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FEDERAL REGISTER

Vol. 79 Monday,
No. 154 August 11, 2014

Pages 46665–46960

OFFICE OF THE FEDERAL REGISTER

The **FEDERAL REGISTER** (ISSN 0097–6326) is published daily, Monday through Friday, except official holidays, by the Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408, under the Federal Register Act (44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). The Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 is the exclusive distributor of the official edition. Periodicals postage is paid at Washington, DC.

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 30971; Amdt. No. 3602]

Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) and associated Takeoff Minimums and Obstacle Departure Procedures for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, adding new obstacles, or changing air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: This rule is effective August 11, 2014. The compliance date for each SIAP, associated Takeoff Minimums, and ODP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of August 11, 2014.

ADDRESSES: Availability of matter incorporated by reference in the amendment is as follows:

For Examination—

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue SW., Washington, DC 20591;
2. The FAA Regional Office of the region in which the affected airport is located;
3. The National Flight Procedures Office, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 or,
4. 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.*

Availability—All SIAPs are available online free of charge. Visit *nfdc.faa.gov* to register. Additionally, individual SIAP and Takeoff Minimums and ODP copies may be obtained from:

1. FAA Public Inquiry Center (APA–200), FAA Headquarters Building, 800 Independence Avenue SW., Washington, DC 20591; or
2. The FAA Regional Office of the region in which the affected airport is located.

FOR FURTHER INFORMATION CONTACT: Richard A. Dunham III, Flight Procedure Standards Branch (AFS–420) Flight Technologies and Programs Division, Flight Standards Service, Federal Aviation Administration, Mike Monroney Aeronautical Center, 6500 South MacArthur Blvd., Oklahoma City, OK. 73169 (Mail Address: P.O. Box 25082 Oklahoma City, OK. 73125) telephone: (405) 954–4164.

SUPPLEMENTARY INFORMATION: This rule amends Title 14, Code of Federal Regulations, Part 97 (14 CFR part 97) by amending the referenced SIAPs. The complete regulatory description of each SIAP is listed on the appropriate FAA Form 8260, as modified by the National Flight Data Center (FDC)/Permanent Notice to Airmen (P–NOTAM), and is incorporated by reference in the amendment under 5 U.S.C. 552(a), 1 CFR part 51, and § 97.20 of Title 14 of the Code of Federal Regulations.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form documents is unnecessary. This amendment provides the affected CFR sections and specifies the types of SIAP and the corresponding effective dates. This amendment also identifies the airport and its location, the procedure and the amendment number.

The Rule

This amendment to 14 CFR part 97 is effective upon publication of each separate SIAP as amended in the transmittal. For safety and timeliness of change considerations, this amendment incorporates only specific changes contained for each SIAP as modified by FDC/P–NOTAMs.

The SIAPs, as modified by FDC P–NOTAM, and contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these changes to SIAPs, the TERPS criteria were applied only to specific conditions existing at the affected airports. All SIAP amendments in this rule have been previously issued by the FAA in a FDC NOTAM as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for all these SIAP amendments requires making them effective in less than 30 days.

Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs are impracticable and contrary to the public interest and, where applicable, that good cause exists for making these SIAPs effective in less than 30 days.

Conclusion

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. 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. For the same reason, the FAA certifies that this amendment will

not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR part 97

Air Traffic Control, Airports, Incorporation by reference, and Navigation (air).

Issued in Washington, DC on July 18, 2014.

John Duncan,

Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Title 14, Code of Federal regulations, Part 97, 14 CFR part 97, is amended by amending Standard Instrument Approach Procedures, effective at 0901 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

■ 1. The authority citation for part 97 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40106, 40113, 40114, 40120, 44502, 44514, 44701, 44719, 44721–44722.

■ 2. Part 97 is amended to read as follows:

§§ 97.23, 97.25, 97.27, 97.29, 97.31, 97.33 and 97.35 [Amended]

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, MLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, Identified as follows:

** * * Effective Upon Publication*

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21–Aug–14	WI	Mineral Point	Iowa County	4/2472	07/07/14	RNAV (GPS) RWY 22, Amdt 1.
21–Aug–14	WI	Mineral Point	Iowa County	4/2492	07/07/14	RNAV (GPS) RWY 29, Amdt 1.
21–Aug–14	WI	Mineral Point	Iowa County	4/2495	07/07/14	NDB RWY 22, Amdt 6.
21–Aug–14	TX	Victoria	Victoria Rgnl	4/2524	07/08/14	RNAV (GPS) RWY 13L, Amdt 1.
21–Aug–14	TX	Victoria	Victoria Rgnl	4/2567	07/08/14	ILS OR LOC/DME RWY 13L, Amdt 12.
21–Aug–14	TX	Victoria	Victoria Rgnl	4/2568	07/08/14	VOR RWY 13L, Amdt 17.
21–Aug–14	MS	Vicksburg	Vicksburg Muni	4/2576	06/30/14	RNAV (GPS) RWY 19, Orig.
21–Aug–14	AR	West Memphis	West Memphis Muni	4/2604	07/08/14	ILS OR LOC RWY 17, Amdt 5.
21–Aug–14	PA	Philadelphia	Northeast Philadelphia	4/2615	07/10/14	LOC BC RWY 6, Amdt 7A.
21–Aug–14	PA	Philadelphia	Northeast Philadelphia	4/2617	07/10/14	RNAV (GPS) RWY 15, Amdt 1.
21–Aug–14	IN	Indianapolis	Indianapolis Rgnl	4/2621	07/07/14	RNAV (GPS) RWY 16, Amdt 1.
21–Aug–14	PA	Philadelphia	Northeast Philadelphia	4/2622	07/10/14	RNAV (GPS) RWY 33, Amdt 1.
21–Aug–14	PA	Philadelphia	Northeast Philadelphia	4/2623	07/10/14	VOR RWY 6, Amdt 12A.
21–Aug–14	PA	Philadelphia	Northeast Philadelphia	4/2624	07/10/14	RNAV (GPS) RWY 24, Orig-A.
21–Aug–14	PA	Philadelphia	Northeast Philadelphia	4/2626	07/10/14	VOR RWY 24, Amdt 19A.

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21–Aug–14	PA	Philadelphia	Northeast Philadelphia	4/2627	07/10/14	ILS OR LOC RWY 24, Amdt 12A.
21–Aug–14	NE	Chadron	Chadron Muni	4/2640	07/08/14	RNAV (GPS) RWY 11, Orig.
21–Aug–14	CO	Denver	Centennial	4/2653	07/09/14	RNAV (GPS) Z RWY 35R, Orig.
21–Aug–14	CO	Denver	Centennial	4/2654	07/09/14	RNAV (GPS) Y RWY 35R, Amdt 1.
21–Aug–14	CO	Denver	Centennial	4/2655	07/09/14	ILS OR LOC RWY 35R, Amdt 9A.
21–Aug–14	CO	Denver	Centennial	4/2656	07/09/14	RNAV (GPS) RWY 17L, Orig.
21–Aug–14	CO	Denver	Centennial	4/2657	07/09/14	RNAV (GPS) RWY 28, Amdt 1.
21–Aug–14	FL	Jacksonville	Cecil	4/2658	07/11/14	ILS OR LOC RWY 36R, Amdt 2.
21–Aug–14	FL	Jacksonville	Cecil	4/2659	07/11/14	RNAV (GPS) RWY 36R, Orig.
21–Aug–14	SD	Philip	Philip	4/2685	07/09/14	RNAV (GPS) RWY 12, Orig.
21–Aug–14	TN	Mc Minnville	Warren County Memorial.	4/2698	07/03/14	RNAV (GPS) RWY 23, Orig.
21–Aug–14	MO	Kaiser/Lake Ozark	Lee C Fine Memorial	4/3089	07/07/14	LOC/DME RWY 22, Amdt 2.
21–Aug–14	MO	Kaiser/Lake Ozark	Lee C Fine Memorial	4/3090	07/07/14	RNAV (GPS) RWY 22, Amdt 1.
21–Aug–14	NJ	Millville	Millville Muni	4/3091	06/30/14	RNAV (GPS) RWY 10, Orig.
21–Aug–14	NJ	Millville	Millville Muni	4/3092	06/30/14	ILS OR LOC RWY 10, Amdt 2A.
21–Aug–14	NJ	Millville	Millville Muni	4/3094	06/30/14	RNAV (GPS) RWY 32, Orig-A.
21–Aug–14	MO	Springfield	Springfield-Branson National.	4/3117	07/09/14	RNAV (GPS) RWY 32, Amdt 2.
21–Aug–14	IA	Fort Dodge	Fort Dodge Rgnl	4/3363	07/09/14	VOR/DME RWY 30, Amdt 11.
21–Aug–14	CO	Fort Collins/Loveland	Fort Collins-Loveland Muni.	4/3381	7/2/2014	ILS OR LOC RWY 33, Amdt 6A.
21–Aug–14	CO	Fort Collins/Loveland	Fort Collins-Loveland Muni.	4/3384	7/2/2014	RNAV (GPS) RWY 33, Amdt 1.
21–Aug–14	MT	Forsyth	Tillitt Field	4/3445	07/10/14	RNAV (GPS) RWY 26, Orig-B.
21–Aug–14	MT	Forsyth	Tillitt Field	4/3446	07/10/14	NDB RWY 26, Amdt 3A.
21–Aug–14	IN	Rensselaer	Jasper County	4/3555	07/07/14	RNAV (GPS) RWY 18, Orig.
21–Aug–14	IN	Rensselaer	Jasper County	4/3556	07/07/14	RNAV (GPS) RWY 36, Orig.
21–Aug–14	MS	Jackson	Jackson-Medgar Wiley Evers Intl.	4/3557	07/10/14	VOR/DME OR TACAN RWY 34R, Orig.
21–Aug–14	MS	Jackson	Jackson-Medgar Wiley Evers Intl.	4/3559	07/10/14	RNAV (GPS) RWY 34R, Amdt 2.
21–Aug–14	NC	Plymouth	Plymouth Muni	4/3570	07/03/14	RNAV (GPS) RWY 3, Orig.
21–Aug–14	NC	Plymouth	Plymouth Muni	4/3571	07/03/14	RNAV (GPS) RWY 21, Orig.
21–Aug–14	LA	Opelousas	St Landry Parish-Ahart Field.	4/3678	07/07/14	RNAV (GPS) RWY 36, Amdt 1.
21–Aug–14	LA	New Orleans	Louis Armstrong New Orleans Intl.	4/3679	07/09/14	RNAV (RNP) Z RWY 28, Amdt 1.
21–Aug–14	LA	New Orleans	Louis Armstrong New Orleans Intl.	4/3680	07/09/14	ILS OR LOC RWY 1, Amdt 17A.
21–Aug–14	LA	New Orleans	Louis Armstrong New Orleans Intl.	4/3681	07/09/14	RNAV (GPS) RWY 1, Amdt 1.
21–Aug–14	LA	New Orleans	Louis Armstrong New Orleans Intl.	4/3682	07/09/14	RNAV (GPS) Y RWY 28, Amdt 3.
21–Aug–14	LA	New Orleans	Louis Armstrong New Orleans Intl.	4/3683	07/09/14	ILS OR LOC RWY 28, Amdt 9.
21–Aug–14	LA	Natchitoches	Natchitoches Rgnl	4/3684	07/07/14	RNAV (GPS) RWY 17, Amdt 1.
21–Aug–14	CA	Sacramento	Sacramento Intl	4/3687	07/10/14	ILS OR LOC RWY 34L, Amdt 7B.
21–Aug–14	IL	Springfield	Abraham Lincoln Capital.	4/3707	07/09/14	RNAV (GPS) RWY 13, Amdt 1A.
21–Aug–14	IL	Springfield	Abraham Lincoln Capital.	4/3712	07/09/14	VOR/DME RWY 13, Orig-A.
21–Aug–14	MI	Escanaba	Delta County	4/3727	07/09/14	VOR RWY 9, Amdt 14A.
21–Aug–14	MI	Escanaba	Delta County	4/3736	07/09/14	ILS OR LOC RWY 9, Amdt 2B.
21–Aug–14	MI	Escanaba	Delta County	4/3737	07/09/14	RNAV (GPS) RWY 9, Orig-A.
21–Aug–14	MI	Gaylord	Gaylord Rgnl	4/3747	07/07/14	RNAV (GPS) RWY 27, Orig.
21–Aug–14	MI	Gaylord	Gaylord Rgnl	4/3756	07/07/14	VOR RWY 9, Amdt 2.
21–Aug–14	MI	Gaylord	Gaylord Rgnl	4/3757	07/07/14	NDB RWY 9, Amdt 13.
21–Aug–14	MI	Gaylord	Gaylord Rgnl	4/3758	07/07/14	RNAV (GPS) RWY 9, Orig.
21–Aug–14	MI	Gaylord	Gaylord Rgnl	4/3760	07/07/14	VOR RWY 27, Amdt 2.
21–Aug–14	LA	Shreveport	Shreveport Rgnl	4/3764	07/09/14	RNAV (GPS) RWY 24, Amdt 1.
21–Aug–14	LA	Patterson	Harry P Williams Memorial.	4/3769	07/07/14	NDB RWY 6, Amdt 11A.
21–Aug–14	LA	Patterson	Harry P Williams Memorial.	4/3770	07/07/14	RNAV (GPS) RWY 24, Amdt 1A.
21–Aug–14	LA	Patterson	Harry P Williams Memorial.	4/3771	07/07/14	ILS OR LOC/DME RWY 24, Amdt 2B.
21–Aug–14	MO	Kansas City	Kansas City Intl	4/3804	07/08/14	RNAV (GPS) Y RWY 27, Amdt 2.
21–Aug–14	MO	Kansas City	Kansas City Intl	4/3805	07/08/14	RNAV (RNP) Z RWY 27, Amdt 1.

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21–Aug–14	MO	Kansas City	Kansas City Intl	4/3808	07/08/14	ILS OR LOC RWY 27, Amdt 3.
21–Aug–14	MO	Kansas City	Kansas City Intl	4/3809	07/08/14	RNAV (GPS) Y RWY 1L, Amdt 2
21–Aug–14	MO	Kansas City	Kansas City Intl	4/3810	07/08/14	ILS OR LOC RWY 1L, Amdt 15.
21–Aug–14	MO	Kansas City	Kansas City Intl	4/3814	07/08/14	RNAV (GPS) Y RWY 19R, Amdt 2.
21–Aug–14	MO	Kansas City	Kansas City Intl	4/3815	07/08/14	ILS OR LOC RWY 19L, Amdt 2.
21–Aug–14	MO	Kansas City	Kansas City Intl	4/3817	07/08/14	ILS OR LOC RWY 9, Amdt 14.
21–Aug–14	MO	Kansas City	Kansas City Intl	4/3818	07/08/14	RNAV (RNP) Z RWY 19L, Amdt 1.
21–Aug–14	MO	Kansas City	Kansas City Intl	4/3819	07/08/14	RNAV (RNP) Z RWY 1L, Amdt 1A.
21–Aug–14	MO	Kansas City	Kansas City Intl	4/3823	07/08/14	RNAV (GPS) Y RWY 19L, Amdt 2.
21–Aug–14	MO	Kansas City	Kansas City Intl	4/3824	07/08/14	RNAV (GPS) Y RWY 9, Amdt 2.
21–Aug–14	MO	Kansas City	Kansas City Intl	4/3826	07/08/14	RNAV (RNP) Z RWY 9, Amdt 1.
21–Aug–14	MO	Kansas City	Kansas City Intl	4/3827	07/08/14	RNAV (GPS) Y RWY 1R, Amdt 2.
21–Aug–14	MO	Kansas City	Kansas City Intl	4/3828	07/08/14	RNAV (RNP) Z RWY 1R, Amdt 1A.
21–Aug–14	MO	Kansas City	Kansas City Intl	4/3830	07/08/14	RNAV (RNP) Z RWY 19R, Amdt 1.
21–Aug–14	KY	Greenville	Muhlenberg County	4/3855	07/03/14	RNAV (GPS) RWY 24, Amdt 1.
21–Aug–14	MO	Neosho	Neosho Hugh Robinson.	4/3856	07/08/14	RNAV (GPS) RWY 1, Amdt 1.
21–Aug–14	CA	Riverside	Riverside Muni	4/4108	06/30/14	VOR RWY 9, Amdt 1.
21–Aug–14	CA	Riverside	Riverside Muni	4/4111	06/30/14	ILS OR LOC RWY 9, Amdt 8A.
21–Aug–14	CA	Riverside	Riverside Muni	4/4112	06/30/14	RNAV (GPS) RWY 9, Amdt 2.
21–Aug–14	CA	Rio Vista	Rio Vista Muni	4/4113	7/2/2014	RNAV (GPS) RWY 25, Amdt 3.
21–Aug–14	CA	San Francisco	San Francisco Intl	4/4142	07/10/14	ILS OR LOC RWY 19L, Amdt 20B.
21–Aug–14	SC	Darlington	Darlington County Jetport.	4/4313	07/09/14	RNAV (GPS) RWY 23, Orig.
21–Aug–14	SD	Spearfish	Black Hills-Clyde Ice Field.	4/4380	07/09/14	RNAV (GPS) RWY 31, Orig-A.
21–Aug–14	SD	Spearfish	Black Hills-Clyde Ice Field.	4/4381	07/09/14	RNAV (GPS) RWY 13, Orig-A.
21–Aug–14	UT	Blanding	Blanding Muni	4/4382	7/2/2014	RNAV (GPS) RWY 35, Amdt 2A.
21–Aug–14	NH	Nashua	Boire Field	4/4445	07/11/14	RNAV (GPS) RWY 32, Amdt 1.
21–Aug–14	NH	Nashua	Boire Field	4/4446	07/11/14	RNAV (GPS) RWY 14, Amdt 1.
21–Aug–14	NH	Nashua	Boire Field	4/4447	07/11/14	ILS OR LOC RWY 14, Amdt 1.
21–Aug–14	NH	Nashua	Boire Field	4/4448	07/11/14	NDB RWY 14, Orig.
21–Aug–14	NH	Nashua	Boire Field	4/4449	07/11/14	VOR RWY 32, Orig.
21–Aug–14	WI	Black River Falls	Black River Falls Area	4/4469	07/07/14	RNAV (GPS) RWY 26, Orig.
21–Aug–14	IN	Portland	Portland Muni	4/4525	07/03/14	RNAV (GPS) RWY 9, Amdt 1.
21–Aug–14	IN	Portland	Portland Muni	4/4530	07/03/14	RNAV (GPS) RWY 27, Amdt 1.
21–Aug–14	OH	Bryan	Williams County	4/4533	07/08/14	RNAV (GPS) RWY 25, Amdt 1.
21–Aug–14	AZ	Window Rock	Window Rock	4/4535	7/2/2014	RNAV (GPS) RWY 2, Amdt 1.
21–Aug–14	CA	Davis/Woodland/Winters.	Yolo County	4/4574	7/2/2014	RNAV (GPS) RWY 34, Amdt 2.
21–Aug–14	CA	Davis/Woodland/Winters.	Yolo County	4/4575	7/2/2014	RNAV (GPS) RWY 16, Amdt 2.
21–Aug–14	KS	Belleville	Belleville Muni	4/4905	07/07/14	RNAV (GPS) RWY 18, Orig.
21–Aug–14	KS	Wichita	Beech Factory	4/4907	07/07/14	RNAV (GPS) RWY 1, Amdt 1A.
21–Aug–14	KS	Wichita	Beech Factory	4/4908	07/07/14	RNAV (GPS) RWY 19, Amdt 1A.
21–Aug–14	CA	Willows	Willows-Glenn County	4/5062	06/30/14	RNAV (GPS) RWY 34, Orig.
21–Aug–14	CA	Willows	Willows-Glenn County	4/5063	06/30/14	VOR/DME RWY 34, Amdt 5.
21–Aug–14	WI	Madison	Dane County Rgnl-Truax Field.	4/5085	07/08/14	ILS OR LOC/DME RWY 36, Amdt 1B.
21–Aug–14	WI	Madison	Dane County Rgnl-Truax Field.	4/5087	07/08/14	VOR RWY 32, Amdt 1.
21–Aug–14	WI	Madison	Dane County Rgnl-Truax Field.	4/5090	07/08/14	RNAV (GPS) RWY 32, Amdt 2B.
21–Aug–14	WI	Madison	Dane County Rgnl-Truax Field.	4/5094	07/08/14	RNAV (GPS) RWY 36, Amdt 2A.
21–Aug–14	WI	Madison	Dane County Rgnl-Truax Field.	4/5095	07/08/14	RNAV (GPS) RWY 3, Orig-A.
21–Aug–14	WI	Madison	Dane County Rgnl-Truax Field.	4/5099	07/08/14	RNAV (GPS) RWY 21, Amdt 2A.
21–Aug–14	ID	Pocatello	Pocatello Rgnl	4/5117	7/2/2014	VOR RWY 3, Amdt 17A.
21–Aug–14	NE	Burwell	Cram Field	4/5122	07/07/14	RNAV (GPS) RWY 33, Orig.
21–Aug–14	IL	Robinson	Crawford Co	4/5134	07/07/14	RNAV (GPS) RWY 9, Amdt 1.
21–Aug–14	IL	Robinson	Crawford Co	4/5136	07/07/14	RNAV (GPS) RWY 27, Amdt 1.
21–Aug–14	IL	Robinson	Crawford Co	4/5138	07/07/14	NDB RWY 17, Amdt 8.
21–Aug–14	IL	Robinson	Crawford Co	4/5139	07/07/14	RNAV (GPS) RWY 17, Orig.

