout the State. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Hazard Mitigation will be limited to 75 percent of the total eligible costs. Federal funds provided under the Stafford Act for Public Assistance also will be limited to 75 percent of the total eligible costs, with the exception of projects that meet the eligibility criteria for a higher Federal cost-sharing percentage under the Public Assistance Alternative Procedures Pilot Program for Debris Removal implemented pursuant to section 428 of the Stafford Act.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Christian Van Alstyne, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas of the State of Nebraska have been designated as adversely affected by this major disaster:

Burt, Butler, Cass, Hamilton, Holt, Nemaha, Pawnee, Polk, Rock, Thurston, Valley, and Washington Counties for Public Assistance.

All counties within the State of Nebraska are eligible to apply for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

W. Craig Fugate,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2014–18642 Filed 8–6–14; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4186–DR; Docket ID FEMA–2014–0003]

South Dakota; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of South Dakota (FEMA–4186–DR), dated July 28, 2014, and related determinations.

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

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated July 28, 2014, the President issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''), as follows:

I have determined that the damage in certain areas of the State of South Dakota resulting from severe storms, tornadoes, and flooding during the period of June 13–20, 2014, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 et seq. (the ''Stafford Act''). Therefore, I declare that such a major disaster exists in the State of South Dakota.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance in the designated areas and Hazard Mitigation throughout the State. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Hazard Mitigation will be limited to 75 percent of the total eligible costs. Federal funds provided under the Stafford Act for Public Assistance also will be limited to 75 percent of the total eligible costs, with the exception of projects that meet the eligibility criteria for a higher Federal cost-sharing percentage under the Public Assistance Alternative Procedures Pilot Program for Debris Removal implemented pursuant to section 428 of the Stafford Act.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Gary R. Stanley, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas of the State of South Dakota have been designated as adversely affected by this major disaster:

Butte, Clay, Corson, Dewey, Hanson, Jerauld, Lincoln, Minnehaha, Perkins, Turner, Union, and Ziebach Counties and the Standing Rock Sioux Tribe within Corson County for Public Assistance.

All counties and Indian Tribes within the State of South Dakota are eligible to apply for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

W. Craig Fugate,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2014–18644 Filed 8–6–14; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[DR.5B711.IA000814]

Indian Gaming

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of approved Tribal-State Class III Gaming Compact.

SUMMARY: This notice publishes the approval of the Class III Tribal-State Gaming Compact between the Cowlitz Indian Tribe and the State of Washington.

DATES: *Effective Date:* August 7, 2014.

FOR FURTHER INFORMATION CONTACT: Paula L. Hart, Director, Office of Indian Gaming, Office of the Deputy Assistant Secretary—Policy and Economic Development, Washington, DC 20240, (202) 219–4066.

SUPPLEMENTARY INFORMATION: Under section 11 of the Indian Gaming Regulatory Act (IGRA) Public Law 100–497, 25 U.S.C. 2701 *et seq.,* the Secretary of the Interior shall publish in the **Federal Register** notice of approved Tribal-State compacts for the purpose of engaging in class III gaming activities on Indian lands. The compact allows for two gaming facilities. The compact also allocates 975 machines for leasing, operation of up to 3000 gaming machines and 125 table games. The compact is in effect until terminated by written agreement of both parties.

Dated: July 31, 2014.

Kevin K. Washburn,

Assistant Secretary—Indian Affairs.

[FR Doc. 2014–18584 Filed 8–6–14; 8:45 am]

BILLING CODE 4310–4N–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLCOF00000–L19900000–PO0000]

Notice of Meeting, Front Range Resource Advisory Council

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of public meeting.

SUMMARY: In accordance with the Federal Land Policy and Management Act and the Federal Advisory Committee Act of 1972, the U.S. Department of the Interior, Bureau of Land Management (BLM) Front Range Resource Advisory Council (RAC), will meet as indicated below.

DATES: The meeting will be held on August 20, 2014, from 10 a.m. to 3 p.m. A field trip will occur on August 21, 2014, from 9 a.m. to 3 p.m.

ADDRESSES: The meeting will be held at the Crestone Charter School, 330 Lime Avenue, Crestone, CO 81131. The field trip will meet at Hampton Inn, 710 Mariposa Street, Alamosa, CO 81101.

FOR FURTHER INFORMATION CONTACT: Kyle Sullivan, Front Range RAC Coordinator, BLM Front Range District Office, 3028 E. Main St., Cañon City, CO 81212; phone: (719) 269–8553; email: *ksullivan@blm.gov.* Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, seven days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The 15-member Council advises the Secretary of the Interior, through the BLM, on a variety of planning and management issues associated with public land management in the BLM Front Range District, which includes the Royal Gorge Field Office and the San Luis Valley Field Office, Colorado. Planned topics of discussion items include: An update from field managers, Royal Gorge Field Office Resource Management Plan revision, discussion of the San Luis Valley/Taos Plateau Landscape

Assessment and Solar Regional Mitigation Strategy and a field trip to solar facilities in the San Luis Valley. The public is encouraged to make oral comments to the Council at 10:30 a.m. on August 20, or written statements may be submitted for the Council's consideration. Summary minutes for the RAC meetings will be maintained in the Royal Gorge Field Office and will be available for public inspection and reproduction during regular business hours within thirty (30) days following the meeting. Previous meeting minutes and agendas are available at: *www.blm.gov/co/st/en/BLM_Resources/racs/frrac/co_rac_minutes_front.html.*

Ruth Welch,

BLM Colorado State Director.

[FR Doc. 2014–18667 Filed 8–6–14; 8:45 am]

BILLING CODE 4310–JB–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Comprehensive Environmental Response Compensation and Liability Act

On July 31, 2014, the Department of Justice lodged a proposed Consent Decree with the United States District Court for the Eastern District of Texas in the lawsuit entitled *United States and State of Texas* v. *OXY USA Inc. and CANADIANOXY OFFSHORE PRODUCTION CO.,* Civil Action No. 4:14–cv–00491.

The plaintiffs seek compensation for damage to natural resources in and about the former Empire Oil Refinery, located at 101 County Road 401, Gainesville, Cook County, Texas. The plaintiffs allege under federal or state law that these two defendants are liable for the injury to natural resources resulting from releases of hazardous substances or pollutants at that site. Under the proposed Consent Decree that embodies the settlement proposed here, the two defendants will complete restoration work (including a conservation easement), as explained in a damage assessment and restoration plan that was completed for this site by the federal and state natural resource trustees. The two defendants also will pay past assessment costs and also must compensate plaintiffs for certain future costs. In return, the defendants receive covenants not to sue for natural resource damages resulting from releases from the site, subject to reservations specified in the proposed Decree.

The publication of this notice opens a period for public comment on the proposed Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States and State of Texas* v. *OXY USA Inc. and CANADIANOXY OFFSHORE PRODUCTION CO.,* D.J. Ref. No. 90–11–2–07981. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	*Send them to:*
By email	*pubcomment-ees.enrd@usdoj.gov.*
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

During the public comment period, the Consent Decree may be examined and downloaded at this Justice Department Web site: *http://www.usdoj.gov/enrd/Consent_Decrees.html.* We will provide a paper copy upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ–ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check or money order for $33.75 (25 cents per page reproduction cost) payable to the United States Treasury. For a paper copy without the attachments, the cost is $12.50.

Maureen Katz,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2014–18624 Filed 8–6–14; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF JUSTICE

Notice of Federal Advisory Committee Meeting

AGENCY: Department of Justice.

ACTION: Notice of Federal Advisory Committee Meeting.

SUMMARY: This notice announces a forthcoming public meeting of the National Commission on Forensic Science.

DATES: The meeting will be held on August 26, 2014, from 1:00 p.m. to 5:30 p.m. and August 27, 2014 from 8:30 a.m. to 5:30 p.m. Online registration for the meeting must be completed on or before 5:00 p.m. (EST) August 19, 2014.

Location: Office of Justice Programs, 3rd floor ballroom. 810 7th Street NW., Washington, DC 20531.

FOR FURTHER INFORMATION CONTACT: Brette Steele, Senior Forensic Science Advisor and Senior Counsel to the Deputy Attorney General, by email at *Brette.L.Steele@usdoj.gov* or by phone at (202) 305–0180.

SUPPLEMENTARY INFORMATION:

Agenda and Meeting Materials: All meeting materials will be made available to the public at *http://www.justice.gov/ncfs.* On August 26, the Commission will explore issues of cognitive bias in forensic science and receive subcommittee reports. On August 27, the Vice-Chairs will discuss the revised bylaws for the Commission. The Commission will also receive background briefings on latent print interoperability of Automated Fingerprint Identification Systems (AFIS) and the role of accreditation in forensic science. Lessons learned in forensic science from the United Kingdom and additional subcommittee reports will also be covered on August 27. Oral comments from the public will be heard from 5:00 p.m.–5:30 p.m. on Tuesday, August 26.

Procedures: The meeting will be webcast at: *http://stream.sparkstreetdigital.com/player-ce.html?id=doj-aug26.* The meeting is also open to the public. Those interested in attending the meeting in person will be required to register in advance and will be subject to security screening. Seating in the meeting room is limited and will be available on a first-come, first-served basis. All persons who are interested in being on-site for the meeting must register on-line at *http://conferences.csrincorporated.com* by using conference code: 2014–111P.

Members of the public may present oral comments on issues pending before the Commission. Those individuals interested in making oral comments should indicate their intent through the on-line registration form and will be allocated on a first-come, first-served basis. Time allotted for an individual's comment period will be limited to no more than 3 minutes. If the number of registrants requesting to speak is greater than can be reasonably accommodated during the scheduled public comment periods, written comments will be accepted in lieu of oral comments.

All submitted comments, written or oral, will be made available to the public (see Posting of Public Comments). Written public comments may be submitted to the Commission's Designated Federal Official, Brette Steele, by email at *Brette.L.Steele@usdoj.gov.*

Posting of Public Comments: In accordance with the Federal Records

Act, please note that all comments received are considered part of the public record, and shall be made available for public inspection and posted on the Commission's Web site at *www.justice.gov/ncfs.* The comments to be posted may include personally identifiable information (such as your name, address, etc.) and confidential business information voluntarily submitted by the commenter.

If you want to submit personally identifiable information (such as your name, address, etc.) as part of your comment, but do not want it to be made available for public inspection and posted online, you must include the phrase ''PERSONALLY IDENTIFIABLE INFORMATION'' in the first paragraph of your comment. You must also place all the personally identifiable information you do not want made available for public inspection or posted online in the first paragraph of your comment and identify what information you want redacted.

If you want to submit confidential business information as part of your comment, but do not want it to be made available for public inspection and posted online, you must include the phrase ''CONFIDENTIAL BUSINESS INFORMATION'' in the first paragraph of your comment. You must also prominently identify confidential business information to be redacted within the comment. If a comment has so much confidential business information that it cannot be effectively redacted, all or part of that comment may not be made available for public inspection or posted online.

Personally identifiable information and confidential business information identified and located as set forth above will be redacted and the comment, in redacted form, will be made available for public inspection and posted on the Commission's Web site.

The Department of Justice 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, please indicate your requirements on the on-line registration form.

Dated: August 1, 2014.

James M. Cole,

Deputy Attorney General.

[FR Doc. 2014–18641 Filed 8–6–14; 8:45 am]

BILLING CODE 4410–18–P

FOREIGN CLAIMS SETTLEMENT COMMISSION

[F.C.S.C. Meeting and Hearing Notice No. 08–14]

Sunshine Act Meeting

The Foreign Claims Settlement Commission, pursuant to its regulations (45 CFR part 503.25) and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice in regard to the scheduling of open meetings as follows:

Thursday, August 14, 2014: 10:00 a.m.—Oral hearing on Objection to Commission's Proposed Decision in Claim No. IRQ–I–007;

11:00 a.m.—Issuance of Proposed Decisions in claims against Iraq.

Status: Open.

All meetings are held at the Foreign Claims Settlement Commission, 600 E Street NW., Washington, DC. Requests for information, or advance notices of intention to observe an open meeting, may be directed to: Patricia M. Hall, Foreign Claims Settlement Commission, 600 E Street NW., Suite 6002, Washington, DC 20579. Telephone: (202) 616–6975.

Brian M. Simkin,

Chief Counsel.

[FR Doc. 2014–18769 Filed 8–5–14; 4:15 pm]

BILLING CODE 4410–BA–P

DEPARTMENT OF LABOR

Employment and Training Administration

Notice of Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, as amended (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for trade adjustment assistance for workers (TA–W) number and alternative trade adjustment assistance (ATAA) by (TA–W) number issued during the period of July 14, 2014 through July 18, 2014.

In order for an affirmative determination to be made for workers of a primary firm and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(a) of the Act must be met.

I. Section (a)(2)(A) all of the following must be satisfied:

A. A significant number or proportion of the workers in such workers' firm, or an appropriate subdivision of the firm, have become totally or partially separated, or are threatened to become totally or partially separated;

B. the sales or production, or both, of such firm or subdivision have decreased absolutely; and

C. increased imports of articles like or directly competitive with articles produced by such firm or subdivision have contributed importantly to such workers' separation or threat of separation and to the decline in sales or production of such firm or subdivision; or

II. Section (a)(2)(B) both of the following must be satisfied:

A. A significant number or proportion of the workers in such workers' firm, or an appropriate subdivision of the firm, have become totally or partially separated, or are threatened to become totally or partially separated;

B. there has been a shift in production by such workers' firm or subdivision to a foreign country of articles like or directly competitive with articles which are produced by such firm or subdivision; and

C. One of the following must be satisfied:

1. The country to which the workers' firm has shifted production of the articles is a party to a free trade agreement with the United States;

2. the country to which the workers' firm has shifted production of the articles to a beneficiary country under the Andean Trade Preference Act, African Growth and Opportunity Act, or the Caribbean Basin Economic Recovery Act; or

3. there has been or is likely to be an increase in imports of articles that are like or directly competitive with articles which are or were produced by such firm or subdivision.

Also, in order for an affirmative determination to be made for secondarily affected workers of a firm and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(b) of the Act must be met.

(1) significant number or proportion of the workers in the workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) the workers' firm (or subdivision) is a supplier or downstream producer to a firm (or subdivision) that employed a group of workers who received a certification of eligibility to apply for trade adjustment assistance benefits and such supply or production is related to

the article that was the basis for such certification; and

(3) either—

(A) the workers' firm is a supplier and the component parts it supplied for the firm (or subdivision) described in paragraph (2) accounted for at least 20 percent of the production or sales of the workers' firm; or

(B) a loss or business by the workers' firm with the firm (or subdivision) described in paragraph (2) contributed importantly to the workers' separation or threat of separation.

In order for the Division of Trade Adjustment Assistance to issue a certification of eligibility to apply for Alternative Trade Adjustment Assistance (ATAA) for older workers, the group eligibility requirements of Section 246(a)(3)(A)(ii) of the Trade Act must be met.

1. Whether a significant number of workers in the workers' firm are 50 years of age or older.

2. Whether the workers in the workers' firm possess skills that are not easily transferable.

3. The competitive conditions within the workers' industry (i.e., conditions within the industry are adverse).

Affirmative Determinations for Worker Adjustment Assistance

The following certifications have been issued. The date following the company name and location of each determination references the impact date for all workers of such determination.

None.

Affirmative Determinations for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance

The following certifications have been issued. The date following the company name and location of each determination references the impact date for all workers of such determination.

The following certifications have been issued. The requirements of Section 222(a)(2)(A) (increased imports) and Section 246(a)(3)(A)(ii) of the Trade Act have been met.

85,265, NCI Fort Wayne, LLC., Fort Wayne, Indiana. April 25, 2013.

85,302, Kimberly Carbonates, LLC., Kimberly, Wisconsin. May 12, 2013.

85,340, Aryzta, LLC., Export, Pennsylvania. May 27, 2013.

85,345, Eastman Kodak Company, Dayton, Ohio. May 29, 2013.

85,354, PSC Fabricating, Fort Smith, Arizona. September 16, 2013.

85,367, TE Connectivity, North Bennington, Vermont. June 5, 2013.

85,389, Thermal Dynamics Corporation, West Lebanon, New Hampshire. June 19, 2013.

85,389A, Victor Equipment Company, Denton, Texas. June 19, 2013.

85,411, Amphenol TCS, Winston Salem, North Carolina, July 1, 2013.

Negative Determinations for Alternative Trade Adjustment Assistance

In the following cases, it has been determined that the requirements of 246(a)(3)(A)(ii) have not been met for the reasons specified.

None.

Negative Determinations for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance

In the following cases, the investigation revealed that the eligibility criteria for worker adjustment assistance have not been met for the reasons specified.

Because the workers of the firm are not eligible to apply for TAA, the workers cannot be certified eligible for ATAA.

The investigation revealed that criteria (a)(2)(A)(I.A.) and (a)(2)(B)(II.A.) (employment decline) have not been met.

85,393, Chemtura Corporation, West Lafayette, Indiana.

The investigation revealed that criteria (a)(2)(A)(I.C.) (increased imports) and (a)(2)(B)(II.B.) (shift in production to a foreign country) have not been met.

85,197, Bimbo Bakaries, USA, Inc., Bay Shore, New York.

85,333, IQE North Carolina, Greensboro, North Carolina.

The workers' firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

85,045, 12S, LLC., Yalesville, Connecticut.

85,159, Seagate Technologies PLC., Shakopee, Minnesota.

85,159A, Seagate Technologies PLC., Bloomington, Minnesota.

85,205, Digital Domain 3.0, Inc., Los Angeles, California.

85,348, Center Partners, Inc., Idaho Falls, Idaho.

85,350, Computer Sciences Corporation (CSC), Blythewood, South Carolina.

85,381, Gamestop Texas, Limited, Grapevine, Texas.

85,386, Covidien LP, Mansfield, Massachusetts.

Determinations Terminating Investigations of Petitions for Worker Adjustment Assistance

After notice of the petitions was published in the **Federal Register** and on the Department's Web site, as required by Section 221 of the Act (19 U.S.C. 2271), the Department initiated investigations of these petitions.

The following determinations terminating investigations were issued because the petitioning groups of workers are covered by active certifications. Consequently, further investigation in these cases would serve no purpose since the petitioning group of workers cannot be covered by more than one certification at a time.

85,322, Athena Health, Inc., Birmingham, Alabama.

I hereby certify that the aforementioned determinations were issued during the period of July 14, 2014 through July 18, 2014. These determinations are available on the Department's Web site *www.doleta.gov/tradeact/taa/taa_search_form.cfm* under the searchable listing of determinations or by calling the Office of Trade Adjustment Assistance toll free at 888–365–6822.

Signed at Washington, DC, this 24th day of July, 2014.

Del Min Amy Chen,

Certifying Officer, Office of Trade Adjustment Assistance.

[FR Doc. 2014–18688 Filed 8–6–14; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2006–0042]

Canadian Standards Association: 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 Canadian Standards Association, as a Nationally Recognized Testing Laboratory (NRTL).

DATES: The renewal of recognition becomes effective on August 7, 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.

Canadian Standards Association (CSA) initially received OSHA recognition as an NRTL on December 24, 1992 (57 FR 61452). The most recent renewal for CSA was on July 3, 2001, for a five-year period expiring on July 3, 2006. CSA submitted a timely request for renewal, dated October 3, 2005 (see Ex. OSHA–2006–0042–0007), and retained its recognition pending OSHA's final decision in this renewal process. The current addresses of CSA facilities recognized by OSHA and included as part of the renewal request are:

1. CSA Toronto, 178 Rexdale Boulevard, Etobicoke, Ontario, Canada M9W 1R3;
2. CSA International Montreal, 865 Ellingham Street, Pointe-Claire, Quebec, Canada H9R 5E8;
3. CSA International Irvine, 2805 Barranca Parkway, Irvine, California 92606;
4. CSA International Edmonton, 1707–94th Street, Edmonton, Alberta, Canada T6N 1E6;
5. CSA International Vancouver, 13799 Commerce Parkway, Richmond, British Columbia, Canada V6V 2N9; and
6. CSA International Cleveland, 8501 East Pleasant Valley Road, Cleveland, Ohio 44131.

OSHA evaluated CSA's application for renewal and made a preliminary determination that CSA can continue to meet the requirements prescribed by 29 CFR 1910.7 for recognition. OSHA conducted audits of CSA's headquarters, CSA Toronto, on March 24–25, 2011; of the CSA Montreal site on March 21–22, 2011; of the CSA Edmonton site on September 23–24, 2009; and of the CSA Vancouver site on August 21–22, 2013, and found non-conformances with the requirements of 29 CFR 1910.7. CSA 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 CSA's facilities for this request for renewal based on its evaluation of CSA's application and all other available information.

OSHA published the preliminary notice announcing CSA's renewal request in the **Federal Register** on February 24, 2014 (79 FR 10193). 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 CSA's request for renewal of recognition.

To obtain or review copies of all public documents pertaining to the CSA'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–2006–0042 contains all materials in the record concerning CSA'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 CSA as an NRTL. OSHA NRTL Program staff reviewed the renewal request for CSA and other pertinent information. Based on this review of the renewal request for CSA and other pertinent information, OSHA finds that CSA 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 CSA's recognition to include the terms and conditions of CSA's scope of recognition. The scope of recognition for CSA is available in the **Federal Register** notice dated December 24, 1992 (57 FR 61452), or on OSHA's Web site at *http://www.osha.gov/dts/otpca/nrtl/csa.html.* This renewal extends CSA's recognition for a period of five years from August 7, 2014.

Conditions

In addition to those conditions already required by 29 CFR 1910.7, CSA also must abide by the following conditions of recognition:

1. CSA 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. CSA must meet all the terms of its recognition and comply with all OSHA policies pertaining to this recognition; and

3. CSA must continue to meet the requirements for recognition, including all previously published conditions on CSA'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 August 1, 2014.

David Michaels,

Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2014–18633 Filed 8–6–14; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Office of Workers' Compensation Programs

Proposed Renewal of Existing Collection; Comment Request

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Office of Workers' Compensation Programs is soliciting comments concerning the proposed collection: Certification of Medical Necessity (CM–893). A copy of the proposed information collection request can be obtained by contacting the office listed below in the addresses section of this Notice.

DATES: Written comments must be submitted to the office listed in the addresses section below on or before October 6, 2014.

ADDRESSES: Ms. Yoon Ferguson, U.S. Department of Labor, 200 Constitution Ave. NW., Room S–3201, Washington, DC 20210, telephone (202) 693–0701, fax (202) 693–1449, Email *Ferguson.yoon@dol.gov.* Please use only one method of transmission for comments (mail, fax, or Email).

SUPPLEMENTARY INFORMATION:

I. *Background:* The Office of Workers' Compensation Programs administers the Federal Black Lung Workers' Compensation Program. The enabling regulations of the Black Lung Benefits Act, at 20 CFR 725.701, establishes miner eligibility for medical services and supplies for the length of time required by the miner's condition and disability. 20 CFR.706 stipulates there must be prior approval before ordering an apparatus where the purchase price exceeds $300.00. 20 CFR 725.707 provides for the ongoing supervision of the miner's medical care, including the necessity, character and sufficiency of care to be furnished; gives the authority to request medical reports and indicates the right to refuse payment for failing to submit any reports required. Because of the above legislation and regulations, it was necessary to devise a form to collect the required information. The CM–893, Certificate of Medical Necessity is completed by the coal miner's doctor and is used by the Division of Coal Mine Worker's Compensation to determine if the miner meets impairment standards to qualify for durable medical equipment, home nursing, and/or pulmonary rehabilitation. This information collection is currently approved for use through December 30, 2014.

II. *Review Focus:* The Department of Labor is particularly interested in comments which:

* 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 submissions of responses.

III. *Current Actions:* The Department of Labor seeks the approval for the extension of this currently-approved information collection in order to carry out its responsibility to determine the eligibility for reimbursement of medical benefits to Black Lung recipients.

Agency: Office of Workers' Compensation Programs.

Type of Review: Extension.

Title: Certificate of Medical Necessity.

OMB Number: 1240–0024.

Agency Number: CM–893.

Affected Public: Individuals or households; Business or other for profit, and Not-for-profit institutions.

Total Respondents: 2,500.

Total Annual Responses: 2,500.

Average Time per Response: 20 to 40 minutes.

Estimated Total Burden Hours: 965.

Frequency: On occasion.

Total Burden Cost (capital/startup): $0.

Total Burden Cost (operating/maintenance): $0.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: July 31, 2014.

Yoon Ferguson,

Agency Clearance Officer, Office of Workers' Compensation Programs, U.S. Department of Labor.

[FR Doc. 2014–18684 Filed 8–6–14; 8:45 am]

BILLING CODE 4510–CK–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (14–066)]

Notice of Intent To Grant Exclusive License

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of Intent to Grant Exclusive License.

SUMMARY: This notice is issued in accordance with 35 U.S.C. 209(c)(1) and 37 CFR 404.7(a)(1)(i). NASA hereby gives notice of its intent to grant an exclusive license in the United States to practice the inventions described and claimed in USPN 8,338,114, Engineering Human Broncho-Epithelial Tissue-Like Assemblies, NASA Case No. MSC–24164–1; US Patent Application Serial Number 12/899,815, Modifying the Genetic Regulation of Bone and Cartilage Cells and Associated Tissue by EMF Stimulation Fields and Uses Thereof, NASA Case No. MSC–24541–1; and US Patent Application Serial Number 13/859,180, Alternating Ionic Magnetic Resonance (AIMR) Multiple-Chambered Culture Apparatus, NASA Case No. MSC–25545–1; and US Patent Application Serial Number 13/859,206, Methods for Culturing Cells in an Alternating Ionic Magnetic Resonance (AIMR) Multiple-Chambered Culture Apparatus, NASA Case No. MSC–25633–1, to GRoK Technologies, LLC, having its principal place of business in Houston, Texas. The patent rights in these inventions have been assigned to the United States of America as represented by the Administrator of the National Aeronautics and Space Administration. The prospective

exclusive license will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7.

DATES: The prospective exclusive license may be granted unless within fifteen (15) days from the date of this published notice, NASA receives written objections including evidence and argument that establish that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7. Competing applications completed and received by NASA within fifteen (15) days of the date of this published notice will also be treated as objections to the grant of the contemplated exclusive license.

Objections submitted in response to this notice will not be made available to the public for inspection and, to the extent permitted by law, will not be released under the Freedom of Information Act, 5 U.S.C. 552.

ADDRESSES: Objections relating to the prospective license may be submitted to Patent Counsel, Office of Chief Counsel, NASA Johnson Space Center, 2101 NASA Parkway, Houston, Texas 77058, Mail Code AL; Phone (281) 483–3021; Fax (281) 483–6936.

FOR FURTHER INFORMATION CONTACT: Ted Ro, Intellectual Property Attorney, Office of Chief Counsel, NASA Johnson Space Center, 2101 NASA Parkway, Houston, Texas 77058, Mail Code AL; Phone (281) 244–7148; Fax (281) 483–6936. Information about other NASA inventions available for licensing can be found online at *http://technology.nasa.gov/*

Sumara M. Thompson-King,

General Counsel.

[FR Doc. 2014–18707 Filed 8–6–14; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL SCIENCE FOUNDATION (NSF)

Sunshine Act Meetings; National Science Board

The National Science Board, pursuant to NSF regulations (45 CFR part 614), the National Science Foundation Act, as amended (42 U.S.C. 1862n–5), and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice of the scheduling of meetings for the transaction of National Science Board business, as follows:

DATE AND TIME: August 13, 2014 from 8:30 a.m. to 4:30 p.m., and August 14 from 8:00 a.m. to 3:00 p.m.

PLACE: These meetings will be held at the National Science Foundation, 4201Wilson Blvd., Rooms 1235, Arlington, VA 22230. All visitors must contact the Board Office (call 703–292–7000 or send an email message to *nationalsciencebrd@nsf.gov*) at least 24 hours prior to the meeting and provide name and organizational affiliation. Visitors must report to the NSF visitor desk located in the lobby at the 9th and N. Stuart Streets entrance to receive a visitor's badge.

WEBCAST INFORMATION: Public meetings and public portions of meetings will be webcast. To view the meetings, go to *http://www.tvworldwide.com/events/nsf/140813/* and follow the instructions.

UPDATES: Please refer to the National Science Board Web site for additional information. Meeting information and schedule updates (time, place, subject matter or status of meeting) may be found at *http://www.nsf.gov/nsb/notices/.*

AGENCY CONTACT: Jennie L. Moehlmann, *jmoehlma@nsf.gov,* (703) 292–7000.

PUBLIC AFFAIRS CONTACT: Nadine Lymn, *nlymn@nsf.gov,* (703) 292–2490.

STATUS: Portions open; portions closed.

OPEN SESSIONS:

August 13, 2014

8:30–8:45 a.m. (Chairman's introduction)
8:45–10:15 a.m. (CPP)
10:30–11:00 a.m. (AB)
11:00–11:20 a.m. (Plenary—presentation)
12:30–1:00 p.m. (A&O)
2:00–2:30 p.m. (SCF)
2:30–2:45 p.m. (CSB)

August 14, 2014

8:00–9:30 a.m. (SEI)
1:30–3:00 p.m. (Plenary)

CLOSED SESSIONS:

August 13, 2014

1:00–1:45 p.m. (A&O)
2:45–3:30 p.m. (CSB)
3:30–4:30 (CPP)

August 14, 2014

9:45–11:30 a.m. (Plenary)
12:30–1:30 p.m. (second part of Plenary)

MATTERS TO BE DISCUSSED:

Wednesday, August 13, 2014

Committee on Programs and Plans (CPP)
Open Session: 8:45–10:15 a.m.
- Approval of open CPP minutes for May 2014
- Committee Chairman's remarks
- CPP Program Portfolio Planning: Social, Behavioral and Economic Science at NSF

Task Force on Administrative Burdens (AB)
Open Session: 10:30–11:00 a.m.
- Committee Chairman's remarks
- Discussion Item: Future activities related to Task Force report on Administrative Burdens

Plenary Board Meeting
Open Session: 11:00–11:20 a.m.
- Presentation by Waterman Award Recipient, Dr. Feng Zhang

Audit and Oversight Committee (A&O)
Open Session: 12:30–1:00 p.m.
- Approval of May 6, 2014 meeting minutes
- Committee Chairman's opening remarks
- Inspector General's update
- Chief Financial Officer's update
- Committee Chairman's closing remarks

Audit and Oversight Committee
Closed Session: 1:00–1:45 p.m.
- Committee Chairman's opening remarks
- Future NSF update
- OIG FY 2016 budget request
- Chairman's closing remarks

CSB Subcommittee on Facilities (SCF)
Open Session: 2:00–2:30 p.m.
- Committee Chairman's remarks and approval of the open and closed May 2014 meeting minutes, and the April 17, 2014 teleconference meeting minutes
- Discussion of FY 2013 APR recommendations
- Discussion of FY 2014 APR

Committee on Strategy and Budget (CSB)
Open Session: 2:30–2:45 p.m.
- Committee Chairman's remarks
- Approval of CSB open minutes for the May 2014 meeting
- NSF FY 2015 budget update

Committee on Strategy and Budget (CSB)
Closed Session: 2:45–3:30 p.m.
- Committee Chairman's remarks
- Approval of CSB closed minutes for the May 2014 meeting
- Proposed FY 2016 NSB budget
- Proposed FY 2016 NSF budget

Committee on Programs and Plans (CPP)
Closed Session: 3:30–4:30 p.m.
- Committee Chairman's remarks
- Approval of closed CPP minutes for May 2014
- NSB Action Item: Renewal of the cooperative agreement for Management and Operation of the National Solar Observatory (NSO)
- NSB Information Item: The iPlant Collaborative: Cyberinfrastructure for the Life Sciences

Thursday, August 14, 2014

Committee on Science & Engineering Indicators (SEI)

Open Session: 8:00–9:30 a.m.

- Chairman's introduction and approval of the May 2014 meeting minutes
- Overview of the *Science and Engineering Indicators 2016* production process
- Introduction of chapter authors and discussion of the *Science and Engineering Indicators 2016* narrative outlines
- Chairman's closing remarks

Plenary Board Meeting

Closed Session: 9:45–11:30 a.m., 12:30–1:30 p.m.,

- Approval of closed session minutes, May 2014
- Discussion on risks to NSF
- Chairman's report
- Awards and Agreements/CPP Action Item
- Closed committee reports
- Chairman's remarks

Plenary Board Meeting

Open Session: 1:30–3:00 p.m.

- Approval of open session minutes, May 2014
- Chairman's report
- Director's report
- Open committee reports
- Chairman's remarks

MEETING ADJOURNS: 3:00 p.m.

Ann Bushmiller,

Senior Counsel to the National Science Board.

[FR Doc. 2014–18791 Filed 8–5–14; 4:15 pm]

BILLING CODE 7555–01–P

OFFICE OF PERSONNEL MANAGEMENT

Hispanic Council on Federal Employment

AGENCY: Office of Personnel Management.

ACTION: Cancelling of Council Meeting.

SUMMARY: The Hispanic Council on Federal Employment (Council) is cancelling the August 21, 2014 Council meeting. The Council is an advisory committee composed of representatives from Hispanic organizations and senior government officials. Along with its other responsibilities, the Council shall advise the Director of the Office of Personnel Management on matters involving the recruitment, hiring, and advancement of Hispanics in the Federal workforce. The Council is co-chaired by the Director of the Office of Personnel Management and the Chair of the National Hispanic Leadership Agenda (NHLA).

The meeting is open to the public. Please contact the Office of Personnel Management at the address shown below if you wish to present material to the Council at any of the meetings. The manner and time prescribed for presentations may be limited, depending upon the number of parties that express interest in presenting information.

Location: U.S. Office of Personnel Management, 1900 E St. NW., Washington, DC 20415.

FOR FURTHER INFORMATION CONTACT: Veronica E. Villalobos, Director for the Office of Diversity and Inclusion, Office of Personnel Management, 1900 E St. NW., Suite 5H35, Washington, DC 20415. Phone (202) 606–0020 FAX (202) 606–2183 or email at *veronica.villalobos@opm.gov.*

U.S. Office of Personnel Management.

Katherine L. Archuleta,

Director.

[FR Doc. 2014–18732 Filed 8–6–14; 8:45 am]

BILLING CODE 6820–B2–P

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

National Nanotechnology Coordination Office; Nanoscale Science, Engineering, and Technology Subcommittee; National Science and Technology Council; Committee on Technology

AGENCY: Office of Science and Technology Policy.

ACTION: Notice of public meeting.

SUMMARY: The National Nanotechnology Coordination Office (NNCO), on behalf of the Nanoscale Science, Engineering, and Technology (NSET) Subcommittee of the Committee on Technology, National Science and Technology Council (NSTC), will hold a workshop entitled ''Sensor Fabrication, Integration, and Commercialization'' on September 11 and 12, 2014. The workshop will bring together experts from a wide-range of application areas, stages of product development, and manufacturing. The aim of the workshop is to identify key challenges faced by sensor developers and determine the critical needs of the community, especially with respect to necessary standards, testing facilities, and advances in manufacturing. The workshop will include case study examples of commercialization success, a small business panel focused on challenges faced in the commercialization of sensors, and breakout sessions to explicitly address the RFI questions regarding standards, testing, manufacturing, and commercialization.

DATES: The Workshop will be held Thursday, September 11, 2014 from 8 a.m. until 7 p.m., and Friday, September 12, 2014 from 8:30 a.m. until 5 p.m.

ADDRESSES: The workshop will be held at the National Science Foundation (NSF) Stafford I building, Room 375, 4201 Wilson Blvd., Arlington, VA 22230.

FOR FURTHER INFORMATION CONTACT: Dr. Tarek Fadel, 703–292–7926, *tfadel@nnco.nano.gov,* NNCO. Additional information is posted at *http://nano.gov/node/1150.*

SUPPLEMENTARY INFORMATION: *Registration:* Registration opens on August 11, 2014 at *http://nano.gov/node/1150.* Due to space limitations, pre-registration for the workshop is required. Written notices of participation should be sent to *jbeamon@nnco.nano.gov* or to Jewel Beamon, 4201 Wilson Blvd., Stafford II, Suite 405, Arlington, VA 22230. Please provide your full name, title, affiliation and email or mailing address when registering. Registration is on a first-come, first-served basis until capacity is reached. Written or electronic comments should be submitted by email to *jbeamon@nnco.nano.gov* until close of business August 21, 2014.

Meeting Accommodations: Individuals requiring special accommodation to access this webinar should contact Jewel Beamon at 703–292–7741 at least ten business days prior to the meeting so that appropriate arrangements can be made.

Ted Wackler,

Deputy Chief of Staff and Assistant Director.

[FR Doc. 2014–18715 Filed 8–4–14; 4:15 pm]

BILLING CODE 3270–F4–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72742; File No. SR–CBOE–2014–059]

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating To Amend Market-Maker Quoting Obligations

August 1, 2014.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on July 22, 2014, Chicago Board Options Exchange, Incorporated (the ''Exchange'' or

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

''CBOE'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend its rules regarding Market-Maker quoting obligations. The text of the proposed rule change is available on the Exchange's Web site (*http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to amend Rules 1.1(ccc), 8.7, 8.13, 8.15A, and 8.85: (i) To provide that compliance with continuous quoting obligations apply to Market-Makers' appointed classes collectively and (ii) to provide that the Exchange will determine Market-Makers' compliance with continuous quoting obligations on a monthly basis. These changes do not substantially change Market-Makers' quoting obligations and make CBOE's Market-Maker obligations more consistent with market-maker obligations at other options exchanges. The proposed rule change only changes how and when the Exchange determines a Market-Maker's compliance with continuous quoting obligations.

Collective Application

Rule 1.1(ccc) currently provides that a Market-Maker who is obligated to provide continuous electronic quotes on the Exchange's Hybrid Trading System will be deemed to have provided continuous electronic quotes if the Market-Maker provides electronic two-sided quotes for 90% of the time that the Market-Maker is required to provide electronic quotes in an appointed option class on a given trading day.[3] Rules 8.7, 8.13, 8.15A, and 8.85 impose the following continuous electronic quoting obligations on Market-Makers, Preferred Market-Makers (''PMMs''), Lead Market-Makers (''LMMs''), and Designated Primary Market-Makers (''DPMs''), respectively (collectively, ''Market-Makers'' unless the context otherwise requires):[4]

- Rule 8.7(d)(ii)(B) requires Market-Makers to provide continuous electronic quotes when quoting in a particular class on a given trading day in 60% of the non-adjusted option series of the Market-Maker's appointed class that have a time to expiration of less than nine months;[5]
- Rule 8.13(d) requires PMMs to provide continuous electronic quotes when the Exchange is open for trading in at least the lesser of 99% of the non-adjusted option series that have a time to expiration of less than nine months or 100% of the non-adjusted option series that have a time to expiration of less than nine months minus one call-put pair[6] of each class for which it receives Preferred Market-Maker orders;
- Rule 8.15A(b)(i) requires LMMs to provide continuous electronic quotes when the Exchange is open for trading in at least the lesser of 99% of the non-adjusted option series or 100% of the non-adjusted option series minus one call-put pair within their assigned classes; and
- Rule 8.85(a)(i) requires DPMs to provide continuous electronic quotes when the Exchange is open for trading in at least the lesser of 99% of the non-adjusted option series or 100% of the non-adjusted option series minus one call-put pair in each of their allocated classes.

These continuous electronic quoting obligations do not apply to intra-day add-on series on the day during which such series are added for trading.

CBOE proposes to amend Rules 1.1(ccc),[7] 8.7(d)(ii)(B), 8.13(d), 8.15A(b)(i), and 8.85(a)(i) to provide that the continuous electronic quoting obligation for Market-Makers will be applied collectively across all classes in which the Market-Maker has appointments (as discussed above, with respect to each Market-Maker type as the Market-Maker is approved to act), rather than on a class-by-class basis.[8]

[3] Rule 1.1(ccc) also provides that if a technical failure or limitation of a system of the Exchange prevents a Market-Maker from maintaining or communicating to the Exchange timely and accurate electronic quotes in a class, the duration of such failure will not be considered in determining whether the Market-Maker has satisfied the 90% quoting standard with respect to that class. The Exchange may consider other exceptions to this continuous electronic quote obligation based on demonstrated legal or regulatory requirements or other mitigating circumstances.

[4] Rule 8.15 imposes obligations on LMMs in Hybrid 3.0 classes. The Exchange intends to propose similar changes to those obligations in a separate rule filing that will update those obligations, including codify Hybrid 3.0 LMMs' continuous quoting obligations.

[5] This obligation applies in classes to which a Market-Maker is appointed and transacts more than 20% of its contract volume electronically. The proposed rule change makes nonsubstantive, technical changes to the introductory language and headings in Rule 8.7(d) that are consistent with the existing rule text in that paragraph.

[6] A ''call-put'' pair refers to one call and one put that cover the same underlying instrument and have the same expiration date and exercise price.

[7] The proposed rule change indicates that the quoting obligation applies collectively with respect to each Market-Maker type as the Hybrid Market-Maker is approved to act. As this rule filing demonstrates, the Exchange has several types of Market-Makers, each of which has separate quoting obligations. Thus, the collective application of the continuous quoting obligation applies to classes for each Market-Maker type (*i.e.* classes for which the Market-Maker has the same quoting obligation). For example, if a Market-Maker is a Trading Permit Holder organization with appointments in ten classes, with 100 series in each, for a total of 1,000 series (with an obligation to quote in 60% of the series in those classes 90% of the time it is quoting in those classes) and acts as a DPM in three classes, with 100 series in each, for a total of 300 series (with an obligation to quote the lesser of 99% of the series or 100% of the series minus one call-put pair in those classes 90% of the time), for purposes of compliance with the continuous quoting obligation, the Trading Permit Holder must quote in 600 series (or 60% of the series) in the ten Market-Maker classes collectively for 90% of the time it is quoting in those classes and 297 series (or 99% of the series) in the three DPM classes collectively for 90% of the trading day. While other exchanges do not explicitly state this in their rules, the Exchange believes this is consistent with the application of those exchanges' rules, as it would not be possible to apply the collective standard across classes for which a Market-Maker has different quoting obligations.

[8] With respect to Rule 8.7(d)(ii)(B), the proposed rule change indicates that it applies collectively to all appointed classes for which it must maintain continuous electronic quotes (*i.e.* those classes in which the Market-Maker transacts more than 20% of its contract volume electronically). The proposed rule change makes a corresponding change to Rule 8.7(d)(iii), including adding an example to demonstrate the collective application of the continuous electronic quoting obligation for Market-Makers. The proposed rule change makes corresponding changes to Rule 8.13(d) to delete rule text that a PMM must quote the specified percentage of series in each class it receives PMM orders, to Rule 8.15A(b)(ii) [sic] to delete rule text that an LMM must quote the specified percentage of series within its assigned classes, and to Rule 8.85(a)(i) to delete rule text that a DPM must quote the specified percentage of series in each class

Continued

The Exchange believes that applying the continuous electronic quoting requirements for Market-Makers collectively across all classes is a fair and efficient way for the Exchange and market participants to evaluate compliance with the continuous electronic quoting obligation. Applying the continuous electronic quoting requirements collectively across all classes rather than on a class-by-class basis is beneficial to Market-Makers by providing some flexibility to choose which series in their appointed classes they will continuously electronically quote—increasing the continuous electronic quoting in the series of one class while allowing for a decrease in the continuous electronic quoting in the series of another class. This flexibility, however, does not diminish the Market-Maker's obligation to continuously electronically quote in a significant percentage of series for a significant part of the trading day. This flexibility is especially important for classes that have relatively few series and may prevent a Market-Maker from reaching the continuous electronic quoting obligation when failing to quote 90% of the trading day in more than one series in an appointed class. The Exchange believes that the proposed rule change will not diminish, and may in fact increase, market-making activity on the Exchange, by applying continuous electronic quoting obligations in a reasonable manner, which is already in place on other options exchanges.[9]

Monthly Compliance

The continuous electronic quoting obligations described above apply on a daily basis. CBOE proposes to amend Rules 1.1(ccc), 8.7(d)(iii), 8.13(d), 8.15A(b)(i), and 8.85(a)(i) to provide that the Exchange will determine compliance by Market-Makers with continuous electronic quoting obligations on a monthly basis.[10] Determining compliance with these quoting obligations does not relieve Market-Makers from meeting these quoting obligations on a daily basis, nor does it prohibit the Exchange from taking disciplinary action against Market-Makers for failing to meet any of these requirements each trading day.

Similar to the proposed rule change to apply continuous electronic quoting obligations to all classes collectively, the Exchange believes that reviewing compliance on a monthly basis is a fair and more efficient way for the Exchange and market participants to evaluate compliance with these quoting obligations. Reviewing compliance on a monthly basis allows the Exchange to review a Market-Maker's daily compliance in the aggregate and determine the appropriate disciplinary action for single or multiple compliance failures during a one-month period. CBOE believes that the proposed rule change will not diminish, and in fact may increase, market-making on the Exchange by establishing quoting compliance standards that are reasonable and, with respect to continuous electronic quoting obligations, already in place on other options exchanges.[11] CBOE also believes that determining compliance by Market-Makers with all of these quoting obligations on a monthly basis will facilitate CBOE's determination of appropriate penalties or other remedial measures for violation(s) of these obligations.

The Exchange will announce the implementation date of the proposed rule change in a Regulatory Circular to be published no later than 90 days following the effective date. The implementation date will be no later than 180 days following the effective date. Because the proposed change provides for a monthly compliance standard, the Exchange believes it is appropriate for implementation of the proposed rule change to occur on the first trading day of a month. Additionally, the implementation date will provide sufficient time for the Exchange to make any necessary changes to its surveillances with respect to continuous quoting obligations and for Market-Makers to make any system changes in connection with the proposed collective standard.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Act and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[12] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[13] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[14] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The proposed rule change removes impediments to and perfects the mechanisms of a free and open market and a national market system because it is consistent with standards currently in place on other options exchanges. With respect to the application of continuous electronic quoting obligations collectively, the Exchange believes that providing Market-Makers with flexibility to satisfy their continuous electronic quoting obligations collectively across their appointed classes will not diminish Market-Makers' obligations to provide continuous electronic quotes in a significant percentage of series for a significant part of the trading day. With respect to the monthly compliance standard, the Exchange believes that the proposed rule change will enhance compliance efforts by Market-Makers and the Exchange. The Exchange believes that determining compliance with continuous electronic quoting obligations on a monthly basis will prevent fraudulent and manipulative acts and practices and to promote just and equitable principles of trade, because it will increase regulatory efficiency to the benefit of both the Exchange and market participants. The Exchange believes that the proposed rule change will not diminish, and in fact may increase, market-making

allocated to it. This language is no longer applicable given the proposed collectively application of the continuous quoting obligation.

[9] *See, e.g.,* Box Options Exchange, LLC (''BOX'') Rule 8050(e); International Securities Exchange, LLC (''ISE'') Rule 804, Supplementary Material .01; Miami International Securities Exchange, LLC (''MIAX'') Rule 604(e); NYSE Arca, Inc. (''NYSE Arca'') Options Rules 6.37B(b) and (c) and 6.88(iv); and NYSE MKT LLC (''NYSE MKT'') Options Rules 925.1NY(b) and (c) and 964.1NY(iv).

[10] The Exchange will continue to provide to Market-Makers daily reports to enable them to monitor their compliance with their quoting obligations. On the basis of these daily reports, the Exchange will continue to monitor Market-Maker compliance on a daily basis and inform Market-Makers if they are failing to satisfy their quoting obligations. Additionally, on the basis of this daily monitoring activity, the Exchange can determine whether Market-Makers violated any other Exchange rules, such as Rule 4.1 regarding just and equitable principles of trade. This daily monitoring will allow the Exchange to investigate unusual activity and to take appropriate regulatory action.

[11] *See, e.g.,* ISE Rule 804(e), Supplementary Material .01; MIAX Rule 604(e); and NASDAQ OMX PHLX LLC (''PHLX'') Rule 1014(b)(ii)(D)(1) and (2).

[12] 15 U.S.C. 78f(b).

[13] 15 U.S.C. 78f(b)(5).

[14] *Id.*

activity and liquidity on the Exchange by establishing a quoting compliance standard that is reasonable and is already in place on other options exchanges.

CBOE continues to believe that the balance between the obligations imposed on and benefits provided to Market-Makers under the rules is appropriate. The proposed rule change does not diminish any of the obligations imposed on Market-Makers. Rather, it merely changes how the continuous electronic quoting obligation is applied and when the Exchange determines compliance with continuous electronic quoting obligations. The Exchange notes that Market-Makers are subject to many obligations under the rules, including the obligation to satisfy bid/ask differential requirements, to meet minimum quote size requirements, and to contribute to the maintenance of a fair and orderly market in their appointed classes, which the Exchange believes will ensure continued liquidity on the Exchange. CBOE believes that its proposed rule change is consistent with the Act in that providing flexibility does not detract from the overall market-making obligations of Market-Makers. The proposed rule change better supports a Market-Maker's continuous obligation to engage in dealings for its own account. Accordingly, any benefits of the proposed rule change to provide flexibility to Market-Makers are offset by the continued responsibilities to provide significant liquidity to the market to the benefit of all market participants.

B. Self-Regulatory Organization's Statement on Burden on Competition

CBOE does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change applies to all Market-Makers. All Market-Makers may benefit from the flexibility provided by the proposed rule change, which benefit is offset by the continued responsibilities to provide significant liquidity to the market to the benefit of all market participants. The proposed rule change to the compliance standard does not change the obligations imposed on Market-Makers; it merely changes the time at which the Exchange will determine compliance with these obligations. The proposed rule change is substantially similar to rules in place at other options exchanges, which the Exchange believes may enhance, rather than burden, competition among the options exchanges. CBOE is better able to compete for liquidity providers when its Market-Maker obligations are consistent with those of other options exchanges, which may increase competition and liquidity on CBOE. Market participants on other exchanges are welcome to trade at CBOE if they determine that this proposed rule change has made CBOE more attractive or favorable to them.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to paragraph (A) of section 19(b)(3) of the Exchange Act [15] and Rule 19b–4(f)(6) thereunder.[16] Because the proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days after the date of the filing, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [17] and Rule 19b–4(f)(6)(iii) thereunder.[18]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–CBOE–2014–059 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–CBOE–2014–059. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CBOE–2014–059 and should be submitted on or before August 28, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[19]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2014–18650 Filed 8–6–14; 8:45 am]

BILLING CODE 8011–01–P

[15] 15 U.S.C. 78s(b)(3)(A).

[16] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires the Exchange to give the Commission written notice of the Exchange's intent to file the proposed rule change along with a brief description and the text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this pre-filing requirement.

[17] 15 U.S.C. 78s(b)(3)(A).

[18] 17 CFR 240.19b–4(f)(6)(iii).

[19] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72741; File No. SR–C2–2014–015]

Self-Regulatory Organizations; C2 Options Exchange, Incorporated; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating To Amend Market-Maker Quoting Obligations

August 1, 2014.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on July 22, 2014, C2 Options Exchange, Incorporated (the ''Exchange'' or ''C2'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend its rules regarding Market-Maker continuous quoting obligations.

The text of the proposed rule change is available on the Exchange's Web site (*http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to amend Rules 8.5, 8.13 and 8.17: (i) To provide that compliance with continuous quoting obligations apply to Market-Makers' appointed classes collectively and (ii) to provide that the Exchange will determine Market-Makers' compliance with continuous quoting obligations on a monthly basis. These changes do not substantially change Market-Makers' quoting obligations and make C2's Market-Maker obligations more consistent with market-maker obligations at other options exchanges. The proposed rule change only changes how and when the Exchange determines a Market-Maker's compliance with continuous quoting obligations.

Collective Application

Rules 8.5, 8.13, 8.17 impose the following continuous electronic quoting obligations on Market-Makers, Preferred Market-Makers (''PMMs''), and Designated Primary Market-Makers (''DPMs''), respectively (collectively, ''Market-Makers'' unless the context otherwise requires):

- Rule 8.7(a)(1) requires Market-Makers to maintain a continuous two-sided market in 60% of the non-adjusted option series of each registered class that have a time to expiration of less than nine months, with continuous meaning 90% of the time;[3]
- Rule 8.13(d) requires PMMs to provide continuous electronic quotes in at least 90% of the non-adjusted option series of each class for which it receives Preferred Market-Maker orders, with continuous meaning 99% of the time;[4] and
- Rule 8.17(a)(1) requires DPMs to provide continuous quotes in at least the lesser of 99% of the non-adjusted option series or 100% of the non-adjusted option series minus one call-put pair[5] in each of their allocated classes, with continuous meaning 90% of the time.[6]

C2 proposes to amend Rules 8.7(a)(1), 8.13(d), and 8.17(a)(1) to provide that the continuous quoting obligation for Market-Makers will be applied collectively across all classes in which the Market-Maker has appointments[7], rather than on a class-by-class basis.[8] The Exchange believes that applying the continuous quoting requirements for Market-Makers collectively across all classes is a fair and efficient way for the Exchange and market participants to evaluate compliance with the continuous quoting obligation.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Rule 8.7(a)(1) also provides that if a technical failure or limitation of the System prevents a Market-Maker from maintaining, or communicating to the Exchange, timely and accurate quotes in a series, the duration of such failure will not be considered in determining whether the Market-Maker has satisfied the 90% quoting standard with respect to that series. The Exchange may consider other exceptions to this continuous electronic quote obligation based on demonstrated legal or regulatory requirements or other mitigating circumstances. It further provides that this quoting obligation does not apply to intra-day add-on series on the day during which such series are added for trading.

[4] Rule 8.13(d) also provides that if a technical failure or limitation of the System prevents a Market-Maker from maintaining, or communicating to the Exchange, timely and accurate quotes in a series, the duration of such failure will not be considered in determining whether the Market-Maker has satisfied the 90% quoting standard with respect to that series. The Exchange may consider other exceptions to this continuous electronic quote obligation based on demonstrated legal or regulatory requirements or other mitigating circumstances.

[5] A ''call-put'' pair refers to one call and one put that cover the same underlying instrument and have the same expiration date and exercise price.

[6] Rule 8.17(a)(1) also provides that if a technical failure or limitation of the System prevents a Market-Maker from maintaining, or communicating to the Exchange, timely and accurate quotes in a series, the duration of such failure will not be considered in determining whether the Market-Maker has satisfied the 90% quoting standard with respect to that series. It further provides that this quoting obligation does not apply to intra-day add-on series on the day during which such series are added for trading. The proposed rule change adds that the Exchange may consider other exceptions to this continuous electronic quote obligation based on demonstrated legal or regulatory requirements or other mitigating circumstances, consistent with the Exchange's ability to do so for Market-Makers and PMMs. This language was previously and inadvertently omitted form [sic] the rules. The Exchange believes it is reasonable and fair to DPMs to have this authority for all Market-Makers.

[7] As this rule filing demonstrates, the Exchange has several types of Market-Makers, each of which has separate quoting obligations. The Exchange notes that proposed rule change to apply the quoting obligation collectively applies with respect to each Market-Maker type as the Market-Maker is approved to act. Thus, the collective application of the continuous quoting obligation applies to classes for each Market-Maker type (*i.e.* classes for which the Market-Maker has the same quoting obligation). For example, if a Market-Maker is a Permit Holder organization with appointments in ten classes, with 100 series in each, for a total of 1,000 series (with an obligation to quote in 60% of the series in those classes 90% of the time it is quoting in those classes) and acts as a DPM in three classes, with 100 series in each, for a total of 300 series (with an obligation to quote 99% (or 100% minus one call-put pair) of the series in those classes 90% of the time), for purposes of compliance with the continuous quoting obligation, the Permit Holder must quote in 600 series (or 60% of the series) in the ten Market-Maker classes collectively for 90% of the time it is quoting in those classes and 297 series (or 99% of the series) in the three DPM classes collectively for 90% of the trading day. The Exchange believes this is consistent with the application of those exchanges' rules, as it would not be possible to apply the collective standard across classes for which a Market-Maker has different quoting obligations.

[8] The proposed rule change makes corresponding changes to Rule 8.13(d) to delete rule text that a PMM must quote the specified percentage of series in each class it receives PMM orders and to Rule 8.17(a)(1) to delete rule text that a DPM must quote the specified percentage of series in each class allocated to it. This language is no longer applicable given the proposed collectively application of the continuous quoting obligation.

Applying the continuous electronic quoting requirements collectively across all classes rather than on a class-by-class basis is beneficial to Market-Makers by providing some flexibility to choose which series in their appointed classes they will continuously quote—increasing the continuous quoting in the series of one class while allowing for a decrease in the continuous quoting in the series of another class. This flexibility, however, does not diminish the Market-Maker's obligation to continuously quote in a significant percentage of series for a significant part of the trading day. This flexibility is especially important for classes that have relatively few series and may prevent a Market-Maker from reaching the continuous quoting obligation when failing to quote 90% or 99% of the trading day, as applicable, in more than one series in an appointed class. The Exchange believes that the proposed rule change will not diminish, and may in fact increase, market-making activity on the Exchange, by applying continuous quoting obligations in a reasonable manner, which is already in place on other options exchanges.[9]

Monthly Compliance

The continuous quoting obligations described above apply on a daily basis. C2 proposes to amend Rules 8.7(a)(1), 8.13(d), and 8.17(a)(1) to provide that the Exchange will determine compliance by Market-Makers with continuous quoting obligations on a monthly basis.[10] Determining compliance with these quoting obligations does not relieve Market-Makers from meeting these quoting obligations on a daily basis, nor does it prohibit the Exchange from taking disciplinary action against Market-Makers for failing to meet any of these requirements each trading day.

Similar to the proposed rule change to apply continuous quoting obligations to all classes collectively, the Exchange believes that reviewing compliance on a monthly basis is a fair and more efficient way for the Exchange and market participants to evaluate compliance with these quoting obligations. Reviewing compliance on a monthly basis allows the Exchange to review a Market-Maker's daily compliance in the aggregate and determine the appropriate disciplinary action for single or multiple compliance failures during a one-month period. C2 believes that the proposed rule change will not diminish, and in fact may increase, market-making on the Exchange by establishing quoting compliance standards that are reasonable and already in place on other options exchanges.[11] C2 also believes that determining compliance by Market-Makers with quoting obligations on a monthly basis will facilitate C2's determination of appropriate penalties or other remedial measures for violation(s) of these obligations.

The Exchange will announce the implementation date of the proposed rule change in a Regulatory Circular to be published no later than 90 days following the effective date. The implementation date will be no later than 180 days following the effective date. Because the proposed change provides for a monthly compliance standard, the Exchange believes it is appropriate for implementation of the proposed rule change to occur on the first trading day of a month. Additionally, the implementation date will provide sufficient time for the Exchange to make any necessary changes to its surveillances with respect to continuous quoting obligations and for Market-Makers to make any system changes in connection with the proposed collective standard.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with Act and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[12] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[13] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[14] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The proposed rule change removes impediments to and perfects the mechanisms of a free and open market and a national market system because it is consistent with standards currently in place on other options exchanges. With respect to the application of continuous electronic quoting obligations collectively, the Exchange believes that providing Market-Makers with flexibility to satisfy their continuous quoting obligations collectively across their appointed classes will not diminish Market-Makers' obligations to provide continuous quotes in a significant percentage of series for a significant part of the trading day. With respect to the monthly compliance standard, the Exchange believes that the proposed rule change will enhance compliance efforts by Market-Makers and the Exchange. The Exchange believes that determining compliance with continuous quoting obligations on a monthly basis will prevent fraudulent and manipulative acts and practices and to promote just and equitable principles of trade, because it will increase regulatory efficiency to the benefit of both the Exchange and market participants. The Exchange believes that the proposed rule change will not diminish, and in fact may increase, market-making activity and liquidity on the Exchange by establishing a quoting compliance standard that is reasonable and is already in place on other options exchanges.

C2 continues to believe that the balance between the obligations imposed on and benefits provided to Market-Makers under the rules is appropriate. The proposed rule change does not diminish any of the obligations imposed on Market-Makers. Rather, it merely changes how the continuous quoting obligation is applied and when the Exchange determines compliance with continuous quoting obligations. The Exchange notes that Market-Makers

[9] *See, e.g.,* Box Options Exchange, LLC (''BOX'') Rule 8050(e); International Securities Exchange, LLC (''ISE'') Rule 804, Supplementary Material .01; Miami International Securities Exchange, LLC (''MIAX'') Rule 604(e); NYSE Arca, Inc. (''NYSE Arca'') Options Rules 6.37B(b) and (c) and 6.88(iv); and NYSE MKT LLC (''NYSE MKT'') Options Rules 925.1NY(b) and (c) and 964.1NY(iv).

[10] The Exchange will continue to provide to Market-Makers daily reports to enable them to monitor their compliance with their quoting obligations. On the basis of these daily reports, the Exchange will continue to monitor Market-Maker compliance on a daily basis and inform Market-Makers if they are failing to satisfy their quoting obligations. Additionally, on the basis of this daily monitoring activity, the Exchange can determine whether Market-Makers violated any other Exchange rules, such as Chicago Board Options Exchange, Incorporated (CBOE) Rule 4.1 (which is incorporated into C2 Rules pursuant to Chapter 4) regarding just and equitable principles of trade. This daily monitoring will allow the Exchange to investigate unusual activity and to take appropriate regulatory action.

[11] *See, e.g.,* BOX Rule 8050(e); ISE Rule 804(e), Supplementary Material .01; and MIAX Rule 604(e).

[12] 15 U.S.C. 78f(b).

[13] 15 U.S.C. 78f(b)(5).

[14] *Id.*

are subject to many obligations under the rules, including the obligation to contribute to the maintenance of a fair and orderly market in their appointed classes, which the Exchange believes will ensure continued liquidity on the Exchange. C2 believes that its proposed rule change is consistent with the Act in that providing flexibility does not detract from the overall market-making obligations of Market-Makers. The proposed rule change better supports a Market-Maker's continuous obligation to engage in dealings for its own account. Accordingly, any benefits of the proposed rule change to provide flexibility to Market-Makers are offset by the continued responsibilities to provide significant liquidity to the market to the benefit of all market participants.

B. Self-Regulatory Organization's Statement on Burden on Competition

C2 does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change applies to all Market-Makers. All Market-Makers may benefit from the flexibility provided by the proposed rule change, which benefit is offset by the continued responsibilities to provide significant liquidity to the market to the benefit of all market participants. The proposed rule change to the compliance standard does not change the obligations imposed on Market-Makers; it merely changes the time at which the Exchange will determine compliance with these obligations. The proposed rule change is substantially similar to rules in place at other options exchanges, which the Exchange believes may enhance, rather than burden, competition among the options exchanges. C2 is better able to compete for liquidity providers when its Market-Maker obligations are consistent with those of other options exchanges, which may increase competition and liquidity on C2. Market participants on other exchanges are welcome to trade at C2 if they determine that this proposed rule change has made C2 more attractive or favorable to them.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to paragraph (A) of section 19(b)(3) of the Exchange Act [15] and Rule 19b–4(f)(6) thereunder.[16] Because the proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days after the date of the filing, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [17] and Rule 19b–4(f)(6)(iii) thereunder.[18]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule–comments@sec.gov.* Please include File Number SR–C2–2014–015 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–C2–2014–015. 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–C2–2014–015 and should be submitted on or before August 28, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[19]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2014–18649 Filed 8–6–14; 8:45 am]

BILLING CODE 8011–01–P

[15] 15 U.S.C. 78s(b)(3)(A).

[16] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires the Exchange to give the Commission written notice of the Exchange's intent to file the proposed rule change along with a brief description and the text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this pre-filing requirement.

[17] 15 U.S.C. 78s(b)(3)(A).

[18] 17 CFR 240.19b–4(f)(6)(iii).

[19] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72739; File No. SR–ISEGemini–2014–15]

Self-Regulatory Organizations; ISE Gemini, LLC; Order Approving Proposed Rule Change on Bid/Offer Differentials for In-The-Money Option Series

August 1, 2014.

I. Introduction

On June 4, 2014, the ISE Gemini, LLC (''ISE Gemini'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act

of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule change to amend its rules to require that market makers quoting certain in-the-money options series maintain quotes that are no wider than the spread between the national best bid and offer (''NBBO'') in the underlying security. The proposed rule change was published for comment in the **Federal Register** on June 20, 2014.[3] The Commission received no comment letters on the proposed rule change. This order approves the proposed rule change.

II. Description

ISE Gemini Rule 803(b)(4)(i) presently permits market makers to submit quotes with wider bid/offer differentials for in-the-money options series where the market for the underlying security is wider than the market maker's regular quotation requirements. In particular, a market maker quoting an in-the-money options series may submit quotes that are as wide as the quotation on the primary market of the underlying security.

ISE Gemini proposes to change this obligation to instead require that market makers quoting these in-the-money options series maintain quotes that are no wider than the spread between the NBBO in the underlying security. ISE Gemini believes that measuring the permissible width of a market maker's quote against the NBBO more accurately reflects the current trading environment where multiple trading venues contribute to the prevailing market price of a security underlying an options series traded on ISE Gemini. Further, ISE Gemini explains that a market maker quoting an in-the-money options series can hedge its position by trading in the underlying security at the NBBO, which may be narrower than the quotation on the primary market. In addition, ISE Gemini believes that requiring market makers to post tighter quotes will improve market quality.

III. Discussion and Commission Findings

After carefully considering 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.[4] In particular, the Commission finds that the proposed rule change is consistent with Section 6(b)(5) of the Act,[5] 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 transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest. The Commission notes that the proposal should improve market quality by narrowing spreads to the benefit of investors.

IV. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change (SR–ISEGemini–2014–15), be, and hereby is, approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[6]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–18634 Filed 8–6–14; 8:45 am]

BILLING CODE 8011–01–P

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 72398 (June 16, 2014), 79 FR 35397 (June 20, 2014) (''Notice'').

[4] 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).

[5] 15 U.S.C. 78f(b)(5).

[6] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72740; File No. SR–ISE–2014–31]

Self-Regulatory Organizations; International Securities Exchange, LLC; Order Approving Proposed Rule Change on Bid/Offer Differentials for In-The-Money Option Series

August 1, 2014.

I. Introduction

On June 4, 2014, the International Securities Exchange, LLC (''ISE'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule change to amend its rules to require that market makers quoting certain in-the-money options series maintain quotes that are no wider than the spread between the national best bid and offer (''NBBO'') in the underlying security. The proposed rule change was published for comment in the **Federal Register** on June 20, 2014.[3] The Commission received no comment letters on the proposed rule change. This order approves the proposed rule change.

II. Description

ISE Rule 803(b)(4)(i) presently permits market makers to submit quotes with wider bid/offer differentials for in-the-money options series where the market for the underlying security is wider than the market maker's regular quotation requirements. In particular, a market maker quoting an in-the-money options series may submit quotes that are as wide as the quotation on the primary market of the underlying security.

ISE proposes to change this obligation to instead require that market makers quoting these in-the-money options series maintain quotes that are no wider than the spread between the NBBO in the underlying security. ISE believes that measuring the permissible width of a market maker's quote against the NBBO more accurately reflects the current trading environment where multiple trading venues contribute to the prevailing market price of a security underlying an options series traded on the ISE. Further, ISE explains that a market maker quoting an in-the-money options series can hedge its position by trading in the underlying security at the NBBO, which may be narrower than the quotation on the primary market. In addition, ISE believes that requiring market makers to post tighter quotes will improve market quality.

III. Discussion and Commission Findings

After carefully considering 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.[4] In particular, the Commission finds that the proposed rule change is consistent with Section 6(b)(5) of the Act,[5] 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 transactions in securities, to remove impediments to and perfect the mechanism of a free and open

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 72399 (June 16, 2014), 79 FR 35396 (June 20, 2014) (''Notice'').

[4] 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).

[5] 15 U.S.C. 78f(b)(5).

market and a national market system and, in general, to protect investors and the public interest. The Commission notes that the proposal should improve market quality by narrowing spreads to the benefit of investors.

IV. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change (SR–ISE–2014–31), be, and hereby is, approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[6]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–18635 Filed 8–6–14; 8:45 am]

BILLING CODE 8011–01–P

[6] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72743; File No. SR–MSRB–2014–04]

Self-Regulatory Organizations; Municipal Securities Rulemaking Board; Order Granting Approval of a Proposed Rule Change Consisting of Proposed Amendments to Rule G–3, on Classification of Principals and Representatives, Numerical Requirements, Testing, Continuing Education Requirements; Rule G–7, on Information Concerning Associated Persons; and Rule G–27, on Supervision

August 1, 2014.

I. Introduction

On June 6, 2014, the Municipal Securities Rulemaking Board (the ''MSRB'' or ''Board'') filed with the Securities and Exchange Commission (the ''SEC'' or ''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 consisting of proposed amendments to Rule G–3, on classification of principals and representatives, numerical requirements, testing, continuing education requirements; Rule G–7, on information concerning associated persons; and Rule G–27, on supervision. The proposed rule change was published for comment in the **Federal Register** on June 24, 2014.[3] The Commission received one comment letter on the proposal.[4] This order approves the proposed rule change.

II. Description of the Proposed Rule Change

The MSRB states that the proposed rule change would: (1) Amend MSRB Rule G–3(a) to limit the scope of permitted activities of a limited representative—investment company and variable contracts products (''Limited Representative'') to sales to and purchases from customers of municipal fund securities; (2) eliminate the Financial and Operations Principal (''FINOP'') classification, qualification and numerical requirements in MSRB Rule G–3(d); (3) clarify in Supplementary Material .01 to Rule G–3 that references to sales include the solicitation of sales of municipal securities; and (4) make certain technical amendments to (i) re-title Rule G–3 and its subparagraph (a) and define the Limited Representative classification, (ii) reorganize Rules G–3 and G–7(a), and (iii) remove references to the FINOP in Rules G–7 and G–27.[5]

1. Proposed Changes to Rule G–3(a)—Limited Representative

According to the MSRB, the proposed rule change will better align the activities permitted of Limited Representatives with the competencies tested in the Limited Representative—Investment Company and Variable Contracts Products Examination (''Series 6 examination'') administered by the Financial Industry Regulatory Authority (''FINRA'').[6] Currently, Limited Representatives are individuals whose activities, with respect to municipal fund securities,[7] may include (1) underwriting or sales; (2) research or investment advice with regard to underwriting or sales; or (3) any other activities that involve communication, directly or indirectly, with public investors with regard to underwriting or sales. According to the MSRB, Limited Representatives qualify as such by, among other requirements, passing the Series 6 examination.[8]

The MSRB has represented that the proposed rule change would narrow the activities permitted of Limited Representatives exclusively to sales to and purchases from customers of municipal fund securities.[9] The MSRB stated that the proposed rule change is appropriate because the Series 6 examination focuses on purchases and sales activities, commensurate with the scope of permissible activities under NASD Rule 1032(b).[10] The MSRB believes that individuals engaging in activities other than sales of municipal fund securities should be required to take and pass the Municipal Securities Representative Qualification Examination (''Series 52 exam''), which tests the basic competency to perform the activities described in MSRB Rule G–3(a)(i)(A).[11] According to the MSRB, the proposed rule change would harmonize MSRB and FINRA rules by limiting the activities of individuals solely qualified by having passed the Series 6 examination to sales-related activities and, under MSRB rules, exclusively to municipal fund securities sales-related activities.[12]

2. Elimination of MSRB's FINOP Requirement

According to the MSRB, the proposed rule change also would eliminate the MSRB FINOP classification and the requirement that certain dealers designate at least one such principal (collectively referred to herein as the ''FINOP requirement'').[13] The MSRB conducted a review of the professional qualification requirements in Rule G–3 and determined that the FINOP requirement in Rule G–3(d) is unnecessary and duplicative of other regulations, such as NASD Rule 1022(b).[14] According to the MSRB, the responsibilities and duties of FINOPs pertaining to municipal securities are not unique, and FINRA rules establish general responsibilities and duties for such individuals.[15] The MSRB believes that FINRA's regulation of FINOPs is more appropriate in that the core responsibilities of a FINOP pertain to the dealer's financial reports and supervision of the dealer's activities

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Securities Exchange Act Release No. 34–72425 (June 18, 2014), 79 FR 35829 (June 24, 2014) (the ''Notice'').