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21–Aug–14	OK	Stillwater	Stillwater Rgnl	4/5142	07/07/14	RNAV (GPS) RWY 35, Amdt 1.
21–Aug–14	OK	Stillwater	Stillwater Rgnl	4/5143	07/07/14	VOR/DME RWY 35, Amdt 1A.
21–Aug–14	MO	Cuba	Cuba Muni	4/5148	07/07/14	RNAV (GPS) RWY 18, Orig.
21–Aug–14	SC	Darlington	Darlington County Jetport.	4/5166	07/10/14	RNAV (GPS) RWY 5, Orig.
21–Aug–14	SC	Greenwood	Greenwood County	4/5407	07/09/14	VOR OR GPS RWY 9, Amdt 13A.
21–Aug–14	MO	Kansas City	Kansas City Intl	4/5616	07/08/14	ILS OR LOC RWY 19R, ILS RWY 19R (SA CAT I), ILS RWY 19R (CAT II & III), Amdt 11.
21–Aug–14	MO	Kansas City	Kansas City Intl	4/5617	07/08/14	ILS OR LOC RWY 1R, ILS RWY 1R (SA CAT I), ILS RWY 1R (CAT II & III), Amdt 4.
21–Aug–14	WA	Tacoma	Tacoma Narrows	4/5638	07/10/14	RNAV (GPS) RWY 35, Orig-A.
21–Aug–14	WA	Tacoma	Tacoma Narrows	4/5639	07/10/14	NDB RWY 35, Amdt 8A.
21–Aug–14	MA	Orange	Orange Muni	4/5652	07/11/14	NDB RWY 32, Amdt 1.
21–Aug–14	MA	Orange	Orange Muni	4/5653	07/11/14	RNAV (GPS) RWY 32, Orig.
21–Aug–14	CA	Ontario	Ontario Intl	4/5660	06/30/14	ILS OR LOC RWY 8L, Amdt 9.
21–Aug–14	IL	Olney-Noble	Olney-Noble	4/5662	07/08/14	RNAV (GPS) RWY 11, Amdt 1.
21–Aug–14	WA	Tacoma	Tacoma Narrows	4/5679	07/10/14	RNAV (GPS) RWY 17, Orig-A.
21–Aug–14	WA	Tacoma	Tacoma Narrows	4/5680	07/10/14	ILS RWY 17, Amdt 8B.
21–Aug–14	NY	Shirley	Brookhaven	4/5712	7/2/2014	ILS OR LOC RWY 6, Amdt 2.
21–Aug–14	NY	Shirley	Brookhaven	4/5714	7/2/2014	RNAV (GPS) RWY 6, Amdt 2.
21–Aug–14	NC	Burlington	Burlington-Alamance Rgnl.	4/5719	07/03/14	RNAV (GPS) RWY 6, Amdt 1.
21–Aug–14	NC	Burlington	Burlington-Alamance Rgnl.	4/5720	07/03/14	RNAV (GPS) RWY 24, Orig.
21–Aug–14	NC	Burlington	Burlington-Alamance Rgnl.	4/5724	07/03/14	ILS Z OR LOC/NDB Z RWY 6, Amdt 2.
21–Aug–14	NJ	Robbinsville	Trenton-Robbinsville	4/5918	07/10/14	RNAV (GPS) RWY 29, Amdt 1.
21–Aug–14	NJ	Robbinsville	Trenton-Robbinsville	4/5919	07/10/14	RNAV (GPS) RWY 11, Orig.
21–Aug–14	NJ	Robbinsville	Trenton-Robbinsville	4/5920	07/10/14	VOR RWY 29, Amdt 11.
21–Aug–14	GA	Baxley	Baxley Muni	4/5924	07/08/14	RNAV (GPS) RWY 8, Amdt 1.
21–Aug–14	GA	Baxley	Baxley Muni	4/5932	07/08/14	NDB RWY 8, Amdt 2.
21–Aug–14	GA	Baxley	Baxley Muni	4/5934	07/08/14	RNAV (GPS) RWY 26, Amdt 1.
21–Aug–14	GA	Camilla	Camilla-Mitchell County.	4/5948	07/03/14	NDB RWY 8, Amdt 3.
21–Aug–14	GA	Camilla	Camilla-Mitchell County.	4/5949	07/03/14	RNAV (GPS) RWY 8, Amdt 1.
21–Aug–14	NC	Oak Island	Cape Fear Rgnl Jetport/Howie Franklin Fld.	4/5970	07/03/14	RNAV (GPS) RWY 23, Orig-A.
21–Aug–14	PA	East Stroudsburg	Stroudsburg-Pocono	4/6057	7/2/2014	RNAV (GPS) RWY 8, Orig.
21–Aug–14	NC	Ahoskie	Tri-County	4/6108	07/10/14	GPS RWY 19, Orig.
21–Aug–14	NC	Ahoskie	Tri-County	4/6109	07/10/14	VOR/DME OR GPS A, Amdt 5.
21–Aug–14	LA	Bogalusa	George R Carr Memorial Air Fld.	4/6274	07/07/14	RNAV (GPS) RWY 18, Amdt 1.
21–Aug–14	LA	Bogalusa	George R Carr Memorial Air Fld.	4/6275	07/07/14	LOC RWY 18, Amdt 3.
21–Aug–14	SC	Greer	Greenville Spartanburg Intl.	4/6520	07/10/14	ILS OR LOC RWY 22, Amdt 5A.
21–Aug–14	OH	Dayton	Greene County-Lewis A. Jackson Rgnl.	4/6521	07/07/14	VOR RWY 25, Orig.
21–Aug–14	NJ	West Milford	Greenwood Lake	4/6522	07/03/14	RNAV (GPS) RWY 24, Orig.
21–Aug–14	NJ	West Milford	Greenwood Lake	4/6523	07/03/14	RNAV (GPS) RWY 6, Amdt 1.
21–Aug–14	IL	Kankakee	Greater Kankakee	4/6525	07/07/14	VOR RWY 4, Amdt 6A.
21–Aug–14	IL	Kankakee	Greater Kankakee	4/6526	07/07/14	RNAV (GPS) RWY 4, Amdt 1.
21–Aug–14	IL	Kankakee	Greater Kankakee	4/6527	07/07/14	ILS OR LOC RWY 4, Amdt 7.
21–Aug–14	WA	Moses Lake	Grant Co Intl	4/6542	06/30/14	RNAV (RNP) Z RWY 22, Orig.
21–Aug–14	WA	Moses Lake	Grant Co Intl	4/6544	06/30/14	RNAV (GPS) Y RWY 22, Amdt 1A.
21–Aug–14	MI	Alma	Gratiot Community	4/6547	07/08/14	RNAV (GPS) RWY 27, Amdt 1.
21–Aug–14	OR	Scappoose	Scappoose Industrial Airpark.	4/6552	7/2/2014	LOC/DME RWY 15, Amdt 3.
21–Aug–14	OR	Scappoose	Scappoose Industrial Airpark.	4/6553	7/2/2014	RNAV (GPS) RWY 15, Orig.
21–Aug–14	MN	Detroit Lakes	Detroit Lakes-Wething Field.	4/6581	07/03/14	VOR RWY 13, Amdt 1.
21–Aug–14	CA	Twentynine Palms	Twentynine Palms	4/6625	06/30/14	RNAV (GPS) RWY 26, Amdt 2.
21–Aug–14	OH	Marysville	Union County	4/6628	07/07/14	RNAV (GPS) RWY 9, Orig.
21–Aug–14	OK	Norman	University Of Oklahoma Westheimer.	4/6629	07/03/14	RNAV (GPS) RWY 17, Amdt 1.

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21–Aug–14	OK	Norman	University Of Oklahoma Westheimer.	4/6630	07/03/14	ILS OR LOC RWY 17, Amdt 1A.
21–Aug–14	NE	Beatrice	Beatrice Muni	4/6645	07/10/14	RNAV (GPS) RWY 14, Amdt 1.
21–Aug–14	NE	Beatrice	Beatrice Muni	4/6647	07/10/14	VOR RWY 18, Amdt 2.
21–Aug–14	NE	Beatrice	Beatrice Muni	4/6648	07/10/14	RNAV (GPS) RWY 18, Amdt 2.
21–Aug–14	CA	Sacramento	Sacramento Intl	4/6680	07/10/14	RNAV (GPS) Y RWY 16L, Amdt 1B.
21–Aug–14	CA	Sacramento	Sacramento Intl	4/6681	07/10/14	RNAV (GPS) Y RWY 16R, Amdt 1A.
21–Aug–14	CA	Sacramento	Sacramento Intl	4/6682	07/10/14	ILS OR LOC RWY 16R, ILS RWY 16R (SA CAT I), ILS RWY 16R (CAT II & CAT III), Amdt 15A.
21–Aug–14	CA	Sacramento	Sacramento Intl	4/6683	07/10/14	ILS OR LOC RWY 16L, Amdt 2B.
21–Aug–14	CA	Sacramento	Sacramento Intl	4/6684	07/10/14	RNAV (GPS) Y RWY 34L, Amdt 1B.
21–Aug–14	SC	Anderson	Anderson Rgnl	4/6732	06/30/14	RNAV (GPS) RWY 17, Amdt 1.
21–Aug–14	SC	Anderson	Anderson Rgnl	4/6733	06/30/14	RNAV (GPS) RWY 35, Amdt 1.
21–Aug–14	AL	Anniston	Anniston Rgnl	4/6735	07/11/14	RNAV (GPS) Y RWY 23, Amdt 1A.
21–Aug–14	AL	Anniston	Anniston Rgnl	4/6736	07/11/14	RNAV (GPS) Z RWY 23, Orig-A.
21–Aug–14	FL	Venice	Venice Muni	4/6742	07/03/14	RNAV (GPS) RWY 5, Orig.
21–Aug–14	FL	Venice	Venice Muni	4/6743	07/03/14	RNAV (GPS) RWY 13, Amdt 1.
21–Aug–14	FL	Venice	Venice Muni	4/6744	07/03/14	RNAV (GPS) RWY 31, Amdt 1.
21–Aug–14	FL	Venice	Venice Muni	4/6745	07/03/14	RNAV (GPS) RWY 23, Orig.
21–Aug–14	FL	Immokalee	Immokalee Rgnl	4/6776	07/01/14	RNAV (GPS) RWY 36, Orig-A.
21–Aug–14	FL	Immokalee	Immokalee Rgnl	4/6777	07/01/14	RNAV (GPS) RWY 9, Orig-A.
21–Aug–14	FL	Immokalee	Immokalee Rgnl	4/6781	07/01/14	RNAV (GPS) RWY 27, Orig-A.
21–Aug–14	PA	Washington	Washington County	4/6828	07/10/14	ILS OR LOC RWY 27, Amdt 1.
21–Aug–14	PA	Washington	Washington County	4/6829	07/10/14	RNAV (GPS) RWY 27, Amdt 1.
21–Aug–14	PA	Washington	Washington County	4/6830	07/10/14	RNAV (GPS) RWY 9, Amdt 1B.
21–Aug–14	SC	Winnsboro	Fairfield County	4/6834	07/03/14	RNAV (GPS) RWY 22, Amdt 1.
21–Aug–14	SC	Winnsboro	Fairfield County	4/6837	07/03/14	NDB RWY 4, Amdt 4.
21–Aug–14	SC	Winnsboro	Fairfield County	4/6838	07/03/14	RNAV (GPS) RWY 4, Amdt 1.
21–Aug–14	TX	Tyler	Tyler Pounds Rgnl	4/6842	07/09/14	VOR/DME RWY 4, Amdt 4.
21–Aug–14	TX	Tyler	Tyler Pounds Rgnl	4/6843	07/09/14	RNAV (GPS) RWY 4, Amdt 2.
21–Aug–14	AZ	Tucson	Tucson Intl	4/6848	06/30/14	RNAV (GPS) RWY 29L, Amdt 1.
21–Aug–14	AZ	Tucson	Tucson Intl	4/6849	06/30/14	RNAV (GPS) RWY 3, Amdt 1.
21–Aug–14	IA	Sioux City	Sioux Gateway/Col. Bud Day Field.	4/6870	07/08/14	RNAV (GPS) RWY 17, Orig-C.
21–Aug–14	IA	Sioux City	Sioux Gateway/Col. Bud Day Field.	4/6881	07/08/14	NDB RWY 17, Amdt 2.
21–Aug–14	TN	Smyrna	Smyrna	4/6960	07/01/14	VOR/DME RWY 14, Amdt 7B.
21–Aug–14	TN	Smyrna	Smyrna	4/6961	07/01/14	RNAV (GPS) RWY 1, Orig.
21–Aug–14	AL	Evergreen	Middleton Field	4/7012	07/03/14	RNAV (GPS) RWY 19, Amdt 1.
21–Aug–14	CO	Sterling	Sterling Muni	4/7040	7/2/2014	RNAV (GPS) RWY 15, Orig.
21–Aug–14	MO	Mexico	Mexico Memorial	4/7045	07/08/14	RNAV (GPS) RWY 6, Amdt 1.
21–Aug–14	CO	Sterling	Sterling Muni	4/7048	7/2/2014	RNAV (GPS) RWY 33, Orig.
21–Aug–14	CO	Sterling	Sterling Muni	4/7050	7/2/2014	NDB RWY 33, Amdt 3.
21–Aug–14	IN	Sullivan	Sullivan County	4/7083	07/08/14	NDB RWY 36, Amdt 7.
21–Aug–14	TX	Alice	Alice Intl	4/7292	07/08/14	RNAV (GPS) RWY 13, Amdt 1.
21–Aug–14	LA	Alexandria	Esler Rgnl	4/7293	07/09/14	RNAV (GPS) RWY 27, Amdt 2.
21–Aug–14	LA	Alexandria	Esler Rgnl	4/7294	07/09/14	RNAV (GPS) RWY 9, Amdt 2.
21–Aug–14	LA	Alexandria	Esler Rgnl	4/7296	07/09/14	ILS OR LOC/DME RWY 27, Amdt 16.
21–Aug–14	IA	Ames	Ames Muni	4/7298	07/07/14	ILS OR LOC RWY 1, Amdt 2.
21–Aug–14	CA	Alturas	Alturas Muni	4/7301	06/30/14	RNAV (GPS) RWY 31, Amdt 1.
21–Aug–14	UT	Salt Lake City	South Valley Rgnl	4/7328	07/10/14	RNAV (GPS) Y RWY 34, Orig-A.
21–Aug–14	TX	San Marcos	San Marcos Muni	4/7494	07/08/14	RNAV (GPS) RWY 13, Amdt 2.
21–Aug–14	TX	San Marcos	San Marcos Muni	4/7496	07/08/14	ILS OR LOC RWY 13, Amdt 6.
21–Aug–14	TX	San Marcos	San Marcos Muni	4/7497	07/08/14	RNAV (GPS) RWY 17, Orig.
21–Aug–14	WI	Hayward	Sawyer County	4/7636	07/08/14	LOC/DME RWY 20, Amdt 1B.
21–Aug–14	NY	Saranac Lake	Adirondack Rgnl	4/7734	06/30/14	LOC Y RWY 23, Orig.
21–Aug–14	NY	Saranac Lake	Adirondack Rgnl	4/7735	06/30/14	VOR RWY 9, Amdt 2.
21–Aug–14	NY	Saranac Lake	Adirondack Rgnl	4/7738	06/30/14	VOR/DME RWY 5, Amdt 4.
21–Aug–14	NY	Saranac Lake	Adirondack Rgnl	4/7739	06/30/14	RNAV (GPS) RWY 5, Amdt 1.
21–Aug–14	NY	Saranac Lake	Adirondack Rgnl	4/7740	06/30/14	RNAV (GPS) RWY 9, Orig.
21–Aug–14	NY	Saranac Lake	Adirondack Rgnl	4/7741	06/30/14	RNAV (GPS) RWY 23, Orig-A.
21–Aug–14	NY	Saranac Lake	Adirondack Rgnl	4/7742	06/30/14	ILS OR LOC/DME Z RWY 23, Amdt 9.
21–Aug–14	NE	Beatrice	Beatrice Muni	4/8333	07/10/14	RNAV (GPS) RWY 32, Amdt 1.
21–Aug–14	NE	Beatrice	Beatrice Muni	4/8334	07/10/14	RNAV (GPS) RWY 36, Amdt 2.
21–Aug–14	FL	La Belle	La Belle Muni	4/8439	07/11/14	RNAV (GPS) RWY 32, Orig-A.