[4] *See* Letter to Elizabeth M. Murphy, Secretary, Commission, from David L. Cohen, Managing Director and Associate General Counsel, Securities Industry and Financial Markets Association, dated July 15, 2014 (''SIFMA Letter'').

[5] *See supra* note 3.

[6] *Id.*

[7] Under MSRB Rule D–12, ''municipal fund security shall mean a municipal security issued by an issuer that, but for the application of Section 2(b) of the Investment Company Act of 1940, would constitute an investment company within the meaning of Section 3 of the Investment Company Act of 1940.''

[8] *See supra* note 3.

[9] *Id.*

[10] NASD Rule 1032(b) has been incorporated in the FINRA Manual and continues to be referred to as an NASD rule.

[11] *See supra* note 3.

[12] Under NASD Rule 1032(b), individuals who have taken and passed the Series 6 examination may only engage in sales activity related to investment company and variable contracts products.

[13] *See supra* note 3.

[14] *Id.*

[15] *Id.*

under the financial responsibility rules.[16]

Currently, MSRB Rule G–3(d) requires that every dealer, excluding bank dealers or certain other dealers identified by reference to the SEC net capital rule, designate at least one FINOP, including its chief financial officer.[17] According to the MSRB, given the exclusions in the rule, only a limited number of dealers are required to designate an individual as a FINOP, and under Rule G–3(d)(ii) these individuals must be qualified in accordance with FINRA rules.[18] As such, individuals seeking qualification as a FINOP must pass the Financial and Operations Principal Qualification Examination (''Series 27 examination'') administered by FINRA.[19] According to the MSRB, the Series 27 examination focuses primarily on financial reporting requirements, net capital requirements, customer protection rules, and other regulations relevant to the role of a chief financial officer or similar financial officer at an investment firm.[20] The MSRB stated that the examination tests few concepts specifically related to MSRB rules or municipal securities, and the MSRB believes that adding additional municipal securities content to the examination would likely be at odds with regulatory priorities.[21]

The MSRB further stated that a dealer's municipal securities principal would remain responsible for supervising its municipal securities activities, including its operations (such as processing, clearance and safekeeping of municipal securities), pursuant to Rule G–3(b)(i) and G–27(b)(ii)(C).[22] The MSRB believes that the municipal securities principal requirement ensures sufficient oversight of the operations activities of dealers pertaining to municipal securities transactions.[23]

3. Rule G–3 Supplementary Material .01

Supplementary Material .01 makes clear that the term ''sales'' in Rule G–3 also includes the solicitation of sales.[24] According to the MSRB, including the solicitation of sales would apply to all references to sales in the rule and would serve to clarify the permissible activities of municipal securities professionals that are appropriately registered to engage in, or to supervise, sales to and purchases from customers of municipal securities.[25]

4. Technical and Conforming Amendments

To clarify certain MSRB rules and to conform other rules to the rules amended by the proposed rule change, the MSRB proposed several technical amendments.[26] The MSRB believes that these non-substantive changes will provide clarity and promote a better understanding of MSRB rules.[27] First, the MSRB proposed to simplify the title of Rule G–3 by changing it to the more self-explanatory: ''Professional Qualification Requirements.''[28] Second, (i) the heading of Rule G–3(a) would be changed to incorporate the Limited Representative classification, (ii) paragraph (a)(i)(C) of Rule G–3 would be added to define the Limited Representative classification, (iii) paragraph (a)(ii)(C) would be renumbered as new paragraph (a)(ii)(B)(3), with slight modification to make it consistent with paragraph (a)(i)(C), and (iv) the introductory paragraph preceding Rule G–3(a) would be amended to eliminate the reference to the FINOP while also adding references to municipal securities sales limited representatives, limited representative—investment company and variable contracts products, and municipal fund securities limited principals.[29] Third, Rule G–7(a) would be amended to add Limited Representatives and general securities principals to the list of associated persons.[30] Fourth, the MSRB proposed to delete Rule G–3(g)(ii), waiver of qualification requirements with respect to the FINOP, as such an exemption would be rendered moot by the elimination of the FINOP classification.[31] Lastly, the proposed rule change would make conforming changes by eliminating references in Rule G–7 and G–27 to the FINOP.[32]

III. Summary of Comment Received

The Commission notes that it received only one comment letter.[33] The comment letter expressed general support and agreement with the proposed rule change.[34]

IV. Discussion and Commission Findings

The Commission has carefully considered the proposed rule change, as well as the SIFMA Letter. The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to the MSRB. In particular, the proposed rule change is consistent with Section 15B(b)(2)(C) of the Act, which provides that the MSRB's rules shall be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in municipal securities and municipal financial products, to remove impediments to and perfect the mechanism of a free and open market in municipal securities and municipal financial products, and, in general, to protect investors, municipal entities, obligated persons, and the public interest.[35] The Commission believes that the proposed rule change is consistent with Section 15B(b)(2)(C) of the Act because the proposed rule change would better align the responsibilities of the Limited Representative with the competencies a Limited Representative is tested for. The Commission also believes the proposed rule change would result in consistent regulatory treatment of Limited Representatives by the MSRB and FINRA, thereby reducing potential dealer confusion. In addition, the Commission believes the proposed rule change will ease burdens on dealers by eliminating the FINOP requirement. The Commission notes that the MSRB has represented the FINOP requirement is unnecessary and duplicative of other regulations and that municipal securities principals will continue to be responsible for overall supervision of the municipal securities activities of dealers.

In approving the proposed rule change, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation.[36] The Commission believes that the proposed rule change includes accommodations that help promote efficiency and legal certainty. Specifically, the Commission does not

[16] *Id.*

[17] MSRB Rule G–3(d)(i) excludes from the financial and operations principal requirement, any ''bank dealer or a broker, dealer or municipal securities dealer meeting the requirements of subparagraph (a)(2)(iv), (v) or (vi) of rule 15c3–1 under the Act or exempted from the requirements of Rule 15c3–1 in accordance with paragraph (b)(3) thereof.''

[18] *See supra* note 3.

[19] *Id.*

[20] *Id.*

[21] *Id.*

[22] *Id.*

[23] *Id.*

[24] *Id.*

[25] *Id.*

[26] *Id.*

[27] *Id.*

[28] *Id.*

[29] *Id.*

[30] *Id.*

[31] *Id.*

[32] *Id.*

[33] SIFMA Letter.

[34] *Id.*

[35] 15 U.S.C. 78o–4(b)(2)(C).

[36] 15 U.S.C. 78c(f).

believe that the proposed rule change would impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. In addition, the Commission believes, as discussed above, that the proposed rule change will ease burdens on dealers and reduce compliance costs by clarifying dealer obligations and eliminating regulatory redundancy.

For the reasons noted above, the Commission believes that the proposed rule change is consistent with the Act.

V. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[37] that the proposed rule change (SR–MSRB–2014–04) be, and hereby is, approved.

For the Commission, pursuant to delegated authority.[38]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2014–18651 Filed 8–6–14; 8:45 am]

BILLING CODE 8011–01–P

[37] 15 U.S.C. 78s(b)(2).

[38] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[File No. 500–1]

Green and Hill Industries, Inc.; Order of Suspension of Trading

August 5, 2014.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Green and Hill Industries, Inc., d/b/a Ross' Gold, because of questions regarding the accuracy of publicly available information about the company's operations. Green and Hill Industries, Inc. is a Nevada corporation with its principal place of business located in Toronto, Ontario, Canada. Its stock is quoted on OTC Link, operated by OTC Markets Group Inc., under the ticker: GHIL.

The Commission is of the opinion that the public interest and the protection of investors require a suspension of trading in the securities of the above-listed company.

Therefore, it is ordered, pursuant to Section 12(k) of the Securities Exchange Act of 1934, that trading in the securities of the above-listed company is suspended for the period from 9:30 a.m. EDT on August 5, 2014, through 11:59 p.m. EDT on August 18, 2014.

By the Commission.

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–18772 Filed 8–5–14; 4:15 pm]

BILLING CODE 8011–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration # 14080 and # 14081]

Nebraska Disaster # NE–00061

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a notice of an Administrative declaration of a disaster for the State of NEBRASKA dated 07/31/2014.

Incident: Tornadoes, High Winds and Flooding.

Incident Period: 06/14/2014 through 06/21/2014.

DATES: Effective Date: 07/31/2014.

Physical Loan Application Deadline Date: 09/29/2014.

Economic Injury (EIDL) Loan Application Deadline Date: 05/01/2015.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the Administrator's disaster declaration, applications for disaster loans may be filed at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties:

Stanton.

Contiguous Counties:

Nebraska: Colfax, Cuming, Madison, Pierce, Platte, Wayne.

The Interest Rates are:

	Percent
For Physical Damage:	
Homeowners With Credit Available Elsewhere	4.375
Homeowners Without Credit Available Elsewhere	2.188
Businesses With Credit Available Elsewhere	6.000
Businesses Without Credit Available Elsewhere	4.000
Non-Profit Organizations With Credit Available Elsewhere	2.625
Non-Profit Organizations Without Credit Available Elsewhere	2.625
For Economic Injury:	
Businesses & Small Agricultural Cooperatives Without Credit Available Elsewhere	4.000
Non-Profit Organizations Without Credit Available Elsewhere	2.625

The number assigned to this disaster for physical damage is 14080 C and for economic injury is 14081 0.

The State which received an EIDL Declaration # is Nebraska.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008).

Dated: July 31, 2014.

Maria Contreras-Sweet,

Administrator.

[FR Doc. 2014–18691 Filed 8–6–14; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration # 14074 and # 14075]

Maryland Disaster # MD–00027

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a notice of an Administrative declaration of a disaster for the State of Maryland dated 07/30/2014.

Incident: Flooding.

Incident Period: 06/12/2014.

Effective Date: 07/30/2014.

Physical Loan Application Deadline Date: 09/29/2014.

Economic Injury (EIDL) Loan Application Deadline Date: 04/30/2015.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the Administrator's disaster declaration, applications for disaster loans may be filed at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Allegany, Washington

Contiguous Counties:

Maryland: Frederick, Garrett
Pennsylvania: Bedford, Franklin, Fulton, Somerset
Virginia: Loudoun
West Virginia: Berkeley, Hampshire, Jefferson, Mineral, Morgan

The Interest Rates are:

	Percent
For Physical Damage:	
Homeowners With Credit Available Elsewhere	4.375
Homeowners Without Credit Available Elsewhere	2.188
Businesses With Credit Available Elsewhere	6.000
Businesses Without Credit Available Elsewhere	4.000
Non-Profit Organizations With Credit Available Elsewhere	2.625
Non-Profit Organizations Without Credit Available Elsewhere	2.625
For Economic Injury:	
Businesses & Small Agricultural Cooperatives Without Credit Available Elsewhere	4.000
Non-Profit Organizations Without Credit Available Elsewhere	2.625

The number assigned to this disaster for physical damage is 14074 6 and for economic injury is 14075 0.

The States which received an EIDL Declaration # are Maryland, Pennsylvania, Virginia, West Virginia.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

Dated: July 30, 2014.

Maria Contreras-Sweet,

Administrator.

[FR Doc. 2014–18690 Filed 8–6–14; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration # 14064 and # 14065]

Minnesota Disaster Number MN–00056

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 1.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for Public Assistance Only for the State of Minnesota (FEMA–4182–DR), dated 07/21/2014.

Incident: Severe storms, straight-line winds, flooding, landslides, and mudslides.

Incident Period: 06/11/2014 through 07/11/2014.

DATES: *Effective Date:* 07/31/2014.

Physical Loan Application Deadline Date: 09/19/2014.

Economic Injury (EIDL) Loan Application Deadline Date: 04/21/2015.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing And Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for Private Non-Profit organizations in the State of Minnesota, dated 07/21/2014, is hereby amended to include the following areas as adversely affected by the disaster.

Primary Counties:

Beltrami, Blue Earth, Brown, Carver, Dodge, Faribault, Koochiching, Lac Qui Parle, Lake of the Woods, Le Sueur, Marshall, Martin, Mcleod, Nicollet, Redwood, Rice, Roseau, Scott, Sibley, Steele, Todd, Wadena, Waseca, Yellow Medicine, And the Red Lake Band of Chippewa and Prairie Island Indian Community Tribes.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

James E. Rivera,

Associate Administrator for Disaster Assistance.

[FR Doc. 2014–18697 Filed 8–6–14; 8:45 am]

BILLING CODE 8025–01–P

SOCIAL SECURITY ADMINISTRATION

Agency Information Collection Activities: Proposed Request and Comment Request

The Social Security Administration (SSA) publishes a list of information collection packages requiring clearance by the Office of Management and Budget (OMB) in compliance with Public Law 104–13, the Paperwork Reduction Act of 1995, effective October 1, 1995. This notice includes revisions and an extension of OMB-approved information collections.

SSA is soliciting comments on the accuracy of the agency's burden estimate; the need for the information; its practical utility; ways to enhance its quality, utility, and clarity; and ways to minimize burden on respondents, including the use of automated collection techniques or other forms of information technology. Mail, email, or fax your comments and recommendations on the information collection(s) to the OMB Desk Officer and SSA Reports Clearance Officer at the following addresses or fax numbers.

(OMB), Office of Management and Budget, Attn: Desk Officer for SSA, Fax: 202–395–6974, Email address: *OIRA_Submission@omb.eop.gov.*

(SSA), Social Security Administration, OLCA, Attn: Reports Clearance Director, 3100 West High Rise, 6401 Security Blvd., Baltimore, MD 21235, Fax: 410–966–2830, Email address: *OR.Reports.Clearance@ssa.gov.*

I. The information collection below is pending at SSA. SSA will submit it to OMB within 60 days from the date of this notice. To be sure we consider your comments, we must receive them no later than October 6, 2014. Individuals can obtain copies of the collection instruments by writing to the above email address.

Application for Supplemental Security Income—20 CFR 416.207 and 416.305—416.335, Subpart C—0960–0229. The Supplemental Security Income (SSI) program provides aged, blind, and disabled individuals who have little or no income, with funds for food, clothing, and shelter. Individuals complete Form SSA–8000 to apply for SSI. SSA uses the information from paper Form SSA–8000 and its electronic intranet counterpart, the Modernized SSI Claims Systems (MSSICS), to determine: (1) Whether SSI claimants meet all statutory and regulatory eligibility requirements; and (2) SSI payment amounts. The respondents are applicants for SSI or their representative payees.

Type of Request: Extension of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Total estimated anual burden (hours)
SSA–8000, paper version	39,295	1	41	26,852
MSSICS Version	211,802	1	36	127,081

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Total estimated anual burden (hours)
MSSICS with Signature Proxy (attestation)	1,713,671	1	35	999,641
Totals	1,964,768			1,153,574

II. SSA submitted the information collections below to OMB for clearance. Your comments regarding the information collections would be most useful if OMB and SSA receive them 30 days from the date of this publication. To be sure we consider your comments, we must receive them no later than September 8, 2014. Individuals can obtain copies of the OMB clearance packages by writing to *OR.Reports.Clearance@ssa.gov.*

1. Disability Report-Appeal—20 CFR 404.1512, 416.912, 404.916(c), 416.1416(c), 422.140, 404.1713, 416.1513, 404.1740(b)(4), 416.1540(b)(4), and 405 Subpart C—0960–0144. SSA requires disability applicants who wish to appeal an unfavorable disability determination to complete Form SSA–3441–BK, the associated Electronic Disability Collect System (EDCS) interview, or the Internet application, i3441. This allows claimants to disclose any changes to their disability or resources that might influence SSA's unfavorable determination. We may use the information to: (1) Reconsider and review an initial disability determination; (2) review a continuing disability; and (3) evaluate a request for a hearing. This information assists the State Disability Determination Services (DDS) and administrative law judges (ALJ) in preparing for the appeals and hearings, and in issuing a determination or decision on an individual's entitlement (initial or continuing) to disability benefits. In addition, the information we collect on the SSA–3441–BK facilitates SSA's collection of medical information to support the applicant's request for reconsideration; request for benefits cessation appeal; and request for a hearing before an ALJ. Respondents are individuals who appeal denial, reduction, or cessation of Social Security disability income and SSI payments; who wish to request a hearing before an ALJ; or their representatives.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Total estimated annual burden (hours)
SSA–3441–BK	2,396	1	45	1,797
Electronic Disability Collect System (EDCS)	476,771	1	45	357,578
i3441 (Internet)	1,046,938	1	28	488,571
Totals	1,526,105			847,946

2. Request for Hearing by Administrative Law Judge—20 CFR 404.929, 404.933, 416.1429, 404.1433, 418.1350, and 42 CFR 405.722—0960–0269. When SSA denies applicants' or beneficiaries' requests for new or continuing benefits, the Social Security Act entitles those applicants or beneficiaries to request a hearing to appeal the decision. To request a hearing, individuals complete Form HA–501, the associated Modernized Claims System (MCS) or MSSICS interview, or the Internet application (i501). SSA uses the information to determine if the individual: (1) Filed the request within the prescribed time; (2) is the proper party; and (3) took the steps necessary to obtain the right to a hearing. SSA also uses the information to determine: (1) The individual's reason(s) for disagreeing with SSA's prior determinations in the case; (2) if the individual has additional evidence to submit; (3) if the individual wants an oral hearing or a decision on the record; and (4) whether the individual has (or wants to appoint) a representative. The respondents are Social Security benefit applicants and recipients who want to appeal SSA's denial of their request for new or continued benefits, and Medicare Part B recipients who must pay the Medicare Part B Income-Related Monthly Adjustment Amount.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Total estimated annual burden (hours)
HA–501; Modernized Claims System (MCS); Modernized Supplemental Security Income Claims System (MSSICS)	25,953	1	10	4,326
i501 (Internet iAppeals)	643,516	1	5	53,626
Totals	669,469			57,952

3. Request for Reconsideration—20 CFR 404.907–404.921, 416.1407–416.1421, 408.1009, and 418.1325—0960–0622. Individuals use Form SSA–561–U2, the associated MCS interview, or the Internet application (i561) to initiate a request for reconsideration of a denied claim. SSA uses the information to document the request and to determine an individual's eligibility or entitlement to Social Security benefits (Title II), SSI payments

(Title XVI), Special Veterans Benefits (Title VIII), Medicare (Title XVIII), and for initial determinations regarding Medicare Part B income-related premium subsidy reductions. The respondents are individuals filing for reconsideration of a denied claim.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Total estimated annual burden (hours)
SSA–561 and Modernized Claims System (MCS)	550,370	1	8	73,383
i561 (Internet iAppeals)	911,330	1	5	75,944
Totals	1,461,700			149,327

Dated: August 4, 2014.

Faye Lipsky,

Reports Clearance Director, Social Security Administration.

[FR Doc. 2014–18661 Filed 8–6–14; 8:45 am]

BILLING CODE 4191–02–P

DEPARTMENT OF STATE

[Public Notice: 8815]

30-Day Notice of Proposed Information Collection: DS–7646, U.S. National Commission for UNESCO Laura W. Bush Traveling Fellowship

ACTION: Notice of request for public comment and submission to OMB of proposed collection of information.

SUMMARY: The Department of State has submitted the information collection described below to the Office of Management and Budget (OMB) for approval. In accordance with the Paperwork Reduction Act of 1995 we are requesting comments on this collection from all interested individuals and organizations. The purpose of this Notice is to allow 30 days for public comment.

DATE(S): Submit comments directly to the Office of Management and Budget (OMB) up to September 8, 2014.

ADDRESSES: Direct comments to the Department of State Desk Officer in the Office of Information and Regulatory Affairs at the Office of Management and Budget (OMB). You may submit comments by the following methods:

Email: oira_submission@omb.eop.gov. You must include the DS form number, information collection title, and the OMB control number in the subject line of your message.

Fax: 202–395–5806. Attention: Desk Officer for Department of State.

FOR FURTHER INFORMATION CONTACT: Direct requests for additional information regarding the collection listed in this notice, including requests for copies of the proposed collection instrument and supporting documents, to Allison Wright, who may be reached on 202–663–0024 or at *wrightas@state.gov.*

SUPPLEMENTARY INFORMATION:

- *Title of Information Collection:* U.S. National Commission for UNESCO Laura W. Bush Traveling Fellowship.
- *OMB Control Number:* 1405–0180.
- *Type of Request:* Extension of a currently approved collection.
- *Originating Office:* Bureau of International Organization Affairs, Office of UNESCO Affairs, Executive Secretariat U.S. National Commission for UNESCO (IO/UNESCO).
- *Form Number:* DS–7646.
- *Respondents:* U.S. college and university students applying for a Fellowship.
- *Estimated Number of Respondents:* 100.
- *Estimated Number of Responses:* 100.
- *Average Time Per Response:* 10 hours.
- *Total Estimated Burden Time:* 1,000 hours.
- *Frequency:* On occasion.
- *Obligation to Respond:* Required to Obtain or Retain a Benefit.

We are soliciting public comments to permit the Department to:

- Evaluate whether the proposed information collection is necessary for the proper functions of the Department.
- Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Please note that comments submitted in response to this Notice are public record. Before including any detailed personal information, you should be aware that your comments as submitted, including your personal information, will be available for public review.

Abstract of proposed collection: Fellowship applicants (U.S. citizen students at U.S. colleges and universities) will submit descriptions of self-designed proposals for brief travel abroad to conduct work that is consistent with UNESCO's substantive mandate to contribute to peace and security by promoting collaboration among nations through education, science, and culture in order to further universal respect for justice, for the rule of law and for the human rights and fundamental freedoms which are affirmed for the peoples of the world, without distinction of race, sex, language or religion, by the Charter of the United Nations. The fellowship is funded through private donations. The information will be reviewed for the purpose of identifying the most meritorious proposals, as measured against the published evaluation criteria.

Methodology: The U.S. Department of State, Bureau of International Organization Affairs, Office of UNESCO Affairs, Executive Secretariat, U.S. National Commission for UNESCO (IO/UNESCO) will collect this information via electronic submission.

Dated: July 31, 2014.

Allison Wright,

Executive Director, U.S. National Commission for UNESCO, Bureau of International Organization Affairs, U.S. Department of State.

[FR Doc. 2014–18704 Filed 8–6–14; 8:45 am]

BILLING CODE 4710–19–P

DEPARTMENT OF STATE

[Public Notice 8819]

Culturally Significant Objects Imported for Exhibition Determinations: ''The Heart Is Not a Metaphor'' Exhibition

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of

October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236–3 of August 28, 2000 (and, as appropriate, Delegation of Authority No. 257 of April 15, 2003), I hereby determine that the objects to be included in the exhibition ''The Heart Is Not a Metaphor,'' imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to loan agreements with the foreign owners or custodians. I also determine that the exhibition or display of the exhibit objects at The Museum of Modern Art, New York, NY, from on or about October 4, 2014, until on or about January 18, 2015, and at possible additional exhibitions or venues yet to be determined, is in the national interest. I have ordered that Public Notice of these Determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of the exhibit objects, contact Julie Simpson, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6467). The mailing address is U.S. Department of State, SA–5, L/PD, Fifth Floor (Suite 5H03), Washington, DC 20522–0505.

Dated: July 31, 3014.

Kelly Keiderling,

Principal Deputy Assistant Secretary, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2014–18689 Filed 8–6–14; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice 8818]

Culturally Significant Objects Imported for Exhibition Determinations: ''Haunted Screens: German Cinema in the 1920s'' Exhibition

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236–3 of August 28, 2000 (and, as appropriate, Delegation of Authority No. 257 of April 15, 2003), I hereby determine that the objects to be included in the exhibition ''Haunted Screens: German Cinema in the 1920s,'' imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to a loan agreement with the foreign owner or custodian. I also determine that the exhibition or display of the exhibit objects at the Los Angeles County Museum of Art, Los Angeles, CA, from on or about September 21, 2014, until on or about April 26, 2015, and at possible additional exhibitions or venues yet to be determined, is in the national interest. I have ordered that Public Notice of these Determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of the exhibit objects, contact Julie Simpson, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6467). The mailing address is U.S. Department of State, SA–5, L/PD, Fifth Floor (Suite 5H03), Washington, DC 20522–0505.

Dated: July 31, 2014.

Kelly Keiderling,

Principal Deputy Assistant Secretary, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2014–18692 Filed 8–6–14; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice 8817]

Culturally Significant Objects Imported for Exhibition Determinations: ''Sculpture Victorious: Art in an Age of Invention, 1837–1901''

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, and Delegation of Authority No. 236–3 of August 28, 2000 (and, as appropriate, Delegation of Authority No. 257 of April 15, 2003), I hereby determine that the objects to be included in the exhibition ''Sculpture Victorious: Art in an Age of Invention, 1837–1901,'' imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to loan agreements with the foreign owners or custodians. I also determine that the exhibition or display of the exhibit objects at the Yale Center for British Art, New Haven, Connecticut, from on or about September 11, 2014, until on or about November 30, 2014, and at possible additional exhibitions or venues yet to be determined, is in the national interest. I have ordered that Public Notice of these Determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of the imported objects, contact Paul W. Manning, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6469). The mailing address is U.S. Department of State, SA–5, L/PD, Fifth Floor (Suite 5H03), Washington, DC 20522–0505.

Dated: July 31, 2014.

Kelly Keiderling,

Principal Deputy Assistant Secretary, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2014–18698 Filed 8–6–14; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice 8816]

Culturally Significant Objects Imported for Exhibition Determinations: ''Spectacular Rubens: The Triumph of the Eucharist Series''

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, and Delegation of Authority No. 236–3 of August 28, 2000 (and, as appropriate, Delegation of Authority No. 257 of April 15, 2003), I hereby determine that the objects to be included in the exhibition ''Spectacular Rubens: The Triumph of the Eucharist Series,'' imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to loan agreements with the foreign owners or custodians. I also determine that the exhibition or display of the exhibit objects at the J. Paul Getty Museum, Los Angeles, California, from on or about October 14, 2014, until on or about January 11, 2015, the Museum of Fine Arts, Houston, Houston, Texas, from on or about February 15, 2015, until on or about May 10, 2015, and at possible additional exhibitions or venues yet to be determined, is in the national interest. I have ordered that Public

Notice of these Determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of the imported objects, contact Paul W. Manning, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6469). The mailing address is U.S. Department of State, SA–5, L/PD, Fifth Floor (Suite 5H03), Washington, DC 20522–0505.

Dated: July 31, 2014.

Kelly Keiderling,

Principal Deputy Assistant Secretary, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2014–18702 Filed 8–6–14; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice: 8814]

In the Matter of the Review of the Designation of Shining Path (and other aliases) as a Foreign Terrorist Organization pursuant to Section 219 of the Immigration and Nationality Act, as Amended

Based upon a review of the Administrative Record assembled pursuant to Section 219(a)(4)(C) of the Immigration and Nationality Act, as amended (8 U.S.C. 1189(a)(4)(C)) (''INA''), and in consultation with the Attorney General and the Secretary of the Treasury, I conclude that the circumstances that were the basis for the 2009 decision to maintain the designation of the aforementioned organization as a Foreign Terrorist Organization have not changed in such a manner as to warrant revocation of the designation and that the national security of the United States does not warrant a revocation of the designation.

Therefore, I hereby determine that the designation of the aforementioned organization as a Foreign Terrorist Organization, pursuant to Section 219 of the INA (8 U.S.C. 1189), shall be maintained.

This determination shall be published in the **Federal Register.**

Dated: July 29, 2014.

John F. Kerry,

Secretary of State, Department of State.

[FR Doc. 2014–18720 Filed 8–6–14; 8:45 am]

BILLING CODE 4710–10–P

SUSQUEHANNA RIVER BASIN COMMISSION

Commission Meeting

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

SUMMARY: The Susquehanna River Basin Commission will hold its regular business meeting on September 4, 2014, in Corning, New York. Details concerning the matters to be addressed at the business meeting are contained in the Supplementary Information section of this notice.

DATES: September 4, 2014, at 8:30 a.m.

ADDRESSES: Radisson Hotel Corning, Finger Lakes Ballroom, 125 Denison Parkway East, Corning, NY 14830.

FOR FURTHER INFORMATION CONTACT: Jason Oyler, Regulatory Counsel, telephone: (717) 238–0423, ext. 1312; fax: (717) 238–2436.

SUPPLEMENTARY INFORMATION: The business meeting will include actions or presentations on the following items: (1) Informational presentation of interest to the Corning area; (2) release of proposed rulemaking for public comment; (3) rescission of unneeded or outdated policies; (4) ratification/approval of contracts/grants; (5) regulatory compliance matters for Carrizo (Marcellus), LLC; JKT Golf LLC; and Southwestern Energy Production Company; and (6) Regulatory Program projects. Projects listed for Commission action are those that were the subject of a public hearing conducted by the Commission on August 7, 2014, and identified in the notice for such hearing, which was published in 79 FR 40188, July 11, 2014.

Opportunity To Appear and Comment

Interested parties are invited to attend the business meeting and encouraged to review the Commission's Public Meeting Rules of Conduct, which are posted on the Commission's Web site, *www.srbc.net.* As identified in the public hearing notice referenced above, written comments on the Regulatory Program projects that were the subject of the public hearing, and are listed for action at the business meeting, are subject to a comment deadline of August 18, 2014. Written comments pertaining to any other matters listed for action at the business meeting may be mailed to the Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, Pennsylvania 17110–1788, or submitted electronically through *http://www.srbc.net/pubinfo/publicparticipation.htm.* Any such comments mailed or electronically submitted must be received by the Commission on or before August 29, 2014, to be considered.

Authority: Pub. L. 91–575, 84 Stat. 1509 et seq., 18 CFR Parts 806, 807, and 808.

Dated: July 31, 2014.

Stephanie L. Richardson,

Secretary to the Commission.

[FR Doc. 2014–18666 Filed 8–6–14; 8:45 am]

BILLING CODE 7040–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Commercial Space Transportation Advisory Committee; Open Meeting

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Commercial Space Transportation Advisory Committee Open Meeting.

SUMMARY: Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C. App. 2), notice is hereby given of a meeting of the Commercial Space Transportation Advisory Committee (COMSTAC). The meeting will take place on, Tuesday, September 16, 2014, from 8:00 a.m. to 5:00 p.m., and Wednesday, September 17, 2014, from 8:30 a.m. to 4:00 p.m., at the National Transportation Safety Board Conference Center, 429 L'Enfant Plaza SW., Washington, DC 20594. This will be the 60th meeting of the COMSTAC.

The proposed schedule for the COMSTAC working group meetings on September 16th is below:

—Operations (8:00 a.m.–10:00 a.m.)
—Business/Legal (10:00 a.m.–12:00 a.m.)
—Systems (1:00 p.m.–3:00 p.m.)
—International Space Policy (3:00 p.m.–5:00 p.m.)

The full Committee will meet on September 17th. The proposed agenda for that meeting features speakers relevant to the commercial space transportation industry; and reports and recommendations from the working groups.

Interested members of the public may submit relevant written statements for the COMSTAC members to consider under the advisory process. Statements may concern the issues and agenda items mentioned above and/or additional issues that may be relevant for the U.S. commercial space transportation industry. Interested parties wishing to submit written statements should contact Michael Beavin, COMSTAC Executive Officer,

(the Contact Person listed below) in writing (mail or email) by August 30, 2014, so that the information can be made available to COMSTAC members for their review and consideration before the September 16th and 17th meetings. Written statements should be supplied in the following formats: One hard copy with original signature and/or one electronic copy via email.

A portion of the September 17th meeting will be unavailable to the public (starting at approximately 4:00 p.m.).

An agenda will be posted on the FAA Web site at *www.faa.gov/go/ast.* For specific information concerning the times and locations of the COMSTAC working group meetings, contact the Contact Person listed below.

Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should inform the Contact Persons listed below in advance of the meeting.

FOR FURTHER INFORMATION CONTACT: Michael Beavin, COMSTAC Executive Director, telephone (202) 267–9051; email *michael.beavin@faa.gov,* FAA Office of Commercial Space Transportation (AST–3), 800 Independence Avenue SW., Room 331, Washington, DC 20591.

Complete information regarding COMSTAC is available on the FAA Web site at: *http://www.faa.gov/about/office_org/headquarters_offices/ast/advisory_committee/.*

Issued in Washington, DC, on July 31, 2014.

George C. Nield,

Associate Administrator for Commercial Space Transportation.

[FR Doc. 2014–18629 Filed 8–6–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Sixth Meeting: RTCA Special Committee 228—Minimum Operational Performance Standards for Unmanned Aircraft Systems

AGENCY: Federal Aviation Administration (FAA), U.S. Department of Transportation (DOT).

ACTION: Notice of RTCA Special Committee 228—Minimum Operational Performance Standards for Unmanned Aircraft Systems.

SUMMARY: The FAA is issuing this notice to advise the public of the sixth meeting of RTCA Special Committee 228—Minimum Operational Performance Standards for Unmanned Aircraft Systems.

DATES: The meeting will be held August 28, 2014 from 9:00 a.m. to 1:00 p.m.

ADDRESSES: The meeting will be held at RTCA, 1150 18th Street NW., Suite 910, Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: The RTCA Secretariat, 1150 18th Street NW., Suite 910, Washington, DC 20036, or by telephone at (202) 330–0662 or (202) 833–9339, fax at (202) 833–9434, or Web site at *http://www.rtca.org.*

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., App.), notice is hereby given for a meeting of RTCA Special Committee 228—Minimum Operational Performance Standards for Unmanned Aircraft Systems. The agenda will include the following:

Specific Working Group Sessions Before Plenary

August 25–27

All Day, Working Group 1—DAA, MacIntosh-NBAA Room & Colson Board Room.

Separate Break-out rooms for subgroups as required—to be assigned.

All Day, Working Group 2—CNPC, ARINC & Hilton-A4A Rooms.

August 28 (starting at 9:00 a.m.)

Welcome/Introductions/Administrative Remarks/SC–228 Participation Guidelines
- Reading of the Public Announcement by the DFO
- Reading of the RTCA Proprietary References Policy

- Agenda Overview
- Review/Approval of Minutes from Plenary #5 (RTCA Paper No. 113–14/SC228–015) held Thursday afternoon, May 22, 2014 at RTCA
- Tribute to our colleague Warren Wilson
- Report from EUROCAE WG–73 on their progress
- Review of RTCA SC–228 Steering Committee Activity
- Report from WG–1 for Detect and Avoid progress on the DAA MOPS
- Report from WG–2 for Command and Control progress on the CNPC MOPS
- Other Business
- Date, Place and Time of Next Meeting(s)
  - (Plenary #7—21 November 2014 @ RTCA)
  - (Proposed—Plenary #8—27 February 2015 @RTCA)
  - Adjourn Plenary

Attendance is open to the interested public but limited to space availability. With the approval of the chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on July 31 2014.

Mohannad Dawoud,

Management Analyst, Business Operations Group, ANG–A12, Federal Aviation Administration.

[FR Doc. 2014–18638 Filed 8–6–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Twenty Fifth Meeting: RTCA Special Committee 216, Aeronautical Systems Security

AGENCY: Federal Aviation Administration (FAA), U.S. Department of Transportation (DOT).

ACTION: Meeting Notice of RTCA Special Committee 216, Aeronautical Systems Security.

SUMMARY: The FAA is issuing this notice to advise the public of the twenty fifth meeting of RTCA Special Committee 216, Aeronautical Systems Security.

DATES: The meeting will be held August 22, 2014 from 9:00 a.m.–5:00 p.m.

ADDRESSES: The meeting will be held at RTCA Headquarters, 1150 18th Street NW., Suite 450, Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: You may contact the RTCA Secretariat, 1150 18th Street NW., Suite 910, Washington, DC 20036, or by telephone at (202) 833–9339, fax at (202) 833–9434, or Web site *http://www.rtca.org* for directions.

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., App.), notice is hereby given for a meeting of Special Committee 216.

August 22

- Open Meeting and Introductions.
- Approve Summary—Meeting # 24, RTCA Paper No. 142–14/SC216–053.
- Status of Revised DO–326—*Airworthiness Security Process Specification.*
- Review/Approval—New Document—*Security Assurance and Assessment Methods for Safety-related Aircraft Systems*—RTCA Paper No. 143–14/SC216–054.
- EUROCAE WG–72 Report.
- Work Group Reports.

- Terms of Reference—Discussion.
- Date, Place and Time of Next Meeting.
- New Business.
- Adjourn Plenary.

Attendance is open to the interested public but limited to space availability. With the approval of the chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on July 31, 2014.

Mohannad Dawoud,

Management Analyst, NextGen, Business Operations Group, Federal Aviation Administration.

[FR Doc. 2014–18632 Filed 8–6–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Second Meeting: RTCA Special Committee 229, 406 MHz Emergency Locator Transmitters (ELTs) Joint With EUROCAE WG–98 Committee

AGENCY: Federal Aviation Administration (FAA), U.S. Department of Transportation (DOT).

ACTION: Second Meeting 406 MHz Emergency Locator Transmitters (ELTs) Joint with EUROCAE WG–98 Committee.

SUMMARY: The FAA is issuing this notice to advise the public of the first meeting of the 406 MHz Emergency Locator Transmitters (ELTs) Joint with EUROCAE WG–98 Committee.

DATES: The meeting will be held September 3–5, 2014. On September 3rd, 9:00 a.m.–5:00 p.m., on September 4th and 9:00 a.m.–4:00 p.m. on September 5th. (Europe Summer Time)

ADDRESSES: The meeting will be held at CNES, 18 Avenue Edouard Belin 31400 Toulouse, France.

FOR FURTHER INFORMATION CONTACT: The RTCA Secretariat, 1150 18th Street NW., Suite 910, Washington, DC 20036, or by telephone at (202) 833–9339, fax at (202) 833–9434, or Web site at *http://www.rtca.org* or you may contact Sophie Bousquet, *sobousquet@rtca.org,* 202–330–0663.

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., App.), notice is hereby given for a meeting of Special Committee 224. The agenda will include the following:

September 3, 2014

- Welcome/Introductions/Administrative Remarks
- Agenda overview and approval
- Minutes Washington meeting review and approval
- Briefing of ICAO and COSPAS–SARSAT activities
- WG 1 to 4 status and week's plan
- Other Industry coordination and presentations (if any)
- WG meetings (rest of the day)

September 4, 2014

- WG 1 to 4 meetings

September 5, 2014

- WGs' reports
- Action item review
- Future meeting plans and dates
- Industry coordination and presentations (if any)
- Other business
- Adjourn

Please inform Philippe Plantin De Hugues and Stuart Taylor (*pph@bea-fr.org*; *stuart@hrsmith.biz*) of your intention to attend the meeting no later than August 1st, 2014.

Attendance is open to the interested public but limited to space availability. With the approval of the chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on July 28, 2014.

Mohannad Dawoud,

Management Analyst, NextGen, Business Operations Group, Federal Aviation Administration.

[FR Doc. 2014–18630 Filed 8–6–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Second Meeting: RTCA Special Committee 230, Airborne Weather Detection Systems Committee

AGENCY: Federal Aviation Administration (FAA), U.S. Department of Transportation (DOT).

ACTION: Second Meeting Airborne Weather Detection Systems Committee.

SUMMARY: The FAA is issuing this notice to advise the public of the second meeting of the Airborne Weather Detection Systems Committee.

DATES: The meeting will be held September 9–10, 2014 from 9:00 a.m.–5:00 p.m. and September 11th, 2014 from 9:00 a.m.–3:00 a.m.

ADDRESSES: The meeting will be held at RTCA, Inc., 1150 18th Street NW., Suite 910, Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: The RTCA Secretariat, 1150 18th Street NW., Suite 910, Washington, DC 20036, or by telephone at (202) 833–9339, fax at (202) 833–9434, or Web site at *http://www.rtca.org.*

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., App.), notice is hereby given for a meeting of Special Committee 224. The agenda will include the following:

September 9th

- Welcome/Introductions/Administrative Remarks
- Agenda Overview
- Meeting #1 Minutes approval
- Review of General Requirements sections
- *Lunch*
- Review of PWS sections
- Review of Turbulence sections

September 10th

- Review of Turbulence sections cont.
- Review of Test Procedures sections
- Lunch
- Review of Test Procedures sections cont.
- Review of Operational and Installed sections

September 11th

- DO–213 discussion
- Review of Atmospheric Threat sections
- Lunch
- Action Item Review
- Other Actions
- Date and Place of Next Meetings
- Adjourn

Attendance is open to the interested public but limited to space availability. With the approval of the chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on July 31, 2014.

Mohannad Dawoud,

Management Analyst, NextGen, Business Operations Group, Federal Aviation Administration.

[FR Doc. 2014–18636 Filed 8–6–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2000–7006; FMCSA–2000–7165; FMCSA–2002–12294; FMCSA–2004–17195; FMCSA–2006–24783; FMCSA–2010–0082; FMCSA–2010–0114; FMCSA–2011–0324; FMCSA–2012–0160]

Qualification of Drivers; Exemption Applications; Vision

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of renewal of exemptions; request for comments.

SUMMARY: FMCSA announces its decision to renew the exemptions from the vision requirement in the Federal Motor Carrier Safety Regulations for 29 individuals. FMCSA has statutory authority to exempt individuals from the vision requirement if the exemptions granted will not compromise safety. The Agency has concluded that granting these exemption renewals will provide a level of safety that is equivalent to or greater than the level of safety maintained without the exemptions for these commercial motor vehicle (CMV) drivers.

DATES: This decision is effective September 21, 2014. Comments must be received on or before September 8, 2014.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) numbers: Docket No. [Docket No. FMCSA–2000–7006; FMCSA–2000–7165; FMCSA–2002–12294; FMCSA–2004–17195; FMCSA–2006–24783; FMCSA–2010–0082; FMCSA–2010–0114; FMCSA–2011–0324; FMCSA–2012–0160], using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the on-line instructions for submitting comments.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* 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.
- *Fax:* 1–202–493–2251.

Instructions: Each submission must include the Agency name and the docket number for this notice. Note that DOT posts all comments received without change to *http://www.regulations.gov,* including any personal information included in a comment. Please see the Privacy Act heading below.

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* at any time or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Federal Docket Management System (FDMS) is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments on-line.

Privacy Act: Anyone may search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or of the person signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's Privacy Act Statement for the Federal Docket Management System (FDMS) published in the **Federal Register** on January 17, 2008 (73 FR 3316).

FOR FURTHER INFORMATION CONTACT: Elaine M. Papp, Chief, Medical Programs Division, 202–366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE., Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m. Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may renew an exemption from the vision requirements in 49 CFR 391.41(b)(10), which applies to drivers of CMVs in interstate commerce, for a two-year period if it finds ''such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption.'' The procedures for requesting an exemption (including renewals) are set out in 49 CFR part 381.

Exemption Decision

This notice addresses 29 individuals who have requested renewal of their exemptions in accordance with FMCSA procedures. FMCSA has evaluated these 29 applications for renewal on their merits and decided to extend each exemption for a renewable two-year period. They are:

Derric D. Burrell (AL)
Jack D. Clodfelter (NC)
Tommy J. Cross, Jr. (TN)
Daniel K. Davis, III (MA)
Richard L. Derick (NH)
Joseph A. Dunlap (OH)
Shawn B. Gaston (PA)
James F. Gereau (WI)
Esteban G. Gonzalez (TX)
Reginald I. Hall (TX)
James O. Hancock (IN)
Sherman W. Hawk, Jr. (MD)
George R. House (MO)
Robert C. Jeffres (WY)
Alfred C. Jewell, Jr. (WY)
John C. Lewis (SC)
Lewis V. McNeice (TX)
Elijah Mitchell (TX)
Larry D. Moss (CA)
Kevin J. O'Donnell (IL)
Gregory M. Preves (GA)
Daniel Salinas (OR)
Lee R. Sidwell (OH)
Ronald H. Sieg (MO)
David L. Slack (TX)
David M. Smith (IL)
Lee F. Taylor (NJ)
Jeffrey D. Wilson (CO)
Richard A. Yeager (GA)

The exemptions are extended subject to the following conditions: (1) That each individual has a physical examination every year (a) by an ophthalmologist or optometrist who attests that the vision in the better eye continues to meet the requirements in 49 CFR 391.41(b)(10), and (b) by a medical examiner who attests that the individual is otherwise physically qualified under 49 CFR 391.41; (2) that each individual provides a copy of the ophthalmologist's or optometrist's report to the medical examiner at the time of the annual medical examination; and (3) that each individual provide a copy of the annual medical certification to the employer for retention in the driver's qualification file and retains a copy of the certification on his/her person while driving for presentation to a duly authorized Federal, State, or local enforcement official. Each exemption will be valid for two years unless rescinded earlier by FMCSA. The exemption will be rescinded if: (1) The person fails to comply with the terms

and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315.

Basis for Renewing Exemptions

Under 49 U.S.C. 31315(b)(1), an exemption may be granted for no longer than two years from its approval date and may be renewed upon application for additional two year periods. In accordance with 49 U.S.C. 31136(e) and 31315, each of the 29 applicants has satisfied the entry conditions for obtaining an exemption from the vision requirements (65 FR 20245; 65 FR 33406; 65 FR 57320; 65 FR 57234; 67 FR 46016; 67 FR 57266; 67 FR 57267; 69 FR 17263; 69 FR 31447; 69 FR 51346; 69 FR 52741; 71 FR 27034; 71 FR 32185; 71 FR 41311; 71 FR 43557; 71 FR 50970; 71 FR 53489; 73 FR 42403; 73 FR 48270; 73 FR 51336; 75 FR 25918; 75 FR 25919; 75 FR 34210; 75 FR 39729; 75 FR 47888; 75 FR 50799; 75 FR 52062; 77 FR 7657; 77 FR 22059; 77 FR 38381; 77 FR 40945; 77 FR 40946; 77 FR 51846; 77 FR 52389). Each of these 29 applicants has requested renewal of the exemption and has submitted evidence showing that the vision in the better eye continues to meet the requirement specified at 49 CFR 391.41(b)(10) and that the vision impairment is stable. In addition, a review of each record of safety while driving with the respective vision deficiencies over the past two years indicates each applicant continues to meet the vision exemption requirements. These factors provide an adequate basis for predicting each driver's ability to continue to drive safely in interstate commerce. Therefore, FMCSA concludes that extending the exemption for each renewal applicant for a period of two years is likely to achieve a level of safety equal to that existing without the exemption.

Request for Comments

FMCSA will review comments received at any time concerning a particular driver's safety record and determine if the continuation of the exemption is consistent with the requirements at 49 U.S.C. 31136(e) and 31315. However, FMCSA requests that interested parties with specific data concerning the safety records of these drivers submit comments by September 8, 2014.

FMCSA believes that the requirements for a renewal of an exemption under 49 U.S.C. 31136(e) and 31315 can be satisfied by initially granting the renewal and then requesting and evaluating, if needed, subsequent comments submitted by interested parties. As indicated above, the Agency previously published notices of final disposition announcing its decision to exempt these 29 individuals from the vision requirement in 49 CFR 391.41(b)(10). The final decision to grant an exemption to each of these individuals was made on the merits of each case and made only after careful consideration of the comments received to its notices of applications. The notices of applications stated in detail the qualifications, experience, and medical condition of each applicant for an exemption from the vision requirements. That information is available by consulting the above cited **Federal Register** publications.

Interested parties or organizations possessing information that would otherwise show that any, or all, of these drivers are not currently achieving the statutory level of safety should immediately notify FMCSA. The Agency will evaluate any adverse evidence submitted and, if safety is being compromised or if continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315, FMCSA will take immediate steps to revoke the exemption of a driver.

Submitting Comments

You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov* and in the search box insert the docket numbers FMCSA–2000–7006; FMCSA–2000–7165; FMCSA–2002–12294; FMCSA–2004–17195; FMCSA–2006–24783; FMCSA–2010–0082; FMCSA–2010–0114; FMCSA–2011–0324; FMCSA–2012–0160 and click the search button. When the new screen appears, click on the blue ''Comment Now!'' button on the right hand side of the page. On the new page, enter information required including the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope.

We will consider all comments and material received during the comment period and may change this proposed rule based on your comments. FMCSA may issue a final rule at any time after the close of the comment period.

Viewing Comments and Documents

To view comments, as well as any documents mentioned in this preamble, To submit your comment online, go to *http://www.regulations.gov* and in the search box insert the docket number FMCSA–2000–7006; FMCSA–2000–7165; FMCSA–2002–12294; FMCSA–2004–17195; FMCSA–2006–24783; FMCSA–2010–0082; FMCSA–2010–0114; FMCSA–2011–0324; FMCSA–2012–0160 and click ''Search.'' Next, click ''Open Docket Folder'' and you will find all documents and comments related to the proposed rulemaking.

Issued on: July 29, 2014.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2014–18615 Filed 8–6–14; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF THE TREASURY

Bureau of the Fiscal Service

Proposed Collection of Information: Claim Against the United States for the Proceeds of a Government Check

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently the Bureau of the Fiscal Service within the Department of the Treasury is soliciting comments concerning revisions to the Form FMS–1133, ''Claim Against the United States for the Proceeds of a Government Check.''

DATES: Written comments should be received on or before October 6, 2014 to be assured of consideration.

ADDRESSES: Direct all written comments to Bureau of the Fiscal Service, Bruce A. Sharp, 200 Third Street A4–A, Parkersburg, WV 26106–1328, or *bruce.sharp@fiscal.treasury.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form(s) and instructions should be directed to Gary Swasey, Customer Service Branch, P.O. Box 603, Philadelphia, PA 19154, (215) 516–8145.

SUPPLEMENTARY INFORMATION:

Title: Claim Against the United States for the Proceeds of a Government Check. OMB Control Number: 1530–0010 (Previously approved as 1510–0019 as a collection conducted by Department of the Treasury/Financial Management Service.)

Transfer of OMB Control Number: The Bureau of Public Debt (BPD) and the Financial Management Service (FMS) have consolidated to become the Bureau of the Fiscal Service (Fiscal Service). Information collection requests previously held separately by BPD and FMS will now be identified by a 1530 prefix, designating Fiscal Service.

Form Number: FMS 1133.

Abstract: Form FMS 1133 is used to collect information needed to process an individual's claim for non-receipt of proceeds from a U.S. Treasury check. Once the information is analyzed, a determination is made and a recommendation is submitted to the program agency to either settle or deny the claim.

Current Actions: It has become necessary to introduce a similar form to address non-receipt of electronic benefit payments. It is estimated that an additional 4,000 annual burden hours will be experienced for collection and analysis of the information provided in the claim form, and subsequent actions necessary to reconcile the claim.

Type of Review: Revision of a previously approved collection.

Affected Public: Individuals or Households.

Estimated Number of Respondents: 51,640.

Estimated Time per Respondent: 10 minutes.

Estimated Total Annual Burden Hours: 8,607.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: July 31, 2014.

Bruce A. Sharp,

Bureau Clearance Officer.

[FR Doc. 2014–18512 Filed 8–6–14; 8:45 am]

BILLING CODE 4810–35–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Designation of Individuals and Entities Pursuant to Executive Order 13660 or Executive Order 13661

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of eighteen individuals and one entity whose property and interests in property have been blocked pursuant to Executive Order 13660 of March 6, 2014, ''Blocking Property of Certain Persons Contributing to the Situation in Ukraine'' (E.O. 13660). OFAC is also publishing the names of twenty-seven individuals and eighteen entities whose property and interests in property have been blocked pursuant to Executive Order 13661 of March 16, 2014, ''Blocking Property of Additional Persons Contributing to the Situation in Ukraine'' (E.O. 13661).

DATES: The blocking of the property and interests in property of the individuals and entities identified in this notice was effective on March 17, 2014, March 20, 2014, April 11, 2014, April 28, 2014, or June 20, 2014, as specified in the ''Notice of OFAC Actions'' section below.

FOR FURTHER INFORMATION CONTACT: Assistant Director, Sanctions, Compliance & Evaluations, Office of Foreign Assets Control, Department of the Treasury, 1500 Pennsylvania Avenue NW., (Treasury Annex), Washington, DC 20220, Tel.: 202/622–2490.

SUPPLEMENTARY INFORMATION:

Electronic and Facsimile Availability

This document and additional information concerning OFAC are available from OFAC's Web site (*www.treasury.gov/ofac*). Certain general information pertaining to OFAC's sanctions programs is available via facsimile through a 24-hour fax-on-demand service, tel.: 202/622–0077.

Notice of OFAC Actions

On March 17, 2014, OFAC blocked the property and interests in property of the following four individuals pursuant to E.O. 13660:

1. AKSYONOV, Sergey Valeryevich (a.k.a. AKSENOV, Sergei; a.k.a. AKSYONOV, Sergei; a.k.a. AKSYONOV, Sergey; a.k.a. AKSYONOV, Sergiy; a.k.a. AKSYONOV, Serhiy Valeryevich); DOB 26 Nov 1972; POB Balti, Moldova (individual) [UKRAINE].
2. KONSTANTINOV, Vladimir Andreyevich; DOB 19 Nov 1956; POB Vladimirovka, Moldova (individual) [UKRAINE].
3. MEDVEDCHUK, Viktor; DOB 07 Aug 1954; POB Pochyot, Krasnoyarsk Krai Russia (individual) [UKRAINE].
4. YANUKOVYCH, Viktor Fedorovych; DOB 09 Jul 1950; POB Yenakiyeve, Donetsk Region, Ukraine; alt. POB Makiivka, Donbas, Ukraine; Former President of Ukraine (individual) [UKRAINE].

On March 20, 2014, OFAC blocked the property and interests in property of the following twenty individuals and one entity pursuant to E.O. 13661:

Individuals

1. BUSHMIN, Evgeni Viktorovich (a.k.a. BUSHMIN, Evgeny; a.k.a. BUSHMIN, Yevgeny); DOB 10 Oct 1958; POB Lopatino, Sergachiisky Region, Russia; Deputy Speaker of the Federation Council of the Russian Federation; Chairman of the Council of the Federation Budget and Financial Markets Committee (individual) [UKRAINE2].
2. DZHABAROV, Vladimir Michailovich; DOB 29 Sep 1952; First Deputy Chairman of the International Affairs Committee of the Federation Council of the Russian Federation (individual) [UKRAINE2].
3. FURSENKO, Andrei Alexandrovich (a.k.a. FURSENKO, Andrei; a.k.a. FURSENKO, Andrey); DOB 17 Jul 1949; POB St. Petersburg, Russia; Aide to the President of the Russian Federation (individual) [UKRAINE2].
4. GROMOV, Alexei; DOB 1960; POB Zagorsk (Sergiev, Posad), Moscow Region, Russia; First Deputy Chief of Staff of the Presidential

Executive Office; First Deputy Head of Presidential Administration; First Deputy Presidential Chief of Staff (individual) [UKRAINE2].

5. IVANOV, Sergei (a.k.a. IVANOV, Sergey); DOB 31 Jan 1953; POB St. Petersburg, Russia; Chief of Staff of the Presidential Executive Office (individual) [UKRAINE2].
6. IVANOV, Victor Petrovich (a.k.a. IVANOV, Viktor); DOB 12 May 1950; alt. DOB 1952; POB Novgorod, Russia; Director of the Federal Drug Control Service of the Russian Federation (FSKN) (individual) [UKRAINE2].
7. KOZHIN, Vladimir Igorevich; DOB 28 Feb 1959; POB Troitsk, Chelyabinsk Oblast, Russia; Head of Administration of the President of the Russian Federation (individual) [UKRAINE2].
8. KOVALCHUK, Yuri Valentinovich (a.k.a. KOVALCHUK, Yury Valentinovich); DOB 25 Jul 1951; POB Saint Petersburg, Russia (individual) [UKRAINE2].
9. MIRONOV, Sergei Mikhailovich (a.k.a. MIRONOV, Sergei); DOB 14 Feb 1953; POB Pushkin, Saint Petersburg, Russia; Member of the Council of the State Duma; Leader of A Just Russia Party; Member of the State Duma Committee on Housing Policy and Housing and Communal Services (individual) [UKRAINE2].
10. NARYSHKIN, Sergey Yevgenyevich (a.k.a. NARYSHKIN, Sergei); DOB 27 Oct 1954; POB Saint Petersburg, Russia; Chairman of the State Duma of the Russian Federation (individual) [UKRAINE2].
11. OZEROV, Viktor Alekseevich (a.k.a. OZEROV, Viktor Alexeyevich); DOB 05 Jan 1958; POB Abakan, Khakassia, Russia; Chairman of the Security and Defense Federation Council of the Russian Federation (individual) [UKRAINE2].
12. PANTELEEV, Oleg Evgenevich (a.k.a. PANTELEEV, Oleg); DOB 21 Jul 1952; POB Zhitnikovskoe, Kurgan Region, Russia; First Deputy Chairman of the Committee on Parliamentary Issues (individual) [UKRAINE2]
13. ROTENBERG, Arkady; DOB 15 Dec 1951; POB St. Petersburg, Russia (individual) [UKRAINE2].
14. ROTENBERG, Boris; DOB 03 Jan 1957; POB St. Petersburg, Russia (individual) [UKRAINE2].
15. RYZHKOV, Nikolai Ivanovich (a.k.a. RYZHKOV, Nikolai); DOB 28 Sep 1929; POB Duleevka, Donetsk Region, Ukraine; Senator in the Russian Upper House of Parliament; Member of the Committee for Federal Issues, Regional Politics and the North of the Federation Council of the Russian Federation (individual) [UKRAINE2].
16. SERGUN, Igor Dmitrievich; DOB 28 Mar 1957; Lieutenant General; Chief of the Main Directorate of the General Staff (GRU); Deputy Chief of the General Staff (individual) [UKRAINE2].
17. TIMCHENKO, Gennady (a.k.a. TIMCHENKO, Gennadiy Nikolayevich; a.k.a. TIMCHENKO, Gennady Nikolayevich; a.k.a. TIMTCHENKO, Guennadi), Geneva, Switzerland; DOB 09 Nov 1952; POB Leninakan, Armenia; alt. POB Gyumri, Armenia; nationality Finland; alt. nationality Russia; alt. nationality Armenia (individual) [UKRAINE2].
18. TOTOONOV, Aleksandr Borisovich (a.k.a. TOTOONOV, Alexander; a.k.a. TOTOONOV, Alexander B.); DOB 03 Mar 1957; POB Ordzhonikidze, North Ossetia, Russia; alt. POB Vladikavkaz, North Ossetia, Russia; Member of the Committee on Culture, Science, and Information, Federation Council of the Russian Federation (individual) [UKRAINE2].
19. YAKUNIN, Vladimir Ivanovich; DOB 30 Jun 1948; POB Zakharovo Village, Gus-Khrustalnyy Rayon, Vladimir Oblast, Russia; alt. POB Melenki, Vladimir Oblast, Russia; President of OJSC Russian Railways (individual) [UKRAINE2].
20. ZHELEZNYAK, Sergei Vladimirovich (a.k.a. ZHELEZNYAK, Sergei; a.k.a. ZHELEZNYAK, Sergey); DOB 30 Jul 1970; POB Saint Petersburg, Russia; Deputy Speaker of the State Duma of the Russian Federation (individual) [UKRAINE2].

Entity

BANK ROSSIYA (f.k.a. AKTSIONERNY BANK RUSSIAN FEDERATION), 2 Liter A Pl. Rastrelli, Saint Petersburg 191124, Russia; SWIFT/BIC ROSY RU 2P; Web site *www.abr.ru;* Email Address *bank@abr.ru* [UKRAINE2].

On April 11, 2014, OFAC blocked the property and interests in property of the following seven individuals and one entity pursuant to E.O. 13660:

Individuals

1. CHALIY, Aleksei Mikhailovich (a.k.a. CHALIY, Aleksei; a.k.a. CHALIY, Aleksey Mikhailovich; a.k.a. CHALIY, Aleksey Mykhaylovych; a.k.a. CHALIY, Alexei; a.k.a. CHALIY, Mikhailovich Oleksiy; a.k.a. CHALY, Aleksey Mikhailovich; a.k.a. CHALY, Alexei; a.k.a. CHALYI, Aleksei; a.k.a. CHALYI, Aleksiy); DOB 13 Jun 1961; POB Sevastopol, Ukraine; Mayor of Sevastopol; Chairman of the Coordination Council for the Establishment of the Sevastopol Municipal Administration (individual) [UKRAINE].
2. MALYSHEV, Mikhail Grigorevich, 15/9 Ulitsa Turgeneva, Apt. 9, Simferopol, Crimea, Ukraine; DOB 10 Oct 1955; POB Simferopol, Crimea; Chair of the Crimea Electoral Commission (individual) [UKRAINE].
3. MEDVEDEV, Valery Kirillovich, 22 Ulitsa Oktyabrskoi Revolutsii, Building 9, Apt. 14, Sevastopol, Crimea, Ukraine; DOB 21 Aug 1946; POB Russia; Chair of the Sevastopol Electoral Commission (individual) [UKRAINE].
4. TEMIRGALIEV, Rustam Ilmirovich; DOB 15 Aug 1976; POB Ulan-Ude, Russia; Deputy Chairman of the Council of Ministers of Crimea; Crimean Deputy Prime Minister (individual) [UKRAINE].
5. TSEKOV, Sergey Pavlovich; DOB 28 Sep 1953; POB Simferopol, Crimea, Ukraine (individual) [UKRAINE].
6. ZHEREBTSOV, Yuriy Gennadievych (a.k.a. ZHEREBTSOV, Yuriy Gennadyevich; a.k.a. ZHEREBTSOV, Yury), 23 Ulitsa Koltsevaya, Yevpatoria, Crimea, Ukraine; DOB 19 Nov 1969; POB Odessa, Ukraine; Counselor to the Speaker of the Crimean Rada (individual) [UKRAINE].
7. ZIMA, Pyotr Anatoliyovych (a.k.a. ZIMA, Petr Anatolyevich; a.k.a. ZYMA, Petro), 18 Ulitsa D. Ulyanova, Apartment 110, Simferopol, Crimea, Ukraine; DOB 29 Mar 1965; POB Russia; Head of the Crimean SBU (Security Service of Ukraine) (individual) [UKRAINE].

Entity

CHERNOMORNEFTEGAZ (a.k.a. CHORNOMORNAFTOGAZ; a.k.a. NJSC CHORNOMORNAFTOGAZ), Kirova/per. Sovnarkomovskaya, 52/1, Simferopol, Crimea 95000, Ukraine; This designation refers to the entity in Crimea at the listed address only, and does not include its parent company. [UKRAINE].

On April 28, 2014, OFAC blocked the property and interests in property of the following seven individuals and seventeen entities pursuant to E.O. 13661:

Individuals

1. SECHIN, Igor; DOB 07 Sep 1960; POB St. Petersburg, Russia (individual) [UKRAINE2].
2. PUSHKOV, Aleksei Konstantinovich (a.k.a. PUSHKOV, Alexei); DOB 10 Aug 1954; Chairman of State Duma Committee on International Affairs (individual) [UKRAINE2].
3. MUROV, Evgeniy Alekseyevich (a.k.a. MUROV, Evgeny; a.k.a. MUROV, Yevgeniy; a.k.a. MUROV, Yevgeny); DOB 18 Nov 1945; POB Zvenigorod, Moscow, Russia; Director of the Federal Protective Service of the Russian Federation; Army General (individual) [UKRAINE2].
4. CHEMEZOV, Sergei (a.k.a. CHEMEZOV, Sergey Viktorovich); DOB 20 Aug 1952; POB Cheremkhovo, Irkutsk, Russia (individual) [UKRAINE2].
5. BELAVENCEV, Oleg Evgenyevich (a.k.a. BELAVENTSEV, Oleg); DOB 15 Sep 1949; Russian Presidential Envoy to the Crimean District; Member of the Russian Security Council (individual) [UKRAINE2].
6. KOZAK, Dmitry; DOB 07 Nov 1958; POB Kirovograd, Ukraine; Deputy Prime Minister of the Russian Federation (individual) [UKRAINE2].
7. VOLODIN, Vyacheslav; DOB 04 Feb 1964; POB Alexeyevka, Khvalynsk district, Saratov, Russia; First Deputy Chief of Staff of the Presidential Executive Office (individual) [UKRAINE2].

Entities

1. AVIA GROUP LLC (a.k.a. AVIA GROUP LTD), Terminal Aeroport Sheremetyevo Khimki, 141400 Moskovskaya obl., Russia; Web site *http://www.avia-group.su/* [UKRAINE2].
2. AVIA GROUP NORD LLC, 17 A, Stratoyava St., Saint Petersburg, Russia; Web site *http://www.ag-nord.ru* [UKRAINE2].
3. SAKHATRANS LLC (a.k.a. OBSHCHESTVO S OGRANICHENNOI OTVETSTVENNOSTYU SAKHA (YAKUTSKAYA) TRANSPORTNAYA KOMPANIYA; a.k.a. SAKHATRANS OOO), 14 ul. Molodezhnaya Rabochi Pos. Vanino, 682860 Vaninski, Raion Khabarovski Krai, Russia [UKRAINE2].
4. STROYTRANSGAZ GROUP (a.k.a. STROYTRANSGAZ; a.k.a. ''STG GROUP''), 3 Begovaya Street, Building #1, Moscow 125284, Russia; Web site *www.stroytransgaz.ru* [UKRAINE2].
5. STROYTRANSGAZ HOLDING (a.k.a. STG HOLDING LIMITED; a.k.a. STG HOLDINGS LIMITED; a.k.a. STROYTRANSGAZ HOLDING LIMITED; a.k.a. ''STGH''), 33 Stasinou Street, Office 2 2003, Nicosia Strovolos, Cyprus [UKRAINE2].
6. STROYTRANSGAZ LLC (a.k.a. OOO STROYTRANSGAZ), House 65, Novocheremushkinskaya, Moscow 117418, Russia [UKRAINE2].
7. STROYTRANSGAZ OJSC (a.k.a. OAO STROYTRANSGAZ), House 58, Novocheremushkinskaya St., Moscow 117418, Russia [UKRAINE2].
8. STROYTRANSGAZ–M LLC, 26th Meeting of the Communist Party Street, House 2V, Novy Urengoy, Tyumenskaya Oblast, Yamalo-Nenetsky Autonomous Region 629305, Russia [UKRAINE2].
9. CJSC ZEST (a.k.a. ZEST LEASING), pr. Medikov 5, of. 301, St. Petersburg, Russia; 2 Liter a Pl. Rastrelli, St. Petersburg 191124, Russia; Web site *http://www.zest-leasing.ru;* Registration ID 1027809190507; Government Gazette Number 44323193 [UKRAINE2].
10. JSB SOBINBANK (a.k.a. SOBINBANK), 15 Korp. 56 D. 4 Etazh ul. Rochdelskaya, Moscow 123022, Russia; 15/56 Rochdelskaya Street, Moscow 123022, Russia; SWIFT/BIC SBBARUMM; Web site *http://www.sobinbank.ru;* Registration ID 1027739051009; Government Gazette Number 09610355 [UKRAINE2].
11. THE LIMITED LIABILITY COMPANY INVESTMENT COMPANY ABROS (a.k.a. LLC IC ABROS), 2 Liter a Pl. Rastrelli, St. Petersburg 191124, Russia; Government Gazette Number 72426791; Telephone: 7812 3358979 [UKRAINE2].
12. AQUANIKA (a.k.a. AQUANIKA LLC; a.k.a. LLC RUSSKOYE VREMYA; a.k.a. OBSHCHESTVO S OGRANICHENNOI OTVETSTVENNOSTYU RUSSKOE VREMYA; a.k.a. RUSSKOE VREMYA OOO; a.k.a. RUSSKOYE VREMYA LLC), 47A, Sevastopolskiy Ave., of. 304, Moscow 117186, Russia; 1/2 Rodnikovaya ul., Savasleika s., Kulebakski raion, Nizhegorodskaya oblast 607007, Russia; Web site *http://www.aquanika.com;* alt. Web site *http://aquanikacompany.ru;* Email Address *office@aquanika.com;* Registration ID 1075247000036 [UKRAINE2].
13. TRANSOIL (a.k.a. LIMITED LIABILITY COMPANY TRANSOIL; f.k.a. OBSHCHESTVO S ORGANICHENNOI OTVETSTVENNOSTYU TRANSOIL; a.k.a. TRANSOIL LLC; a.k.a. TRANSOYL SNG LTD.), 18A Petrogradskaya nab., St. Petersburg 197046, Russia; Web site *http://www.transoil-spb.ru;* alt. Web site *http://transoil.com;* Email Address *info@toil.spb.ru;* Registration ID 1037835069986 [UKRAINE2].
14. VOLGA GROUP (a.k.a. VOLGA GROUP INVESTMENTS; f.k.a. VOLGA RESOURCES; f.k.a. VOLGA RESOURCES GROUP), 3, rue de la Reine L–2418, Luxembourg; Russia [UKRAINE2].
15. INVESTCAPITALBANK (a.k.a. INVESTKAPITALBANK; a.k.a. OJSC INVESTCAPITALBANK; a.k.a. OPEN JOINT STOCK COMPANY INVESTCAPITALBANK), 100/1, Dostoevskogo Street, Ufa, Bashkortostan Republic 450077, Russia; SWIFT/BIC INAKRU41; Web site *http://www.investcapitalbank.ru;* License 2377 [UKRAINE2].
16. SMP BANK (a.k.a. BANK SEVERNY MORSKOY PUT; a.k.a. SMP BANK OPEN JOINT–STOCK COMPANY), 71/11 Sadovnicheskaya Street, Moscow 115035, Russia; SWIFT/BIC SMBKRUMM; Web site *www.smpbank.ru;* Email Address *smpbank@smpbank.ru* [UKRAINE2].
17. STROYGAZMONTAZH (a.k.a. LIMITED LIABILITY COMPANY STROYGAZMONTAZH; a.k.a. STROYGAZMONTAZH CORPORATION; a.k.a. ''SGM''), 53 prospekt Vernadskogo, Moscow 119415, Russia; Web site *www.ooosgm.com;* alt. Web site *www.ooosgm.ru;* Email Address *info@ooosgm.ru* [UKRAINE2].