AIRAC date	State	City	Airport	FDC No.	FDC date	Subject
21–Aug–14	FL	La Belle	La Belle Muni	4/8446	07/11/14	RNAV (GPS) RWY 14, Orig-B.
21–Aug–14	OH	Lima	Lima Allen County	4/9704	07/07/14	ILS OR LOC RWY 28, Amdt 5.
21–Aug–14	OH	Lima	Lima Allen County	4/9709	07/07/14	RNAV (GPS) RWY 28, Amdt 2.
21–Aug–14	OR	Lakeview	Lake County	4/9753	7/2/2014	RNAV (GPS) RWY 17, Orig.
21–Aug–14	OR	Lakeview	Lake County	4/9754	7/2/2014	RNAV (GPS) RWY 35, Orig.
21–Aug–14	IN	La Porte	La Porte Muni	4/9755	07/07/14	RNAV (GPS) RWY 2, Amdt 1.
21–Aug–14	FL	Lake City	Lake City Gateway	4/9761	06/30/14	RNAV (GPS) RWY 28, Amdt 1A.
21–Aug–14	MI	Houghton Lake	Roscommon County—Blodgett Memorial.	4/9789	07/08/14	RNAV (GPS) RWY 9, Amdt 2A.
21–Aug–14	MI	Houghton Lake	Roscommon County—Blodgett Memorial.	4/9790	07/08/14	VOR RWY 9, Amdt 5.
21–Aug–14	NE	Beatrice	Beatrice Muni	4/9867	07/10/14	VOR RWY 14, Amdt 18.
21–Aug–14	AR	Camden	Harrell Field	4/9899	07/08/14	RNAV (GPS) RWY 19, Amdt 1.
21–Aug–14	IA	Hampton	Hampton Muni	4/9902	07/09/14	RNAV (GPS) RWY 17, Amdt 1.
21–Aug–14	IA	Monticello	Monticello Rgnl	4/9904	07/03/14	RNAV (GPS) RWY 33, Amdt 1A.

[FR Doc. 2014–18598 Filed 8–8–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 30970 Amdt. No. 3601]

Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) and associated Takeoff Minimums and Obstacle Departure Procedures for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, adding new obstacles, or changing air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: This rule is effective August 11, 2014. The compliance date for each SIAP, associated Takeoff Minimums, and ODP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of August 11, 2014.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination—

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue SW., Washington, DC 20591;

2. The FAA Regional Office of the region in which the affected airport is located;

3. The National Flight Procedures Office, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 or,

4. 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.*

Availability—All SIAPs and Takeoff Minimums and ODPs are available online free of charge. Visit *http://www.nfdc.faa.gov* to register. Additionally, individual SIAP and Takeoff Minimums and ODP copies may be obtained from:

1. FAA Public Inquiry Center (APA–200), FAA Headquarters Building, 800 Independence Avenue SW., Washington, DC 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

FOR FURTHER INFORMATION CONTACT: Richard A. Dunham III, Flight Procedure Standards Branch (AFS–420), Flight Technologies and Programs Divisions, Flight Standards Service, Federal Aviation Administration, Mike Monroney Aeronautical Center, 6500 South MacArthur Blvd. Oklahoma City, OK. 73169 (Mail Address: P.O. Box 25082, Oklahoma City, OK 73125) Telephone: (405) 954–4164.

SUPPLEMENTARY INFORMATION: This rule amends Title 14 of the Code of Federal Regulations, Part 97 (14 CFR part 97), by establishing, amending, suspending, or revoking SIAPS, Takeoff Minimums and/or ODPS. The complete regulators description of each SIAP and its associated Takeoff Minimums or ODP for an identified airport is listed on FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR part 51, and 14 CFR part 97.20. The applicable FAA Forms are FAA Forms 8260–3, 8260–4, 8260–5, 8260–15A, and 8260–15B when required by an entry on 8260–15A.

The large number of SIAPs, Takeoff Minimums and ODPs, in addition to their complex nature and the need for a special format make publication in the **Federal Register** expensive and impractical. Furthermore, airmen do not use the regulatory text of the SIAPs, Takeoff Minimums or ODPs, but instead refer to their depiction on charts printed by publishers of aeronautical materials. The advantages of incorporation by reference are realized and publication of the complete description of each SIAP, Takeoff Minimums and ODP listed on FAA forms is unnecessary. This amendment provides the affected CFR sections and specifies the types of SIAPs and the effective dates of the, associated Takeoff Minimums and ODPs. This amendment also identifies the airport and its location, the procedure, and the amendment number.

The Rule

This amendment to 14 CFR part 97 is effective upon publication of each separate SIAP, Takeoff Minimums and ODP as contained in the transmittal. Some SIAP and Takeoff Minimums and textual ODP amendments may have been issued previously by the FAA in a Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP and Takeoff Minimums and ODP amendments may require making them

effective in less than 30 days. For the remaining SIAPS and Takeoff Minimums and ODPS, an effective date at least 30 days after publication is provided.

Further, the SIAPs and Takeoff Minimums and ODPS contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these SIAPS and Takeoff Minimums and ODPs, the TERPS criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs, Takeoff Minimums and ODPs, and safety in air commerce, I find that notice and public procedures before adopting these SIAPS, Takeoff Minimums and ODPs are impracticable and contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

Conclusion

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. 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. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

Air Traffic Control, Airports, Incorporation by reference, and Navigation (Air).

Issued in Washington, DC, on July 18, 2014.

John Duncan,

Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Title 14, Code of Federal Regulations, Part 97 (14 CFR part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures and/or Takeoff Minimums and/or Obstacle Departure Procedures effective at 0902 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

■ 1. The authority citation for part 97 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40106, 40113, 40114, 40120, 44502, 44514, 44701, 44719, 44721–44722.

■ 2. Part 97 is amended to read as follows:

Effective 21 AUGUST 2014

West Palm Beach, FL, Palm Beach County Park, RNAV (GPS) RWY 33, Orig
Chicago, IL, Chicago Midway Intl, RNAV (GPS) RWY 13L, Orig-D
Bowling Green, KY, Bowling Green-Warren County Rgnl, ILS OR LOC RWY 3, Amdt 1A
Bowling Green, KY, Bowling Green-Warren County Rgnl, RNAV (GPS) RWY 3, Amdt 1A
Weatherford, OK, Thomas P Stafford, RNAV (GPS) RWY 17, Amdt 2
Weatherford, OK, Thomas P Stafford, RNAV (GPS) RWY 35, Amdt 2

Effective 18 SEPTEMBER 2014

Grand Canyon, AZ, Valle, Takeoff Minimums and Obstacle DP, Orig
Greeley, CO, Greeley-Weld County, RNAV (GPS) RWY 28, Amdt 1
Atlanta, GA, Hartsfield-Jackson Atlanta Intl, Takeoff Minimums and Obstacle DP, Amdt 6
Thomson, GA, Thomson-McDuffie County, Takeoff Minimums and Obstacle DP, Amdt 1
Louisville, KY, Bowman Field, RNAV (GPS) RWY 24, Amdt 3
Louisville, KY, Bowman Field, VOR RWY 24, Amdt 9
Morehead, KY, Morehead-Rowan County Clyde A. Thomas Rgnl, RNAV (GPS) RWY 2, Amdt 1
Morehead, KY, Morehead-Rowan County Clyde A. Thomas Rgnl, RNAV (GPS) RWY 20, Amdt 1
Morehead, KY, Morehead-Rowan County Clyde A. Thomas Rgnl, Takeoff Minimums and Obstacle DP, Amdt 1
Westfield/Springfield, MA, Westfield-Barnes Rgnl, ILS OR LOC RWY 20, Amdt 8
Elkton, MD, Cecil County, VOR/DME RWY 31, Orig-C, CANCELED
Elkton, MD, Claremont, VOR/DME–A, Orig
Ocean City, MD, Ocean City Muni, Takeoff Minimums and Obstacle DP, Amdt 3
Battle Creek, MI, W K Kellogg, RNAV (GPS) RWY 23R, Amdt 1A
Lincolnton, NC, Lincolnton-Lincoln County Rgnl, ILS Y OR LOC Y RWY 23, Orig
Lincolnton, NC, Lincolnton-Lincoln County Rgnl, ILS Z OR LOC Z RWY 23, Orig
Lincolnton, NC, Lincolnton-Lincoln County Rgnl, LOC RWY 23, Orig-B, CANCELED
Lincolnton, NC, Lincolnton-Lincoln County Rgnl, RNAV (GPS) RWY 23, Amdt 1
Gwinner, ND, Gwinner-Roger Melroe Field, RNAV (GPS) RWY 16, Amdt 4
Gwinner, ND, Gwinner-Roger Melroe Field, RNAV (GPS) RWY 34, Amdt 4
Gwinner, ND, Gwinner-Roger Melroe Field, Takeoff Minimums and Obstacle DP, Amdt 1
Newark, NJ, Newark Liberty Intl, GLS RWY 4R, Orig-D
Newark, NJ, Newark Liberty Intl, RNAV (GPS) Y RWY 4R, Amdt 1E
Newark, NJ, Newark Liberty Intl, RNAV (RNP) Z RWY 4R, Orig-D
Newark, NJ, Newark Liberty Intl, RNAV (RNP) Z RWY 29, Orig-E
Rome, NY, Griffiss Intl, VOR/DME RWY 15, Amdt 1
Greer, SC, Greenville Spartanburg Intl, ILS OR LOC/DME RWY 4, ILS RWY 4 (SA CAT I), ILS RWY 4 (CAT II), ILS RWY 4 (CAT III), Amdt 24
Dallas, TX, Collin County Rgnl at McKinney, RNAV (GPS) RWY 36, Amdt 3
Dallas, TX, Dallas Love Field, RNAV (RNP) W RWY 13L, Orig
Dallas, TX, Dallas Love Field, RNAV (RNP) X RWY 13L, Orig
Dallas-Fort Worth, TX, Dallas/Fort Worth Intl, Takeoff Minimums and Obstacle DP, Amdt 6
Fort Worth, TX, Fort Worth Alliance, ILS OR LOC RWY 34R, Amdt 6A
Fort Worth, TX, Fort Worth Alliance, RNAV (GPS) RWY 16L, Amdt 1A
Fort Worth, TX, Fort Worth Alliance, RNAV (GPS) RWY 34R, Amdt 2B

RESCINDED: On July 11, 2014 (79 FR 39970), the FAA published an Amendment in Docket No. 30963, Amdt No. 3595, to Part 97 of the Federal Aviation Regulations under section 97.33. The following entry for Akutan, AK, effective 24 July 2014 is hereby rescinded in its entirety:

Akutan, AK, Akutan, RNAV (GPS) RWY 9, Orig

[FR Doc. 2014–18596 Filed 8–8–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 30968 Amdt. No. 3599]

Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) and associated Takeoff Minimums and Obstacle Departure Procedures for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, adding new obstacles, or changing air traffic requirements. These changes are designed to provide safe and efficient

use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: This rule is effective August 11, 2014. The compliance date for each SIAP, associated Takeoff Minimums, and ODP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of August 11, 2014.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination—

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue SW., Washington, DC 20591;
2. The FAA Regional Office of the region in which the affected airport is located;
3. The National Flight Procedures Office, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 or,
4. 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.*

Availability—All SIAPs and Takeoff Minimums and ODPs are available online free of charge. Visit *http://www.nfdc.faa.gov* to register. Additionally, individual SIAP and Takeoff Minimums and ODP copies may be obtained from:

1. FAA Public Inquiry Center (APA–200), FAA Headquarters Building, 800 Independence Avenue SW., Washington, DC 20591; or
2. The FAA Regional Office of the region in which the affected airport is located.

FOR FURTHER INFORMATION CONTACT: Richard A. Dunham III, Flight Procedure Standards Branch (AFS–420), Flight Technologies and Programs Divisions, Flight Standards Service, Federal Aviation Administration, Mike Monroney Aeronautical Center, 6500 South MacArthur Blvd. Oklahoma City, OK 73169 (Mail Address: P.O. Box 25082, Oklahoma City, OK 73125) Telephone: (405) 954–4164.

SUPPLEMENTARY INFORMATION: This rule amends Title 14 of the Code of Federal Regulations, Part 97 (14 CFR part 97), by establishing, amending, suspending, or revoking SIAPS, Takeoff Minimums and/or ODPS. The complete regulators description of each SIAP and its associated Takeoff Minimums or ODP for an identified airport is listed on FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR part 51, and 14 CFR part 97.20. The applicable FAA Forms are FAA Forms 8260–3, 8260–4, 8260–5, 8260–15A, and 8260–15B when required by an entry on 8260–15A.

The large number of SIAPs, Takeoff Minimums and ODPs, in addition to their complex nature and the need for a special format make publication in the **Federal Register** expensive and impractical. Furthermore, airmen do not use the regulatory text of the SIAPs, Takeoff Minimums or ODPs, but instead refer to their depiction on charts printed by publishers of aeronautical materials. The advantages of incorporation by reference are realized and publication of the complete description of each SIAP, Takeoff Minimums and ODP listed on FAA forms is unnecessary. This amendment provides the affected CFR sections and specifies the types of SIAPs and the effective dates of the, associated Takeoff Minimums and ODPs. This amendment also identifies the airport and its location, the procedure, and the amendment number.

The Rule

This amendment to 14 CFR part 97 is effective upon publication of each separate SIAP, Takeoff Minimums and ODP as contained in the transmittal. Some SIAP and Takeoff Minimums and textual ODP amendments may have been issued previously by the FAA in a Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP and Takeoff Minimums and ODP amendments may require making them effective in less than 30 days. For the remaining SIAPS and Takeoff Minimums and ODPS, an effective date at least 30 days after publication is provided.

Further, the SIAPs and Takeoff Minimums and ODPS contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these SIAPS and Takeoff Minimums and ODPs, the TERPS criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs, Takeoff Minimums and ODPs, and safety in air commerce, I find that notice and public procedures before adopting these SIAPS, Takeoff Minimums and ODPs are impracticable and contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

Conclusion

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. 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. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

Air Traffic Control, Airports, Incorporation by reference, and Navigation (Air).

Issued in Washington, DC, on July 3, 2014.

John Duncan,

Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Title 14, Code of Federal Regulations, Part 97 (14 CFR part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures and/or Takeoff Minimums and/or Obstacle Departure Procedures effective at 0902 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

■ 1. The authority citation for part 97 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40106, 40113, 40114, 40120, 44502, 44514, 44701, 44719, 44721–44722.

■ 2. Part 97 is amended to read as follows:

Effective 21 AUGUST 2014

Brookfield, MO, North Central Missouri Rgnl, RNAV (GPS) RWY 18, Amdt 1, CANCELED
Newcastle, WY, Mondell Field, RNAV (GPS) RWY 14, Amdt 1
Newcastle, WY, Mondell Field, RNAV (GPS) RWY 32, Amdt 1
Newcastle, WY, Mondell Field, Takeoff Minimums and Obstacle DP, Amdt 4
Newcastle, WY, Mondell Field, VOR RWY 32, Amdt 4

Effective 18 SEPTEMBER 2014

Bay Minette, AL, Bay Minette Muni, RNAV (GPS) RWY 26, Orig-D
Parker, AZ, Avi Suquilla, RNAV (GPS) RWY 1, Orig
Parker, AZ, Avi Suquilla, Takeoff Minimums and Obstacle DP, Amdt 1
Parker, AZ, Avi Suquilla, VOR/DME–A, Amdt 3
Greeley, CO, Greeley-Weld County, ILS OR LOC/DME RWY 35, Amdt 3
Greeley, CO, Greeley-Weld County, NDB RWY 34, Orig-A, CANCELED
Greeley, CO, Greeley-Weld County, RNAV (GPS) RWY 10, Amdt 1
Greeley, CO, Greeley-Weld County, RNAV (GPS) RWY 17, Amdt 1
Greeley, CO, Greeley-Weld County, RNAV (GPS) RWY 35, Amdt 1
Greeley, CO, Greeley-Weld County, Takeoff Minimums and Obstacle DP, Amdt 4
Greeley, CO, Greeley-Weld County, VOR–A, Amdt 10
Naples, FL, Naples Muni, RNAV (GPS)-A, Orig
Naples, FL, Naples Muni, RNAV (GPS)-B, Orig
Tampa, FL, Peter O Knight, RNAV (GPS) RWY 36, Amdt 2B
Statesboro, GA, Statesboro-Bulloch County, ILS OR LOC RWY 32, Amdt 3
Statesboro, GA, Statesboro-Bulloch County, RNAV (GPS) RWY 32, Amdt 3
Grand Rapids, MI, Gerald R. Ford Intl, ILS OR LOC RWY 8R, Amdt 6A
Grand Rapids, MI, Gerald R. Ford Intl, ILS OR LOC RWY 26L, Amdt 21A
Grand Rapids, MI, Gerald R. Ford Intl, ILS OR LOC RWY 35, Amdt 1B
Grand Rapids, MI, Gerald R. Ford Intl, VOR RWY 17, Orig-D
Grand Rapids, MI, Gerald R. Ford Intl, VOR RWY 35, Amdt 1A
Hastings, MI, Hastings, VOR RWY 12, Orig-E
Holland, MI, West Michigan Rgnl, VOR–A, Amdt 10D
Ludington, MI, Mason County, RNAV (GPS) RWY 8, Orig-B
Sparta, MI, Paul C. Miller-Sparta, VOR–A, Amdt 4A
Waxhaw, NC, Jaars-Townsend, RNAV (GPS) RWY 4, Orig-A
Waxhaw, NC, Jaars-Townsend, RNAV (GPS) RWY 22, Orig-A
New York, NY, John F Kennedy Intl, RNAV (GPS) RWY 22R, Amdt 1D
Arlington, TX, Arlington Muni, Takeoff Minimums and Obstacle DP, Amdt 3
Brenham, TX, Brenham Muni, VOR/DME RWY 16, Amdt 2, CANCELED
Dallas, TX, Dallas Executive, Takeoff Minimums and Obstacle DP, Amdt 7
Decatur, TX, Decatur Muni, Takeoff Minimums and Obstacle DP, Amdt 3
Denton, TX, Denton Muni, Takeoff Minimums and Obstacle DP, Amdt 3
Fort Worth, TX, Bourland Field, Takeoff Minimums and Obstacle DP, Amdt 2
Fort Worth, TX, Fort Worth Alliance, Takeoff Minimums and Obstacle DP, Amdt 1
Fort Worth, TX, Fort Worth Meacham Intl, Takeoff Minimums and Obstacle DP, Amdt 7
Grand Prairie, TX, Grand Prairie Muni, Takeoff Minimums and Obstacle DP, Amdt 5
Lancaster, TX, Lancaster Rgnl, Takeoff Minimums and Obstacle DP, Amdt 3
Mesquite, TX, Mesquite Metro, Takeoff Minimums and Obstacle DP, Amdt 4
Midlothian/Waxahachie, TX, Mid-Way Rgnl, Takeoff Minimums and Obstacle DP, Amdt 2
Rockwall, TX, Ralph M Hall/Rockwall Muni, Takeoff Minimums and Obstacle DP, Amdt 1
Bremerton, WA, Bremerton National, ILS OR LOC RWY 20, Amdt 17
Bremerton, WA, Bremerton National, NDB RWY 2, Amdt 2, CANCELED
Bremerton, WA, Bremerton National, Takeoff Minimums and Obstacle DP, Amdt 5
Madison, WI, Blackhawk Airfield, Takeoff Minimums and Obstacle DP, Amdt 2
Wheatland, WY, Phifer Airfield, RNAV (GPS)-A, Amdt 1

[FR Doc. 2014–18592 Filed 8–8–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 30969; Amdt. No. 3600]

Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) and associated Takeoff Minimums and Obstacle Departure Procedures for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, adding new obstacles, or changing air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: This rule is effective August 11, 2014. The compliance date for each SIAP, associated Takeoff Minimums, and ODP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of August 11, 2014.