On June 20, 2014, OFAC blocked the property and interests in property of the following seven individuals pursuant to E.O. 13660:

1. BOLOTOV, Valery (a.k.a. BOLOTOV, Valeri; a.k.a. BOLOTOV, Valeriy); DOB 1970; alt. DOB 1971 (individual) [UKRAINE].
2. GIRKIN, Igor Vsevolodovich (a.k.a. STRELKOV, Igor Ivanovich; a.k.a. STRELKOV, Ihor; a.k.a. STRELOK, Igor), Shenkurskiy Passage (Proyezd), House 8–6, Apartment 136, Moscow, Russia; DOB 17 Dec 1970; citizen Russia; Passport 4506460961 (individual) [UKRAINE].
3. KAUROV, Valery Vladimirovich (a.k.a. KAUROV, Valerii

Volodymyrovych; a.k.a. KAUROV, Valeriy; a.k.a. KAUROV, Valery); DOB 02 Apr 1956; POB Odessa, Ukraine (individual) [UKRAINE].

4. MENYAILO, Sergei Ivanovich (a.k.a. MENYAILO, Sergei; a.k.a. MENYAILO, Sergey); DOB 22 Aug 1960; POB Alagir, North Ossetia, Russia; Acting Governor of Sevastopol (individual) [UKRAINE].
5. PONOMARYOV, Vyacheslav (a.k.a. PONOMAREV, Vyacheslav; a.k.a. PONOMARYOV, Vachislav); DOB 02 May 1965 (individual) [UKRAINE].
6. PURGIN, Andrey Yevgenyevich (a.k.a. PURGIN, Andrei; a.k.a. PURGIN, Andrej; a.k.a. PURGIN, Andriy; a.k.a. PURGYN, Andriy; a.k.a. PURHIN, Andriy); DOB 26 Jan 1972 (individual) [UKRAINE].
7. PUSHILIN, Denis (a.k.a. PUSHYLIN, Denis; a.k.a. PUSHYLIN, Denis Volodymyrovych; a.k.a. PUSHYLIN, Denys); DOB 09 May 1981; POB Makeevka, Ukraine (individual) [UKRAINE].

Dated: July 31, 2014.

Adam J. Szubin,

Director, Office of Foreign Assets Control.

[FR Doc. 2014–18683 Filed 8–6–14; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing, qualified severance of a trust for generation-skipping transfer (GST) tax purposes.

DATES: Written comments should be received on or before October 6, 2014 to be assured of consideration.

ADDRESSES: Direct all written comments to, R. Joseph Durbala, Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulation should be directed to LaNita Van Dyke, at Internal Revenue Service, Room 6517, 1111 Constitution Avenue NW., Washington, DC 20224, or through the Internet at *Lanita.VanDyke@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Qualified Severance of a Trust for Generation-Skipping Transfer (GST) Tax Purposes.

OMB Number: 1545–1902. Regulation Project Number: T.D.9348.

Abstract: This information is required by the IRS for qualified severances. It will be used to identify the trusts being severed and the new trusts created upon severance.

Current Actions: There is no change to the existing regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households.

Estimated Number of Respondents: 25,000.

Estimated Time Per Respondent: 30 minutes.

Estimated Total Annual Burden Hours: 12,500.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request For Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: July 25, 2014.

R. Joseph Durbala,

IRS Reports Clearance Officer.

[FR Doc. 2014–18711 Filed 8–6–14; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). The IRS is soliciting comments concerning information collection requirements related to compensatory stock options under section 482.

DATES: Written comments should be received on or before October 6, 2014 to be assured of consideration.

ADDRESSES: Direct all written comments to R. Joseph Durbala, Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for copies of regulation should be directed to LaNita Van Dyke, at the Internal Revenue Service, Room 66517, 1111 Constitution Avenue NW., Washington, DC 20224, or on the internet at *Lanita.VanDyke@irs.gov*.

SUPPLEMENTARY INFORMATION:

Title: Compensatory Stock Options Under Section 482.

OMB Number: 1545–1794.

Regulation Project Number: T.D. 9088.

Abstract: This document contains final regulations that provide guidance regarding the application of the rules of section 482 governing qualified cost sharing arrangements. These regulations provide guidance regarding the treatment of stockbased compensation for purposes of the rules governing qualified cost sharing arrangements and for purposes of the comparability factors to be considered under the comparable profits method.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit.

Estimated Number of Respondents: 500.

Estimated Time per Respondent: 1 Hour.

Estimated Total Annual Burden Hours: 2000.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. *Comments are invited on:* (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: July 29, 2014.

R. Joseph Durbala,

IRS Reports Clearance Officer.

[FR Doc. 2014–18713 Filed 8–6–14; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Revenue Procedure 99–21

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning limitations on credit or refund.

DATES: Written comments should be received on or before October 6, 2014 to be assured of consideration.

ADDRESSES: Direct all written comments to R. Joseph Durbala, Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of revenue procedure should be directed to LaNita Van Dyke, Internal Revenue Service, room 6517, 1111 Constitution Avenue NW., Washington, DC 20224, or through the internet at *LanitaVanDyke@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Limitations on Credit or Refund.

OMB Number: 1545–1649.

Revenue Procedure Number: Revenue Procedure 99–21.

Abstract: Generally, under section 6511(a), a taxpayer must file a claim for credit or refund of tax within three years after the date of filing a tax return or within two years after the date of payment of the tax, whichever period expires later. Under section 6511(h), the statute of limitations on claims for credit or refund is suspended for any period of an individual taxpayer's life during which the taxpayer is unable to manage his or her financial affairs because of a medically determinable mental or physical impairment, if the impairment can be expected to result in death, or has lasted (or can be expected to last) for a continuous period of not less than 12 months.

Current Actions: There are no changes being made to the revenue procedure at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households.

Estimated Number of Respondents: 48,200.

Estimated Time per Respondent: 30 minutes.

Estimated Total Annual Burden Hours: 24,100.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: July 29, 2014.

R. Joseph Durbala,

IRS Reports Clearance Officer.

[FR Doc. 2014–18714 Filed 8–6–14; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Quarterly Publication of Individuals, Who Have Chosen To Expatriate, as Required by Section 6039G

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice.

SUMMARY: This notice is provided in accordance with IRC section 6039G of the Health Insurance Portability and Accountability Act (HIPPA) of 1996, as amended. This listing contains the name of each individual losing United States citizenship (within the meaning of section 877(a) or 877A) with respect to whom the Secretary received information during the quarter ending June 30, 2014. For purposes of this listing, long-term residents, as defined in section 877(e)(2), are treated as if they were citizens of the United States who lost citizenship.

Last name	First name	Middle name/initials
ABDI	AMANDA	JANE
ABHAYAGUNAWARDHANA	CHAMATH	
ABHAYAGUNAWARDHANA	ENOKA	
ABRAMS	GARY	
AEBI-VON AH	MARIANNE	PAULINA
AESCHBACHER	DUSTIN	MAURICE
AGAFONOVA	NATALYA	
AGHA	ZOHAIR	D.
ALMUDEVAR-VAN SANTEN	MARIA	TERESA
ALNAQEEB	FARRIS	HAMED
ANCTIL	SUSAN	MARIE
ANCTIL	TRISTAN	MARC
ANDREWS	ALISON	LOUISE
ANDRIS	NATASHA	CHYA
ANGEL	HELEN	WEBSTER
ANTHONY	EDWARD	JOHN
ANTILLE	KENT	JOSEPH
ANTILLE	RAE	ANN
AREGGER	DANIEL	PATRICK
ARIAS JR.	GILBERTO	
AWAYA	RYUJI	
BAHN	OLIVIA	
BAILLY	CAROL	ROSELYN
BAKER	CAROL	ANN
BARBOUR-SMITH	JAMES	KENNETH ALEXANDER
BARCENAS	FAUSTINO	G
BARNETT	DEBBY	ANNE
BARRETT	RYAN	TIMOTHY
BARUT	DANIELLE	ANNETTE
BAZINET	ROBERT	PIERRE
BENADOR	ELEANA	
BENGOA	XAVIER	GREGORY
BERBER	RUTH	MARGO
BIRCH	ANDREW	DAVID JONATHAN
BIRCH	JENNIFER	STARR
BIRD	JEFFREY	RONALD
BISHOP-MORRISON	BETH	ANNE
BLONDEEL	HILDE	MARIAN
BOLAND	BARBARA	ANN
BONNYMAN	JAMES	WALLACE TAYLOR
BORDA	ANDREW	NOEL GRIFFITH
BOSSHARD	DANIEL	FRANCIS
BOUKOBZA	EREZ	
BOYER	ELAINE	MARION
BRADFORD	JOHN	PETER
BRADLEY	JASON	ALEXANDER
BRANIGAN	MICHAEL	JORDAN
BRATT	DUANE	KEVIN
BRAY	COLLEEN	ELIZABETH VIRGINIA
BRIGGS	JOHN	RUSSELL
BRIGGS	KATHERINE	T
BRIGGS	ROXANNE	ELIZABETH
BRINKLEY	BRUCE	ALLEN
BRINKLEY	LINDA	SARA
BRINKLEY	MARIE	LOUISE
BROOKS	JENNIFER	ANNE
BROOME	WILLIAM	CHRISTIAN
BROVIG	KRISTINA	MARIE
BROWN	CHARLES	MICHAEL FLECK
BUCHER	ROBERT	PETER
BUNTING	SANDRA	ANN CREAGHAN
BURGESS	MARIA	PHYLLIS
BURIAN	GABRIELA	
BURLANDO	ERIN	LYNN
BURLANDO	NATHAN	TRENT
BURLEY	CHRISTOPHER	ALEXANDER
BUSH	JOSEPH	MICHAEK
BUSSIEN	SONIA	NANCY
BUYTAERT	JEFFREY	JOHN
BUYTAERT	SACHA	PIERRE
CADMAN	CAROLYN	WENDY
CANTONNET	JORGE	ENRIQUE
CAPARAS	JORGE	TENGCO
CAPLAZI	CHRISTOPHER	MARCO

Last name	First name	Middle name/initials
CAPPIELLO	GIUSEPPE	ANTONIO
CARTELIER	ROBBIE	LOIS
CARTER	BURR	NOLAND
CARTER	GLENMORE	
CECIL	BARBARA	JULIA
CHAN	DEE	DEE
CHASE	HERBERT	SCOTT
CHASE	NIKITA	
CHENG	STANLEY	MING-FAI
CHEUNG	RICKY	WING KEY
CHMIEL-MOSHINSKY	CORINNE	TAMARA
CHO	HYO	JAE JACQUELINE
CHO	KATE	
CHO	PECK	
CHOI	JENNIFER	
CLIMACO	CESAR	FLORETA
COCKBURN	MARY	D
CONVERSE	WILLIAM	HENRY
COOKS	ADRIAN	DUMISANI
COOPER	CHRISTOPHER	ROBERT
COPELAND	MARLENE	JULIE
CORBELLA	FRANCESCA	BEATRICE
CORBETT	LINNEA	SUE
CRAIN	LORRIN	CHARLES
CRAMER	CARL	
CREERY	WALTER	DAVID
CRETEGNY	YVONNE	ALICE
CROISIER	MARY	BEATRICE
CROISIER	SOPHIE	
CRUZ	FABIOLA	ESTHER
CUENOUD	GUNDELA	IRMGARD
CURRAT	CATHERINE	ELIZABETH
CURRAT	PHILIPPE	LOUIS
CURRY	JAMES	PATRICK
DA CUNHA	ALEXANDRA	MARIA
DALANG	MARIE	ALIX FRANCOISE
DALANG	ROBERT	CHARLES
DANIELSON	TIMOTHY	ROBERT
DARLING	BEULAH	MAE
DAVIDSON	JENNIFER	LOUISE
DAVIS	SOSYA	RIVKA
DE AZEVEDO	MARIO	DOUYON
DE CASTRO DUARTE	LORENZO	RICCIARDI
DE CLEMENTE	ROBERT	
DE MUSZKA	JEAN-CHRISTOPHE	
DE STEFANO	NICODEMO	
DELALOYE	OLIVIER	EMMANUEL
DELALOYE	SANDRA	
DENERIAZ-DIMOND	MARIANNA	MARQUAND
DEUTSCH	ORI	EMANUEL
DEWARRAT	NATACHA	CLAUDE
DIAMOND	ELIZABETH	LESLIE
DIECKMANN	JOHN	WYLIE
DIETRICH	NATHALIE	
DODKIN	TIMOTHY	CHARLES
DRAKE	ROBERT	CHARLES
DRIEDGER	DIANE	LYNN
DUBACH	MYRA	K. MARTIN
DUNCAN	SHELAH	JOYCE
DURUZ	VALERIE	ANNE
DWEK	PHILIPPE	HENRI
DYCK	KATHLEEN	ELLEN
DYKSHOORN	MARY	ANN
ECCLES	JOANNE	MARIE
ECONOMOU	THEODORE	ALEXANDRE BASILE
EDDY	WILLIAM	RANDOLPH
EDGEET-MERILAINEN	LISA	MICHELE
EHRENSPERGER	MAX	
EIKEN	ASTRID	LIESELOTTE
ELLIS	ALICE	HOBSON
ENGI	JILL	ELLEN
ENSSLIN	ANGELA	SUSAN
ERDMAN	LINDA	RUTH
ERIKSSON	ULF	JOHNNY

Last name	First name	Middle name/initials
ERNAELSTEEN	MARC	EDWARD
ERSKINE	PAMELA	MARIE
ESTEVE	INES	DANIELLE
FARRAGHER	NIELS	PATRICK
FATT	HARRIET	ELIZABETH
FELDER	LINDA	HURD
FELLENZ	HANNS-HEINRICH	
FETTES	CHRISTOPHER	LEE
FIECHTER	JONATHAN	DAVID
FINK	JANINA	FRANCIS
FIRMENICH	LAETITIA	CLARINA
FISCH	CHRISTIANE	MARIE
FISHER	JED	JACOB
FLUKIGER	SIMONE	ANNE
FONG	JONATHON	TIM FAI
FOURNIER	MICHELE	FLORENCE
FRANTZ	ROBERT	H.
FRENCH	PAULETTE	
FROIDEVAUX	BERNARD	DAVID
FRUEH	KATRINA	
FU	JACKSON	
FUNG	CORNELIA	BEATRICE LICHAUCO
FUNG	SABRINA	WING YEE
FURST	IAN	MICHAEL
FUSFELD	JOHANNA	IDA STIEN
FUSTOK	NAHEDA	MANSOUR
GANS	ALEXANDRA	MARIA
GASSMANN	DEBORA	KATHARINA
GAWDIN	RONI	CECILIA
GEHRIG	ANDREA	KATHARINA
GERARD	DIANA	SARAH
GERRARD	PETER	WILLIAM
GERRY	MAXIMILIAN	CHARLES
GFELLER	DIEGO	RETO
GILMORE	KAREN	MARYKE
GMUER	MARCO	SIMON
GOEPFERT	MARC	
GOODINE	GERALD	HALEY
GRAMMATOPOULO	LEA	
GRANATO	BENNY	
GRANT	LYLE	KENNETH
GRAY	ANN	LARK
GRAY	DEVIN	AMANDA AERIAN
GREEN	JASON	
GREEN	TANYA	CAROLINE
GREENSLADE	SUZANNE	LYON
GRIBI	BARBARA	CLAUDIA
GRIFFITH	PATRICK	RALPH BAMBER
GRIFFITHS	JOHN	
HAAF	MEREDITH	SUMMERFIELD
HACKBARTH	DOUGLAS	ALAN
HAFFORD	PATRICE	WYNNE
HAFNER	CLAUDIA	CHRISTINE
HAHN	PAUL	
HAHN	WOO	JIN
HALL	ANDREA	LYNN
HALLWOOD	MARCIA	ANN
HAMAR	KATHLEEN	SLATER
HANSEN	DEBORAH	JANE
HANSEN	JEANETTE	PRENTISS
HAQUE	USMAN	ABDUL
HART	WILLIAM	CHARLES
HASSELQUIST	ANN	HARRIET
HAUERT	CYNTHIA	ANN
HAYDEN	RUTH	YAEL
HEALY	JOSEPH	DYLAN
HERSCHKOWITZ	DANIEL	HILEL
HERZOG-ASLAKSEN	PATRICIA	ELLEN
HICKEY	CLIFFORD	GEORGE
HITCHMAN	SCOTT	CAMERON
HO	JANICE	KATAO
HO	JASON	TSUN YIU
HO	LAURENCE	CHAK CHING
HOFER	KONRAD	HENRY

Last name	First name	Middle name/initials
HOFER	KURT	
HOFMANN	ERIKA	
HOLD	STEPHANIE	VIRGINIA
HOLDSWORTH	JANE	CHRISTY
HOLLANDER	STEPHEN	BURT
HOLLIHAN	BRANDON	ALEXIS
HOLLINGER	LISA	FRAN
HONG	MATTHEW	KEONWOO
HOTCHKISS	RICHARD	LIMGUANGCO
HOU	FELIX	JERRY
HOUSTON	SANDRA	JEAN
HOWALD	STEFAN	
HSU	MARTIN	JOHANNES
HUBERTS	ANNE-MARO	CECILE
HUFFAKER	DEBRA	ANN
HUME	CATHERINE	LOUISA
IRVING	CHLOE	
ISELI	STEFAN	THOMAS
ISELIN	SEAN	CHRISTOPHER
JACKSON	MARY	CHRISTINE
JACOBS	SUSAN	MAXINE
JAGGI	ANDREAS	BRIAN
JEWEL	SHERYL	MIKI
JOHNSON	CAROLINE	FLEMING
JOHNSON	TRISTAN	MURRAY
JONES	JOSEPH	CROSBY
JORDAN	DUSTIN	DWAYNE
JORDAN	LEILANI	LEE
JUBY	BENJAMIN	PAUL
JUDGE	CHRISTOPHER	PAUL
JUDGE	MICHAEL	JAMES
KALYONCU	OMER	FARUK
KARAM	ALFRED	SAMIR
KAUFMANN	ROGER	EDWARD
KELLER	RICHARD	MARTIN
KELLER IMHOF	URSULA	PATRICIA
KEMP	JURG	ANDREAS
KENDRICK-KOCH	LINDSEY	ANN
KHALIL	MICHAEL	WILLIAM
KING	VANESSA	JANE
KINLEY	JACQUELINE	LEE
KIRK	ANGELA	NASTASSIA
KLEMME-WEIDMANN	MICHELE	GILBERTE
KLETKE	MARY	JANE
KLINGLER	URS	CARDON
KNECHT-GUJER	KATRIN	
KNOCH	DARIA	
KOREN	JUDITH	G.
KOTHARI	VIBHA	
KRASNER	ELLA	
KRAUS	PAUL	LOUIS
KREBS	GEORGIA	BERYL
KREIDER	JEFFREY	CARL
KRENGEL	ROBERT	
KUMIN	BARBARA	RITA
LA MANTIA	ROBERTO	FRANCESCO
LANCKNEUS	KATHERINE	LUCETTE
LANDMANN	FLORENCE	LUCIENNE
LANE	SHELLEY	MUNJACK
LAUTERBURG	VINZENZ	DOMINIK
LAZIMBAT	LEO	JOHN
LEE	BRIAN	LIM
LEE	CATHERINE	
LEE	HYUNG	JIN
LEE	JAY	
LEE	LISA	
LEE	OLIVIA	BETSY
LERNER	ABRAHAM	JOSEPH
LEVENE	RACHEL	CLARE
LEVENE	SARAH	JANE
LEVINE	ROBERT	VINCENT
LEWINTON	STEPHEN	CHRISTOPHER
LEWIS	LAURA	
LIEN	HWA	CHU WANG

Last name	First name	Middle name/initials
LIM	JONG-KEOL	
LIN	MICHAEL	HOUNG JUN
LINDER	BRIDGET	MARIETTA
LINGNER	JOHANNA-STEPHANIE	HEIDI
LOMBARDO	DOMINIC	REED
LONSDALE	TIMOTHY	BRANDON
LUEDI	MICHELLE	ALEXANDRA
LUMSDEN-COOK	JAMES	JUSTIN
LYKAS	ANGELIC	
MAALOUF	CLAUDIO	ANDRE
MACKENZIE	WILLIAM	HENRY
MACZAN	MAGDALENA	
MAGSAYSAY	FRANCISCO	DELGADO
MALCA	ELIZABETH	VICTORIA ROHLING
MALTARP	HUGO	MALTA
MANNING	PATRICIA	FRASER
MARBOT	ZOE	
MARCEL	CHRISTOPHE	LOUIS FRANCOIS
MARGARONIS	AFTERPI	ERIMIONI
MARSHALL	TIMOTHY	
MARTEL	DANY	SANDRA
MASSE	LOUISE	C
MATA	ADRIANA	
MATSCHKE	XENIA	
MCCARTHY	STEPHEN	CHARLES
MCCULLOUGH	CAROLYN	SUZANNE
MCDONALD	CATHERINE	MARIE
MCLEAN	JUDITH	ANN
MELIAN	MARIE	CHRISTINE
MELLY	LAURE	
MENASCE-XINIDAKIS	COLETTE	R
MESHIEA	ABDUL	AZIZ
MEYER	BENJAMIN	
MICHAELSON	SARAH	CYNTHIA
MICHAUD	JAMES	MICHAEL
MICHAUD	VIRGINIA	LEE
MILLER	JEFFREY	STEVEN
MILLIET	PASCALE	WALDVOGEL-BAERTSCHI
MILLS	RONALD	HUGH
MINDELL	LARA	DAWN
MITCHELL	SANDRA	G
MOGER	SUSAN	FRANKEL
MONNET-VALIN	ANNE-LAURE	
MORRISSEY	PATRICK	GERARD
MORTIER	REGINA	BERNADETTE
MUELLER	DOROTHY	JEAN
MULLER	JOHANNES	CHRISTOFFEL
MUNEMANN	RUDOLF	MICHAEL
MURPHY	BEATRICE	JEANNE
MURPHY	JOHN	FRANKLIN
MUTTO	FREDERICK	
NATHWANI	KHILEN	PANKAJ
NAWRATIL	SUSANNE	PATRICIA
NIARCHOS	ELECTRA	EUGENIE
NIEM	PETER	BEI-FONG
NILSSON	THOMY	HENNING
NOVERAS	DAVID	ANGALA
NUMAINVILLE	PATRICK	ALAIN JOSEPH
O'BRIEN	CATRIONA	MARY
O'DONNELL	RACHEL	FAITH
OGILVIE	JOHN	A
OHMAE	HIROKI	
OJALA HIRST	CONNOR	BRENNAN
OLDE	ERNEST	JACOB
OLIPHANT	GREG	LEONARD
ONG	MELANIE	SHANNON SY
OTTENBACHER	VIIA	
PACKARD	SIMON	SEBASTIAN
PALMER	JENNIFER	ANNE
PALMER	ROBERT	DOMINIC
PAN	MALIRA	
PAQUIN	MARGUERITE	GILBERTE
PAREL	JENNIFER	NICOLE
PARKER	MARJORIE	ANNE

Last name	First name	Middle name/initials
PARSONS	ANDREW	CHARLES RICHARD
PATEL	KUSH	VIMAL
PATERSON	CORDELIA	LYNN
PAUL	HILARY	ANNE
PFEUTI	CAROLE	MURIEL
PIEREN	MARC	PATRICK
PILET	ALEX	JULIEN
PIROUE	JEROME	
PITTET-SEELY	MARY	SEELY
PLATTNER	KATRIN	ELISABETH
PORTMANN	ANTON	JOSEPH
PORTMANN	HEIDI	
POSEY	MARK	ROBERT
POTTIE	LISA	MARIE
PRADERVAND	CLAUDE	PASCAL
PRESTON	INGRID	KAREN
PRIFTI	LISA	MARGARET
PRIOVOLOS	ANNA	CRADDOCK
PRIOVOLOS	BARBARA	LYONS
RAES	DANIEL	ERNEST
RAFIQ	MARIA	
RAUS	ROBERT	ULRICH
RE LEVY	KHODABAKSH	AZARIA
REARDON	KATHERINE	GENEVIEVE
REIHER	PATRICK	STEPHANE
REINHART	MARC	PETER
RENT	NANCY	HELEN
REVERDIN	BRIGITTE	ANNE
REYNOLDS	CLAIRE	MICHELLE
RHYNER	SIMON	JAKOB
RIBI	SONJA	
RICHMOND	ANNE	CAROLYN
RILEY	TIMOTHY	O.
RISNER	MARC	STEVEN
RITTER	JOHN	ALEXANDER
ROBERTSON	ANGELA	YVONNE
ROSE	WENDY	LEE
ROSENGARTEN	DVORA	GITEL
ROSTEN	CLAIRE	ELIZABETH
ROTHDRAM	BARBARA	JANE
ROULIN	MARIE-JOSE	EUGENIE
ROY	DANIEL	JOHN
RUSSELL	CHERYL	ANN
RUSSI	NICO	
RUTTAN	MELINDA	STARR
RYEBURN	MICHAEL	VICTOR
SABATINO	CLAUDIO	FLAVIO
SACA	JORGE	
SAENZ	DANIEL	
SAGE	ALEXANDER	ERIC
SAGER	HEDWIG	S
SANTOS	JOHN	RICHARD F
SANTOS	LAWRENCE	HUANG DE LOS
SASSON	YOAV	JACOB
SAUER	KAROLINE	SOPHIE
SAUER	MARIE	CHRISTINE
SAYLOR	STANLEY	GENE
SCHACHTER	RON	ARMIN
SCHALLER	QUENTIN	CHRISTOPHER
SCHENKER	BERNHARD	PETER
SCHEUNER	PIERRE	ANDRE
SCHLAEFLI	REINHARD	OTTO
SCHMID	LAURA	NATALIE
SCHMIDLIN	FRANZ	ROMUALD
SCHOBER	EDWARD	ALBERT
SCHOCH	IAN	ALEXANDER
SCHUL	GERALDINE	COLETTE
SCHULZ	URSULA	ANNE
SCHUT	DIEDERIK	HENDRIK
SCHWANINGER	ERIC	
SCHWANINGER	NANCY	JEAN
SCHWARZ	SARAH	CATHERINE
SCHWOB	DANIEL	ROBERT MAX
SEDIGH-ZADEH	RAHA	

Last name	First name	Middle name/initials
SEEBERGER	ANDRES	DANIEL
SEELY	VIVIAN	MAY
SEILER	LUCAS	
SELBIE	JONATHAN	NELS GEORGE
SELBIE	JOYCE	EILEEN
SENESE	MARIANNE	
SEPULCHRE	PATRICK	CHARLES
SERAGELDIN	KAREEM	MOHAMED
SERRANO	SAMUEL	STEFFEN
SEXSMITH	MIRIAM	NEW
SEXTY	MATTHEW	WILLIAM
SEXTY	SUZANNE	
SHAW	REBECCA	MAE
SHERER	JOSHUA	ANTHONY
SHERWIN	FLORENCE	VIVIAN
SHIN	HO	LIM
SHOHET	JAMES	MENCHI
SHREE	SHAMLA	
SHU	RAYMOND	YOW-JEN
SHUBS	SHANA	JAELLE
SIDHALL	MARIANNE	CAROLINE
SIGOUIN	MEGAN	MALLORY
SILBERMAN	NATHALIE	KATHARINA
SINGER	RHODA	MORGENSTERN
SLEEMAN	JANE	ELIZABETH
SLOAN	PETER	JOSEPH
SOMMER	FRED	
SONG	FRANCIS	YOUGEUN
SOTAK	MARK	STEVEN
SPENCER	SANDRA	MARIE
SPIELMAN	GEOFFREY	
SPIELMAN	MERYL	ANN
STINGLHAMBER	LIONEL	
STRANGE	LUCY	HILL
STRAUCH	LORETTA	SANNA
STUCKI	SASKIA	LEONIE
STUCKI	VERA	CYNTHIA
SUEK	JENNIFER	WING WO
SUNDELIN	THERESE	AMANDA CAROLINA
SUNDERLAND	CHERYL	ANN
SUTER	ANDREW	MAX
SUTER	DANIELA	ANDREA
TARSHIS	SONDRA	MICHELLE
TASSILO	DAVID	
TAYLOR	ANNA	NATALIA BRAUN
TAYLOR	KATHLEEN	ISABEL
TEITLER	NATHALIE	SUSANA HILLARY
TENENBAUM-FRIEDMAN	TAMARA	LYNN
TETZLAFF	SANDRA	JOAN
THERIAULT	LEE	NELSON
THOMAS	BERTRAND	YVES
TIBERINI	FERNANDO	BENJAMIN
TILSTON	DAVID	FRANK
TOMITA	HARUMI	
TOMLINSON	KAYLA	SUE
TONG	SHARON	
TOPIC	WINIFRED	CAROL
TORRIE	CRAIG	CONRAD
TORRIE	ERIC	ALBERT
TREVES	SUSAN	NELLA
TRIMBLE	JACQUELINE	J
TRIPATHI	GAUTAM	
TSE	ERIC	S Y
TURENNE	PIERRE	RENI
UCAL	AVNI	C.
UCAL	BENGU	
VALIN	STEVEN	ERIC
VALLE JR.	RODRIGO	
VAN GINDERTAEL	MARC	LAURENT
VAN GORKOM	TRAVIS	ROLLAND
VAN WAGNER	JOHN	CLARE
VASILEVSKY	CAROL-ANN	
VEITCH	NICHOLAS	ALEXANDER
VERDENIUS	FENNA	MARLIES

Last name	First name	Middle name/initials
VERDENIUS-CHURCHILL	GAIL	ALINE
VESELY	ROBERT	ANTHONY
VIOLETTE	ROBERT	ROMEO
VIOLETTE	SYLVIA	LUCILLE
VOGEL	RANDOLPH	GORDON
VON GYMNICH	PATRICIA	CAROLINE GRAEFIN BEISSEL
WAIBEL	VANESSA	
WAJIMA	MASAYUKI	
WAKEAM	IVY	GALE
WALDVOGEL	SANDRA	REGINA
WALKER	ANN	MARIE
WANG	CHIH	YAO
WANG	POU-I	LEE
WATSON	STUART	DAVID
WAUGH	CHRISTOPHER	RICHARD
WEAVER	LARRY	EUGENE
WEAVER	NINA	LEE
WEBER	MARTIN	
WEGMANN	YVONNE	
WEHRLI	JOHANN	CARL
WEHRLI	MARIANNE	ELISABETH
WEIBEL	FLORIAN	FELIX
WEIBEL	JESSICA	ESTHER
WEIL	SAMUEL	FREDERICK
WEIMER	NORRIS	YVES
WEISER	SARA	ANN
WELCH	LUKE	PATRICK
WENDEL	ROSALIE	
WENGER	ANTHONY	LEE
WERENFELS	ISABELLE	ANITA
WETTSTEIN	BENJAMIN	MARK
WHEATLAND	MARY	THERESA
WHITE	CHAE	SUK
WHITE	DEAN	EDWARD
WILDMAN-WEBBER	CYNTHIA	JAMIE
WILLIAMS	MADELEINE	ROSE
WILLIS	CAROLINE	FIONA
WILSON	SUZANNE	SQUIER
WITTGEN	MARK	ANTHONY
WOOD	LINDSEY	CLAIRE
WOOD	PAMELA	ESPERITA ROSE
WOODRUFF	JULIANNE	
WOODTLI	MIRJAM	ANDREA
WU	EDWARD	C
YAGI	TAKESHI	
YAMAMICHI	HISASHI	JAMES
YANG	JOSEPH	EUGENE
YANG	JOSEPH	JISOO
YAZER	MYRNA	JACQUELINE
YEO	CHI	HAN
YEUNG	BECKY	BIK-KAY
YIP	WILLIAM	
YOO	HYUN	JOON
YOUNG	DAVID	EARL
YOUNG	LAUREN	ELIZABETH
YOUNG	MARY	ALISON
ZADOTTI	MARISA	VALERIA
ZWAANS	CHRISTINE	SYLVIE

Date: July 18, 2014.

Frances Fay,

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[FR Doc. 2014–18712 Filed 8–6–14; 8:45 am]

BILLING CODE 4830–01–P

FEDERAL REGISTER

Vol. 79 Thursday,

No. 152 August 7, 2014

Part II

Department of Commerce

Bureau of Industry and Security

15 CFR Parts 738, 740, 742, et al.

Implementation of Understandings Reached at the 2005, 2012, and 2013 Nuclear Suppliers Group (NSG) Plenary Meetings and a 2009 NSG Intersessional Decision; Additions to the List of NSG Participating Countries; Final Rule

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

15 CFR Parts 738, 740, 742, 744, 772, and 774

[Docket No. 090130094–3271–01]

RIN 0694–AD58

Implementation of Understandings Reached at the 2005, 2012, and 2013 Nuclear Suppliers Group (NSG) Plenary Meetings and a 2009 NSG Intersessional Decision; Additions to the List of NSG Participating Countries

AGENCY: Bureau of Industry and Security, Commerce.

ACTION: Final rule.

SUMMARY: The Bureau of Industry and Security (BIS) is publishing this final rule to amend the Export Administration Regulations (EAR) to implement the understandings reached at the 2005 Nuclear Suppliers Group (NSG) Plenary meeting held in Oslo, Norway; the 2012 NSG Plenary meeting held in Seattle, Washington; and the 2013 NSG Plenary meeting held in Prague, Czech Republic. This rule also implements a decision adopted under the NSG intersessional silent approval procedures in December 2009. Accordingly, this rule amends certain entries in Category 1 (''Special Materials and Related Equipment''), Category 2 (''Materials Processing''), Category 3 (''Electronics''), and Category 6 (''Sensors and Lasers'') of the Commerce Control List (CCL) to reflect changes in the Annex to the NSG ''Guidelines for the Transfer of Nuclear-Related Dual-Use Equipment, Materials, Software and Related Technology'' (the NSG Annex) based on the understandings reached at the 2005, 2012, and 2013 NSG Plenary meetings and the aforementioned 2009 NSG intersessional decision. Consistent with the 2005 NSG understandings, this rule also amends the export licensing policies in the EAR that apply to items that require a license for nuclear nonproliferation (NP) reasons, or as a result of certain nuclear end-users or end-uses, by adding an additional factor that must be considered by BIS when it reviews license applications involving such items, end-users, and/or end-uses. The 2012 and 2013 NSG Plenary understandings are a continuation of the fundamental review of the NSG control lists that was launched at the 2010 NSG Plenary meeting in Christchurch, New Zealand.

Finally, this rule amends the EAR to reflect the status of Croatia, Estonia, Iceland, Lithuania, Malta, Mexico, and Serbia as participating countries in the NSG, first, by adding these countries to the list of participating countries in the definition of ''Nuclear Suppliers Group'' and to Country Group A:4 (Nuclear Suppliers Group countries) and, second, by removing the license requirements for exports and reexports to these countries of certain items controlled for nuclear nonproliferation (NP) reasons.

DATES: This rule is effective August 7, 2014.

ADDRESSES: Send comments regarding this collection of information, including suggestions for reducing the burden, to Jasmeet Seehra, Office of Management and Budget (OMB), by email to *Jasmeet_K._Seehra@omb.eop.gov,* or by fax to (202) 395–7285; and to the Regulatory Policy Division, Bureau of Industry and Security, Department of Commerce, 14th Street & Pennsylvania Avenue NW., Room 2705, Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: Steven Clagett, Director, Nuclear and Missile Technology Controls Division, Office of Nonproliferation and Treaty Compliance, Bureau of Industry and Security, Telephone: (202) 482–3550.

SUPPLEMENTARY INFORMATION:

Background

The Bureau of Industry and Security (BIS) is amending the Export Administration Regulations (EAR) as follows: (1) To reflect the understandings reached at the NSG Plenary meeting held in Oslo, Norway, on June 23–24, 2005, the NSG Plenary meeting held in Seattle, Washington, on June 18–22, 2012, and the NSG Plenary meeting held in Prague, Czech Republic, on June 13–14, 2013; (2) to implement a 2009 NSG intersessional decision; (3) to reflect the addition of several participating governments to the Nuclear Suppliers Group (NSG); and (4) to make corrections to certain nuclear-related entries on the CCL. The NSG is a multilateral export control forum that currently consists of 48 participating countries. The NSG maintains a list of dual-use items that could be used for nuclear proliferation activities. The list is maintained in the Annex to the NSG's ''Guidelines for Transfers of Nuclear Related Dual-Use Equipment, Materials, Software, and Related Technology'' (hereinafter the ''NSG Annex''). NSG participating countries share a commitment to prevent nuclear proliferation and the development of nuclear-related weapons of mass destruction. In furtherance of that commitment, they have agreed to impose export controls on listed items. The NSG Guidelines and the Annex thereto are designed to ensure that nuclear trade for peaceful purposes does not contribute to the proliferation of nuclear weapons or related proliferation activities.

Updates To Reflect Additional Participating Governments to the NSG

At the NSG Plenary meeting held in Göteborg, Sweden, on May 27–28, 2004, Estonia, Lithuania, Malta, and the People's Republic of China were approved as new participating governments to the NSG. Croatia was approved as a new NSG participating government at the aforementioned 2005 NSG Plenary meeting and Iceland was approved as a new NSG participating government at the NSG Plenary meeting held in Budapest, Hungary, on June 11–12, 2009. Most recently, Mexico was approved as a new NSG participating government during the intersessional period following the NSG Plenary meeting held in Seattle, Washington, on June 18–22, 2012, and Serbia was approved in April 2013, following consultations with its government.

To reflect the status of these countries as participating governments in the NSG, this final rule amends the EAR by adding all eight countries to the definition of ''Nuclear Suppliers Group'' in Section 772.1 of the EAR. This rule also amends Supplement No. 1 to part 740 of the EAR by adding all of these countries, except the People's Republic of China, to Country Group A:4 (Nuclear Suppliers Group). In addition, this rule amends the Commerce Country Chart (Supplement No. 1 to Part 738 of the EAR) by revising certain license requirements that apply to these countries to be consistent with those that apply to other participating governments in the NSG. Specifically, this rule removes certain nuclear nonproliferation (NP) license requirements for all of these countries, except the People's Republic of China. As a result of the changes made by this rule, Croatia, Estonia, Iceland, Lithuania, Malta, Mexico, and Serbia are no longer designated as NP Column 1 destinations on the Commerce Country Chart.

Consistent with the changes described above, this rule amends Section 742.3(a)(1) of the EAR to clarify that exports and reexports of items on the Commerce Control List (CCL) (Supplement No. 1 to Part 774 of the EAR) that are controlled for nuclear nonproliferation reasons to destinations indicated under NP Column 1 on the Commerce Country Chart do not require a license, based on this reason for control, to those NSG member countries that are listed under Country Group A:4

in Supplement No. 1 to part 740 of the EAR. With the addition of Croatia, Estonia, Iceland, Lithuania, Malta, Mexico, and Serbia, all of the countries whose governments participate in the NSG, except the People's Republic of China, are now listed in Country Group A:4.

2005 NSG Plenary Changes

At the 2005 NSG Plenary meeting, the participating governments agreed to the addition of another factor for reviewing license applications to export items listed on the NSG Annex. This new factor is intended to address exports to countries that experience a significant number of export transactions in the form of transshipments. Specifically, the participating governments agreed to consider whether the country receiving an export has in place sufficient export controls to prevent an unacceptable risk of diversion or transfer to a nuclear proliferation activity. This final rule implements this NSG agreement by amending the nuclear nonproliferation licensing policies in Section 742.3(b)(1) of the EAR to add a new paragraph (b)(1)(ix), which includes the new NSG licensing factor, and to make editorial conforming changes in paragraphs (b)(1)(vii) and (b)(1)(viii)(F). In addition, this rule amends the nuclear end-user/end-use licensing review standards in Section 744.2(d) of the EAR by adding a new paragraph (d)(9), which includes the new NSG licensing factor, and by making editorial conforming changes in paragraphs (d)(7) and (d)(8)(vi).

NSG participating governments also agreed at the 2005 Plenary meeting to revise the NSG Annex to clarify that it includes in section 1.B.2.b and .c, respectively, machine tools for milling and grinding that have five or more axes, which can be coordinated simultaneously for ''contouring control.'' This rule amends ECCN 2B201 to implement this NSG clarification by revising the ''List of Items Controlled'' in the ECCN to specifically identify 5-axis machine tools for milling and grinding under new paragraphs .b.3 and .c.3, respectively. Prior to the publication of this rule, ECCN 2B201 stated that it controlled milling and grinding machines with ''two or more'' axes, but did not specifically identify the 5-axis machine tools for milling and grinding that are controlled under this ECCN. The addition of language to ECCN 2B201 that specifically identifies certain 5-axis machine tools for grinding and milling is intended to clarify the control parameters for this ECCN. This change does not expand the scope of these controls. Note that the positioning accuracy values identified in ECCN 2B201.a, .b, and .c are different from those stated in 1.B.2.a, .b, & .c on the NSG Annex, because the former are based on ISO 230/2 (2006), instead of ISO 230/2 (1988), which is still being used by the NSG. BIS adjusted the positioning accuracy values identified in ECCN 2B201.a, .b, and .c to ensure that there would be no discrepancy between the scope of the controls described in ECCN 2B201 and the corresponding controls indicated in 1.B.2.a, .b, & .c on the NSG Annex. Specifically, in 2B201.a and .b.1, this results in an adjustment from 6 μm to 4.5 μm. In paragraph .b of the Note to 2B201.b, the resulting adjustment is from 30 μm to 22.5 μm. In 2B201.c, the resulting adjustment is from 4 μm to 3 μm. ECCN 2B201 was updated to reflect ISO 230/2 (2006), consistent with the standard used in ECCN 2B001, by the rule (77 FR 39354, July 2, 2012) that implemented the agreements made at the 2011 Wassenaar Arrangement (WA) Plenary.

This rule also adds a new Note under ECCN 2B201, at the beginning of the ''List of Items Controlled,'' to indicate that this ECCN does not control special purpose machine tools limited to the manufacture of gears, crankshafts or cam shafts, tools or cutters, and extruder worms. In addition, this rule adds a Technical Note, at the end of the ECCN, to clarify that 2B201.b.3 and 2B201.c.3 include machines based on a parallel linear kinematic design (e.g. hexapods) that have 5 or more axes, none of which are rotary axes.

2009 NSG Intersessional Changes

This rule amends ECCN 2B206 to conform with the changes that the NSG made to the entry 1.B.3.a on the NSG Annex as a result of a decision that was adopted under the NSG intersessional silent approval procedures in December 2009. Specifically, this rule amends the heading of 2B206.a to refer to the more inclusive term ''coordinate measuring machines (CMM),'' instead of ''dimensional inspection machines,'' and revises 2B206.a.2 by updating the international standard referenced therein to read ''ISO 10360–2 (2009).'' However, the NSG revisions to 1.B.3.a, which are reflected in the amended text of 2B206.a.2, retain a one-dimensional length measurement error parameter and the same value for that error parameter for establishing the export control threshold.

2012 NSG Plenary Changes

At the 2012 NSG Plenary meeting, the participating governments agreed to modify controls on a number of items identified in the NSG Annex. Consistent with the 2012 plenary changes to section 3.B.4.a.3 of the NSG Annex, this rule revises ECCN 1B201.a.3 to control filament winding machines that, in addition to the characteristics described in 1B201.a.1 and .a.2, are capable of winding cylindrical tubes with an internal diameter between 75 mm and 650 mm and lengths of 300 mm or greater. Prior to the publication of this rule, ECCN 1B201.a.3 stated that controls applied to filament winding machines capable of winding cylindrical rotors of diameter between 75 mm (3 in.) and 400 mm (16 in.) and lengths of 600 mm (24 in.) or greater.

To reflect the removal of section 4.B.3 (ammonia synthesis converters or synthesis units) from the NSG Annex, this rule amends the CCL to remove ECCN 1B227, which listed these items prior to the publication of this rule. This rule also makes related conforming changes to the CCL by amending the control language for NP Column 1 in the License Requirements section of ECCN 1E001 (''development'' and ''production'' ''technology'') and the heading of ECCN 1E201 (''use'' ''technology'') to reflect the removal of ECCN 1B227 from the CCL. Ammonia synthesis converters or synthesis units that are ''specially designed'' or prepared for heavy water production, utilizing the ammonia-hydrogen exchange process, are included on the NSG Trigger List under section 2.6 (Plants for the production or concentration of heavy water, deuterium and deuterium compounds and ''specially designed'' or prepared equipment therefor) and are specifically identified in Annex B (Clarification of Items on the Trigger List) under section 6.6. Such items are subject to the export licensing authority of the Nuclear Regulatory Commission (see 10 CFR part 110 and Appendix K to part 110).

Consistent with the 2012 NSG Plenary changes to section 2.B.2 in the NSG Annex, this rule amends ECCN 1B233.b to revise the controls on lithium isotope separation equipment. Specifically, ECCN 1B233.b is amended to specify that it controls lithium isotope separation equipment based on the lithium-mercury amalgam process. ECCN 1B233 also is amended by adding controls, under new paragraphs .c and .d, on ion exchange systems and chemical exchange systems, respectively, that are ''specially designed'' for lithium isotope separation and on ''specially designed'' parts for such systems. BIS has export licensing jurisdiction over the equipment and systems described in ECCN 1B233.b, .c, or .d, but the facilities and plants described in ECCN 1B233.a are subject

to the export licensing authority of the Nuclear Regulatory Commission (see 10 CFR part 110). However, certain lithium isotope separation equipment and components for the plasma separation process (PSP) that are described in 1B233.b through .d are also directly applicable to uranium isotope separation and are subject to the export licensing authority of the Nuclear Regulatory Commission. This rule amends the Related Controls paragraph in the List of Items Controlled by ECCN 1B233 to include a statement to this effect.

In addition, this rule amends ECCN 1C216 to reflect a change to the controls on maraging steel described in section 2.C.11 of the NSG Annex. Specifically, ECCN 1C216 is amended to control maraging steel capable of an ultimate tensile strength of 1,950 MPa or more at 293 K (20 °C). Prior to the publication of this rule, ECCN 1C216 controlled maraging steel capable of an ultimate tensile strength of 2,050 MPa or more at 293 K (20 °C).

This rule also amends ECCN 2B230 to reflect the 2012 NSG plenary changes to section 3.A.7 (Pressure transducers) on the NSG Annex. Specifically, the heading of ECCN 2B230 is amended to indicate that this entry controls all types of pressure transducers that are capable of measuring absolute pressures and have all of the characteristics identified in 2B230.a through .c. Paragraph .a of ECCN 2B230 is amended to add pressure sensing elements made of, or protected by, aluminum oxide (alumina or sapphire) or fully fluorinated hydrocarbon polymers. A new paragraph .b is added to include seals essential for sealing the pressure sensing element, and in direct contact with the process medium, that are made of, or protected by, aluminum, aluminum alloy, aluminum oxide (alumina or sapphire), nickel, nickel alloy with more than 60% nickel by weight, or fully fluorinated hydrocarbon polymers. Newly redesignated paragraph .c (which was paragraph .b prior to the publication of this rule) is amended in subparagraph .c.2 to specify a full scale of 13 kPa or greater and an accuracy of better than ± 130 Pa when measuring at 13 kPa. In addition, the Related Definitions paragraph in the List of Items Controlled is amended to indicate that, for purposes of ECCN 2B230, ''pressure transducers'' are devices that convert pressure measurements into a signal. Prior to the publication of this rule, the definition specified the conversion of pressure measurements into an electrical signal.

This rule adds a new ECCN 2B233 to control certain bellows-sealed scroll-type compressors and bellows-sealed scroll-type vacuum pumps, consistent with the 2012 NSG Plenary decision to add such compressors and pumps to the NSG Annex under new section 3.A.9. Specifically, this new ECCN controls bellows-sealed scroll-type compressors and bellows-sealed scroll-type vacuum pumps capable of an inlet volume flow rate of 50 m^3/h or greater and a pressure ratio of 2:1 or greater with all surfaces that come in contact with the process gas made from any of the following: Aluminum or aluminum alloy, aluminum oxide, stainless steel, nickel or nickel alloy, phosphor bronze, or fluoropolymers. Because new ECCN 2B233 and ECCN 2B231 both control certain vacuum pumps, the Related Controls paragraph in each ECCN cross-references the other ECCN. These Related Controls paragraphs also cross-reference vacuum pumps subject to the export licensing authority of the Nuclear Regulatory Commission (see 10 CFR part 110) that are ''specially designed'' or prepared for the separation of uranium isotopes. This rule also makes related conforming changes to the CCL by amending the control language for NP Column 1 in the License Requirements section of ECCN 2E001 (''development'' ''technology'') and ECCN 2E002 (''production'' ''technology'') and by amending the heading of ECCN 2E201 (''use'' ''technology'') to reflect the addition of ECCN 2B233 to the CCL.

This rule amends ECCN 3A225 to revise controls on frequency changers and generators to reflect the 2012 NSG Plenary changes to section 3.A.1 on the NSG Annex. Specifically, this rule amends ECCN 3A225 to control frequency changers or generators that are usable as a variable frequency or fixed frequency motor drive, have a multiphase output providing a power of 40 VA or greater, operate at a frequency of 600 Hz or more, and have a frequency control better (less) than 0.2%. This rule also adds two new Notes to ECCN 3A225. The first Note indicates that ECCN 3A225 controls frequency changers intended for use in specific industrial machinery and/or consumer goods (machine tools, vehicles, etc.) only if the frequency changers can meet the performance characteristics described in ECCN 3A225 when removed from the machinery and/or goods. This Note, however, does not exclude from control under ECCN 3A225 any frequency changer described therein that is the principal element of a non-controlled item and that can feasibly be removed or used for other purposes. The second new Note recommends that, when determining whether a particular frequency changer meets or exceeds the performance characteristics described in ECCN 3A225, both hardware and ''software'' performance constraints must be considered. This rule also adds two new Technical Notes to ECCN 3A225. The first Technical Note indicates that the frequency changers controlled by ECCN 3A225 are also known as converters or inverters (this Technical Note was included in the NSG Annex prior to the 2012 NSG Plenary, but was not previously included in ECCN 3A225). The second Technical Note, which was added to the NSG Annex as part of the 2012 NSG Plenary changes, indicates that the performance characteristics described in ECCN 3A225 also may be met by certain equipment marketed as: Generators, electronic test equipment, AC power supplies, variable speed motor drives, variable speed drives (VSDs), variable frequency drives (VFDs), adjustable frequency drives (AFDs), or adjustable speed drives (ASDs).

This rule also amends the CCL to control certain ''software'' related to the equipment described in ECCN 3A225. ECCN 3D201 is added to control ''software'' ''specially designed'' for the ''use'' of equipment described in ECCN 3A225 and ECCN 3D202 is added to control ''software'' ''specially designed'' to enhance or release the performance characteristics of frequency changers or generators to meet or exceed the level of the performance characteristics described in ECCN 3A225. New ECCN 3D202 controls both of the following: (1) ''Software'' or encryption keys/codes ''specially designed'' to enhance or release the performance characteristics of equipment that is not controlled by ECCN 3A225, so that such equipment meets or exceeds the performance characteristics of equipment controlled by that ECCN; and (2) ''software'' ''specially designed'' to enhance or release the performance characteristics of equipment that is controlled by ECCN 3A225. The controls in new ECCN 3D202 reflect the 2012 NSG Plenary changes to the ''software'' controls described in section 3.D of the NSG Annex (specifically, the addition of new 3.D.2 and 3.D.3).

Consistent with the addition of new ECCNs 3D201 and 3D202 to the CCL (as described above) and with the controls in 3.E.1 on the NSG Annex, this rule also adds a new ECCN 3E202 to control ''technology'' for the ''development,'' ''production,'' or ''use'' of ''software'' controlled by ECCN 3D201 or 3D202.

This rule amends ECCN 6A005, consistent with the 2012 NSG Plenary

changes to 3.A.2 on the NSG Annex. First, 3.A.2.a.2 (copper vapor lasers) was revised to lower the specified ''average output power'' from ''equal to or greater than 40 W'' to ''equal to or greater than 30 W.'' Second, a new 3.A.2.j was added to control certain pulsed carbon monoxide lasers. In response to these NSG changes and to further clarify the scope of the NP controls in ECCN 6A005, this rule revises the ''Control(s)'' language for ''Country Chart—NP Column 1'' in the License Requirements section of ECCN 6A005 to indicate that NP controls apply to lasers controlled by 6A005.a.2, a.3, a.4, b.2.b, b.3, b.4, b.6.c, c.1.b, c.2.b, d.2, d.3.c, or d.4.c that meet or exceed the technical parameters described in ECCN 6A205. Note that the ''License Requirements Note'' (NP controls on ''lasers'' controlled by 6A005) in the License Requirements section of ECCN 6A005 was removed by the Wassenaar Arrangement 2013 Plenary Agreements Implementation rule that BIS published in the **Federal Register** on August 4, 2014.

This rule amends ECCN 6A205 (which controls ''lasers,'' ''laser'' amplifiers and oscillators, other than those controlled by 6A005, but excludes items subject to the export licensing authority of the Nuclear Regulatory Commission) by revising the ''Items'' paragraph in the List of Items Controlled section to conform, entirely, with the controls described in 3.A.2 on the NSG Annex. Specifically, copper vapor lasers, alexandrite lasers, and pulsed excimer lasers, as described in 3.A.2 on the NSG Annex, are now listed in ECCN 6A205; however, most of these lasers continue to be controlled for NS (national security) reasons, as well as NP and AT (anti-terrorism) reasons, under ECCN 6A005. In addition, this rule amends ECCN 6A205 to list the lasers in the order in which they appear in 3.A.2 on the NSG Annex. This rule also adds a new paragraph .j to ECCN 6A205 to reflect the 2012 NSG Plenary changes to section 3.A.2 on the NSG Annex (specifically, the addition of 3.A.2.j). New ECCN 6A205.j controls pulsed carbon monoxide lasers operating at wavelengths between 5,000 and 6,000 nm that have a repetition rate greater than 250 Hz, an average output power greater than 200 W, and a pulse width of less than 200 ns. A new Note to ECCN 6A205.j indicates that these controls do not capture the higher power (typically 1 to 5 kW) industrial CO lasers that are used in applications such as cutting and welding, because such lasers are either continuous wave or are pulsed with a pulse width greater than 200 ns.

2013 NSG Plenary Changes

At the 2013 NSG Plenary meeting, the participating governments agreed to modify controls on a number of items identified in the NSG Annex. Consistent with the 2013 plenary changes to section 4.B.2.d of the NSG Annex, this rule revises 1B228.d to control hydrogen-cryogenic distillation columns with an internal diameter of 30 cm or greater and ''effective lengths'' of 4 m or greater. Prior to the publication of this rule, 1B228.d controlled hydrogen-cryogenic distillation columns with an internal diameter of 1 m or greater and ''effective lengths'' of 5 m or greater. In addition, this rule amends the ''Related Definitions'' paragraph in the List of Items Controlled section of ECCN 1B228 to include a definition of the term ''effective length.'' For purposes of this ECCN, ''effective length'' means the active height of packing material in a packed-type column, or the active height of internal contactor plates in a plate-type column.

Consistent with the addition of 5.B.7 to the NSG Annex, this rule adds new ECCN 1B234 to the CCL to control certain high explosive containment vessels, chambers, containers, and other similar containment devices designed for the testing of high explosives or explosive devices. New ECCN 1B234 controls any such equipment, not enumerated in ECCN 1B608 or in USML Category IV or V on the ITAR (see 22 CFR parts 120 through 130), that: (1) Is designed to fully contain an explosion equivalent to 2 kg of TNT or greater; and (2) has design elements or features enabling real time or delayed transfer of diagnostic or measurement information. In addition, this rule makes conforming amendments to ECCNs 1E001 and 1E201 to reflect the addition of new ECCN 1B234. Specifically, ECCN 1E001 is amended by revising the NP Column 1 paragraph in the License Requirements section to indicate that this ECCN contains NP controls on ''development'' and ''production'' ''technology'' for equipment described in new ECCN 1B234 (note that AT controls apply to all items in 1E001). ECCN 1E201 is amended by revising the heading of the ECCN to indicate that 1E201 controls ''technology'' for the ''use'' of equipment described in new ECCN 1B234.

This rule also amends ECCN 1C236 to reflect the 2013 NSG Plenary changes to 2.C.19 in the NSG Annex, which included: (1) Revising the heading of 2.C.19 to indicate that this paragraph applies to radionuclides that are ''appropriate for making neutron sources based on alpha-n reaction;'' and (2) identifying specific types of radionuclides to which 2.C.19 applies. Specifically, this rule revises the heading of ECCN 1C236 to indicate that this ECCN controls radionuclides appropriate for making neutron sources based on alpha-n reaction and products or devices containing such radionuclides. This rule also revises the ''Items'' paragraph in the List of Items Controlled section of ECCN 1C236. First, new 1C236.a.1 identifies the twenty-one radionuclides that are controlled under this ECCN, all of which are ''appropriate for making neutron sources based on alpha-n reaction.'' Second, new 1C236.a.2 states that the radionuclides identified in 1C236.a.1 are controlled by ECCN 1C236 only if they are in one of the following forms identified in 1C236.a.2.a through .a.2.c: (1) Elemental; (2) compounds having a total activity of 37 GBq (1 curie) per kg or greater; or (3) mixtures having a total activity of 37 GBq (1 curie) per kg or greater. Third, 1C236.b, as revised, indicates that ECCN 1C236 also controls products or devices containing radionuclides identified in new 1C236.a.1 in any of the forms described in new 1C236.a.2. In structural terms, the control language that was included in 1C236.a, .b, and .c, prior to the publication of this rule, has been folded into new 1C236.a.2.a through .a.2.c, respectively; the control language that was in 1C236.d has been moved to revised 1C236.b; and new 1C236.a.1 has been added to list the specific radionuclides that are controlled under this ECCN (all of which must be in one of the forms identified in 1C236.a.2.a through .a.2.c).

Consistent with the addition of 2.C.20 to the NSG Annex, this rule adds new ECCN 1C241 to the CCL to control rhenium and alloys containing rhenium (i.e., alloys with 90% by weight or more of rhenium or alloys with 90% by weight or more of any combination of rhenium and tungsten) that: (1) Are in forms with a hollow cylindrical symmetry (including cylinder segments) with an inside diameter between 100 mm and 300 mm; and (2) have a mass greater than 20 kg. In addition, this rule makes conforming amendments to ECCNs 1E001 and 1E201 to reflect the addition of new ECCN 1C241. Specifically, ECCN 1E001 is amended by revising the NP Column 1 paragraph in the License Requirements section to indicate that this ECCN contains NP controls on ''development'' and ''production'' ''technology'' for rhenium and alloys containing rhenium described in new ECCN 1C241 (note

that AT controls apply to all items in 1E001). In addition, ECCN 1E201 is amended by revising the heading of the ECCN to indicate that 1E201 controls ''technology'' for the ''use'' of rhenium and alloys containing rhenium described in new ECCN 1C241.

This rule amends ECCN 2A225 to reflect the 2013 NSG Plenary changes to 2.A.1.a in the NSG Annex. Specifically, ECCN 2A225.a.1 is amended to clarify that the volume controlled is described in ''liters.'' This rule also amends 2A225.b.1 and .c.1 to make the same clarification, consistent with the control language in 2.A.1.b.1 and .c.1 in the NSG Annex (these NSG Annex paragraphs already specified ''liters'' prior to the 2013 NSG Plenary changes). In addition, this rule amends the heading of ECCN 2A225.a.2 to: (1) Specify that ''an overall impurity level of 2% or less by weight'' applies; and (2) add the phrase, ''combination of the following materials.'' Based on these changes, crucibles controlled under ECCN 2A225.a must: (1) Have a volume of between 150 cm^3 and 8,000 cm^3 (8 liters); and (2) be made of, or coated with, any of the materials identified in 2A225.a.2.a through a.2.i, or combination of these materials, having an overall impurity level of 2% or less by weight.

This rule amends the heading of ECCN 2B232 to reflect the 2013 NSG Plenary changes to 5.B.2 in the NSG Annex. Specifically, the heading of ECCN 2B232 is revised to control ''high-velocity gun systems (propellant, gas, coil, electromagnetic, and electrothermal types, and other advanced systems) capable of accelerating projectiles to 1.5 km/s or greater.'' Prior to the publication of this rule, this ECCN controlled ''multistage light gas guns or other high-velocity gun systems (coil, electromagnetic, and electrothermal types, and other advanced systems) capable of accelerating projectiles to 2 km/s or greater.''

This rule also amends ECCN 2D201 to reflect the 2013 NSG Plenary changes to NSG Annex entry 1.D.1, which was revised to include software ''modified'' for the ''use'' of specified equipment, as well as software ''specially designed'' for such ''use.'' Consistent with these NSG changes, this rule amends the heading of ECCN 2D201 to indicate that this ECCN controls ''software'' ''specially designed'' or ''modified'' for the ''use'' of equipment controlled by 2B204, 2B206, 2B207, 2B209, 2B227, or 2B229. Prior to the publication of this rule, the ECCN heading referred to ''specially designed'' ''software,'' but not ''software'' ''modified,'' for the ''use'' of the such equipment. In addition, this rule amends the ''ECCN Controls'' paragraph in the List of Items Controlled section of ECCN 2D201 to indicate that ''software'' ''specially designed'' or ''modified'' for systems controlled by 2B206.b includes ''software'' for simultaneous measurements of wall thickness and contour. Prior to the publication of this rule, the ''ECCN Controls'' paragraph did not specifically refer to ''software'' ''modified'' for such systems.

This rule adds a new ''ECCN Controls'' paragraph to the List of Items Controlled section of ECCN 2D202 to indicate that this ECCN does not control part programming ''software'' that generates ''numerical control'' command codes, but does not allow direct use of equipment for machining various parts. This change is consistent with the 2013 NSG Plenary decision to add a new note that provides the same guidance with respect to 1.D.2 in the NSG Annex.

This rule amends ECCN 3A229 consistent with the 2013 NSG Plenary changes to 6.A.2, which included the following: 6.A.2.a and .b were revised; a new 6.A.2.c was added; the Technical Note defining ''rise time'' was removed; and the Note to 6.A.2 was revised to add descriptions of ''optically driven firing sets'' and ''explosively driven firing sets.'' Specifically, 3A229.a is amended to indicate that it controls ''detonator firing sets (initiation systems, firesets), including electronically-charged, explosively-driven and optically-driven firing sets'' designed to drive multiple controlled detonators (prior to the publication of this rule 3A229.a referred to ''explosive detonator firing sets''). In 3A229.b, this rule removes 3A229.b.2, redesignates 3A229.b.3 as new 3A229.b.2, and amends new 3A229.b.2 to specify a capability of delivering energy in less than 15 μs ''into loads of less than 40 Ω (ohms).'' ECCN 3A229.b.4 is redesignated as new 3A229.b.3, with no changes. ECCN 3A229.b.5 is removed and 3A229.b.6 is redesignated as new 3A229.b.4 and amended to specify ''no dimension greater than 30 cm'' (the control level was 25.4 cm, prior to the publication of this rule). ECCN 3A229.b.7 is redesignated as new 3A229.b.5 and amended to specify a weight less than 30 kg (the control level was 25 kg, prior to the publication of this rule). ECCN 3A229.b.8 is redesignated as new 3A229.b.6 with no changes. This rule also amends ECCN 3A229 by adding a new 3A229.c to control micro-firing units with all of the following characteristics: (1) No dimension greater than 35 mm; (2) a voltage rating of equal to or greater than 1 kV; and (3) a capacitance of equal to or greater than 100 nF.

In addition, this rule amends the ''Related Definitions'' paragraph of ECCN 3A229 to read ''N/A,'' because a definition of ''rise time'' is no longer required due to the removal of the 3A229.b.5 control that specified ''a 'rise time' of less than 10 μs into loads of less than 40 ohms'' (see description of the changes related to 3A229.b.5, above). Also, consistent with the 2013 NSG Plenary changes to the Note to 6.A.2 (as described above), this rule amends the ''ECCN Controls'' paragraph of ECCN 3A229 to indicate that: (1) Optically driven firing sets include both those employing laser initiation and laser charging; and (2) explosively driven firing sets include both explosive ferroelectric and explosive ferromagnetic firing set types. To further clarify the EAR controls on explosive detonators, this rule also amends the ''Related Controls'' paragraph of ECCN 3A229 to include a reference to explosive detonator firing sets in ECCN 1A007.a that are designed to drive explosive detonators controlled by 1A007.b.

This rule amends ECCN 3A230 to reflect the 2013 NSG Plenary changes to 5.B.6 in the NSG Annex. Specifically, the heading of ECCN 3A230 is revised to indicate that this ECCN controls not only high-speed pulse generators, but also the ''pulse heads'' for such generators. In addition, the ''Related Definitions'' paragraph, in the List of Items Controlled for ECCN 3A230, is amended to add a definition of ''pulse heads,'' as this term is used in the amended heading of ECCN 3A230.

This rule also amends ECCN 3A231 to reflect the 2013 NSG Plenary changes to 6.A.5.b in the NSG Annex. Specifically, ECCN 3A231.b is amended to indicate that controlled neutron generator systems must utilize electrostatic acceleration to induce either: (1) A tritium-deuterium nuclear reaction; or (2) a deuterium-deuterium nuclear reaction capable of an output of 3×10^9 neutrons/s or greater. Prior to the publication of this final rule, ECCN 3A231.b specified only a tritium-deuterium nuclear reaction.

This rule amends ECCN 3A233 to reflect the following 2013 NSG Plenary changes to 3.B.6 in the NSG Annex: 3.B.6.d was revised; 3.B.6.e was removed; 3.B.6.f was redesignated as new 3.B.6.e; and three new Technical Notes were added to address the revised controls in 3.B.6.d. Specifically, this rule amends 3A233.d, consistent with the NSG revisions to 3.B.6.d, to control electron bombardment mass

spectrometers with both of the following: (1) A molecular beam inlet system that injects a collimated beam of analyte molecules into a region of the ion source where the molecules are ionized by an electron beam; and (2) one or more cold traps that can be cooled to a temperature of 193 K (−80 °C) or less in order to trap analyte molecules not ionized by the electron beam. In addition, this rule removes 3A233.e and redesignates 3A233.f as new 3A233.e, consistent with the NSG's removal of 3.B.6.e and redesignation of 3.B.6.f. This rule also adds three new Technical Notes, at end of ECCN 3A233, to indicate that: (1) ECCN 3A233.d controls mass spectrometers typically used for isotopic analysis of UF_6 gas samples; (2) electron bombardment mass spectrometers in ECCN 3A233.d are also known as electron impact mass spectrometers or electron ionization mass spectrometers; and (3) a ''cold trap,'' as that term is used in ECCN 3A233.d.2, is a device that traps gas molecules by condensing or freezing them on cold surfaces and, for the purposes of this ECCN, a closed-loop gaseous helium cryogenic vacuum pump is not a cold trap.

Consistent with the addition of 6.A.6.a and .b to the NSG Annex, this rule adds new ECCN 3A234 to the CCL to control ''striplines'' that provide a ''low inductance path to detonators'' and have both of the following characteristics: (1) A voltage rating greater than 2 kV; and (2) an inductance of less than 20 nH. This rule also makes conforming amendments to ECCNs 3E001 and 3E201 to reflect the addition of new ECCN 3A234. Specifically, ECCN 3E001 is amended by revising the NP Column 1 paragraph in the License Requirements section to indicate that this ECCN contains NP controls on ''development'' and ''production'' ''technology'' for striplines described in new ECCN 3A234 (note that AT controls apply to all items in 3E001). In addition, ECCN 3E201 is amended by: (1) Revising the heading of the ECCN to indicate that 3E201 controls ''technology'' for the ''use'' of striplines described in new ECCN 3A234 and (2) revising the NP Column 1 paragraph in the License Requirements section of ECCN 3E201 to indicate that this ECCN contains NP controls on such ''use'' ''technology'' (note that AT controls apply to all items in 3E201).

This rule amends ECCN 6A003, consistent with the 2013 NSG Plenary changes to NSG Annex 5.B.3, which was revised to add, in 5.B.3.a.4, b.4, and c.4, ''plug-ins'' for cameras described in 5.B.3.a, .b, or .c. Specifically, this rule amends the NP Column 1 controls in the License Requirements section of ECCN 6A003 to include ''plug-ins'' in 6A003.a.6 for cameras controlled by 6A003.a.3 or a.4.

This rule amends ECCN 6A203, consistent with the 2013 NSG Plenary changes to 5.B.3 in the NSG Annex. Specifically, this rule amends ECCN 6A203 by revising the ''Items'' paragraph in the List of Items Controlled section of the ECCN to control ''streak cameras'' under 6A203.a, ''framing cameras'' under 6A203.b, and ''solid state or electron tube cameras under 6A203.c, as follows (in the following, ''previously'' means prior to the publication of this rule).

(1) Streak cameras in 6A203.a:

6A203.a.1 (contains items previously identified under 6A203.a.2);

6A203.a.2 (contains items previously identified under 6A203.b.1);

6A203.a.3 (contains items previously identified under 6A203.b.2);

6A203.a.4 (controls plug-ins, not previously identified in 6A203, for 6A203.a cameras);

6A203.a.5 (controls items previously referenced in the Note to 6A203.a);

(2) Framing cameras in 6A203.b:

6A203.b.1 (controls items previously identified under 6A203.a.1);

6A203.b.2 (controls items previously identified under 6A203.b.3);

6A203.b.3 (controls items previously identified under 6A203.b.4.d);

6A203.b.4 (controls plug-ins, not previously identified in 6A203, for 6A203.b cameras);

6A203.b.5 (controls items previously referenced in the Note to 6A203.a);

(3) Solid state or electron tube cameras in 6A203.c:

6A203.c.1 (controls solid state or electron tube cameras with a fast image gating (shutter) time of 50 ns or less);

6A203.c.2 (controls solid-state imaging devices & image intensifier tubes with a fast image gating (shutter) time of 50 ns or less—these items were previously identified under 6A203.b.4.a);

6A203.c.3 (controls electro-optical shuttering devices (Kerr or Pockels cells) with a fast image gating (shutter) time of 50 ns or less—these items were previously identified under 6A203.b.4.c);

6A203.c.4 (controls plug-ins, not previously identified in 6A203, for 6A203.c cameras).