ADDRESSES: Availability of matter incorporated by reference in the amendment is as follows:

For Examination—

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue SW., Washington, DC 20591;

2. The FAA Regional Office of the region in which the affected airport is located;

3. The National Flight Procedures Office, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 or,

4. 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.*

Availability—All SIAPs are available online free of charge. Visit *nfdc.faa.gov* to register. Additionally, individual SIAP and Takeoff Minimums and ODP copies may be obtained from:

1. FAA Public Inquiry Center (APA–200), FAA Headquarters Building, 800 Independence Avenue SW., Washington, DC 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

FOR FURTHER INFORMATION CONTACT: Richard A. Dunham III, Flight Procedure Standards Branch (AFS–420) Flight Technologies and Programs Division, Flight Standards Service, Federal Aviation Administration, Mike Monroney Aeronautical Center, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 (Mail Address: P.O. Box 25082 Oklahoma City, OK 73125) telephone: (405) 954–4164.

SUPPLEMENTARY INFORMATION: This rule amends Title 14, Code of Federal Regulations, Part 97 (14 CFR part 97) by amending the referenced SIAPs. The complete regulatory description of each SIAP is listed on the appropriate FAA Form 8260, as modified by the National Flight Data Center (FDC)/Permanent Notice to Airmen (P–NOTAM), and is incorporated by reference in the

amendment under 5 U.S.C. 552(a), 1 CFR part 51, and § 97.20 of Title 14 of the Code of Federal Regulations.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form documents is unnecessary. This amendment provides the affected CFR sections and specifies the types of SIAP and the corresponding effective dates. This amendment also identifies the airport and its location, the procedure and the amendment number.

The Rule

This amendment to 14 CFR part 97 is effective upon publication of each separate SIAP as amended in the transmittal. For safety and timeliness of change considerations, this amendment incorporates only specific changes contained for each SIAP as modified by FDC/P–NOTAMs.

The SIAPs, as modified by FDC P–NOTAM, and contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these changes to SIAPs, the TERPS criteria were applied only to specific conditions existing at the affected airports. All SIAP amendments in this rule have been previously issued by the FAA in a FDC NOTAM as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for all these SIAP amendments requires making them effective in less than 30 days.

Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs are impracticable and contrary to the public interest and, where applicable, that good cause exists for making these SIAPs effective in less than 30 days.

Conclusion

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. 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. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

Air Traffic Control, Airports, Incorporation by reference, and Navigation (Air).

Issued in Washington, DC, on July 3, 2014.

John Duncan,

Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Title 14, Code of Federal regulations, Part 97, 14 CFR part 97, is amended by amending Standard Instrument Approach Procedures, effective at 0901 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

■ 1. The authority citation for part 97 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40106, 40113, 40114, 40120, 44502, 44514, 44701, 44719, 44721–44722.

■ 2. Part 97 is amended to read as follows:

§§ 97.23, 97.25, 97.27, 97.29, 97.31, 97.33, 97.35 [AMENDED]

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, MLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, Identified as follows:

** * * Effective Upon Publication*

AIRAC date	State	City	Airport	FDC Number	FDC Date	Subject
21-Aug-14	CA	Atwater	Castle	4/1126	06/24/14	ILS OR LOC/DME RWY 31, Amdt 2D.
21–Aug–14	CA	Oceanside	Oceanside Muni	4/2053	06/25/14	GPS RWY 6, Orig-A.
21–Aug–14	CA	Oceanside	Oceanside Muni	4/2055	06/25/14	GPS RWY 24, Orig-A.
21–Aug–14	ID	Salmon	Lemhi County	4/2056	06/25/14	VOR/DME B, Orig-A.
21–Aug–14	ID	Salmon	Lemhi County	4/2057	06/25/14	RNAV (GPS) D, Orig.
21–Aug–14	ID	Salmon	Lemhi County	4/2058	06/25/14	RNAV (GPS) C, Orig-A.
21–Aug–14	UT	Vernal	Vernal Rgnl	4/2502	06/24/14	RNAV (GPS) RWY 34, Amdt 1A.
21–Aug–14	CA	Visalia	Visalia Muni	4/2570	06/24/14	RNAV (GPS) RWY 30, Amdt 1.
21–Aug–14	CA	Visalia	Visalia Muni	4/2574	06/24/14	RNAV (GPS) RWY 12, Amdt 1A.
21–Aug–14	CA	Visalia	Visalia Muni	4/2575	06/24/14	VOR RWY 12, Amdt 6A.
21–Aug–14	CA	Visalia	Visalia Muni	4/2577	06/24/14	ILS OR LOC/DME RWY 30, Amdt 7.
21–Aug–14	NY	White Plains	Westchester County	4/2821	06/19/14	ILS OR LOC RWY 34, Amdt 5.
21–Aug–14	KY	Louisville	Louisville Intl-Standiford Field	4/2876	06/19/14	ILS OR LOC RWY 17R, Amdt 3A.
21–Aug–14	UT	Milford	Milford Muni/Ben And Judy Briscoe Field.	4/3078	06/23/14	RNAV (GPS) RWY 34, Orig.
21–Aug–14	UT	Milford	Milford Muni/Ben And Judy Briscoe Field.	4/3083	06/23/14	RNAV (GPS) RWY 16, Orig-A.
21–Aug–14	GA	Macon	Middle Georgia Rgnl	4/3108	06/19/14	VOR RWY 23, Amdt 4.
21–Aug–14	GA	Macon	Middle Georgia Rgnl	4/3111	06/19/14	VOR RWY 13, Amdt 10.
21–Aug–14	GA	Macon	Middle Georgia Rgnl	4/3114	06/19/14	RNAV (GPS) RWY 23, Amdt 2.
21–Aug–14	GA	Macon	Middle Georgia Rgnl	4/3115	06/19/14	RNAV (GPS) RWY 13, Amdt 2.
21–Aug–14	WA	Wenatchee	Pangborn Memorial	4/3792	06/24/14	ILS X RWY 12, Orig.
21–Aug–14	CO	Trinidad	Perry Stokes	4/3852	06/23/14	RNAV (GPS) RWY 3, Amdt 1.
21–Aug–14	CA	Marysville	Yuba County	4/4650	06/24/14	VOR RWY 32, Amdt 10E.
21–Aug–14	CA	Marysville	Yuba County	4/4652	06/24/14	ILS OR LOC RWY 14, Amdt 5B.
21–Aug–14	CA	Marysville	Yuba County	4/4653	06/24/14	RNAV (GPS) RWY 32, Orig-A.
21–Aug–14	CA	Marysville	Yuba County	4/4654	06/24/14	RNAV (GPS) RWY 14, Orig-A.
21–Aug–14	CA	Merced	Merced Rgnl/Macready Field	4/4909	06/24/14	LOC BC RWY 12, Amdt 10E.
21–Aug–14	CA	Merced	Merced Rgnl/Macready Field	4/4910	06/24/14	RNAV (GPS) RWY 12, Orig.
21–Aug–14	UT	Wendover	Wendover	4/5065	06/23/14	RNAV (GPS) RWY 8, Orig.

AIRAC date	State	City	Airport	FDC Number	FDC Date	Subject
21–Aug–14	NY	Canandaigua	Canandaigua	4/5946	06/19/14	RNAV (GPS) RWY 31, Orig.
21–Aug–14	ME	Brunswick	Brunswick Executive	4/5957	06/19/14	ILS OR LOC/DME RWY 1R, Orig-A.
21–Aug–14	MA	Falmouth	Cape Cod Coast Guard Air Station	4/5963	06/19/14	ILS OR LOC RWY 32, Amdt 1.
21–Aug–14	CO	Kremmling	Mc Elroy Airfield	4/6012	06/25/14	VOR/DME A, Amdt 3.
21–Aug–14	CO	Kremmling	Mc Elroy Airfield	4/6038	06/25/14	RNAV (GPS) B, Orig.
21–Aug–14	WA	Port Angeles	Port Angeles CGAS	4/6120	06/24/14	COPTER RNAV (GPS) RWY 26, Orig.
21–Aug–14	NY	New York	La Guardia	4/6184	06/19/14	ILS OR LOC RWY 4, Amdt 36B.
21–Aug–14	NY	New York	La Guardia	4/6185	06/19/14	RNAV (GPS) RWY 31, Amdt 1C.
21–Aug–14	NY	New York	La Guardia	4/6191	06/19/14	ILS OR LOC RWY 22, Amdt 20C.
21–Aug–14	NY	New York	La Guardia	4/6192	06/19/14	ILS RWY 22 (SA CAT I & II), Amdt 20C.
21–Aug–14	NY	New York	La Guardia	4/6196	06/19/14	RNAV (GPS) RWY 13, Amdt 1B.
21–Aug–14	GA	Jasper	Pickens County	4/6740	06/19/14	RNAV (GPS) RWY 16, Amdt 1.
21–Aug–14	FL	Inverness	Inverness	4/6773	06/19/14	RNAV (GPS) RWY 1, Orig.
21–Aug–14	FL	Inverness	Inverness	4/6775	06/19/14	RNAV (GPS) RWY 19, Orig.
21–Aug–14	TN	Nashville	John C Tune	4/6835	06/19/14	RNAV (GPS) RWY 20, Amdt 1.
21–Aug–14	TN	Nashville	John C Tune	4/6836	06/19/14	RNAV (GPS) RWY 2, Amdt 1.
21–Aug–14	TN	Nashville	John C Tune	4/6839	06/19/14	ILS OR LOC/DME RWY 20, Amdt 1.
21–Aug–14	MT	Miles City	Frank Wiley Field	4/6873	06/23/14	VOR/DME RWY 4, Orig.
21–Aug–14	MT	Miles City	Frank Wiley Field	4/6874	06/23/14	VOR RWY 4, Amdt 12.
21–Aug–14	MT	Miles City	Frank Wiley Field	4/6875	06/23/14	RNAV (GPS) RWY 4, Amdt 2.
21–Aug–14	MT	Miles City	Frank Wiley Field	4/6877	06/23/14	RNAV (GPS) RWY 22, Orig-A.
21–Aug–14	NY	Albany	Albany Intl	4/7792	06/19/14	RNAV (GPS) RWY 28, Orig.
21–Aug–14	NY	Albany	Albany Intl	4/7793	06/19/14	RNAV (GPS) RWY 10, Orig.
21–Aug–14	GA	Thomasville	Thomasville Rgnl	4/8752	06/19/14	NDB RWY 22, Amdt 6.
21–Aug–14	WA	Walla Walla	Walla Walla Rgnl	4/8941	06/23/14	NDB RWY 20, Amdt 6.
21–Aug–14	NY	Elmira/Corning	Elmira/Corning Rgnl	4/9298	06/19/14	RNAV (GPS) RWY 6, Amdt 2.
21–Aug–14	NY	Elmira/Corning	Elmira/Corning Rgnl	4/9301	06/19/14	RNAV (GPS) RWY 24, Amdt 2.
21–Aug–14	NY	Elmira/Corning	Elmira/Corning Rgnl	4/9302	06/19/14	RNAV (GPS) RWY 10, Amdt 2.
21–Aug–14	NY	Elmira/Corning	Elmira/Corning Rgnl	4/9303	06/19/14	RNAV (GPS) RWY 28, Amdt 3.
21–Aug–14	NY	Elmira/Corning	Elmira/Corning Rgnl	4/9304	06/19/14	ILS OR LOC RWY 6, Amdt 5.
21–Aug–14	NY	Elmira/Corning	Elmira/Corning Rgnl	4/9305	06/19/14	ILS OR LOC RWY 24, Amdt 19.
21–Aug–14	VA	South Boston	William M Tuck	4/9422	06/19/14	VOR A, Amdt 8A.
21–Aug–14	TN	Somerville	Fayette County	4/9765	06/25/14	NDB RWY 19, Amdt 1A.
21–Aug–14	TN	Somerville	Fayette County	4/9769	06/25/14	RNAV (GPS) RWY 19, Amdt 2.
21–Aug–14	TN	Somerville	Fayette County	4/9770	06/25/14	RNAV (GPS) RWY 1, Orig.

[FR Doc. 2014–18602 Filed 8–8–14; 8:45 am]

BILLING CODE 4910–13–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

14 CFR Part 1206

[Docket Number NASA–2014–0008]

RIN 2700–AE04

Procedures for Disclosure of Records Under the Freedom of Information Act (FOIA)

AGENCY: National Aeronautics and Space Administration.

ACTION: Final rule.

SUMMARY: This rule revises the National Aeronautics and Space Administration (NASA) Freedom of Information Act (FOIA) regulations that the Agency follows in processing records under the FOIA. The revisions clarify and update procedures for requesting information from the Agency, as well as procedures that the Agency follows in responding to requests from the public. The revisions also incorporate clarifications and updates resulting from changes to the FOIA and case law. Finally, the revisions include current cost figures to be used in calculating and charging fees and increase the amount of information that members of the public may receive from the Agency without being charged processing fees.

DATES: *Effective Date:* August 11, 2014.

FOR FURTHER INFORMATION CONTACT: Miriam Brown-Lam, (202) 358–0718.

SUPPLEMENTARY INFORMATION:

I. Background

NASA published a proposed rule in the **Federal Register** at 79 FR 9430 on February 18, 2014, to amend its FOIA regulations. The rule updated and streamlined several procedural provisions and to incorporate certain changes brought resulting from amendments to the FOIA under the Openness Promotes Effectiveness in our National (OPEN) Government Act of 2007, to reflect developments in case law, and to include current cost figures to be used in calculating and charging fees.

II. Discussion and Analysis

NASA received comments from two members of the public as well as comments from a subcomponent of a Federal agency. NASA has also made minor corrections to the text. The following is a discussion of Comments:

Comment 1: One commenter suggested that in § 1206.201, NASA establish categories of records to proactively disclose and post on its Web site.

Response: The FOIA requires Agencies to proactively post agency records (Subsection (a)(2) of the FOIA) when they have received two requests for the documents and anticipate a third. NASA has regularly taken affirmative steps to make information available to the public through the use of robust Web sites. NASA routinely updates these Web sites to provide the public with documents as well as information, video links, etc. that are of value and interest to the public. NASA declines to adopt this comment.

Comment 2: One commenter suggested that in § 1206.300(g) NASA include an alternative for third party requesters access to Privacy Act records if they are able to demonstrate an overriding public interest in the records.

Response: NASA believes adding a statement of this kind would create confusion with regard to releasing Privacy Act records. There are significant variables concerning release of privacy-protected information, which is addressed on a case-by-case basis. An overriding public interest with regard to the release of privacy-protected information cannot be defined for the

purposes of this section. NASA declines to adopt this comment.

Comment 3: One commenter suggested that in § 1206.300(g) NASA include a definition of a FOIA Public Liaison.

Response: NASA has adopted this comment and included this reference in § 1206.801(c).

Comment 4: One commenter suggested that in § 1206.301(a) the word 'must' be changed to 'should' in the reference requiring requesters to either address their request to an appropriate FOIA Office or identify their letter as a request for an Agency record under the FOIA.

Response: If a requester submits a request to a program office not designated to process FOIA requests and it is not identified as a FOIA request, it may not be appropriately handled. Therefore, a request not sent to a FOIA office must be identified as a request 'Under the Freedom of Information Act' in order for staff to understand that it needs to be forwarded to the FOIA office for proper processing. NASA declines to adopt this comment.

Comment 5: One commenter suggested that in § 1206.301(e) that the language indicating NASA need not comply with a blanket or categorical request where it is not reasonably feasible to determine what record is sought be changed to indicate NASA will work with the requester and locate the records sought.

Response: This comment is already reflected in section § 1206.301(f) of this subsection. NASA declines to adopt this comment.

Comment 6: One commenter made a statement in reference to § 1206.301(g) noting from *Schladetsch* v. *HUD* (D.D.C. Apr. 4, 2000) that extracting, sorting, and compiling discrete pieces of information from an existing database does not amount to the creation of a new record.

Response: The FOIA does not obligate agencies to create records, it obligates them to provide access to those which it has created or retained. FOIA staff will generally provide information from an existing database, removing exempt information as necessary unless the information as a whole is exempt from release.

Comment 7: One commenter suggested that in § 1206.302(a) NASA clearly address the statutory fee entitlements for the various processing categories.

Response: NASA has adopted this comment by adding a cross-reference in § 1206.302(a) to Subpart E, § 1206.507(b) and (c), Categories of requesters.

Comment 8: One commenter suggested that in § 1206.302(b)(1) and (h) NASA provide requesters with a breakdown of the fee estimate and/or bill as a best practice.

Response: NASA works with requesters regarding fee estimates, applicable charges, etc. NASA will continue to work with and provide requesters a breakdown of the cost estimate as a best practice but declines to adopt this comment in the regulation.

Comment 9: One commenter suggested that in § 1206.307(b)(2) when denying records, NASA provide a brief description of the exemption as well as a description of the information NASA is withholding.

Response: NASA currently provides a brief description of the exemptions, as required. On a case-by-case basis, NASA does provide descriptive information. However, NASA believes a requirement to provide this information for every case would have a negative impact on NASA's processing and response times while providing the requester with very little, if any, additional meaningful information. NASA declines to adopt this comment.

Comment 10: One commenter suggested that in § 1206.308 when referring records to another agency, NASA provide the name of the contact information.

Response: NASA declines to adopt this comments as it is addressed in § 1206.308(e). However, this particular section has been reworded for clarity purposes.

Comment 11: One commenter suggested that the language in § 1206.400 regarding the subrequirement for expedited processing requiring that a requester 'must establish that he or she is a person whose main professional activity or occupation is information dissemination, though it need not be his/her sole occupation' would create an additional obligation and an impediment to expedited processing criteria by imposing an added requirement.

Response: After consideration, NASA has removed this subrequirement.

Comment 12: One commenter suggested that in § 1206.401 NASA clarify the language and change the word 'made' to 'submitted' to ensure requesters do not think they can make a request verbally.

Response: NASA has adopted this comment.

Comment 13: One commenter suggested that NASA should not increase the fees for copy in § 1206.501(f) stating the costs associated with photo-duplication have declined rather than increased over the last 16 years.

Response: Based on inflation, the increase is reasonable and consistent with fees charged by other Federal agencies. This is the first increase in fees NASA has issued in 16 years. NASA declines to adopt this comment.

Comment 14: One commenter suggested that in § 1206.503(c), NASA should increase the minimum threshold to $50.00 for charging fees to FOIA requesters.

Response: NASA has adopted this comment and will increase the minimum threshold accordingly.

Comment 15: One commenter suggested that in § 1206.504, NASA should provide a breakdown of the fees for search, review and/or duplication.

Response: NASA works with requesters regarding fee estimates, applicable charges, etc. NASA will continue to work with and provide requesters with a breakdown of the cost estimate as a best practice but declines to adopt this comment in the regulation.

Comment 16: One commenter suggested that in § 1206.506(a) the difference between a fee waiver and fee category should be clarified.

Response: To alleviate confusion, NASA has adopted this comment by cross-referencing § 1206.506(a) with § 1206.507 fee categories.

Comment 17: One commenter suggested that in § 1206.506(d)(3) the language in the last sentence be rewritten to conform with the FOIA language 'using editorial skills to turn raw materials into a distinct work.'

Response: NASA has adopted this comment.

Comment 18: One commenter suggested that in § 1206.506(j) the language should be revised to allow FOIA staff to provide assistance to a requester when composing a request in order to receive a fee waiver.

Response: NASA disagrees with this suggestion. It would place and undue burden on the FOIA staff it they were to provide assistance in composing a request in order for requesters to receive a fee waiver. This would also place them in a position that would prevent them from making an unbiased determination regarding a fee waiver request. NASA declines to adopt this comment.

Comment 19: One commenter suggested that NASA also include the information in § 1206.507(a) in § 1206.300.

Response: NASA declines to adopt this comment as this information is already in § 1206.300(a). NASA need not act on this comment.

Comment 20: One commenter suggested that in § 1206.700(a), NASA increase the minimum time for requesters to prepare and submit appeals from 30 days from the date of the initial determination to 60 days.

Response: NASA has carefully considered this comment but declines to adopt it. The current 30 days from the date of the initial determination allows requesters to consider the response they have received and determine whether or not the response is satisfactory in a timely manner.

Comment 21: One commenter suggested that in § 1206.700(b)(3), NASA change the language requiring requesters to clearly identify a FOIA appeal on the outside envelope of their appeal.

Response: While this is not a requirement of the FOIA, it has been a long-standing requirement for processing appeals and is in the best interest of both the appellant as well as the Agency. Agencies have a limited time to process an appeal in a timely manner; therefore, clearly identifying a FOIA appeal on the outside of the envelope in order to ensure it reaches the proper office in a timely manner is administratively beneficial to both parties. NASA declines to adopt this comment.

Comment 22: One commenter suggested in § 1206.701, NASA include a reference for requesters to contact the Office of Government Information Services (OGIS) to resolve a dispute between requesters and the Agency.

Response: NASA has adopted this comment and included language to reference OGIS in § 1206.701(f)(4).

Comment 23: One commenter suggested that in Appendix A, NASA also provide fax numbers and email addresses to which requesters can submit requests.

Response: NASA has adopted this comment and will include this information in Appendix A.

Comment 24: The OGIS also suggested NASA include information about the preservation of records and records management in the FOIA regulations.

Response: While this is very good information, NASA has a records management office that is responsible for issuing records management information and requirements in accordance with the General Records Schedule of the National Archives and Records Administration (NARA). NASA declines to adopt this comment.

III. Regulatory Analysis

Executive Order 12866 and Executive Order 13563

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, reducing costs, harmonizing rules, and promoting flexibility. This final rule has been designated a ''significant regulatory action,'' although not economically significant, under section 3(f) of Executive Order 12866. Accordingly, this rule has been reviewed by the Office of Management and Budget.

Regulatory Flexibility Act

It has been certified that this rule is not subject to the Regulatory Flexibility Act (5 U.S.C. 601) because it would not, if promulgated, have a significant economic impact on a substantial number of small entities. Fees assessed by the Administration are nominal. Further, the ''small entities'' that make FOIA requests, as compared with individual requesters and other requesters, are relatively few in number.

Paperwork Reduction Act Statement

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

Unfunded Mandates Reform Act of 1995

This rule will not result in the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector, of $100,000,000 or more in any one year, and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

Small Business Regulatory Enforcement Fairness Act of 1996

This rule is not a major rule as defined by § 251 of the Small Business Regulatory Enforcement Fairness Act of 1996 (as amended), 5 U.S.C. 804. This rule will not result in an annual effect on the economy of $100,000,000 or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign based companies in domestic and export markets.

List of Subjects in 14 CFR Part 1206

Administrative practice and procedure, Freedom of Information Act, Privacy Act.

Accordingly, 14 CFR part 1206 is revised to read as follows:

PART 1206—PROCEDURES FOR DISCLOSURE OF RECORDS UNDER THE FREEDOM OF INFORMATION ACT (FOIA)

Subpart A—Basic Policy

Sec.
1206.100 Scope of part.
1206.101 General policy.

Subpart B—Types of Records To Be Made Available

1206.200 Publishing of records.
1206.201 Proactive disclosure of Agency records.
1206.202 Records that have been published.
1206.203 Incorporation by reference.

Subpart C—Procedures

1206.300 How to make a request for Agency records.
1206.301 Describing records sought.
1206.302 Fee agreements.
1206.303 Format of records disclosed.
1206.304 Expedited processing.
1206.305 Responding to requests.
1206.306 Granting a request.
1206.307 Denying a request.
1206.308 Referrals and consultations within NASA or other Federal agencies.

Subpart D—Procedures and Time Limits for Responding to Requests

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1206.401 Procedures and time limits for acknowledgement letters and initial determinations.
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Subpart E—Fees Associated With Processing Requests

1206.500 Search.
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1206.504 Charging fees.
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1206.506 Requirements for a waiver or reduction of fees.
1206.507 Categories of requesters.
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1206.509 Form of payment.
1206.510 Nonpayment of fees.
1206.511 Other rights and services.

Subpart F—Commercial Information

1206.600 General policy.
1206.601 Notice to submitters.
1206.602 Opportunity to object to disclosure.
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Subpart G—Appeals

1206.700 How to submit an appeal.
1206.701 Actions on appeals.
1206.702 Litigation.

Subpart H—Responsibilities

1206.800 Delegation of authority.
1206.801 Chief FOIA Officer.
1206.802 General Counsel.
1206.803 NASA Headquarters.
1206.804 NASA Centers and Components.
1206.805 Inspector General.

Subpart I—Location for Inspection and Request of Agency Records

1206.900 FOIA offices and electronic libraries.

Authority: 5 U.S.C. 552, 552a; 51 U.S.C. 20113(a)

Subpart A—Basic Policy

§ 1206.100 Scope of part.

This part 1206 establishes the policies, responsibilities, and procedures for the release of Agency records which are under the jurisdiction of the National Aeronautics and Space Administration, hereinafter NASA, to members of the public. This part applies to information and Agency records located at NASA Headquarters, and NASA Centers, including Component Facilities and Technical and Service Support Centers, herein NASA Headquarters and Centers, as defined in this part.

§ 1206.101 General policy.

(a) In compliance with the Freedom of Information Act (FOIA), as amended 5 U.S.C. 552, a positive and continuing obligation exists for NASA, herein Agency, to make available to the fullest extent practicable upon request by members of the public, all Agency records under its jurisdiction, as described in this regulation.

(b) Part 1206 does not entitle any person to any service or to the disclosure of any record that is not required under the FOIA.

Subpart B—Types of Records To Be Made Available

§ 1206.200 Publishing of records.

(a) *Records required to be published in the* ***Federal Register***. The following records are required to be published in the **Federal Register**, for codification in Title 14, Chapter V, of the CFR.

(1) Description of NASA Headquarters and NASA Centers and the established places at which, the employees from whom, and the methods whereby, the public may secure information, make submittals or requests, or obtain decisions;

(2) Statements of the general course and method by which NASA's functions are channeled and determined, including the nature and requirements of all formal and informal procedures available;

(3) Rules of procedure, descriptions of forms available or the places at which forms may be obtained, and instructions regarding the scope and contents of all papers, reports, or examinations;

(4) Substantive rules of general applicability adopted as authorized by law, and statements of general policy or interpretations of general applicability formulated and adopted by NASA;

(5) Each amendment, revision, or repeal of the foregoing.

(b) *Agency opinions, orders, statements, and manuals.* (1) Unless they are exempt from disclosure in accordance with the FOIA, or unless they are promptly published and copies offered for sale, NASA shall make available the following records for public inspection and copying or purchase:

(i) All final opinions (including concurring and dissenting opinions) and all orders made in the adjudication of cases;

(ii) Those statements of NASA policy and interpretations which have been adopted by NASA and are not published in the **Federal Register**;

(iii) Administrative staff manuals (or similar issuances) and instructions to staff that affect a member of the public;

(iv) Copies of all records, regardless of form or format, that have been released to any person under Subpart C herein and which, because of the nature of their subject matter, the Agency determines have become or are likely to become the subject of subsequent requests for substantially the same records (frequently requested documents).

(2) *A general index of records referred to under paragraph (b)(1)(iv) of this section.*

(i) For records created after November 1, 1997, which are covered by paragraph (b)(l)(i) through (b)(l)(iv) of this section, such records shall be available electronically, through an electronic library and in electronic forms or formats.

(ii) In connection with all records required to be made available or published under this paragraph (b), identifying details shall be deleted to the extent required to prevent a clearly unwarranted invasion of personal privacy. However, in each case, the justification for the deletion shall be explained fully in writing. The extent of such deletion shall be indicated on the portion of the record which is made available or published, unless including that indication would harm an interest protected by an exemption in the FOIA. If technically feasible, the extent of the deletion shall be indicated at the place in the record where the deletion is made.

(c) *Other Agency records.* (1) In addition to the records made available or published under paragraphs (a) and (b) of this section, NASA shall, upon request for other records made in accordance with this part, make such records promptly available to any person, unless they are exempt from disclosure, or unless they may be purchased by the public from other readily available sources, i.e., books.

(2) Furthermore, at a minimum, NASA will maintain records in its electronic library that were created after November 1, 1997, under paragraphs (b)(1)(iv) and a guide for requesting records or information from NASA.

§ 1206.201 Proactive disclosure of Agency records.

Records that are required by the FOIA to be made available for public inspection and copying are accessible on the Agency's Web site, *http://www.nasa.gov.* Each Center is responsible for determining which of its records are required to be made publicly available, as well as identifying additional records of interest to the public that are appropriate for public disclosure, and for posting such records. Each Center has a FOIA Public Liaison who can assist individuals in locating records particular to a Center. A list of the Agency's FOIA Public Liaisons is available at *http://www.hq.nasa.gov/office/pao/FOIA/agency/.*

§ 1206.202 Records that have been published.

Publication in the **Federal Register** is a means of making certain Agency records are available to the public in accordance with 5 U.S.C.552(a)(2) without requiring the filing of a FOIA request. NASA has a FOIA Electronic Library Web site at NASA Headquarters and each of its Centers. The FedBizOpps (FBO) (formerly Commerce Business Daily), is also a source of information concerning Agency records or actions. Various other NASA publications and documents, and indexes thereto, are available from other sources, such as the U.S. Superintendent of Documents and the Earth Resources Observation and Science Center (Department of the Interior). Such publications and documents are not required to be made available or reproduced in response to a request unless they cannot be purchased readily from available sources.

§ 1206.203 Incorporation by reference.

Records reasonably available to the members of the public affected thereby shall be deemed published in the **Federal Register** when incorporated by reference in material published in the **Federal Register** (pursuant to the **Federal Register** regulation on incorporation by reference, 1 CFR Part 51).

Subpart C—Procedures

§ 1206.300 How to make a request for Agency records.

(a) A requester submitting a request for records must include his/her name and mailing address, a description of the record(s) sought (see § 1206.301), and must address fees or provide justification for a fee waiver (see § 1206.302) as well as address the fee category in accordance with § 1206.507. It is also helpful to provide a telephone number and email address in case the FOIA office needs to contact you regarding your request; however, this information is optional when submitting a written request. If a requester chooses to submit a request online via the NASA FOIA Web site, the required information must be completed. Do not include a social security number on any correspondence with the FOIA office.

(b) NASA does not have a central location for submitting FOIA requests and it does not maintain a central index or database of records in its possession. Instead, Agency records are decentralized and maintained by various Centers and offices throughout the country.

(c) NASA has not yet implemented a records management application for automated capture and control of e-records; therefore, official files are primarily paper files.

(d) A member of the public may request an Agency record by mail, facsimile (FAX), electronic-mail (email), or by submitting a written request in person to the FOIA office having responsibility over the record requested or to the NASA Headquarters (HQ) FOIA Office.

(e) When a requester is unable to determine the proper NASA FOIA Office to direct a request to, the requester may send the request to the NASA HQ FOIA Office, 300 E. Street SW., Washington, DC 20546–0001. The HQ FOIA Office will forward the request to the Center(s) that it determines to be most likely to maintain the records that are sought.

(1) It is in the interest of the requester to send the request to the Center FOIA Office they believe has responsibility over the records being sought. (See Appendix A for *www.nasa.gov/foia* for NASA FOIA Office locations and addresses.)

(2) A misdirected request may take up to ten (10) additional working (meaning all days except Saturdays, Sundays and all Federal legal holidays) days to reroute to the proper FOIA office.

(f) A requester who is making a request for records about himself or herself (a Privacy Act request) must comply with the verification of identity provisions set forth in 14 CFR 1212.202.

(g) Where a request pertains to a third party, a requester may receive greater access by submitting either a notarized authorization signed by the individual who is the subject of the record requested, or a declaration by that individual made in compliance with the requirements set forth in 28 U.S.C. 1746, authorizing disclosure of the records to the requester, or submit proof that the individual is deceased (e.g., a copy of a death certificate or a verifiable obituary).

(h) As an exercise of its administrative discretion, each Center FOIA office may require a requester to supply additional information if necessary, i.e., a notarized statement from the subject of the file, in order to verify that a particular individual has consented to a third party disclosure. Information will only be released on a case-by-case basis to third party requesters if they have independently provided authorization from the individual who is the subject of the request.

§ 1206.301 Describing records sought.

In view of the time limits under 5 U.S.C. 552(a)(6) for an initial determination on a request for an Agency record, a request must meet the following requirements:

(a) The request must be addressed to an appropriate FOIA office or otherwise be clearly identified in the letter as a request for an Agency record under the ''Freedom of Information Act.''

(b) Requesters must describe the records sought in sufficient detail to enable Agency personnel who are familiar with the subject area of the request to identify and locate the record with a reasonable amount of effort. To the extent possible, requesters should include specific information that may assist a FOIA office in identifying the requested records, such as the date, title or name, author, recipient, subject matter of the record, case number, file designation, or reference number. In general, requesters should include as much detail as possible about the specific records or the types of records sought.

(c) If the requester fails to reasonably describe the records sought, the FOIA office shall inform the requester of what additional information is needed or why the request is deficient. The FOIA office will also notify the requester that it will not be able to comply with the FOIA request unless the additional information requested is provided within 20 working days from the date of the letter. If the additional information is not provided within that timeframe, the request will be closed without further notification.

(d) If after being asked to clarify a request, the requester provides additional information to the FOIA office but fails to provide sufficient details or information to allow the FOIA office to ascertain exactly what records are being requested and locate them, or in general to process the request, the FOIA office will notify the requester that the request has not been properly made and the request will be closed. The FOIA office will advise him/her that they may submit a new request for the information; however, the requester will need to provide more detailed information to allow processing of the request.

(e) NASA need not comply with a blanket or categorical request (such as ''all matters relating to'' a general subject) where it is not reasonably feasible to determine what record is sought.

(f) NASA will in good faith attempt to identify and locate the record(s) sought and will consult with the requester when necessary and appropriate for that purpose in accordance with these regulations.

(g) NASA is not required to create or compile records in response to a FOIA request.

§ 1206.302 Fee agreements.

(a) A request must explicitly state a willingness to pay all fees associated with processing the request, fees up to a specified amount, or a request for a fee waiver, if processing fees will likely exceed the statutory entitlements as defined in § 1206.507(b) and (c).

(b) If the FOIA office determines that fees for processing the request will exceed the agreed upon amount or the statutory entitlements, the FOIA office will notify the requester that:

(1) He/she must provide assurance of payment for all anticipated fees or provide an advance payment if estimated fees are expected to exceed $250.00, or

(2) The FOIA office will not be able to fully comply with the FOIA request unless an assurance or advance payment as requested has been provided.

(3) He/she may wish to limit the scope of the request to reduce the processing fees.

(c) If the FOIA office does not receive a written response within 20 working days after requesting the information, it will presume the requester is no longer interested in the records requested and will close the file on the request without further notification.

(d) A commercial-use requester (as defined in§ 1206.507(c)(1)) must:

(1) State a willingness to pay all fess associated with processing a request; or

(2) State a willingness to pay fees to cover the costs of conducting an initial search for responsive records to determine a fee estimate.

(e) If a requester is only willing to pay a limited amount for processing a request and it is for more than one document, the requester must state the order in which he/she would like the request for records to be processed.

(f) If a requester is seeking a fee waiver, the request must include sufficient justification to substantiate a waiver. (See subpart E of this part for information on fee waivers.) Failure to provide sufficient justification will result in a denial of the fee waiver request.

(g) If a requester is seeking a fee waiver, he/she may also choose to state a willingness to pay fees in case the fee waiver request is denied in order to allow the FOIA office to begin processing the request while considering the fee waiver.

(h) If a fee is chargeable for search, review, duplication, or other costs incurred in connection with a request for an Agency record, the requester will be billed prior to releasing Agency documents. If the total amount of processing fees is under $50.00, the Agency will release the records when final processing is complete.

(1) If the exact amount of the fee chargeable is not known at the time of the request, the requester will be notified in the initial determination (or in a final determination in the case of an appeal) of the amount of fees chargeable.

(2) For circumstances in which advance payment of fees is required, the requester will be notified after the FOIA office has obtained an estimate of associated fees.

(i) The FOIA office will begin processing a request only after the request has been properly described in accordance with these regulations and fees have been resolved.

(j) If the requester is required to pay a fee and it is later determined on appeal that he/she was entitled to a full or partial fee waiver, a refund will be sent as appropriate.

(k) NASA may refuse to consider a waiver or reduction of fees for requesters (persons or organizations) from whom unpaid fees remain owed to the Agency for another information access request.

§ 1206.303 Format of records disclosed.

(a) The FOIA office will provide the records in the requested format if the records can readily be reproduced from the original file to that specific format.

(b) The FOIA office may charge direct costs associated with converting the records or files into the requested format if they are not maintained in that format. If the costs to convert the records exceed the amount the requester has agreed to pay, the FOIA office will notify the requester in writing. If the requester does not agree to pay the additional fees for converting the records, the records may not be provided in the requested format.

§ 1206.304 Expedited processing.

A requester may ask for expedited processing of a request. However, information to substantiate the request must be included in accordance with § 1206.400, Criteria for Expedited Processing; otherwise, the request for expedited processing will be denied and processed in the simple or complex queue.

§ 1206.305 Responding to requests.

(a) Except in the instances described in paragraphs (e) and (f) of this section, the FOIA office that first receives a request for a record and maintains that record is the FOIA office responsible for responding to the request.

(b) In determining what records are responsive to a request, a FOIA office ordinarily will include only records in its possession as of the date that it begins its search. If any other date is used, the FOIA office shall inform the requester of that date.

(c) A record that is excluded from the requirements of the FOIA pursuant to 5 U.S.C. 552(c)(1)–(3), shall not be considered responsive to a request.

(d) The Head of a Center, or designee, is authorized to grant or to deny any requests for records that are maintained by that Center.

(e) The FOIA office may refer a request to or consult with another Center FOIA office or Federal agency in accordance with § 1206.308, if the FOIA office receives a request for records that are in its possession that were not created at that Center. If another Center within NASA or another Federal agency has substantial interest in or created the records, the request will either be referred or they will consult with that FOIA office/agency.

(f) If a request for an Agency record is received by a FOIA office not having responsibility of the record (for example, when a request is submitted to one NASA Center or Headquarters and another NASA Center has responsibility of the record), the FOIA office receiving the request shall promptly forward it to that FOIA office within 10 working days from the date of receipt. The receiving FOIA office shall acknowledge the request and provide the requester with a tracking number.