This rule also amends the CCL to control certain ''software'' related to the equipment described in ECCN 6A203, consistent with the 2013 NSG Plenary decision to add new 5.D.1 and 5.D.2 to the NSG Annex to control ''software'' ''specially designed'' to enhance or release the performance characteristics of high speed cameras and imaging devices, and components therefor, to meet or exceed the level of the performance characteristics in 5.B.3 (i.e., high-speed cameras & imaging devices in ECCN 6A203 and NP-controlled equipment in ECCN 6A003). Specifically, this rule adds new ECCN 6D201 to the CCL to control ''software'' that is ''specially designed'' to enhance or release the performance characteristics of high-speed cameras and imaging devices, and components therefor, to meet or exceed the level of the performance characteristics described in ECCN 6A203, consistent with new 5.D.1 and 5.D.2 on the NSG Annex. New ECCN 6D201 controls both: (1) ''Software'' or encryption keys/codes ''specially designed'' to enhance or release the performance characteristics of equipment not controlled by ECCN 6A203, or not controlled for NP reasons by ECCN 6A003, so that such equipment meets or exceeds the performance characteristics of equipment described in ECCN 6A203; and (2) ''software'' or encryption key codes ''specially designed'' to enhance or release the performance characteristics of equipment controlled by ECCN 6A203 or equipment controlled by ECCN 6A003 that meets or exceeds the performance characteristics described in ECCN 6A203.

This rule also makes conforming amendments to ECCN 6E001 to reflect the addition of new ECCN 6D201 to the CCL. Specifically, ECCN 6E001 is amended by revising the NP Column 1 paragraph in the License Requirements section to indicate that this ECCN contains NP controls on ''technology'' for the ''development'' of ''software'' described in new ECCN 6D201 (note that AT controls apply to all items in 6E001). In addition, this rule adds a new ECCN 6E202 to control ''technology'' for the ''production'' or ''use'' of ''software'' described in new ECCN 6D201.

This rule also amends ECCN 6A225, consistent with the 2013 NSG Plenary changes to the Note to 5.B.5.a in the NSG Annex. Specifically, this rule amends the ''ECCN Controls'' paragraph in the List of Items Controlled section of ECCN 6A225 to indicate that this ECCN controls not only velocity interferometers, such as VISARs (Velocity Interferometer Systems for Any Reflector) and DLIs (Doppler Laser Interferometers), but also PDV (Photonic Doppler Velocimeters) also known as Het-V (Heterodyne Velocimeters).

Consistent with the 2013 NSG changes to 5.B.5.b in the NSG Annex, this rule amends ECCN 6A226.a to control ''shock pressure gauges capable of measuring pressures greater than 10

GPa (100 kilobars), including gauges made with manganin, ytterbium, and polyvinylidene bifluoride (PVBF, PVF_2). Prior to the publication of this final rule, ECCN 6A226.a specified only ''manganin gauges for pressures greater than 100 kilobars.''

Corrections to ECCNs 2B006 and 2B206

This rule also makes certain corrections to ECCNs 2B006 and 2B206. ECCN 2B006 is amended to correctly state the scope of the NP controls that apply to certain items listed therein. Specifically, this rule amends the License Requirements section of ECCN 2B006 by revising the NP control(s) paragraph to indicate that NP Column 1 controls apply to those items described in ECCN 2B006.a that also meet or exceed the technical parameters in ECCN 2B206.a and to all items described in ECCN 2B006.b, except those in 2B006.b.1.d. Prior to the publication of this rule, the License Requirements section of ECCN 2B006 stated that NP Column 1 controls applied to all items described in ECCN 2B006.a, regardless of whether or not such items met or exceeded the technical parameters described in ECCN 2B206.a. As a result of this amendment to ECCN 2B006, the types of computer controlled or numerically controlled dimensional inspection machines on the CCL that are subject to NP controls under ECCN 2B006 or 2B206 are now fully consistent with the controls described in paragraph 1.B.3.a of the NSG Annex.

Finally, this rule amends ECCN 2B206 to eliminate redundant control language by removing paragraph (c) and the Note thereto. The items that were described in ECCN 2B206.c are currently controlled under ECCN 2B006.b.2.

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

Saving Clause

Shipments of items removed from eligibility for export or reexport under a license exception or without a license (i.e., under the designator ''NLR'') as a result of this regulatory action that were on dock for loading, on lighter, laden aboard an exporting carrier, or en route aboard a carrier to a port of export, on September 8, 2014, pursuant to actual orders for export or reexport to a foreign destination, may proceed to that destination under the previously applicable license exception or without a license (NLR) so long as they are exported or reexported before September 22, 2014. Any such items not actually exported or reexported before midnight, on September 22, 2014, require a license in accordance with this regulation.

''Deemed'' exports of ''technology'' and ''source code'' removed from eligibility for export under a license exception or without a license (under the designator ''NLR'') as a result of this regulatory action may continue to be made under the previously available license exception or without a license (NLR) before November 5, 2014. Beginning at midnight on November 5, 2014, such ''technology'' and ''source code'' may no longer be released, without a license, to a foreign national subject to the ''deemed'' export controls in the EAR when a license would be required to the home country of the foreign national in accordance with this regulation.

Rulemaking Requirements

1. Executive Orders 13563 and 12866 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This rule has been designated a ''significant regulatory action'' under section 3(f) of Executive Order 12866. Accordingly, the rule has been reviewed by the Office of Management and Budget.

2. Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.) (PRA), unless that collection of information displays a currently valid Office of Management and Budget (OMB) Control Number. This rule contains a collection of information subject to the requirements of the PRA. This collection has been approved by OMB under Control Number 0694–0088 (Multi-Purpose Application), which carries a burden hour estimate of 58 minutes to prepare and submit form BIS–748. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to Jasmeet Seehra, Office of Management and Budget (OMB), and to the Regulatory Policy Division, Bureau of Industry and Security, Department of Commerce, as indicated in the **ADDRESSES** section of this rule.

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

4. The provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, the opportunity for public participation, and a delay in effective date, are inapplicable because this regulation involves a military and foreign affairs function of the United States (See 5 U.S.C. 553(a)(1)). Immediate implementation of these amendments is non-discretionary and fulfills the United States' international obligation to the Nuclear Suppliers Group (NSG). The NSG contributes to international security and regional stability through the harmonization of export controls and seeks to ensure that exports do not contribute to the development of nuclear weapons. The NSG consists of 48 member countries that act on a consensus basis and the amendments set forth in this rule implement the understandings reached at the 2005, 2012, and 2013 NSG plenary meetings, a decision that was adopted under the NSG intersessional silent approval procedures in December 2009, and other changes deemed necessary to ensure consistency with the controls maintained by the NSG. Since the United States is a significant exporter of the items in this rule, immediate implementation of this provision is necessary for the NSG to achieve its purpose. Any delay in implementation will create a disruption in the movement of affected items globally because of disharmony between export control measures implemented by NSG members, resulting in tension between member countries. Export controls work best when all countries implement the same export controls in a timely and coordinated manner.

Further, no other law requires that a notice of proposed rulemaking and an opportunity for public comment be given for this final rule. Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule under

the Administrative Procedure Act or by any other law, the analytical requirements of the Regulatory Flexibility Act (5 U.S.C. 601 et seq.) are not applicable. Therefore, this regulation is issued in final form.

List of Subjects

15 CFR Part 738

Administrative practice and procedure, Exports, Foreign trade.

15 CFR Part 740

Administrative practice and procedure, Exports, Foreign trade, Reporting and recordkeeping requirements.

15 CFR Part 742

Exports, Foreign trade.

15 CFR Part 744

Exports, Reporting and recordkeeping requirements, Terrorism.

15 CFR Part 772

Exports.

15 CFR Part 774

Exports, Foreign trade, Reporting and recordkeeping requirements.

Accordingly, Parts 738, 740, 742, 744, 772, and 774 of the Export Administration Regulations (15 CFR parts 730–774) are amended as follows:

PART 738—[AMENDED]

■ 1. The authority citation for 15 CFR Part 738 continues to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.;* 50 U.S.C. 1701 *et seq.;* 10 U.S.C. 7420; 10 U.S.C. 7430(e); 22 U.S.C. 287c; 22 U.S.C. 3201 *et seq.;* 22 U.S.C. 6004; 30 U.S.C. 185(s), 185(u); 42 U.S.C. 2139a; 42 U.S.C. 6212; 43 U.S.C. 1354; 15 U.S.C. 1824a; 50 U.S.C. app. 5; 22 U.S.C. 7201 *et seq.;* 22 U.S.C. 7210; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Notice of August 8, 2013, 78 FR 49107 (August 12, 2013).

■ 2. Supplement No. 1 to Part 738 is amended by revising the entries for ''Croatia'', ''Estonia'', ''Iceland'', ''Lithuania'', ''Malta'', ''Mexico'', and ''Serbia'' to read as follows:

SUPPLEMENT NO. 1 TO PART 738—COMMERCE COUNTRY CHART

[Reason for control]

Countries	Chemical & biological weapons			Nuclear nonproliferation		National security		Missile tech	Regional stability		Firearms convention	Crime control			Anti-terrorism	
	CB 1	CB 2	CB 3	NP 1	NP 2	NS 1	NS 2	MT 1	RS 1	RS 2	FC 1	CC 1	CC 2	CC 3	AT 1	AT 2
*			*		*		*		*		*		*			
Croatia [3]	X					X		X	X							
*			*		*		*		*		*		*			
Estonia [3]	X					X		X	X							
*			*		*		*		*		*		*			
Iceland [3]	X					X		X	X							
*			*		*		*		*		*		*			
Lithuania [3]	X					X		X	X							
*			*		*		*		*		*		*			
Malta [2 3 4]	X					X	X	X	X	X		X		X		
*			*		*		*		*		*		*			
Mexico	X					X		X	X		X	X		X		
*			*		*		*		*		*		*			
Serbia	X	X				X	X	X	X	X		X	X	X		

PART 740—[AMENDED]

■ 3. The authority citation for 15 CFR Part 740 continues to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.;* 50 U.S.C. 1701 *et seq.;* 22 U.S.C. 7201 *et seq.;* E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Notice of August 8, 2013, 78 FR 49107 (August 12, 2013).

■ 4. In Supplement No. 1 to Part 740, Country Groups, Country Group A is amended by adding, in alphabetical order, new entries for ''Mexico'' and ''Serbia'' and by revising the entries for ''Croatia'', ''Estonia'', ''Iceland'', ''Lithuania'', and ''Malta'' to read as follows:

SUPPLEMENT NO. 1 TO PART 740—COUNTRY GROUPS

[Country Group A]

Country	[A:1]	[A:2] Missile technology control regime	[A:3] Australia group	[A:4] Nuclear suppliers group	[A:5]	[A:6]
* * *	*		*	*		*
Croatia			X	X	X	
* * *	*		*	*		*
Estonia			X	X	X	
* * *	*		*	*		*
Iceland		X	X	X	X	

SUPPLEMENT NO. 1 TO PART 740—COUNTRY GROUPS—Continued

[Country Group A]

Country	[A:1]	[A:2] Missile technology control regime	[A:3] Australia group	[A:4] Nuclear suppliers group	[A:5]	[A:6]
* * *	*	*	*	*		*
Lithuania			X	X	X	
* * *	*	*	*	*		*
Malta			X	X		X
Mexico			X	X		
* * *	*	*	*	*		*
Serbia				X		
* * *	*	*	*	*		*

PART 742—[AMENDED]

■ 5. The authority citation for 15 CFR part 742 continues to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.;* 50 U.S.C. 1701 *et seq.;* 22 U.S.C. 3201 *et seq.;* 42 U.S.C. 2139a; 22 U.S.C. 7201 *et seq.;* 22 U.S.C. 7210; Sec. 1503, Pub. L. 108–11, 117 Stat. 559; E.O. 12058, 43 FR 20947, 3 CFR, 1978 Comp., p. 179; E.O. 12851, 58 FR 33181, 3 CFR, 1993 Comp., p. 608; E.O. 12938, 59 FR 59099, 3 CFR, 1994 Comp., p. 950; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Presidential Determination 2003–23 of May 7, 2003, 68 FR 26459, May 16, 2003; Notice of August 8, 2013, 78 FR 49107 (August 12, 2013); Notice of November 7, 2013, 78 FR 67289 (November 12, 2013).

■ 6. Section 742.3 is amended by revising paragraphs (a)(1), (b)(1)(vii), and (b)(1)(viii)(F) and by adding paragraph (b)(1)(ix) to read as follows:

§ 742.3 Nuclear nonproliferation.

(a) * * *

(1) If NP Column 1 of the Country Chart (Supplement No. 1 to part 738 of the EAR) is indicated in the appropriate ECCN, a license is required to all destinations, except those Nuclear Suppliers Group (NSG) member countries that are listed under Country Group A:4 in Supplement No. 1 to part 740 of the EAR.

* * * * *

(b) * * *

(1) * * *

(vii) Whether the export or reexport would present an unacceptable risk of diversion to a nuclear explosive activity or unsafeguarded nuclear fuel-cycle activity described in § 744.2(a) of the EAR;

(viii) * * *

(F) Information on the importing country's nuclear intentions and activities; and

(ix) Whether the recipient state has sufficient national export controls (as described in paragraph 3 of United Nations Security Council Resolution 1540 (2004)) to prevent an unacceptable risk of retransfer or diversion to a nuclear explosive activity or unsafeguarded nuclear fuel-cycle activity described in § 744.2(a) of the EAR.

* * * * *

PART 744—[AMENDED]

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

Authority: 50 U.S.C. app. 2401 *et seq.;* 50 U.S.C. 1701 *et seq.;* 22 U.S.C. 3201 *et seq.;* 42 U.S.C. 2139a; 22 U.S.C. 7201 *et seq.;* 22 U.S.C. 7210; E.O. 12058, 43 FR 20947, 3 CFR, 1978 Comp., p. 179; E.O. 12851, 58 FR 33181, 3 CFR, 1993 Comp., p. 608; E.O. 12938, 59 FR 59099, 3 CFR, 1994 Comp., p. 950; E.O. 12947, 60 FR 5079, 3 CFR, 1995 Comp., p. 356; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13099, 63 FR 45167, 3 CFR, 1998 Comp., p. 208; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; E.O. 13224, 66 FR 49079, 3 CFR, 2001 Comp., p. 786; Notice of January 17, 2013, 78 FR 4303 (January 22, 2013); Notice of August 8, 2013, 78 FR 49107 (August 12, 2013); Notice of September 18, 2013, 78 FR 58151 (September 20, 2013); Notice of November 7, 2013, 78 FR 67289 (November 12, 2013).

■ 8. Section 744.2 is amended by revising paragraphs (d)(7) and (d)(8)(vi) and by adding paragraph (d)(9) to read as follows:

§ 744.2 Restrictions on certain nuclear end-uses.

* * * * *

(d) * * *

(7) Whether the export would present an unacceptable risk of diversion to a nuclear explosive activity or unsafeguarded nuclear fuel-cycle activity described in § 744.2(a) of the EAR;

(8) * * *

(vi) Intelligence data on the importing country's nuclear intentions and activities; and

(9) Whether the recipient state has sufficient national export controls (as described in paragraph 3 of United Nations Security Council Resolution 1540 (2004)) to prevent an unacceptable risk of retransfer or diversion to a nuclear explosive activity or unsafeguarded nuclear fuel-cycle activity described in § 744.2(a) of the EAR.

PART 772—[AMENDED]

■ 9. The authority citation for 15 CFR part 772 continues to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.;* 50 U.S.C. 1701 *et seq.;* E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Notice of August 8, 2013, 78 FR 49107 (August 12, 2013).

■ 10. Section 772.1 is amended by revising the definition of ''Nuclear Suppliers Group (NSG)'' to read as follows:

§ 772.1 Definitions of Terms as used in the Export Administration Regulations (EAR).

* * * * *

Nuclear Suppliers Group (NSG). The United States and other nations in this multilateral control regime have agreed to guidelines for restricting the export or reexport of items with nuclear applications. Members include: Argentina, Australia, Austria, Belarus, Belgium, Brazil, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Kazakhstan, Latvia, Lithuania, Luxembourg, Malta, Mexico, the Netherlands, New Zealand, Norway, People's Republic of China, Poland, Portugal, Republic of Korea, Romania, Russia, Serbia, Slovak Republic, Slovenia, South Africa, Spain, Sweden, Switzerland, Turkey, Ukraine, the

United Kingdom, and the United States. See also § 742.3 of the EAR.

* * * * *

PART 774—[AMENDED]

■ 11. The authority citation for 15 CFR Part 774 continues to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.;* 50 U.S.C. 1701 *et seq.;* 10 U.S.C. 7420; 10 U.S.C. 7430(e); 22 U.S.C. 287c, 22 U.S.C. 3201 *et seq.;* 22 U.S.C. 6004; 30 U.S.C. 185(s), 185(u); 42 U.S.C. 2139a; 42 U.S.C. 6212; 43 U.S.C. 1354; 15 U.S.C. 1824a; 50 U.S.C. app. 5; 22 U.S.C. 7201 *et seq.;* 22 U.S.C. 7210; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Notice of August 8, 2013, 78 FR 49107 (August 12, 2013).

Supplement No. 1 to Part 774—[Amended]

■ 12. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 1—Special Materials and Related Equipment, Chemicals, ''Microorganisms'' and ''Toxins,'' ECCN 1B201 is amended by revising the ECCN heading and by revising paragraph a.3., in the ''Items'' paragraph under the List of Items Controlled section, to read as follows:

1B201 Filament winding machines (other than those controlled by ECCN 1B001 or 1B101) and related equipment, as described in this ECCN (see List of Items Controlled).

* * * * *

List of Items Controlled

Related Controls: * * *

Related Definitions: * * *

Items:

a. * * *

a.3. Capable of winding cylindrical tubes with an internal diameter between 75 mm and 650 mm and lengths of 300 mm or greater;

* * * * *

■ 13. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 1—Special Materials and Related Equipment, Chemicals, ''Microorganisms'' and ''Toxins,'' ECCN 1B227 is removed.

■ 14. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 1—Special Materials and Related Equipment, Chemicals, ''Microorganisms'' and ''Toxins,'' ECCN 1B228 is amended by revising the ECCN heading, by revising the ''Related Definitions'' paragraph under the List of Items Controlled section, and by revising paragraph d., in the ''Items'' paragraph under the List of Items Controlled section, to read as follows:

1B228 Hydrogen cryogenic distillation columns having all of the characteristics described in this ECCN (see List of Items Controlled).

* * * * *

List of Items Controlled

Related Controls: * * *

Related Definitions: (1) The term ''fine grain stainless steels,'' for purposes of this ECCN, means fine grain austenitic stainless steels with an ASTM (or equivalent standard) grain size number of 5 or greater. (2) The term ''effective length,'' for purposes of this ECCN, means the active height of packing material in a packed-type column, or the active height of internal contactor plates in a plate-type column.

Items: * * *

d. With internal diameters of 30 cm or greater and ''effective lengths'' of 4 m or greater.

■ 15. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 1—Special Materials and Related Equipment, Chemicals, ''Microorganisms'' and ''Toxins,'' ECCN 1B233 is amended by revising the ECCN heading, by revising the ''Related Controls'' paragraph under the List of Items Controlled section, and, in the ''Items'' paragraph under the List of Items Controlled section, by revising the heading of paragraph b., by revising paragraph b.1., and by adding new paragraphs c. and d., immediately following paragraph b., to read as follows:

1B233 Lithium isotope separation facilities or plants, and systems and equipment therefor (see List of Items Controlled).

* * * * *

List of Items Controlled

Related Controls: (1) See ECCN 1E001 (''development'' and ''production'') and ECCN 1E201 (''use'') for technology for items described in this entry. (2) Facilities and plants described in 1B233.a are subject to the export licensing authority of the Nuclear Regulatory Commission (see 10 CFR part 110). (3) Certain lithium isotope separation equipment and components for the plasma separation process (PSP) that are described in 1B233.b through .d are also directly applicable to uranium isotope separation and are subject to the export licensing authority of the Nuclear Regulatory Commission (see 10 CFR part 110).

* * * * *

Items:

a. * * *

b. Equipment for the separation of lithium isotopes based on the lithium-mercury amalgam process, as follows:

b.1. Packed liquid-liquid exchange columns ''specially designed'' for lithium amalgams;

* * * * *

c. Ion exchange systems ''specially designed'' for lithium isotope separation, and ''specially designed'' component parts therefor;

d. Chemical exchange systems (employing crown ethers, cryptands, or lariat ethers) ''specially designed'' for lithium isotope separation, and ''specially designed'' component parts therefor.

■ 16. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 1—Special Materials and Related Equipment, Chemicals, ''Microorganisms'' and ''Toxins,'' a new ECCN 1B234 is added, immediately following ECCN 1B233, to read as follows:

1B234 High explosive containment vessels, chambers, containers, and other similar containment devices, not enumerated in ECCN 1B608 or in USML Category IV or V of the ITAR, designed for the testing of high explosives or explosive devices and having both of the characteristics described in this ECCN (see List of Items Controlled).

License Requirements

Reason for Control: NP, AT

Control(s)	*Country chart (see Supp. No. 1 to part 738)*
NP applies to entire entry.	NP Column 1
AT applies to entire entry.	AT Column 1

List Based License Exceptions (See Part 740 for a description of all license exceptions)

LVS: N/A

GBS: N/A

CIV: N/A

List of Items Controlled

Related Controls: (1) Devices ''specially designed'' for the handling, control, activation, monitoring, detection, protection, discharge, or detonation of the articles enumerated in USML Category IV(a) and (b) are controlled by USML Category IV(c) of the ITAR (see 22 CFR parts 120 through 130). (2) See USML Category V of the ITAR (22 CFR parts 120 through 130) for devices identified therein that are ''specially designed'' to fully contain explosives enumerated in USML Category V. (3) Also see ECCN 1B608 for ''equipment'' ''specially designed'' for the ''development,'' ''production,'' repair, overhaul, or refurbishing of items controlled by ECCN 1C608 or USML Category V and not elsewhere specified on the USML.

Related Definitions: N/A

Items:

a. Designed to fully contain an explosion equivalent to 2 kg of TNT or greater; *and*

b. Having design elements or features enabling real time or delayed transfer of diagnostic or measurement information.

■ 17. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 1—Special Materials and Related Equipment, Chemicals, ''Microorganisms'' and ''Toxins,'' ECCN

1C216 is amended by revising the ECCN heading to read as follows:

1C216 Maraging steel, other than that controlled by 1C116, ''capable of'' an ultimate tensile strength of 1,950 MPa or more, at 293 K (20 °C).

* * * * *

■ 18. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 1—Special Materials and Related Equipment, Chemicals, ''Microorganisms'' and ''Toxins,'' ECCN 1C236 is amended by revising the ECCN heading and by revising the ''ECCN Controls'' paragraph and the ''Items'' paragraph, under the List of Items Controlled section, to read as follows:

1C236 Radionuclides appropriate for making neutron sources based on alpha-n reaction and products or devices containing such radionuclides (see List of Items Controlled).

* * * * *

List of Items Controlled

Related Controls: * * *
Related Definitions: * * *
ECCN Controls: This entry does not control a product or device containing less than 3.7 GBq (100 millicuries) of activity.
Items:

a. Radionuclides identified in 1C236.a.1 in any of the forms described in 1C236.a.2:

a.1. Radionuclides, as follows, appropriate for making neutron sources based on alpha-n reactions:

a.1.a. Actinium 225;
a.1.b. Actinium 227;
a.1.c. Californium 253;
a.1.d. Curium 240;
a.1.e. Curium 241;
a.1.f. Curium 242;
a.1.g. Curium 243;
a.1.h. Curium 244;
a.1.i. Einsteinium 253;
a.1.j. Einsteinium 254;
a.1.k. Gadolinium 148;
a.1.l. Plutonium 236;
a.1.m. Plutonium 238;
a.1.n. Polonium 208;
a.1.o. Polonium 209;
a.1.p. Polonium 210;
a.1.q. Radium 223;
a.1.r. Thorium 227;
a.1.s. Thorium 228;
a.1.t. Uranium 230;
a.1.u. Uranium 232; *and*

a.2. In any of the following forms:

a.2.a. Elemental;

a.2.b. Compounds having a total activity of 37 GBq (1 curie) per kg or greater; *or*

a.2.c. Mixtures having a total activity of 37 GBq (1 curie) per kg or greater.

b. Products or devices containing radionuclides identified in 1C236.a.1 in any of the forms described in 1C236.a.2.

■ 19. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 1—Special Materials and Related Equipment, Chemicals, ''Microorganisms'' and ''Toxins,'' a new ECCN 1C241 is added, immediately following ECCN 1C240, to read as follows:

1C241 Rhenium and alloys containing rhenium (see List of Items Controlled).

License Requirements

Reason for Control: NP, AT

Control(s)	*Country chart (see Supp. No. 1 to part 738)*
NP applies to entire entry.	NP Column 1
AT applies to entire entry.	AT Column 1

List Based License Exceptions (See Part 740 for a description of all license exceptions)

LVS: N/A
GBS: N/A
CIV: N/A

List of Items Controlled

Related Controls: N/A
Related Definitions: N/A
Items:

a. Rhenium and alloys containing rhenium, as follows, having both of the characteristics described in 1C241.b:

a.1. Alloys containing 90% by weight or more of rhenium;

a.2. Alloys containing 90% by weight or more of any combination of rhenium and tungsten; *and*

b. Having both of the following characteristics:

b.1. In forms with a hollow cylindrical symmetry (including cylinder segments) with an inside diameter between 100 mm and 300 mm; *and*

b.2. A mass greater than 20 kg.

■ 20. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 1—Special Materials and Related Equipment, Chemicals, ''Microorganisms'' and ''Toxins,'' ECCN 1E001 is amended by revising the ''Control(s)'' language for ''Country Chart—NP Column 1'' in the License Requirements section to read as follows:

1E001 ''Technology'' according to the General Technology Note for the ''development'' or ''production'' of items controlled by 1A001.b, 1A001.c, 1A002, 1A003, 1A004, 1A005, 1A006.b, 1A007, 1A008 1A101, 1B (except 1B608, 1B613 or 1B999), or 1C (except 1C355, 1C608, 1C980 to 1C984, 1C988, 1C990, 1C991, 1C995 to 1C999).

License Requirements

Reason for Control: NS, MT, NP, CB, RS, AT

Control(s)	*Country chart (see Supp. No. 1 to part 738)*
* * * * *	
NP applies to ''technology'' for items controlled by 1A002, 1A007, 1B001, 1B101, 1B201, 1B225, 1B226, 1B228 to 1B234, 1C002, 1C010, 1C111, 1C116, 1C202, 1C210, 1C216, 1C225 to 1C237, or 1C239 to 1C241 for NP reasons.	NP Column 1
* * * * *	

* * * * *

■ 21. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 1—Special Materials and Related Equipment, Chemicals, ''Microorganisms'' and ''Toxins,'' ECCN 1E201 is amended by revising the ECCN heading to read as follows:

1E201 ''Technology'' according to the General Technology Note for the ''use'' of items controlled by 1A002, 1A007, 1A202, 1A225 to 1A227, 1B201, 1B225, 1B226, 1B228 to 1B232, 1B233.b, 1B234, 1C002.b.3 and b.4, 1C010.a, 1C010.b, 1C010.e.1, 1C202, 1C210, 1C216, 1C225 to 1C237, 1C239 to 1C241 or 1D201.

* * * * *

■ 22. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 2—Materials Processing, ECCN 2A225 is amended by revising the heading of the ECCN and, in the ''Items'' paragraph under the List of Items Controlled section, by revising paragraph a.1., by revising the introductory text of paragraph a.2., by revising paragraph b.1., and by revising paragraph c.1. to read as follows:

2A225 Crucibles made of materials resistant to liquid actinide metals (see List of Items Controlled).

* * * * *

List of Items Controlled

* * * * *

Items:

a. * * *

a.1. A volume of between 150 cm^3 (150 ml) and 8,000 cm^3 (8 liters); *and*

a.2. Made of, or coated with, any of the following materials, or combination of the following materials, having an overall impurity level of 2% or less by weight:

* * * * *

b. * * *

b.1. A volume of between 50 cm^3 (50 ml) and 2,000 cm^3 (2 liters); *and*

* * * * *

c. * * *

c.1. A volume of between 50 cm^3 (50 ml) and 2,000 cm^3 (2 liters);

* * * * *

■ 23. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 2—Materials Processing, ECCN 2B006 is amended by revising the License Requirements section to read as follows:

2B006 Dimensional inspection or measuring systems, equipment, and ''electronic assemblies'', as follows (see List of Items Controlled).

License Requirements

Reason for Control: NS, NP, AT

Control(s)	*Country chart (see Supp. No. 1 to part 738)*
NS applies to entire entry.	NS Column 2
NP applies to those items in 2B006.a that meet or exceed the technical parameters in 2B206.a and to all items in 2B006.b, except those in 2B006.b.1.d.	NP Column 1
AT applies to entire entry.	AT Column 1

* * * * *

■ 24. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 2—Materials Processing, ECCN 2B201 is amended by revising the ECCN heading and the List of Items Controlled section to read as follows:

2B201 Machine tools, and any combination thereof, other than those controlled by 2B001, for removing or cutting metals, ceramics or ''composites,'' which, according to manufacturer's technical specifications, can be equipped with electronic devices for simultaneous ''contouring control'' in two or more axes.

* * * * *

List of Items Controlled

Related Controls: (1) See ECCNs 2D002 and 2D202 for ''software'' for items controlled by this entry. ''Numerical control'' units are controlled by their associated ''software''. (2) See ECCNs 2E001 (''development''), 2E002 (''production''), and 2E201 (''use'') for technology for items controlled under this entry. (3) Also see ECCNs 2B001, 2B290, and 2B991.

Related Definitions: N/A

Items:

Note: 2B201 does not control special purpose machine tools limited to the manufacture of any of the following parts:

a. Gears;

b. Crank shafts or cam shafts;

c. Tools or cutters;

d. Extruder worms;

Technical Note: The identified positioning accuracy values in this entry are based on ISO 230/2 (2006), which equates to the values based on ISO 230/2 (1988) that are used by the Nuclear Supplier's Group (NSG). In 2B201.a and .b.1, this results in a change from 6 µm to 4.5 µm. In paragraph .b of the Note to 2B201.b, the resulting change is from 30 µm to 22.5 µm, In 2B201.c, the resulting change is from 4 µm to 3 µm.

a. Machine tools for turning, that have positioning accuracies according to ISO 230/2 (2006) with all compensations available better (less) than 4.5 µm along any linear axis (overall positioning) for machines capable of machining diameters greater than 35 mm;

Note to 2B201.a: 2B201.a does not control bar machines (Swissturn), limited to machining only bar feed thru, if maximum bar diameter is equal to or less than 42 mm and there is no capability of mounting chucks. Machines may have drilling and/or milling capabilities for machining parts with diameters less than 42 mm.

b. Machine tools for milling, having any of the following characteristics:

b.1. Positioning accuracies according to ISO 230/2 (2006) with ''all compensations available'' equal to or less (better) than 4.5 µm along any linear axis (overall positioning);

b.2. Two or more contouring rotary axes; *or*

b.3. Five or more axes which can be coordinated simultaneously for ''contouring control.''

Note to 2B201.b: 2B201.b does not control milling machines having the following characteristics:

a. X-axis travel greater than 2 m; and

b. Overall positioning accuracy according to ISO 230/2 (2006) on the x-axis more (worse) than 22.5 µm.

c. Machine tools for grinding, having any of the following characteristics:

c.1. Positioning accuracies according to ISO 230/2 (2006) with ''all compensations available'' equal to or less (better) than 3 µm along any linear axis (overall positioning);

c.2. Two or more contouring rotary axes; or

c.3. Five or more axes which can be coordinated simultaneously for ''contouring control.''

Note to 2B201.c: 2B201.c does not control the following grinding machines:

a. Cylindrical external, internal, and external-internal grinding machines having all of the following characteristics:

1. Limited to a maximum workpiece capacity of 150 mm outside diameter or length; *and*

2. Axes limited to x, z and c.

b. Jig grinders that do not have a z-axis or a w-axis with an overall positioning accuracy less (better) than 3 microns. Positioning accuracy is according to ISO 230/2 (2006).

Technical Note: 2B201.b.3 and c.3 include machines based on a parallel linear kinematic design (e.g. hexapods) that have 5 or more axes none of which are rotary axes.

■ 25. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 2—Materials Processing, ECCN 2B206 is amended by revising ''Items'' paragraph, under the List of Items Controlled section, to read as follows:

2B206 Dimensional inspection machines, instruments or systems, other than those described in 2B006, as follows (see List of Items Controlled).

* * * * *

List of Items Controlled

* * * * *

Items:

a. Computer controlled or numerically controlled coordinate measuring machines (CMM) with either of the following characteristics:

a.1. Having only two axes with a maximum permissible error of length measurement along any axis (one dimension), identified as any combination of $E_{0x\ MPE}$, $E_{0y\ MPE}$ or $E_{0z\ MPE}$, equal to or less (better) than (1.25 + L/1000) µm (where L is the measured length in mm) at any point within the operating range of the machine (i.e., within the length of the axis), according to ISO 10360–2 (2009); *or*

a.2. Having three or more axes with a three dimensional (volumetric) maximum permissible error of length measurement, identified as $E_{0,\ MPE}$, equal to or less (better) than (1.7 + L/800) µm (where L is the measured length in mm) at any point within the operating range of the machine (i.e., within the length of the axis), according to ISO 10360–2 (2009).

Technical Note: The $E_{0,\ MPE}$ of the most accurate configuration of the CMM specified according to ISO 10360–2 (2009) by the manufacturer (e.g., best of the following: Probe, stylus length, motion parameters, environment) and with all compensations available shall be compared to the 1.7 + 1/800 µm threshold.

b. Systems for simultaneously linear-angular inspection of hemishells, having both of the following characteristics:

b.1. ''Measurement uncertainty'' along any linear axis equal to or less (better) than 3.5 µm per 5 mm; and

b.2. ''Angular position deviation'' equal to or less than 0.02°.

Technical Note: All parameters of measurement values in this entry represent plus/minus, i.e., not total band.

ECCN 2B206 Control Notes: 1. Machine tools that can be used as measuring machines are controlled by ECCN 2B206 if they meet or exceed the control parameters specified in this entry for the measuring machine function. 2. The machines described in ECCN 2B206 are controlled by this entry if they exceed the specified control threshold anywhere in their operating range.

■ 26. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 2—Materials Processing, ECCN 2B230 is amended by revising the ECCN heading and by revising the ''Related Definitions'' paragraph and the ''Items'' paragraph, under the List of Items Controlled section, to read as follows:

2B230 All types of ''pressure transducers'' capable of measuring absolute pressures and having all of the characteristics described in this ECCN (see List of Items Controlled).

* * * * *

List of Items Controlled

Related Controls: * * *

Related Definitions: (1) For purposes of this entry, ''pressure transducers'' are devices that convert pressure measurements into a signal. (2) For purposes of this entry, ''accuracy'' includes non-linearity, hysteresis and repeatability at ambient temperature.