§ 1206.306 Granting a request.

(a) The FOIA office will not begin processing a request until all issues regarding scope and fees have been resolved.

(b) If fees are not expected to exceed the minimum threshold of $50.00, and the scope of the request is in accordance with § 1206.301, the FOIA office will begin processing the request.

(c) If the FOIA office contacts the requester regarding fees or clarification and the requester has provided a response, the FOIA office will notify the requester in writing of the decision to either grant or deny the request.

§ 1206.307 Denying a request.

(a) If the FOIA office denies records in response to a request either in full or in part, it will advise the requester in writing that:

(1) The requested record(s) is exempt in full or in part; or

(2) Records do not exist, cannot be located, or are not in the Agency's possession; or

(3) A record is not readily reproducible in the form or format requested; or

(4) Denial is based on a procedural issue only and not access to the underlying records when it makes a decision that:

(i) A fee waiver or another fee-related issue will not be granted; or

(ii) Expedited processing will not be provided.

(b) The denial notification must include:

(1) The name, title, or position of the person(s) responsible for the denial;

(2) A brief statement of the reasons for the denial, including a reference to any FOIA exemption(s) applied by the FOIA office to withhold records in full or in part;

(3) An estimate of the volume of any records or information withheld, i.e., the number of pages or a reasonable form of estimation, unless such an estimate would harm an interest

protected by the exemption(s) used to withhold the records or information;

(4) A statement that the denial may be appealed under Subpart G of this part and a description of the requirements set forth therein.

(c) If the requested records contain both exempt and non-exempt material, the FOIA office will:

(1) Segregate and release the non-exempt material unless the non-exempt material is so intertwined with the exempt material that disclosure of it would leave only meaningless words and phrases;

(2) Indicate on the released portion(s) of the records the amount of information redacted and the FOIA exemption(s) under which the redaction was made, unless doing so would harm an interest protected by the FOIA exemption used to withhold the information; and

(3) If technically feasible, place the exemption at the place of excision.

§ 1206.308 Referrals and consultations within NASA or other Federal Agencies.

(a) Referrals and consultations can occur within the Agency or outside the Agency.

(b) If a FOIA office (other than the Office of Inspector General) receives a request for records in its possession that another NASA FOIA office has responsibility over or is substantially concerned with, it will either:

(1) Consult with the other FOIA office before deciding whether to release or withhold the records; or

(2) Refer the request, along with the records, to that FOIA office for direct response.

(c) If the FOIA office that originally received the request refers all or part of the request to another FOIA office within the Agency for further processing, they will notify the requester of the partial referral and provide that FOIA contact information.

(d) If while responding to a request, the FOIA office locates records that originated with another Federal agency, it will generally refer the request and any responsive records to that other agency for a release determination and direct response.

(e) If the FOIA office refers all the records to another agency, it will document the referral and maintain a copy of the records that it refers; notify the requester of the referral in writing, unless that identification will itself disclose a sensitive, exempt fact; and will provide the contact information for the other agency and if known, the name of a contact at the other agency.

(f) If the FOIA office locates records that originated with another Federal agency while responding to a request, the office will make the release determination itself (after consulting with the originating agency) when:

(1) The record is of primary interest to NASA (for example, a record may be of primary interest to NASA if it was developed or prepared according to Agency regulations or directives, or in response to an Agency request); or

(2) NASA is in a better position than the originating agency to assess whether the record is exempt from disclosure; or

(3) The originating agency is not subject to the FOIA; or

(4) It is more efficient or practical depending on the circumstances.

(g) If the FOIA office receives a request for records that another Federal agency has classified under any applicable executive order concerning record classification, it must refer the request to that agency for response.

(h) If the FOIA office receives a request for records that are under the purview of another Federal agency, the office will return the request to the requester and may advise the requester to submit it directly to another agency. The FOIA office will then close the request.

(i) All consultations and referrals received by the Agency will be handled according to the date that the FOIA request initially was received by the first FOIA office.

Subpart D—Procedures and Time Limits for Responding to Requests

§ 1206.400 Procedures for processing queues and expedited processing.

(a) The FOIA office will normally process requests in the order in which they are received in each of the processing tracks.

(b) FOIA offices use three queues for multi-track processing depending on the complexity of the request. Once it has been determined the request meets the criteria in accordance with subpart C of this part, the FOIA office will place the request in one of the following tracks:

(1) Simple—A request that can be processed within 20 working days.

(2) Complex—A request that will take over 20 working days to process. (A complex request will generally require coordination with more than one office and a legal 10 working day extension for unusual circumstances (see § 1206.403) may be taken either up front or during the first 20 days of processing the request.)

(3) Expedited processing—A request for expedited processing will be processed in this track if the requester can show exceptional need or urgency that their request should be processed out of turn in accordance with paragraph (c) of this section.

(c) Requests and appeals will be processed on an expedited basis whenever it is determined that they involve one or more of the following:

(1) Circumstances in which the lack of expedited treatment could reasonably be expected to pose an imminent threat to the life or physical safety of an individual;

(2) Circumstances in which there is an urgency to inform the public about an actual or alleged Federal Government activity if the FOIA request is made by a person primarily engaged in disseminating information;

(i) In most situations, a person primarily engaged in disseminating information will be a representative of the news media and therefore, will qualify as a person primarily engaged in disseminating information.

(ii) To substantiate paragraph (c)(2) of this section, the requested information must be the type of information which has particular value that will be lost if not disseminated quickly; this ordinarily refers to a breaking news story of general public interest. Information of historical interest only or information sought for litigation or commercial activities would not qualify, nor would a news media deadline unrelated to breaking news; or

(3) The loss of substantial due process rights.

(d) A request for expedited processing must contain a statement that:

(1) Explains in detail how the request meets one or more of the criteria in paragraph (c) of this section; and

(2) Certifies that the explanation is true and correct to the best of the requester's knowledge and belief.

(3) If the request is made referencing paragraph (c)(2) of this section, the requester must substantiate the public interest.

(e) A request for expedited processing may be made at any time. Requests must be submitted to the FOIA office responsible for processing the requested records.

(f) The FOIA office must notify the requester of its decision to grant or deny expedited processing within 10 calendar days from the date of receipt.

(g) If expedited processing is granted, the request will be processed on a first-in, first-out basis in that queue.

(h) If expedited processing is denied, the FOIA office will notify the requester and provide information on appealing this decision in accordance with Subpart G of this part and place the request in the appropriate processing queue.

(i) If the FOIA office processing the request does not provide notification of either granting or denying the request

for expedited processing within 10 calendar days from the date of receipt, the requester may file an appeal for non-response in accordance with subpart G of this part.

§ 1206.401 Procedures and time limits for acknowledgement letters and initial determinations.

(a) Following receipt of a request submitted under the FOIA, the FOIA staff will send an acknowledgement letter providing the case tracking number and processing track within ten (10) working days from date of receipt to the requester.

(b) An initial determination is a decision by a NASA official, in response to a request by a member of the public for an Agency record, on whether the record described in the request can be identified and located after a reasonable search and, if so, whether the record (or portions thereof) will be made available under this part or will be withheld from disclosure under the FOIA.

(c) An initial determination on a request for an Agency record addressed in accordance with this regulation (to include one submitted in person at a FOIA office) shall be made (for example, to grant, partially grant or deny a request), and the requester shall be sent an initial determination letter within 20 working days after receipt of the request, as required by 5 U.S.C. 552(a)(6) (unless unusual circumstances exist as defined in § 1206.403).

(d) The basic time limit for a misdirected FOIA request (not a referral or consultation) begins on the date on which the request is first received by the appropriate FOIA office within the Agency, but in any event no later than ten (10) working days after the date the request is first received by a FOIA office designated to receive FOIA requests.

(e) Any notification of an initial determination that does not comply fully with the request for an Agency record, including those searches that produce no responsive documents, shall include a statement of the reasons for the adverse determination, include the name and title of the person making the initial determination, and notify the requester of the right to appeal to the Administrator or the Inspector General, as appropriate, pursuant to subpart G of this part.

§ 1206.402 Suspending the basic time limit.

(a) In accordance with 5 U.S.C. 552(a)(6)(A)(ii)(I), the FOIA office may make one request to the requester for information to clarify a request and temporarily suspend (toll) the time (the 20-day period) while it is awaiting such information that it has reasonably requested from the requester. Receipt of the requester's response by the FOIA office to the Agency's request for additional information or clarification ends the temporary time suspension.

(b) In accordance with 5 U.S.C. 552(a)(6)(A)(ii)(II), the FOIA office may temporarily suspend (toll) the 20-day period as many times as is necessary to clarify with the requester issues regarding fees. Receipt of the requester's response by the FOIA office to the Agency's request for information regarding fees ends the temporary time suspension.

§ 1206.403 Time extensions.

(a) In ''unusual circumstances'' as defined in this section, the time limits for an initial determination and for a final determination may be extended, but not to exceed a total of 10 working days in the aggregate in the processing of any specific request for an Agency record. The extension must be taken before the expiration of the 20 working day time limits. The requester will be notified in writing of:

(1) The unusual circumstances surrounding the extension of the time limit;

(2) The date by which the FOIA office expects to complete the processing of the request.

(b) Unusual circumstances are defined as:

(1) The need to search for and collect the requested records from offices other than the office processing the request;

(2) The need to search for, collect, and appropriately examine a voluminous number of documents;

(3) The need to coordinate and/or consult with another NASA office or agency having a substantial subject-matter interest in the determination of the request.

(c) If initial processing time will exceed or is expected to exceed 30 working days, the FOIA office will notify the requester of the delay in processing and:

(1) Provide an opportunity to modify or limit the scope of the request to reduce processing time; and

(2) Provide appeal rights, since the FOIA office has exceeded the 30 working day time period.

(3) Shall make available its designated FOIA contact and its FOIA Public Liaison for this purpose.

(d) The requester's refusal to reasonably modify the scope of a request or arrange an alternative timeframe for processing a request after being given the opportunity to do so may be considered a factor when determining whether exceptional circumstances exist. A delay that results from a predictable workload of requests does not constitute exceptional circumstances unless the Agency demonstrates reasonable progress in reducing its backlog of pending requests.

Subpart E—Fees Associated With Processing Requests

§ 1206.500 Search.

(a) Search includes all time spent looking for material that is responsive to a request, including page-by-page or line-by-line identification of material within documents. A search will determine what specific documents, if any, are responsive to a request. A search for Agency records responsive to a request may be accomplished by manual or automated means.

(b) Search charges, as set forth in this part, may be billed even when an Agency record, which has been requested, cannot be identified or located after a diligent search and consultation with a professional NASA employee familiar with the subject area of the request has been conducted or if located, cannot be made available under § 1206.308.

(c) In responding to FOIA requests, FOIA offices shall charge the following fees based on the date the request is received in the NASA FOIA Office unless a waiver or reduction of fees has been granted under § 1206.506. Fees will be determined on October 1st of each year based on the appropriate General Schedule (GS) base salary, plus the District of Columbia locality payment, plus 16 percent for benefits of employees. Fees such as search, review, and duplication will be charged in accordance with the requester's fee category as defined in § 1206.507.

(d) For each quarter hour spent by personnel searching for requested records, including electronic searches that do not require new programming, the fees will be the average hourly GS-base salary, plus the District of Columbia locality payment, plus 16 percent for benefits of employees in the following three categories, as applicable:

(1) Clerical—Based on a GS–6, Step 5 (all employees at a GS–7 and below are classified as clerical for this purpose).

(2) Professional—Based on a GS–11, Step 7 pay (all employees at a GS–8 through GS–12 are classified as professional for this purpose);

(3) Managerial—Based on GS–14, Step 2, pay (all employees at a GS–13 and above are classified as managerial for this purpose).

(e) Requesters will be charged the direct costs associated with conducting

any search that requires the creation of a new program to locate the requested records.

(f) For requests that require the retrieval of records stored by an agency at a Federal records center operated by the NARA, additional costs shall be charged in accordance with the Transactional Billing Rate Schedule established by NARA.

§ 1206.501 Review.

(a) Review means the process of examining a document(s) located in response to a request to determine whether the document(s) or any portion thereof is disclosable. Review does not include time spent resolving general legal or policy issues regarding the application of exemptions.

(b) Review fees will be assessed in connection with the initial review of the record, i.e., the review conducted by Agency staff to determine whether an exemption applies to a particular record or portion of a record.

(c) Review fees will be charged to commercial use requesters.

(d) No charge will be made for review at the administrative appeal stage of exemptions applied at the initial review stage. However, when the appellate authority determines that a particular exemption no longer applies, any costs associated with an additional review of the records in order to consider the use of other exemptions may be assessed as review fees.

(e) Review fees will be charged at the same rates as those charged for a search under § 1206.500.

(f) Review fees can be charged even if the record(s) reviewed ultimately is not disclosed.

(g) Review fees will not include costs incurred in resolving issues of law or policy that may be raised in the course of processing a request under this section.

§ 1206.502 Duplication.

(a) Duplication is reproducing a copy of a record or of the information contained in it, necessary to respond to a FOIA request. Copies can take the form of paper, audiovisual materials, or electronic records, among others.

(b) FOIA offices shall honor a requester's preference for receiving a record in a particular form or format where it is readily reproducible by the FOIA office in the form or format requested. If the records are not readily reproducible in the requested form or format, the Agency will so inform the requester. The requester may specify an alternative form or format that is available. If in this situation the requester refuses to specify an alternative form or format, the Agency will not process the request any further.

(c) Where standard-sized photocopies or scans are supplied, the FOIA office will provide one copy per request at the regular copy rate per page.

(d) For copies of records produced on tapes, disks, or other electronic media, FOIA offices will charge the direct costs of producing the copy, including the time spent by personnel duplicating the requested records. For each quarter hour spent by personnel duplicating the requested records, the fees will be the same as those charged for a search under this subpart.

(e) If NASA staff must scan paper documents in order to accommodate a requester's preference to receive the records in an electronic format, the requester shall pay the appropriate copy fee charge per page as well as each quarter hour spent by personnel scanning the requested records. Fees will be the same as those charged for search under this subpart for each quarter hour spent by personnel scanning the requested records.

(f) For other forms of duplication, FOIA offices will charge the direct costs as well as any associated personnel costs. For standard-sized copies of documents such as letters, memoranda, statements, reports, contracts, etc., $0.15 per copy of each page; charges for double-sided copies will be $0.30. For copies of oversized documents, such as maps, charts, etc., fees will be assessed as direct costs. Charges for copies (and scanning) include the time spent in duplicating the documents. For copies of computer disks, still photographs, blueprints, videotapes, engineering drawings, hard copies of aperture cards, etc., the fee charged will reflect the direct cost to NASA of reproducing, copying, or scanning the record.

(g) If the request for an Agency record required to be made available under this part requires a computerized search or printout, the charge for the time of personnel involved shall be at the rates specified in this part or the direct costs assessed to the Agency. The charge for computer time involved and for any special supplies or materials used shall not exceed the direct cost to NASA.

(h) Reasonable standard fees may be charged for additional direct costs incurred in searching for or duplicating an Agency record in response to a request under this part. Charges made under this paragraph include, but are not limited to, the transportation of NASA personnel to places of record storage for search purposes or freight charges for transporting records to the personnel searching for or duplicating a requested record.

(i) Complying with requests for special services such as those listed in this section is entirely at the discretion of NASA. To the extent that NASA elects to provide the following services, it will levy a charge equivalent to the full cost of the service provided:

(1) Certifying that records are true copies.

(2) Sending records by special methods such as express mail.

(3) Packaging and mailing bulky records that will not fit into the largest envelope carried in the supply inventory.

§ 1206.503 Restrictions on charging fees.

(a) No search fees will be charged when the FOIA office fails to comply with the statutory time limits in response to a request if no unusual or exceptional circumstances apply to the processing of the request, as those terms are defined in Subpart D of this regulation.

(b) In the case of a requester as defined in § 1206.507(c)(2) (education and noncommercial scientific institution) and (c)(3) (representative of the news media), no duplication fees will be charged when the FOIA office fails to comply with the statutory time limits in response to a request if no unusual or exceptional circumstances apply to the processing of the request, as those terms are defined in subpart D of this part.

(c) Fees will not be charged unless they are over $50.00.

(d) No search or review fees will be charged for a quarter-hour period unless more than half of that period is required to fulfill processing of the request.

§ 1206.504 Charging fees.

(a) When a FOIA office determines or estimates the fees to be assessed in accordance with this section will exceed $50.00, the FOIA office shall notify the requester unless the requester has indicated a willingness to pay fees as high as those anticipated. If a portion of the fees can be readily estimated, the FOIA office shall advise the requester accordingly.

(b) In cases in which a requester has been notified that actual or estimated fees are in excess of $50.00, the request shall be placed on hold and further work will not be completed until the requester commits in writing to pay the actual or estimated fees. Such a commitment must be made by the requester in writing, must indicate a given dollar amount or a willingness to pay all processing fees, and must be received by the FOIA office within 20 working days from the date of the letter providing notification of the fee

estimate. If a commitment is not received within this period, the request shall be closed without further notification.

(c) After the FOIA office begins processing a request, if it finds that the actual cost will exceed the amount the requester previously agreed to pay, the FOIA office will: Stop processing the request; and promptly notify the requester of the higher amount. The request will be placed on hold until the fee issue has been resolved. If the issue is not resolved within 20 working days from the date of the notification letter, the request shall be closed without further notification.

(d) Direct costs, meaning those expenditures that NASA actually incurs in searching for, duplicating, and downloading computer files and documents in response to a FOIA request, will be included on the invoice as appropriate. Direct costs include, for example, the salary of the employee who would ordinarily perform the work (the basic rate of pay for the employee plus 16 percent of that rate to cover benefits), the cost of operating computers and other electronic equipment, such as photocopiers and scanners, the costs associated with retrieving records stored at a Federal records center operated by the NARA, as well as costs for CDs and other media tools.

(e) NASA may charge interest on any unpaid bill starting on the 31st day following the date of billing the requester. Interest charges will be assessed at the rate provided in 31 U.S.C. 3717 and will accrue from the billing date until payment is received by the FOIA office. NASA will follow the provisions of the Debt Collection Act of 1982 (Pub. L. 97–365, 96 Stat. 1749), as amended, and its administrative procedures, including the use of consumer reporting agencies, collection agencies, and offset.

(f) If processing fees are less than $50.00, NASA will send all releaseable documents (or portions thereof) following the completion of the initial determination. If fees are greater than $50.00, the documents will not be released until the invoice has been paid and verified by the FOIA office.

(g) Final billing will be sent when the initial determination has been completed. At that time the case will be closed.

§ 1206.505 Advance payments.

(a) For requests other than those described in paragraphs (b), (c), and (f) of this section, a FOIA office shall not require the requester to make an advance payment before work is commenced or continued on a request. Payment owed for work already completed (i.e., payment for search, review and/or before records are released to a requester) is not an advance payment.

(b) When a FOIA office determines or estimates that a total fee to be charged under this section will exceed $250.00, it may require that the requester make an advance payment up to the amount of the entire anticipated fee before beginning to process the request. A FOIA office may elect to process the request prior to collecting fees when it receives a satisfactory assurance of full payment from a requester.

(c) Where a requester has previously failed to pay a properly charged FOIA fee assessed by any FOIA office in the agency within 30 calendar days of the billing date, a FOIA office may require the requester to pay the full amount due, plus any applicable interest due on the outstanding debt, before the FOIA office begins to process a new request or continues to process a pending request or any pending remand of an appeal. Once the outstanding bill has been paid, the FOIA office may also require the requester to make an advance payment of the full amount of any anticipated fee before processing the new request.

(d) Where a FOIA office has a reasonable basis to believe that a requester has misrepresented his or her identity in order to avoid paying outstanding fees, it may require that the requester provide further proof of identity.

(e) In cases in which a FOIA office requires advance payment, the request shall be placed on hold and further work will not be completed until the required payment is received. If the requester does not pay the advance payment within 20 working days after the date of the FOIA office's letter, the request will be closed without further notification.

(f) When advance payment is required in order to initiate processing, after a fee estimate has been determined, the FOIA office will require payment before continuing to process the request.

(g) The fee schedule of this section does not apply to fees charged under any statute that specifically requires an agency to set and collect fees for particular types of records. In instances where records responsive to a request are subject to a statutorily-based fee schedule program, the FOIA office will inform the requester of the contact information for that source.

§ 1206.506 Requirements for a waiver or reduction of fees.

(a) The burden is on the requester to justify an entitlement to a fee waiver. (See § 1206.507 for a discussion on fee categories.)

(b) Requests for a waiver or reduction of fees shall be considered on a case-by-case basis using the criteria in this section. These statutory requirements must be satisfied by the requester before properly assessable fees are waived or reduced under the statutory standard.

(c) Records shall be furnished without charge or at a reduced rate if the requester has demonstrated, based on all available information, that disclosure of the information is in the public interest because it:

(1) Is likely to contribute significantly to public understanding of the operations or activities of the Government; and

(2) Is not primarily in the commercial interest of the requester.

(d) In deciding whether a request for a fee waiver meets the requirements in § 1206.506(c)(1), the FOIA office will use the following factors, which must be addressed by the requester:

(1) Does the subject of the request specifically concern identifiable operations or activities of the Agency with a connection that is direct and clear, not remote or attenuated? For example, is the information requested clearly associated to current events?

(2) If the record(s) concern the operations or activities of the Government, is disclosure likely to contribute to an increased public understanding of those operations or activities? For example, are the disclosable contents of the record(s) meaningfully informative in relation to the subject matter of the request?

(3) Is the focus of the requester on contributing to public understanding, rather than on the individual understanding of the requester or a narrow segment of interested persons? The requester must demonstrate how he/she plans to disseminate the information. The dissemination of information must be to the general public or a reasonably broad audience. (Dissemination to a wide audience is not merely posting the documents on a Web site, but using his/her editorial skills to turn raw materials into a distinct work.)

(4) If there is likely to be a contribution to public understanding, will that contribution be significant? A contribution to public understanding will be significant if the information disclosed is new, clearly supports public oversight of Agency operations, including the quality of Agency

activities and the effect of policy and regulations on public health and safety, or otherwise confirms or clarifies data on past or present operations of the Agency.

(e) In deciding whether the fee waiver meets the requirements in § 1206.506(c)(2), the FOIA office will consider any commercial interest of the requester that would be furthered by the requested disclosure.

(1) Requesters are encouraged to provide explanatory information regarding this consideration.

(2) A waiver or reduction of fees is justified where the public interest is greater than any identified commercial interest in disclosure.

(3) If the requester is a representative of a news media organization seeking information as part of a news gathering process, the FOIA office will presume that the public interest outweighs the requester's commercial interest.

(4) If the requester represents a business, corporation, or is an attorney representing such an organization, the FOIA office will presume that the commercial interest outweighs the public interest unless otherwise demonstrated.

(f) Where only some of the records to be released satisfy the requirements for a waiver of fees, a partial waiver shall be granted for those records.

(g) Requests for a waiver or reduction of fees should be made when the request is first submitted to the Agency and should address the criteria referenced above. A requester may submit a fee waiver request at a later time so long as the underlying record request is pending or on administrative appeal.

(h) When a requester who has committed to pay fees subsequently asks for a waiver of those fees and that waiver is denied, the requester will be required to pay any costs incurred up to the date the fee waiver request was received by the office processing the original request.

(i) When deciding whether to waive or reduce fees, the FOIA office will rely on the fee waiver justification submitted in the request letter. If the request letter does not include sufficient justification, the FOIA office will either deny the fee waiver request or at its discretion, ask for additional justification from the requester.

(j) FOIA offices may make available their FOIA Public Liaison or other FOIA professional to assist any requester in reformulating a request in an effort to reduce fees; however, the FOIA staff may not assist a requester in composing a request, advising what specific records to request, or how to write a request to qualify for a fee waiver.

§ 1206.507 Categories of requesters.

(a) A request should indicate the fee category. If the requester does not indicate a fee category, or it is unclear to the FOIA office, the FOIA office will make a determination of the fee category based on the request. If the requester does not agree with their determination, he/she will be afforded the opportunity to provide information to support a different fee category.

(b) If the request is submitted on behalf of another person or organization (e.g., if an attorney is submitting a request on behalf of a client), the fee category will be determined by considering the underlying requester's identity and intended use of the information. The following table outlines the basic fee categories and applicable fees:

Requester category	Search fees	Review fees	Duplication fees
Commercial use requester	Yes	Yes	Yes.
Educational and non-commercial scientific institutions.	No	No	Yes (first 100 pages, or equivalent volume, without charge).
Representative of news media requester	No	No	Yes (first 100 pages, or equivalent volume, without charge).
All other requesters	Yes (first 2 hours without charge).	No	Yes (first 100 pages, or equivalent volume, without charge).

(c) The FOIA provides for three categories of requesters. However, for clarity purposes, NASA has broken them down to four for the purposes of determining fees. These four categories of FOIA requesters are: Commercial use requesters; educational and noncommercial scientific institutions; representatives of the news media; and all other requesters. The Act prescribes specific levels of fees for each of these categories, which is indicated in the FOIA fee table above.

(1) *Commercial use requesters.* When NASA receives a request for documents appearing to be for commercial use, meaning a request from or on behalf of one whom seeks information for a use or purpose that furthers the commercial, trade, or profit interests of either the requester or the person on whose behalf the request is made, it will assess charges to recover the full direct costs of searching for, reviewing for release, and duplicating the records sought. NASA will not consider a commercial-use request for a waiver or reduction of fees based upon an assertion that disclosure would be in the public interest. A request from a corporation (not a news media corporation) may be presumed to be for commercial use unless the requester demonstrates that it qualifies for a different fee category. Commercial use requesters are not entitled to two (2) hours of search time or to 100 pages of duplication of documents without charge.

(2) *Education and non-commercial scientific institution requesters.* (i) To be eligible for inclusion in this category, requesters must show that the request being made is authorized by and under the auspices of a qualifying institution and that the records are not being sought for a commercial use (not operated for commerce, trade or profit), but are being sought in furtherance of scholarly (if the request is from an educational institution) or scientific (if the request is from a noncommercial scientific institution) research. A request for educational purposes must be sent on the Institution's letterhead and signed by the Dean of the School or Department. Records requested for the intention of fulfilling credit requirements are not considered to be sought for a scholarly purpose.

(ii) For the purposes of a non-commercial scientific institution, it must be solely for the purpose of conducting scientific research, the results of which are not intended to promote any particular product or industry. Requests must be sent on the letterhead of the scientific institution and signed by the responsible official in charge of the project/program associated with the subject of the documents that are being requested.

(3) *Representative of the news media.* (i) NASA shall provide documents to requesters in this category for the cost of duplication alone, excluding charges for the first 100 pages when the requester demonstrates the following:

(A) The requester's intended dissemination,

(B) Whether the information is current news and/or of public interest, and

(C) Whether the information sought will shed new light on agency statutory operations.

(ii) A representative of the news media is any person or entity organized and operated to publish or broadcast news to the public that actively gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw materials into a distinct work, and distributes that work to an audience. Examples of news media entities include television or radio stations that broadcast ''news'' to the public at large and publishers of periodicals that disseminate ''news'' and make their products available through a variety of means to the general public. A request for records that supports the news-dissemination function of the requester shall not be considered to be for a commercial use. ''Freelance'' journalists who demonstrate a solid basis for expecting publication through a news media entity shall be considered as working for that entity. A publishing contract would provide the clearest evidence that publication is expected; however, NASA shall also consider a requester's past publication record in making this determination. NASA's decision to grant a requester news media status for the purposes of assessing fees will be made on a case-by-case basis based upon the requesters intended use.

(iii) Requesters seeking this fee category who do not articulate sufficient information to support their request will not be included in this fee category. Additionally, FOIA staff may grant a partial fee waiver if the requester can articulate the information above for some of the documents.

(4) *All other requesters.* NASA shall charge requesters who do not fit into any of the categories mentioned in this section fees in accordance with the fee table above.

§ 1206.508 Aggregation of requests.

(a) A requester may not file multiple requests at the same time, each seeking portions of a document or documents, solely in order to avoid payment of fees.

(b) When NASA has reason to believe that a requester or a group of requesters acting in concert is attempting to divide a request into a series of requests on a single subject or related subjects for the purpose of avoiding the assessment of fees, NASA will aggregate any such requests and charge accordingly.

(c) NASA will consider that multiple requests made within a 30-day period were so intended submitted as such to avoid fees, unless there is evidence to the contrary.

(d) NASA will aggregate requests separated by a longer period of time only when there is a reasonable basis for determining that aggregation is warranted in view of all the circumstances involved.

(e) NASA will not aggregate multiple requests on unrelated subjects from one requester or organization.

§ 1206.509 Form of payment.

Payment shall be made by check or money order payable to the ''Treasury of the United States,'' or by credit card per instructions in the initial determination or billing invoice and sent to NASA.

§ 1206.510 Nonpayment of fees.

(a) Requesters are advised that should they fail to pay the fees assessed, they may be charged interest on the amount billed starting on the 31st day following the day on which the billing was sent. Interest will be at the rate prescribed in 31 U.S.C. 3717.

(b) *Applicability of Debt Collection Act of 1982 (Pub. L. 97–365).* Requesters are advised that if full payment is not received within 60 days after the billing was sent, the procedures of the Debt Collection Act may be invoked (14 CFR 1261.407–1261.409). These procedures include three written demand letters at not more than 30-day intervals, disclosure to a consumer reporting agency, and the use of a collection agency, where appropriate.

§ 1206.511 Other rights and services.

Nothing in this subpart shall be construed to entitle any person to any service or to the disclosure of any record that is not required under the FOIA.

Subpart F—Commercial Information

§ 1206.600 General policy.

(a) Notice shall be given to a submitter whenever the information requested is commercial information and has been designated by the submitter as information deemed protected from disclosure under Exemption 4 of the Act, or the Agency otherwise has reason to believe that the information may be protected from disclosure under Exemption 4. For the purpose of applying the notice requirements, commercial information is information provided by a submitter and in the possession of NASA, that may arguably be exempt from disclosure under the provisions of Exemption 4 of the FOIA (5 U.S.C. 552(b)(4)). The meaning ascribed to this term for the purpose of this notice requirement is separate and should not be confused with use of this or similar terms in determining whether information satisfies one of the elements of Exemption 4.

(b) A submitter is a person or entity outside the Federal Government from whom the Agency directly or indirectly obtains commercial or financial information. The term submitter includes, but is not limited to corporations, state governments, individuals, and foreign governments.

(c) The notice requirements of § 1206.601 will not apply if:

(1) The information has been lawfully published or officially made available to the public; or

(2) Disclosure of the information is required by a statute (other than this part); or

(3) The submitter has received notice of a previous FOIA request which encompassed information requested in the later request, and the Agency intends to withhold and/or release information in the same manner as in the previous FOIA request.

(d) An additional limited exception to the notice requirements of § 1206.601, to be used only when all of the following exceptional circumstances are found to be present, authorizes the Agency to withhold information that is the subject of a FOIA request, based on Exemption 4 (5 U.S.C. 552(b)(4)), without providing the submitter individual notice when:

(1) The Agency would be required to provide notice to over ten (10) submitters, in which case, notification may be accomplished by posting or publishing the notice in a place reasonably calculated to accomplish notification.

(2) Absent any response to the published notice, the Agency determines that if it provided notice as is otherwise required by § 1206.601, it is reasonable to assume that the submitter would object to disclosure of the information based on Exemption 4; and,

(3) If the submitter expressed the anticipated objections, the Agency would uphold those objections.

(e) The exception shall be used only with the approval of the Chief Counsel of the Center, the Counsel to the Inspector General, or the Associate General Counsel responsible for providing advice on the request. This exception shall not be used for a class of documents or requests, but only as warranted by an individual FOIA request.

§ 1206.601 Notice to submitters.

(a) Except as provided in § 1206.603(b) and § 1206.603(c), the Agency shall provide a submitter with prompt written notice of a FOIA request

that seeks its commercial information whenever required under § 1206.600(a).

(b) A notice to a submitter must include:

(1) The exact language of the request or an accurate description of the request;

(2) Access to or a description of the responsive records or portions thereof containing the commercial information to the submitter;

(3) A description of the procedures for objecting to the release of the possibly confidential information under § 1206.602;

(4) A time limit for responding to the Agency that shall not exceed 10 working days from the date of the letter sent to the submitter by the FOIA Office or publication of the notice (as set forth in § 1206.603(b)) to object to the release and to explain the basis for the objection;

(5) Notice that the information contained in the submitter's objections may itself be subject to disclosure under the FOIA;

(6) Notice that the Agency, not the submitter, is responsible for deciding whether the information shall be released or withheld;

(7) Notice that failing to respond within the timeframe specified under § 1206.601(b)(4) will create a presumption that the submitter has no objection to the disclosure of the information in question.

(c) Whenever the Agency provides notice pursuant to this section, the Agency shall advise the requester that notice and opportunity to comment are being provided to the submitter.

§ 1206.602 Opportunity to object to disclosure.

(a) If a submitter has any objections to the disclosure of commercial information, the submitter must provide a detailed written statement to the FOIA office that specifies all factual and/or legal grounds for withholding the particular information under any FOIA exemptions.

(b) The submitter must include a daytime telephone number, an email and mailing address, and a fax number if available on a response to the FOIA office.

(c) A submitter who does not respond within the time period specified under this subpart will be considered to have no objection to disclosure of the information.

(d) Responses received by the FOIA office after the time period specified in § 1206.601(b)(4) will not be considered by the FOIA office. An extension of time to respond may be granted provided the submitter provides an explanation justifying additional time within the time period specified in § 1206.601(b)(4).

§ 1206.603 Notice of intent to disclose.

(a) The Agency shall carefully consider any objections of the submitter in the course of determining whether to disclose commercial information. The Agency, not the submitter, is responsible for deciding whether the information will be released or withheld.

(b) Whenever the Agency decides to disclose commercial information over the objection of a submitter, the Agency shall forward to the submitter a written statement which shall include the following:

(1) A brief explanation as to why the Agency did not agree with any objections;

(2) A description of the commercial information to be disclosed, sufficient to identify information to the submitter; and

(3) A date after which disclosure is expected, which shall be no less than 10 working days from the date of the letter providing notification to the submitter by the FOIA Office (§ 1206.601).

(c) The FOIA office will provide notification regarding a FOIA lawsuit:

(1) To a submitter, when a requester brings suit seeking to compel disclosure of commercial information; or

(2) To a requester, when a submitter brings suit against the Agency in order to prevent disclosure of commercial information.

Subpart G—Appeals

1206.700 How to submit an appeal.

(a) A member of the public who has requested an Agency record in accordance with subpart C of this part, and who has received an initial determination which does not comply fully with the request, may appeal such an adverse initial determination to the Administrator, or, for records as specified in § 1206.805, to the Inspector General within 30 days from the date of the initial determination letter.

(b) The appeal must:

(1) Be in writing;

(2) Be addressed to the Administrator, NASA Headquarters, Executive Secretariat, Washington, DC 20546, or, for records as specified in § 1206.805, to the Inspector General, NASA Headquarters, Washington, DC 20546;

(3) Be identified clearly on the envelope and in the letter as an ''Appeal under the Freedom of Information Act;''

(4) Include a copy of the initial request for the Agency record and a copy of the adverse initial determination along with any other correspondence with the FOIA office;

(5) To the extent possible, state the reasons the adverse initial determination should be reversed; and

(6) Be sent to the Administrator or the Inspector General, as appropriate, within 30 days of the date of the initial determination.

(c) An official authorized to make a final determination may waive any of the requirements of paragraph (b) of this section, in which case the time limit for the final determination (see § 1206.701(a)) shall run from the date of such waiver.

§ 1206.701 Actions on appeals.

(a) Except as provided in § 1206.403, the Administrator or designee, or in the case of records as specified in § 1206.805, the Inspector General or designee, shall make a final determination on an appeal and notify the appellant thereof, within 20 working days after the receipt of the appeal by the Administrator's Office.

(b) In ''unusual circumstances'' as defined in § 1206.403, the time limit for a final determination may be extended, but not to exceed a total of 10 working days in the aggregate in the processing of any specific appeal for an Agency record. The extension must be taken before the expiration of the 20 working day time limit. The appellant will be notified in writing in accordance with § 1206.403.

(c) If processing time will exceed or is expected to exceed 30 working days, the appellant will be notified of the delay in processing and the reason for the delay.

(d) If the final determination reverses in whole or in part the initial determination, the record requested (or portions thereof) shall be made available promptly to the requester, as provided in the final determination.

(e) If a reversal in whole or in part of the initial determination requires additional document search or production, associated fees will be applicable in accordance with fee guidance in this regulation.

(f) If the final determination sustains in whole or in part an adverse initial determination, the notification of the final determination shall:

(1) Explain the basis on which the record (or portions thereof) will not be made available;

(2) Include the name and title of the person making the final determination;

(3) Include a statement that the final determination is subject to judicial review under 5 U.S.C. 552(a)(4);

(4) Provide a statement regarding the mediation services of the Office of

Government Information Services (OGIS) as a non-exclusive alternative to litigation; and

(5) Enclose a copy of 5 U.S.C. 552(a)(4).

(g) Before seeking a review by a court of a FOIA office's adverse initial determination, a requester must generally submit a timely administrative appeal in accordance with this part.

§ 1206.702 Litigation.

In any instance in which a requester brings suit concerning a request for an Agency record under this part, the matter shall promptly be referred to the General Counsel with a report on the details and status of the request.

Subpart H—Responsibilities

§ 1206.800 Delegation of authority.

Authority necessary to carry out the responsibilities specified in this subpart is delegated from the Administrator to the officials named in this subpart.

§ 1206.801 Chief FOIA Officer.

(a) The Associate Administrator, Office of Communications, is designated as the Chief FOIA Officer for the Agency. The Chief FOIA Officer is delegated authority for administering the FOIA and all related laws and regulations within the Agency. The Associate Administrator has delegated the day-to-day oversight of the Agency FOIA Program to the Deputy Associate Administrator for Communications.