Items:

a. Pressure sensing elements made of or protected by aluminum, aluminum alloy, aluminum oxide (alumina or sapphire), nickel, nickel alloy with more than 60% nickel by weight, or fully fluorinated hydrocarbon polymers;

b. Seals, if any, essential for sealing the pressure sensing element, and in direct contact with the process medium, made of or protected by aluminum, aluminum alloy, aluminum oxide (alumina or sapphire), nickel, nickel alloy with more than 60% nickel by weight, or fully fluorinated hydrocarbon polymers; and

c. Either of the following characteristics:

c.1. A full scale of less 13 kPa and an ''accuracy'' of better than ± 1% of full scale; *or*

c.2. A full scale of 13 kPa or greater and an ''accuracy'' of better than ± 130 Pa when measuring at 13 kPa.

■ 27. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 2—Materials Processing, ECCN 2B231 is amended by revising the ECCN heading and by revising the ''Related Controls'' paragraph, under the List of Items Controlled section, to read as follows:

2B231 Vacuum pumps having all of the characteristics described in this ECCN (see List of Items Controlled).

* * * * *

List of Items Controlled

Related Controls: (1) See ECCNs 2E001 (''development''), 2E002 (''production''), and 2E201 (''use'') for ''technology'' for items controlled under this entry. (2) Also see bellows-sealed scroll-type compressors and bellows-sealed scroll-type vacuum pumps controlled under ECCN 2B233. (3) Vacuum pumps ''specially designed'' or prepared for the separation of uranium isotopes are subject to the export licensing authority of the Nuclear Regulatory Commission (see 10 CFR part 110).

Related Definitions: * * *

* * * * *

■ 28. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 2—Materials Processing, ECCN 2B232 is amended by revising the ECCN heading to read as follows:

2B232 High-velocity gun systems (propellant, gas, coil, electromagnetic, and electrothermal types, and other advanced systems) capable of accelerating projectiles to 1.5 km/s or greater.

* * * * *

■ 29. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 2—Materials Processing, add a new ECCN 2B233, immediately following ECCN 2B232, to read as follows:

2B233 Bellows-sealed scroll-type compressors and bellows-sealed scroll-type vacuum pumps having all of the characteristics described in this ECCN (see List of Items Controlled).

License Requirements

Reason for Control: NP, AT

Control(s)	*Country chart (see Supp. No. 1 to part 738)*
NP applies to entire entry.	NP Column 1
AT applies to entire entry.	AT Column 1

List Based License Exceptions (See Part 740 for a description of all license exceptions)

LVS: N/A
GBS: N/A
CIV: N/A

List of Items Controlled

Related Controls: (1) See ECCNs 2E001 (''development''), 2E002 (''production''), and 2E201 (''use'') for ''technology'' for items controlled under this entry. (2) Also see vacuum pumps controlled under ECCN 2B231. (3) Vacuum pumps ''specially designed'' or prepared for the separation of uranium isotopes are subject to the export licensing authority of the Nuclear Regulatory Commission (see 10 CFR part 110).

Related Definitions: N/A

Items:

a. Capable of an inlet volume flow rate of 50 m^3/h or greater;

b. Capable of a pressure ratio of 2:1 or greater; *and*

c. Having all surfaces that come in contact with the process gas made from any of the following:

c.1. Aluminum or aluminum alloy;

c.2. Aluminum oxide;

c.3. Stainless steel;

c.4. Nickel or nickel alloy;

c.5. Phosphor bronze; *or*

c.6. Fluoropolymers.

Technical Notes: 1. In a scroll compressor or vacuum pump, crescent-shaped pockets of gas are trapped between one or more pairs of intermeshed spiral vanes, or scrolls, one of which moves while the other remains stationary. The moving scroll orbits the stationary scroll; it does not rotate. As the moving scroll orbits the stationary scroll, the gas pockets diminish in size (i.e., they are compressed) as they move toward the outlet port of the machine.

2. In a bellows-sealed scroll compressor or vacuum pump, the process gas is totally isolated from the lubricated parts of the pump and from the external atmosphere by a metal bellows. One end of the bellows is attached to the moving scroll and the other end is attached to the stationary housing of the pump.

3. Fluoropolymers include, but are not limited to, the following materials:

a. Polytetrafluoroethylene (PTFE);

b. Fluorinated Ethylene Propylene (FEP);

c. Perfluoroalkoxy (PFA);

d. Polychlorotrifluoroethylene (PCTFE); and

e. Vinylidene fluoride-hexafluoropropylene copolymer.

■ 30. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 2—Materials Processing, ECCN 2D201 is amended by revising the ECCN heading and by revising the ''ECCN Controls'' paragraph, under the List of Items Controlled section, to read as follows:

2D201 ''Software'' ''specially designed'' or modified for the ''use'' of equipment controlled by 2B204, 2B206, 2B207, 2B209, 2B227, or 2B229.

* * * * *

List of Items Controlled

Related Controls: * * *

Related Definitions: * * *

ECCN Controls: ''Software'' ''specially designed'' or modified for systems controlled by 2B206.b includes ''software'' for simultaneous measurements of wall thickness and contour.

* * * * *

■ 31. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 2—Materials Processing, ECCN 2D202 is amended by adding an ''ECCN Controls'' paragraph, between the ''Related Definitions'' paragraph and the ''Items'' paragraph under the List of Items Controlled section, to read as follows:

2D202 ''Software'' ''specially designed'' or modified for the ''development'', ''production'' or ''use'' of equipment controlled by 2B201.

* * * * *

List of Items Controlled

Related Controls: * * *

Related Definitions: * * *

ECCN Controls: ECCN 2D202 does not control part programming ''software'' that generates ''numerical control'' command codes, but does not allow direct use of equipment for machining various parts.

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■ 32. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 2—Materials Processing, ECCN 2E001 is amended by revising the ''Control(s)'' language for ''Country Chart—NP Column 1'' in the License Requirements section to read as follows:

2E001 ''Technology'' according to the General Technology Note for the ''development'' of equipment or ''software'' controlled by 2A (except 2A983, 2A984, 2A991, or 2A994), 2B (except 2B991, 2B993, 2B996, 2B997, or 2B998), or 2D (except 2D983, 2D984, 2D991, 2D992, or 2D994).

License Requirements

Reason for Control: * * *

Control(s)	Country chart (see Supp. No. 1 to part 738)
* * * * *	
NP applies to ''technology'' for items controlled by 2A225, 2A226, 2B001, 2B004, 2B006, 2B007, 2B009, 2B104, 2B109, 2B116, 2B201, 2B204, 2B206, 2B207, 2B209, 2B225 to 2B233, 2D001, 2D002, 2D101, 2D201 or 2D202 for NP reasons.	NP Column 1
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■ 33. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 2—Materials Processing, ECCN 2E002 is amended by revising the ''Control(s)'' language for ''Country Chart—NP Column 1'' in the License Requirements section to read as follows:

2E002 ''Technology'' according to the General Technology Note for the ''production'' of equipment controlled by 2A (except 2A983, 2A984, 2A991, or 2A994), or 2B (except 2B991, 2B993, 2B996, 2B997, or 2B998).

License Requirements

Reason for Control: * * *

Control(s)	Country chart (see Supp. No. 1 to part 738)
* * * * *	
NP applies to ''technology'' for equipment controlled by 2A225, 2A226, 2B001, 2B004, 2B006, 2B007, 2B009, 2B104, 2B109, 2B116, 2B201, 2B204, 2B206, 2B207, 2B209, 2B225 to 2B233 for NP reasons.	NP Column 1
* * * * *	

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■ 34. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 2—Materials Processing, ECCN 2E201 is amended by revising the ECCN heading to read as follows:

2E201 ''Technology'' according to the General Technology Note for the ''use'' of equipment or ''software'' controlled by 2A225, 2A226, 2B001, 2B006, 2B007.b, 2B007.c, 2B201, 2B204, 2B206, 2B207, 2B209, 2B225 to 2B233, 2D002, 2D201 or 2D202 for NP reasons.

* * * * *

■ 35. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 3 Electronics, ECCN 3A225 is amended by revising the ECCN heading and by revising the ''Related Controls'' paragraph and the ''Items'' paragraph, under the List of Items Controlled section, to read as follows:

3A225 Frequency changers (a.k.a. converters or inverters) and generators, except those subject to the export licensing authority of the Nuclear Regulatory Commission (see 10 CFR part 110), that are usable as a variable frequency or fixed frequency motor drive and have all of the characteristics described in this ECCN (see List of Items Controlled).

* * * * *

List of Items Controlled

Related Controls: (1) See ECCN 3D201 for ''software'' ''specially designed'' for the ''use'' of equipment described in this entry. (2) See ECCN 3D202 for ''software'' ''specially designed'' to enhance or release the performance characteristics of frequency changers or generators to meet or exceed the level of the performance characteristics described in this entry. (3) See ECCNs 3E001 (''development'' and ''production'') and 3E201 (''use'') for ''technology'' for items controlled under this entry. (4) Frequency changers (a.k.a. converters or inverters) ''specially designed'' or prepared for use in separating uranium isotopes are subject to the export licensing authority of the Nuclear Regulatory Commission (see 10 CFR part 110).

* * * * *

Items:

a. Multiphase output providing a power of 40 VA or greater;

b. Operating at a frequency of 600 Hz or more; *and*

c. Frequency control better (less) than 0.2%.

Notes: 1. This ECCN controls frequency changers intended for use in specific industrial machinery and/or consumer goods (machine tools, vehicles, etc.) only if the frequency changers can meet the performance characteristics described in this entry when removed from the machinery and/or goods. This Note does not exclude from control under this entry any frequency changer described herein that is the principal element of a non-controlled item and can feasibly be removed or used for other purposes.

2. To determine whether a particular frequency changer meets or exceeds the performance characteristics described in this entry, both hardware and ''software'' performance constraints must be considered.

Technical Notes: 1. Frequency changers controlled by this ECCN are also known as converters or inverters.

2. The performance characteristics described in this ECCN also may be met by certain equipment marketed as: Generators, electronic test equipment, AC power supplies, variable speed motor drives, variable speed drives (VSDs), variable frequency drives (VFDs), adjustable frequency drives (AFDs), or adjustable speed drives (ASDs).

■ 36. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 3 Electronics, ECCN 3A229 is amended by revising the ECCN heading and, under the List of Items Controlled section, by revising the ''Related Controls'' paragraph, by revising the ''Related Definitions'' paragraph, by revising the ''ECCN Controls'' paragraph, and by revising the ''Items'' paragraph, to read as follows:

3A229 Firing sets and equivalent high-current pulse generators for detonators controlled by 3A232 (see List of Items Controlled).

* * * * *

List of Items Controlled

Related Controls: (1) See ECCNs 3E001 and 1E001 (''development'' and ''production'') and 3E201 and 1E201 (''use'') for technology for items controlled under this entry. (2) See 1A007.a for explosive detonator firing sets designed to drive explosive detonators controlled by 1A007.b. (3) High explosives and related equipment for military use are ''subject to the ITAR'' (see 22 CFR parts 120 through 130).

Related Definitions: N/A

ECCN Controls: (1) Optically driven firing sets include both those employing laser initiation and laser charging. (2) Explosively driven firing sets include booth explosive ferroelectric and explosive ferromagnetic firing set types. (3) 3A229.b includes xenon flash-lamp drivers.

Items:

a. Detonator firing sets (initiation systems, firesets), including electronically-charged, explosively-driven and optically-driven firing sets designed to drive multiple controlled detonators controlled by 3A232;

b. Modular electrical pulse generators (pulsers) having all of the following characteristics:

b.1. Designed for portable, mobile, or ruggedized use;

b.2. Capable of delivering their energy in less than 15 μs into loads of less than 40 Ω (ohms);

b.3. Having an output greater than 100 A;

b.4. No dimension greater than 30 cm;

b.5. Weight less than 30 kg; *and*

b.6. Specified for use over an extended temperature range 223 K (−50 °C) to 373 K (100 °C) or specified as suitable for aerospace applications.

c. Micro-firing units having all of the following characteristics:

c.1. No dimension greater than 35 mm;

c.2. Voltage rating of equal to or greater than 1 kV; *and*

c.3. Capacitance of equal to or greater than 100 nF.

■ 37. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 3 Electronics, ECCN 3A230 is amended by revising the ECCN heading and by revising the ''Related Definitions'' paragraph, under the List of Items Controlled section, to read as follows:

3A230 High-speed pulse generators, and pulse heads therefor, having both of the following characteristics (see List of Items Controlled).

* * * * *

List of Items Controlled

Related Controls: * * *

Related Definitions: 1. In 3A230.b, the term ''pulse transition time'' is defined as the time interval between 10% and 90% voltage amplitude. 2. Pulse heads are impulse forming networks designed to accept a voltage step function and shape it into a variety of pulse forms that can include rectangular, triangular, step, impulse, exponential, or monocycle types. Pulse heads can be an integral part of the pulse generator, they can be a plug-in module to the device or they can be an externally connected device.

* * * * *

■ 38. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 3 Electronics, ECCN 3A231 is amended by revising the ECCN heading and by revising paragraph b., in the ''Items'' paragraph under the List of Items Controlled section, to read as follows:

3A231 Neutron generator systems, including tubes, having both of the characteristics described in this ECCN (see List of Items Controlled).

* * * * *

List of Items Controlled

Related Controls: * * *

Related Definitions: * * *

Items: * * *

b. Utilizing electrostatic acceleration to induce:

b.1. A tritium-deuterium nuclear reaction; *or*

b.2. A deuterium-deuterium nuclear reaction and capable of an output of 3×10^9 neutrons/s or greater.

■ 39. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 3 Electronics, ECCN 3A233 is amended, in the ''Items'' paragraph under the List of Items Controlled section, by revising paragraph d., by removing paragraph e., by redesignating paragraph f. as new paragraph e., and by adding three Technical Notes at the end of the entry to read as follows:

3A233 Mass spectrometers, capable of measuring ions of 230 atomic mass units or greater and having a resolution of better than 2 parts in 230, and ion sources therefor, excluding items that are subject to the export licensing authority of the Nuclear Regulatory Commission (see 10 CFR part 110).

* * * * *

List of Items Controlled

Related Controls: * * *

Related Definitions: * * *

Items: * * *

d. Electron bombardment mass spectrometers having both of the following features:

d.1. A molecular beam inlet system that injects a collimated beam of analyte molecules into a region of the ion source where the molecules are ionized by an electron beam; *and*

d.2. One or more cold traps that can be cooled to a temperature of 193 K (−80 °C) or less in order to trap analyte molecules that are not ionized by the electron beam;

e. Mass spectrometers equipped with a microfluorination ion source designed for actinides or actinide fluorides.

Technical Notes: 1. ECCN 3A233.d controls mass spectrometers that are typically used for isotopic analysis of UF_6 gas samples.

2. Electron bombardment mass spectrometers in ECCN 3A233.d are also known as electron impact mass spectrometers or electron ionization mass spectrometers.

3. In ECCN 3A233.d.2, a ''cold trap'' is a device that traps gas molecules by condensing or freezing them on cold surfaces. For the purposes of this ECCN, a closed-loop gaseous helium cryogenic vacuum pump is not a cold trap.

■ 40. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 3 Electronics, add new ECCN 3A234, immediately following ECCN 3A233, to read as follows:

3A234 Striplines to provide low inductance path to detonators with the following characteristics (see List of Items Controlled).

License Requirements

Reason for Control: NP, AT

Control(s)	*Country chart (see Supp. No. 1 to part 738)*
NP applies to entire entry.	NP Column 1
AT applies to entire entry.	AT Column 1

List Based License Exceptions (See Part 740 for a description of all license exceptions)

LVS: N/A
GBS: N/A
CIV: N/A

List of Items Controlled

Related Controls: N/A
Related Definitions: N/A
Items:

a. Voltage rating greater than 2 kV; *and*

b. Inductance of less than 20 nH.

■ 41. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 3 Electronics, add new ECCNs 3D201 and 3D202 in numerical order, immediately following ECCN 3D101, to read as follows:

3D201 ''Software'' ''specially designed'' for the ''use'' of equipment described in ECCN 3A225.

License Requirements

Reason for Control: NP, AT

Control(s)	*Country chart (see Supp. No. 1 to part 738)*
NP applies to entire entry.	NP Column 1
AT applies to entire entry.	AT Column 1

List Based License Exceptions (See Part 740 for a description of all license exceptions)

CIV: N/A
TSR: N/A

List of Items Controlled

Related Controls: See ECCN 3E202 (''development,'' ''production,'' and ''use'') for ''technology'' for items controlled under this entry.

Related Definitions: N/A

Items: The list of items controlled is contained in the ECCN heading.

3D202 ''Software'' ''specially designed'' to enhance or release the performance characteristics of frequency changers or generators to meet or exceed the level of the performance characteristics described in ECCN 3A225.

License Requirements

Reason for Control: NP, AT

Control(s)	*Country chart (see Supp. No. 1 to part 738)*
NP applies to entire entry.	NP Column 1
AT applies to entire entry.	AT Column 1

List Based License Exceptions (See Part 740 for a description of all license exceptions)

CIV: N/A
TSR: N/A

List of Items Controlled

Related Controls: See ECCN 3E202 (''development,'' ''production,'' and ''use'') for ''technology'' for items controlled under this entry.

Related Definitions: N/A

Items:

a. ''Software'' or encryption keys/codes ''specially designed'' to enhance or release the performance characteristics of equipment not controlled by ECCN 3A225, so that such equipment meets or exceeds the performance characteristics of equipment controlled by that ECCN.

b. ''Software'' ''specially designed'' to enhance or release the performance

characteristics of equipment controlled by ECCN 3A225.

■ 42. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 3 Electronics, ECCN 3E001 is amended by revising the ''Control(s)'' language for ''Country Chart—NP Column 1'' in the License Requirements section to read as follows:

3E001 ''Technology'' according to the General Technology Note for the ''development'' or ''production'' of equipment or materials controlled by 3A (except 3A292, 3A980, 3A981, 3A991 3A992, or 3A999), 3B (except 3B991 or 3B992) or 3C (except 3C992).

License Requirements

Reason for Control: * * *

Control(s)	*Country chart (see Supp. No. 1 to part 738)*
* * * * *	
NP applies to ''technology'' for equipment controlled by 3A001, 3A201, or 3A225 to 3A234 for NP reasons.	NP Column 1
* * * * *	

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■ 43. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 3 Electronics, ECCN 3E201 is amended by revising the ECCN heading and by revising the ''Control(s)'' language for ''Country Chart—NP Column 1'' in the License Requirements section to read as follows:

3E201 ''Technology'' according to the General Technology Note for the ''use'' of equipment controlled by 3A001.e.2 or .e.3, 3A201 or 3A225 to 3A234.

License Requirements

Reason for Control: * * *

Control(s)	*Country chart (see Supp. No. 1 to part 738)*
NP applies to ''technology'' for equipment controlled by 3A001.e.2, or .e.3, 3A201 or 3A225 to 3A234 for NP reasons.	NP Column 1
* * * * *	

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■ 44. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 3 Electronics, add new ECCN 3E202, immediately following ECCN 3E201, to read as follows:

3E202 ''Technology'' according to the General Technology Note for the ''development,'' ''production,'' or ''use'' of ''software'' controlled by 3D201 or 3D202.

License Requirements

Reason for Control: NP, AT

Control(s)	*Country chart (see Supp. No. 1 to part 738)*
NP applies to entire entry.	NP Column 1
AT applies to entire entry.	AT Column 1

List Based License Exceptions (See Part 740 for a description of all license exceptions)

CIV: N/A
TSR: N/A

List of Items Controlled

Related Controls: N/A
Related Definitions: N/A
Items: The list of items controlled is contained in the ECCN heading.

■ 45. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 6 Sensors and Lasers, ECCN 6A003 is amended by revising the ''Control(s)'' language for ''Country Chart—NP Column 1'' in the License Requirements section to read as follows:

6A003 Cameras, systems or equipment, and ''components'' therefor, as follows (see List of Items Controlled).

License Requirements

Reason for Control: * * *

Control(s)	*Country chart (see Supp. No. 1 to part 738)*
* * * * *	
NP applies to cameras controlled by 6A003.a.2, a.3 or a.4 and to plug-ins in 6A003.a.6 for cameras controlled by 6A003.a.3 or a.4.	NP Column 1
* * * * *	

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■ 46. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 6 Sensors and Lasers, ECCN 6A005 is amended by revising the License Requirements section of the ECCN to read as follows:

6A005 ''Lasers,'' ''components'' and optical equipment, as follows (see List of Items Controlled), excluding items that are subject to the export licensing authority of the Nuclear Regulatory Commission (see 10 CFR part 110).

License Requirements

Reason for Control: NS, NP, AT

Control(s)	*Country chart (see Supp. No. 1 to part 738)*
NS applies to entire entry.	NS Column 2
NP applies to lasers controlled by 6A005.a.2, a.3, a.4, b.2.b, b.3, b.4, b.6.c, c.1.b, c.2.b, d.2, d.3.c, or d.4.c that meet or exceed the technical parameters described in 6A205.	NP Column 1
AT applies to entire entry.	AT Column 1

* * * * *

■ 47. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 6 Sensors and Lasers, ECCN 6A203 is amended by revising the ECCN heading and by revising the ''Items'' paragraph, under the List of Items Controlled section, to read as follows:

6A203 High-speed cameras, imaging devices and ''components'' therefor, other than those controlled by 6A003 (see List of Items Controlled).

* * * * *

List of Items Controlled

* * * * *

Items:

a. Streak cameras and ''specially designed'' components therefor, as follows:

a.1. Streak cameras with writing speeds greater than 0.5 mm/μs;

a.2. Electronic streak cameras capable of 50 ns or less time resolution;

a.3. Streak tubes for cameras described in 6A203.a.2;

a.4. Plug-ins, ''specially designed'' for use with streak cameras having modular structures, that enable the performance characteristics described in 6A203.a.1 or .a.2;

a.5. Synchronizing electronics units, and rotor assemblies consisting of turbines, mirrors and bearings, that are ''specially designed'' for cameras described in 6A203.a.1.

b. Framing cameras and ''specially designed'' components therefor, as follows:

b.1. Framing cameras with recording rates greater than 225,000 frames per second;

b.2. Framing cameras capable of 50 ns or less frame exposure time;

b.3. Framing tubes, and solid-state imaging devices, that have a fast image gating (shutter) time of 50 ns or less and are ''specially designed'' for cameras described in 6A203.b.1 or .b.2;

b.4. Plug-ins, ''specially designed'' for use with framing cameras having modular structures, that enable the performance characteristics described in 6A203.b.1 or .b.2;

b.5. Synchronizing electronic units, and rotor assemblies consisting of turbines, mirrors and bearings, that are ''specially designed'' for cameras described in 6A203.b.1 or .b.2.

c. Solid-state or electron tube cameras and ''specially designed'' components therefor, as follows:

c.1. Solid-state cameras, or electron tube cameras, with a fast image gating (shutter) time of 50 ns or less;

c.2. Solid-state imaging devices, and image intensifiers tubes, that have a fast image gating (shutter) time of 50 ns or less and are ''specially designed'' for cameras described in 6A203.c.1;

c.3. Electro-optical shuttering devices (Kerr or Pockels cells) with a fast image gating (shutter) time of 50 ns or less;

c.4. Plug-ins, ''specially designed'' for use with cameras having modular structures, that enable the performance characteristics described in 6A203.c.1.

Technical Note: High speed single frame cameras can be used alone to produce a single image of a dynamic event, or several such cameras can be combined in a sequentially-triggered system to produce multiple images of an event.

■ 48. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 6 Sensors and Lasers, ECCN 6A205 is amended by revising the ''Items'' paragraph, under the List of Items Controlled section, to read as follows:

6A205 ''Lasers'', ''laser'' amplifiers and oscillators, other than those controlled by 0B001.g.5, 0B001.h.6, or 6A005, as follows (see List of Items Controlled).

* * * * *

List of Items Controlled

Related Controls: * * *

Related Definition: * * *

Items:

a. Copper vapor lasers having both of the following characteristics:

a.1. Operating at wavelengths between 500 nm and 600 nm; and

a.2. An average output power equal to or greater than 30 W;

b. Argon ion ''lasers'' having both of the following characteristics:

b.1. Operating at wavelengths between 400 nm and 515 nm; and

b.2. An average output power greater than 40 W;

c. Neodymium-doped (other than glass) lasers with an output wavelength between 1000 nm and 1100 nm having either of the following:

c.1. Pulse-excited and Q-switched with a pulse duration equal to or greater than 1 ns, and having either of the following:

c.1.a. A single-transverse mode output with an average output power greater than 40 W; *or*

c.1.b. A multiple-transverse mode output with an average output power greater than 50 W; *or*

c.2. Incorporating frequency doubling to give an output wavelength between 500 nm and 550 nm with an average output power of greater than 40 W.

d. Tunable pulsed single-mode dye laser oscillators having all of the following characteristics:

d.1. Operating at wavelengths between 300 nm and 800 nm;

d.2. An average output greater than 1 W;

d.3. A repetition rate greater than 1 kHz; and

d.4. Pulse width less than 100 ns;

e. Tunable pulsed dye laser amplifiers and oscillators having all of the following characteristics:

e.1. Operating at wavelengths between 300 nm and 800 nm;

e.2. An average output greater than 30 W;

e.3. A repetition rate greater than 1 kHz; and

e.4. Pulse width less than 100 ns;

Note to 6A205.e: 6A205.e does not control single mode oscillators.

f. Alexandrite lasers having all of the following characteristics:

f.1. Operating at wavelengths between 720 nm and 800 nm;

f.2. A bandwidth of 0.005 nm or less;

f.3. A repetition rate greater than 125 Hz; and

f.4. An average output power greater than 30 W;

g. Pulsed carbon dioxide ''lasers'' having all of the following characteristics:

g.1. Operating at wavelengths between 9,000 nm and 11,000 nm;

g.2. A repetition rate greater than 250 Hz;

g.3. An average output power greater than 500 W; and

g.4. Pulse width of less than 200 ns;

Note to 6A205.g: 6A205.g does not control the higher power (typically 1 kW to 5 kW) industrial CO_2 lasers used in applications such as cutting and welding, as these latter lasers are either continuous wave or are pulsed with a pulse width greater than 200 ns.

h. Pulsed excimer lasers (XeF, XeCl, KrF) having all of the following characteristics:

h.1. Operating at wavelengths between 240 nm and 360 nm;

h.2. A repetition rate greater than 250 Hz; and

h.3. An average output power greater than 500 W;

i. Para-hydrogen Raman shifters designed to operate at 16 micrometer output wavelength and at a repetition rate greater than 250 Hz.;

j. Pulsed carbon monoxide lasers having all of the following characteristics:

j.1. Operating at wavelengths between 5,000 and 6,000 nm;

j.2. A repetition rate greater than 250 Hz;

j.3. An average output power greater than 200 W; *and*

j.4. Pulse width of less than 200 ns.

Note to ECCN 6A205.j: 6A205.j does not control the higher power (typically 1 kW to 5 kW) industrial CO lasers used in applications such as cutting and welding, because such lasers are either continuous wave or are pulsed with a pulse width greater than 200 ns.

■ 49. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 6 Sensors and Lasers, ECCN 6A225 is amended by revising the ''ECCN Controls'' paragraph, under the List of Items Controlled section, to read as follows:

6A225 Velocity interferometers for measuring velocities exceeding 1 km/s during time intervals of less than 10 microseconds.

* * * * *

List of Items Controlled

Related Controls: * * *

Related Definition: * * *

ECCN Controls: 6A225 includes velocity interferometers, such as VISARs (Velocity Interferometer Systems for Any Reflector), DLIs (Doppler Laser Interferometers) and PDV (Photonic Doppler Velocimeters) also known as Het-V (Heterodyne Velocimeters).

* * * * *

■ 50. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 6 Sensors and Lasers, ECCN 6A226 is amended by revising the ''Items'' paragraph, under the List of Items Controlled section, to read as follows:

6A226 Pressure sensors, as follows (see List of Items Controlled).

* * * * *

List of Items Controlled

Related Controls: * * *

Related Definition: * * *

Items:

a. Shock pressure gauges capable of measuring pressures greater than 10 GPa (100 kilobars), including gauges made with manganin, ytterbium, and polyvinylidene bifluoride (PVBF, PVF_2);

b. Quartz pressure transducers for pressures greater than 10 GPa (100 kilobars).

■ 51. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 6 Sensors and Lasers, add new ECCN 6D201, immediately following ECCN 6D103, to read as follows:

6D201 ''Software'' ''specially designed'' to enhance or release the performance characteristics of high-speed cameras and imaging devices, and components therefor, to meet or exceed the level of the performance characteristics described in ECCN 6A203.

License Requirements

Reason for Control: NP, AT

Control(s)	*Country chart (see Supp. No. 1 to part 738)*
NP applies to entire entry.	NP Column 1
AT applies to entire entry.	AT Column 1

List Based License Exceptions (See Part 740 for a description of all license exceptions)

CIV: N/A

TSR: N/A

List of Items Controlled

Related Controls: See ECCNs 6E001 (''development'') and 6E202 (''production'' and ''use'') for ''technology'' for items controlled under this entry.

Related Definitions: N/A

Items:

a. ''Software'' or encryption keys/codes ''specially designed'' to enhance or release the performance characteristics of equipment not controlled by ECCN 6A203, or not controlled for NP reasons by ECCN 6A003, so that such equipment meets or exceeds the performance characteristics of equipment described in ECCN 6A203.

b. ''Software'' or encryption keys/codes ''specially designed'' to enhance or release the performance characteristics of equipment controlled by ECCN 6A203 or equipment controlled by ECCN 6A003 that meets or exceeds the performance characteristics described in ECCN 6A203.

■ 52. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 6 Sensors and Lasers, ECCN 6E001 is amended by revising the ''Control(s)'' language for ''Country Chart—NP Column 1'' in the License Requirements section to read as follows:

6E001 ''Technology'' according to the General Technology Note for the ''development'' of equipment, materials or ''software'' controlled by 6A (except 6A991, 6A992, 6A994, 6A995, 6A996, 6A997, or 6A998), 6B (except 6B995), 6C (except 6C992 or 6C994), or 6D (except 6D991, 6D992, or 6D993).

License Requirements

Reason for Control: * * *

Control(s)	*Country chart (see Supp. No. 1 to part 738)*
* * * * *	
NP applies to ''technology'' for items controlled by 6A003, 6A005, 6A202, 6A203, 6A205, 6A225, 6A226, 6D001, or 6D201 for NP reasons.	NP Column 1
* * * * *	

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■ 53. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 6 Sensors and Lasers, add new ECCN 6E202, immediately following ECCN 6E201, to read as follows:

6E202 ''Technology'' according to the General Technology Note for the ''production'' or ''use'' of ''software'' controlled by 6D201.

License Requirements

Reason for Control: NP, AT

Control(s)	*Country chart (see Supp. No. 1 to part 738)*
NP applies to entire entry.	NP Column 1
AT applies to entire entry.	AT Column 1

List Based License Exceptions (See Part 740 for a description of all license exceptions)

CIV: N/A

TSR: N/A

List of Items Controlled

Related Controls: N/A

Related Definitions: N/A

Items: The list of items controlled is contained in the ECCN heading.

Dated: July 25, 2014.

Kevin J. Wolf,

Assistant Secretary for Export Administration.

[FR Doc. 2014–18064 Filed 8–6–14; 8:45 am]

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Reader Aids

Federal Register

Vol. 79, No. 152

Thursday, August 7, 2014

CUSTOMER SERVICE AND INFORMATION

Federal Register/Code of Federal Regulations	
General Information, indexes and other finding aids	**202–741–6000**
Laws	**741–6000**
Presidential Documents	
Executive orders and proclamations	**741–6000**
The United States Government Manual	**741–6000**
Other Services	
Electronic and on-line services (voice)	**741–6020**
Privacy Act Compilation	**741–6064**
Public Laws Update Service (numbers, dates, etc.)	**741–6043**
TTY for the deaf-and-hard-of-hearing	**741–6086**

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FEDERAL REGISTER PAGES AND DATE, AUGUST

44635–45084 1
45085–45308 4
45309–45670 5
45671–46166 6
46167–46334 7

CFR PARTS AFFECTED DURING AUGUST

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.

3 CFR

Executive Orders:
13295 (amended by 13674) 45671
13673 45309
13674 45671

7 CFR

610 44635
622 44635
625 44635
652 44635
662 44635
945 45673
1455 44635
1465 44635
3201 44641

Proposed Rules:
457 44719

10 CFR

Proposed Rules:
430 45377
431 45377
460 45731

12 CFR

Proposed Rules:
390 45380

14 CFR

25 .....44657, 44658, 46167, 46169, 46170, 46171, 46173
39 .....44660, 44663, 44666, 44669, 44672, 44677, 45085, 45317, 45322, 45324, 45327, 45329, 45332, 45335, 45337, 45340
71 .....44679, 46175, 46180

Proposed Rules:
39 .....44722, 45135, 45137, 45140, 45383, 45385, 46201
234 45731
244 45731
250 45731
255 45731
256 45731
257 45731
259 45731
399 45731

15 CFR

732 45675
734 45288
738 .....45288, 45675, 46316
740 .....45288, 45675, 46316
742 .....45675, 46316
743 45288
744 .....44680, 45675, 46316
746 45675
772 .....45288, 46316
774 .....45088, 45288, 45675, 46316

22 CFR

126 45089

23 CFR

Proposed Rules:
790 45146

24 CFR

200 46181
2700 46181

26 CFR

1 .....45682, 45683
602 45683

27 CFR

9 44687
478 45091

Proposed Rules:
9 46204

28 CFR

Proposed Rules:
0 45387
36 44976
90 45387

30 CFR

943 45683

31 CFR

Proposed Rules:
1010 45151
1020 45151
1023 45151
1024 45151
1026 45151

33 CFR

100 .....44689, 44693, 45092, 45093
117 .....44693, 44696, 45344, 45345, 46182
165 .....44698, 45686

Proposed Rules:
117 44724

34 CFR

Ch. III 45346

36 CFR

Proposed Rules:
51 45390

37 CFR

Proposed Rules:
370 .....45393, 45395

38 CFR

3 45093

4 45093

39 CFR

121 44700
492 46183

40 CFR

52 ....45103, 45105, 45108, 45350, 46184
70 45108
81 45350
180 ....45688, 45693
228 45702

Proposed Rules:

52 ....44728, 45174, 45393, 45395, 45733, 45735, 46210, 46211
70 45174
81 45735
82 46126
180 44729

42 CFR

37 45110
412 ....45872, 45938
424 44702
447 45124
488 45628

44 CFR

64 46187
67 ....44704, 44706, 44707, 45124, 45125, 45127
206 46190

Proposed Rules:

67 44733

45 CFR

162 45128

47 CFR

54 45705
79 45354
90 45371

Proposed Rules:

1 45752
2 45752
27 45752
79 45397
90 45752
95 45752
96 45752

48 CFR

204 45662
212 45662
225 45662
252 45662

Proposed Rules:

2 45408
3 45408
4 45408
5 45408
7 45408
8 45408
14 45408
15 45408
16 45408
52 45408
204 45666
209 45666
212 45666
225 45666
252 45666

49 CFR

107 46194
109 46194
171 46012
172 46012
173 46012
175 46012
214 45134
592 45373

Proposed Rules:

130 45016
171 45016
172 45016
173 45016
174 45016
179 45016
541 45412
571 46090

50 CFR

17 ....44712, 45242, 45274
216 45728
648 45729

Proposed Rules:

17 ....45420, 46042
216 44733
600 46214
622 44735
635 46217
648 ....44737, 46233
679 46237

LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws**.

Last List August 6, 2014

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