(b) The Deputy Associate Administrator for Communications has delegated the overall responsibility for developing and administering the FOIA program within NASA to the Principal Agency FOIA Officer, located in the Office of Communications. This includes:

(1) Developing regulations, guidelines, procedures, and standards for the Agency's FOIA program;

(2) Overseeing all FOIA offices and programs and ensuring they are in compliance with FOIA laws and regulations;

(3) Ensuring implementation of the FOIA Programs throughout the Agency and keeping the Chief FOIA Officer and the Deputy Associate Administrator for Communications informed of the Agency's FOIA performance;

(4) Providing program oversight, technical assistance, and training to employees to ensure compliance with the Act;

(5) Preparing the Agency's FOIA Annual Report to the Department of Justice (DOJ) and Congress, as well as the Chief FOIA Officer's Report;

(6) Preparing all other reports as required to DOJ/Congress or within the Agency;

(7) Developing, conducting, and reviewing all internal Agency FOIA training for NASA FOIA staff;

(8) Directly supervising the Headquarters FOIA Office.

(c) The Chief FOIA Officer is responsible for ensuring NASA has appointed a FOIA Public Liaison, who is responsible for assisting in reducing delays, increasing transparency and understanding of the status of requests, and assisting in the resolution of disputes at each Center or Component.

§ 1206.802 General Counsel.

The General Counsel is responsible for the interpretation of 5 U.S.C. 552 and of this part, as well as providing legal guidance with regard to disclosure of Agency records. The General Counsel is also responsible for the handling of appeals and litigation in connection with a request for an Agency record under this part.

§ 1206.803 NASA Headquarters.

Except as otherwise provided under this subpart, the Deputy Associate Administrator for Communications is responsible for the following:

(a) Delegating the authority for direct oversight of the Headquarters FOIA Office to the Principal Agency FOIA Officer.

(b) When denying records in whole or in part, ensuring the Headquarters FOIA Office consults with the General Counsel charged with providing legal advice to Headquarters before releasing an initial determination under § 1206.307.

§ 1206.804 NASA Centers and Components.

Except as otherwise provided in this subpart, in coordination with the Deputy Associate Administrator for Communications, the Director of each NASA Center or the Official-in-Charge of each Center, is responsible for ensuring the following:

(a) The Director of Public Affairs or the Head of the Public Affairs Office at the Center has delegated authority to process all FOIA requests at their respective Center.

(b) This delegated authority has further been delegated to the FOIA Officer at their Center or in the absence of a FOIA Officer, the FOIA Specialist, both of whom must report to and be supervised by their Director of Public Affairs or the Head of the Public Affairs Office.

(c) When denying records in whole or in part, the FOIA Officer at the Center will consult with the Chief Counsel or the Counsel charged with providing legal advice to that FOIA office before releasing an initial determination under § 1206.307.

§ 1206.805 Inspector General.

(a) The Inspector General or designee is responsible for making final determinations under § 1206.701, within the time limits specified in subpart G of this part, concerning audit, inspection and investigative records originating in the Office of the Inspector General records from outside the Government related to an audit, inspection or investigation, records prepared in response to a request from or addressed to the Office of the Inspector General, or other records originating within the Office of the Inspector General, after consultation with the General Counsel or designee on an appeal of an initial determination to the Inspector General.

(b) The Assistant Inspectors General or their designees are responsible for making initial determinations under subpart C concerning Office of Inspector General records originating in the Office of the Inspector General, records from outside the Government related to Office of Inspector General records prepared in response to a request from or addressed to the Office of the Inspector General, or other records originating with the Office of the Inspector General, after consultation with the Counsel to the Inspector General or designee.

(c) The Inspector General or designee is responsible for ensuring that requests for Agency records as specified in paragraphs (a) and (b) of this section are processed and initial determinations are made within the time limits specified in subpart D of this part.

(d) The Inspector General or designee is responsible for determining whether unusual circumstances exist under § 1206.403 that would justify extending the time limit for an initial or final determination, for records as specified in paragraphs (a) and (b) of this section.

(e) Records as specified in paragraphs (a) and (b) of this section include any records located at Regional and field Inspector General Offices, as well as records located at the Headquarters Office of the Inspector General.

Subpart I—Location for Inspection and Request of Agency Records

§ 1206.900 FOIA offices and electronic libraries.

(a) NASA Headquarters and each NASA Center have a FOIA Electronic Library on the Internet. The Electronic

library addresses are located on the NASA FOIA homepage *http://www.hq.nasa.gov/office/pao/FOIA/agency/*

(b) In addition, a requester may submit a FOIA request electronically. The addresses are located on the NASA FOIA homepage under each Center link.

Cheryl E. Parker,

Federal Register Liaison Officer.

Note: The following appendix will not appear in the Code of Federal Regulations.

Appendix A—NASA FOIA Requester Service Center Addresses

NASA Ames Research Center, FOIA Requester Service Center, Mail Stop 204–14, Moffett Field, CA 94035, *foia@arc.nasa.gov*, FAX (650) 604–0688

NASA Armstrong Flight Research Center, FOIA Requester Service Center, Post Office Box 273, Edwards, CA 93523, *afrcfoia@nasa.gov*, FAX (661) 276–3088

NASA Glenn Research Center, FOIA Requester Service Center, 21000 Brookpark Road, Cleveland, OH 44135, *foia@grc.nasa.gov*,FAX (216) 433–6790

NASA Goddard Space Flight Center, FOIA Requester Service Center, Greenbelt, MD 20771, *gsfc-foia@mail.nasa.gov*, FAX (301) 286–1712

NASA Headquarters, FOIA Requester Service Center, Mail Stop 5–L19, 300 E Street, SW., Washington, DC 20546, *hq-foia@nasa.gov*, FAX (202) 358–4332

NASA Office of the Inspector General, FOIA Requester Service Center, Mail Stop 8–V69, 300 E Street, SW., Washington, DC 20546, *foiaoig@hq.nasa.gov*, FAX (202) 358–2767

NASA Management Office—Jet Propulsion Laboratory, FOIA Requester Service Center, 4800 Oak Grove Drive, Pasadena, CA 91109, *jpl-foia@nasa.gov*, FAX (818) 393–3160

NASA Johnson Space Center, FOIA Requester Service Center, Houston, TX 77058, *jsc-foia@mail.nasa.gov*, FAX (281) 483–3741

NASA Kennedy Space Center, FOIA Requester Service Center, Kennedy Space Center, FL 32899, *foia@ksc.nasa.gov*, FAX (321) 867–2692

NASA Langley Research Center, FOIA Requester Service Center, Hampton, VA 23681, *larc-dl-foia@mail.nasa.gov*, FAX (757) 864–6333

NASA Marshall Space Flight Center, FOIA Requester Service Center, Huntsville, AL 35812, *foia@msfc.nasa.gov*, FAX (256) 544–0007

NASA Stennis Space Center, FOIA Requester Service Center, Stennis Space Center, MS 39529, *ssc-foia@nasa.gov*, FAX (228) 688–1094

NASA Shared Services Center, FOIA Requester Service Center, Bldg 5100, Stennis Space Center, MS 39529, *nssc@nasa.gov*, FAX (877) 779–6772

[FR Doc. 2014–18770 Filed 8–8–14; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Bureau of Alcohol, Tobacco, Firearms, and Explosives

27 CFR Parts 447, 478, 479, 555, and 646

[Docket No. ATF 2013R–9F; AG Order No. 3439–2014]

Technical Amendments to Regulations

AGENCY: Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), Department of Justice.

ACTION: Final rule.

SUMMARY: This final rule makes technical amendments and corrects typographical errors in ATF regulations in the Code of Federal Regulations (CFR). Many of the technical changes are being made to reflect changes in nomenclature resulting from the transfer of ATF to the Department of Justice from the Department of the Treasury pursuant to the Homeland Security Act of 2002. The changes are designed to provide clarity and enhance uniformity throughout these regulations.

DATES: This rule is effective August 11, 2014.

FOR FURTHER INFORMATION CONTACT: Shermaine Kenner, Office of Regulatory Affairs, Enforcement Programs and Services, Bureau of Alcohol, Tobacco, Firearms, and Explosives, U.S. Department of Justice, 99 New York Avenue NE., Washington, DC 20226; telephone: (202) 648–7070 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) administers regulations published in title 27, chapter II, Code of Federal Regulations (CFR). ATF identified several technical amendments that are needed to provide clarity and uniformity to 27 CFR regulations.

Rather than make substantive changes to the regulations, these amendments generally focus on improving the clarity and accuracy of title 27, chapter II. Many of the technical changes reflect changes in nomenclature resulting from the transfer of ATF to the Department of Justice from the Department of the Treasury pursuant to the Homeland Security Act of 2002. In addition, some changes are being made to reflect changes in the assignment of responsibility within ATF.

The following sections are being amended to reflect the current name of the Bureau of Alcohol, Tobacco, Firearms, and Explosives in the Department of Justice: §§ 447.11, 447.32, 478.11, 478.76, 478.78, 479.11, 479.22, 555.78, 555.104, 646.143.

The following sections are being amended to reflect current contact information for ATF's Distribution Center: §§ 447.35, 447.58, 478.21, 478.103, 479.21, 555.21.

The following sections defining ''Customs Officer'' are being amended to remove all references to the ''Customs Service'' and ''Secretary of the Treasury'' and replace with ''Any officer of U.S. Customs and Border Protection, any commissioned, warrant, or petty officer of the Coast Guard, or any agent or other person authorized by law to perform the duties of a customs officer'', to reflect the current name of the Customs Service and that it is no longer under the Department of the Treasury: §§ 478.11, 479.11, 555.11.

The following sections are being amended to remove extra spaces: §§ 478.56, 478.76.

The following sections are being amended to reflect the correct form numbers: §§ 478.72, 478.73, 478.74, 478.126.

Section 478.76 is being amended to replace ''Assistant Chief Counsel'' with the correct title, ''Chief Counsel''.

The following sections are being amended to replace ''regional director (compliance)'' with the current title, ''Director, Industry Operations'': §§ 479.11, 479.26, 555.11, 555.22, 555.25, 555.49, 555.63, 555.71, 555.72, 555.73, 555.74, 555.75, 555.76, 555.78, 555.79, 555.80, 555.122(a)(4), 555.123(a)(4), 555.124(a)(4), 555.125(b)(1)(iv), 555.142, 555.201. With the elimination of the position of regional director (compliance), the duties enumerated in these sections are being assigned to the Director, Industry Operations.

The following sections are being amended to replace ''regional director (compliance)'' with the correct title, ''Chief, National Firearms Act Branch'': §§ 479.37, 479.38, 479.46, 479.47, 479.50, 479.172. With the elimination of the position of regional director (compliance), the duties enumerated in these sections are being assigned to the Chief, National Firearms Act Branch.

Section 479.34 is being amended to remove ''(12–93 edition)'', a reference to an obsolete edition of a form.

Section 479.37 is being amended to remove ''Center'' as the word does not make sense in the context of the sentence.

Section 479.84 is being amended to replace ''regional director (compliance)'' with the correct title, ''Special Agent in Charge''. With the elimination of the

position of regional director (compliance), the duties enumerated in this section are being assigned to the Special Agent in Charge.

The following sections are being amended to replace ''Chief, Firearms and Explosives Licensing Center'' with the current title, ''Chief, Federal Explosives Licensing Center'': §§ 555.45, 555.46, 555.49, 555.50, 555.54, 555.56, 555.57, 555.59, 555.60, 555.61, 555.104, 555.128.

The following sections are being amended to replace ''regional director (compliance)'' with the correct title, ''Chief, Explosives Industry Programs Branch'': §§ 555.122(d), 555.123(e), 555.124(e), 555.125(b)(7). With the elimination of the position of regional director (compliance), the duties enumerated in these subsections are being assigned to the Chief, Explosives Industry Programs Branch.

Section 555.126 is being amended to delete duplicative words ''of the'' in the term ''identity of the of the holder''.

Section 555.141 is being amended to replace ''Public Safety Branch'' with the current title ''Explosives Industry Programs Branch''.

How This Document Complies With the Federal Administrative Requirements for Rulemaking

A. Executive Order 12866 and Executive Order 13563

This rule has been drafted and reviewed in accordance with Executive Order 12866, ''Regulatory Planning and Review,'' section 1(b), The Principles of Regulation, and Executive Order 13563, ''Improving Regulation and Regulatory Review,'' section 1, General Principles of Regulation. This rule is limited to agency organization, management, or personnel matters as described by Executive Order 12866, section 3(d)(3) and, therefore, is not a ''regulation'' or ''rule'' as defined by that Executive Order.

B. Executive Order 13132

This final rule will not have substantial direct effects on the States, on the relationship between the Federal Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with section 6 of Executive Order 13132, ''Federalism,'' the Attorney General has determined that this regulation does not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement.

C. Executive Order 12988

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

D. Administrative Procedure Act

The revisions to the regulations in this final rule are purely matters of agency organization, procedure, and practice that will not affect individual rights and obligations. As such, this rule is exempt from the usual requirements of prior notice and comment and a 30-day delay in the effective date. *See* 5 U.S.C. 553(a)(2), (b)(3)(A), and (d)(3). Moreover, the Department finds good cause for exempting the rule from those requirements. Because this final rule makes technical corrections to improve the clarity of the regulations, the Department finds it unnecessary to publish this rule for public notice and comment. Similarly, because delaying the effective date of this rule would serve no purpose, the Department also finds good cause to make this rule effective upon publication.

E. Regulatory Flexibility Act

The Attorney General, in accordance with the Regulatory Flexibility Act, 5 U.S.C. 605(b), has reviewed this rule and, by approving it, certifies that it will not have a significant economic impact on a substantial number of small entities because it pertains to personnel and administrative matters affecting the Department. Further, a Regulatory Flexibility Analysis is not required for this final rule because the Department was not required to publish a general notice of proposed rulemaking for this matter.

F. Small Business Regulatory Enforcement Fairness Act of 1996

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

G. Unfunded Mandates Reform Act of 1995

This rule will not result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more in any one year, and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995, 2 U.S.C. 1531–1535.

H. Paperwork Reduction Act of 1995

This final rule does not impose any new reporting or recordkeeping requirements under the Paperwork Reduction Act, 44 U.S.C. 3501–3521.

I. Congressional Review Act

This action pertains to agency organization, procedure, or practice, and does not substantially affect the rights or obligations of non-agency parties and, accordingly, is not a ''rule'' as that term is used by the Congressional Review Act (Subtitle E of the Small Business Regulatory Enforcement Fairness Act of 1996). *See* 5 U.S.C. 804(3). Therefore, the reporting requirement of 5 U.S.C. 801 does not apply.

List of Subjects

27 CFR Part 447

Administrative practice and procedure, Arms and munitions, Authority delegations, Chemicals, Customs duties and inspection, Imports, Penalties, Reporting and recordkeeping requirements, Scientific equipment, Seizures and forfeitures.

27 CFR Part 478

Administrative practice and procedure, Arms and munitions, Authority delegations, Customs duties and inspection, Domestic violence, Exports, Imports, Law enforcement officers, Military personnel, Nonimmigrant aliens, Penalties, Reporting and recordkeeping requirements, Research, Seizures and forfeitures, and Transportation.

27 CFR Part 479

Administrative practice and procedure, Arms and munitions, Authority delegations, Customs duties and inspection, Excise taxes, Exports, Imports, Military personnel, Penalties, Reporting and recordkeeping requirements, Research, Seizures and forfeitures, and Transportation.

27 CFR Part 555

Administrative practice and procedure, Authority delegations, Customs duties and inspection, Explosives, Hazardous substances, Imports, Penalties, Reporting and recordkeeping requirements, Safety, Security measures, Seizures and forfeitures, Transportation, and Warehouses.

27 CFR Part 646

Administrative practice and procedure, Cigars and cigarettes, Excise taxes, Packagaing and containers, Penalties, Reporting and recordkeeping requirements, Surety bonds, and Tobacco.

Authority and Issuance

Accordingly, for the reasons discussed in the preamble, 27 CFR parts 447, 478, 479, 555, and 646 are amended as follows:

PART 447—IMPORTATION OF ARMS, AMMUNITION AND IMPLEMENTS OF WAR

■ 1. The authority citation for 27 CFR part 447 continues to read as follows:

Authority: 22 U.S.C. 2778; E.O. 13637, 78 FR 16129 (Mar. 8, 2013).

§ 447.11 [Amended]

■ 2. Amend § 447.11 as follows:
■ a. Remove the words ''Tobacco and Firearms (ATF)'' in the definition of ''Appropriate ATF Officer'' and add in their place the words ''Tobacco, Firearms, and Explosives (ATF)'';
■ b. Remove the words ''Tobacco and Firearms, the Department of the Treasury'' in the definition of ''Bureau'' and add in their place the words ''Tobacco, Firearms, and Explosives, the Department of Justice''; and
■ c. Remove the words ''Tobacco and Firearms, the Department of the Treasury'' in the definition of ''Director'' and adding in their place the words ''Tobacco, Firearms, and Explosives, the Department of Justice''.

§ 447.32 [Amended]

■ 3. Amend § 447.32 by removing the words ''Tobacco and Firearms'' in paragraph (c) and adding in their place the words ''Tobacco, Firearms, and Explosives''.

§ 447.35 [Amended]

■ 4. Amend § 447.35 by removing the words ''Center, P.O. Box 5950, Springfield, Virginia 22150–5950, or by accessing the ATF Web site *http://www.atf.gov/''* in paragraph (b) and adding in their place the words ''Center (*http://www.atf.gov*) or by calling (202) 648–6420''.

§ 447.58 [Amended]

■ 5. Amend § 447.58 by removing the words ''mailing a request to the ATF Distribution Center, PO Box 5950, Springfield, VA 22150–5950, or by accessing the ATF Web site *http://www.atf.gov/*'' in the third sentence and adding in their place the words ''submitting a request to the ATF Distribution Center (*http://www.atf.gov*) or by calling (202) 648–6420''.

PART 478—COMMERCE IN FIREARMS AND AMMUNITION

■ 6. The authority citation for 27 CFR part 478 continues to read as follows:

Authority: 5 U.S.C. 552(a); 18 U.S.C. 847, 921–931; 44 U.S.C. 3504(h).

■ 7. Amend § 478.11 as follows:
■ a. Remove the words ''Tobacco and Firearms (ATF)'' in the definition of ''ATF Officer'' and add in their place the words ''Tobacco, Firearms, and Explosives (ATF)'';
■ b. Revise the definition of ''Customs Officer'' to read as set forth below;
■ c. Remove the words ''Tobacco and Firearms, the Department of the Treasury'' in the definition of ''Director'' and add in their place the words ''Tobacco, Firearms, and Explosives, the Department of Justice''; and
■ d. Remove the words ''Tobacco and Firearms'' in the definition of ''Division'' and add in their place the words ''Tobacco, Firearms, and Explosives''.

§ 478.11 Meaning of terms.

* * * * *

Customs officer. Any officer of U.S. Customs and Border Protection, any commissioned, warrant, or petty officer of the Coast Guard, or any agent or other person authorized by law to perform the duties of a customs officer.

* * * * *

§ 478.21 [Amended]

■ 8. Amend § 478.21 by removing the words ''mailed to the ATF Distribution Center, 7664 K Fullerton Road, Springfield, Virginia, 22150'' in paragraph (b) and adding in their place the words ''submitted to the ATF Distribution Center (*http://www.atf.gov*) or made by calling (202) 648–6420''.

§ 478.56 [Amended]

■ 9. Amend § 478.56 by removing the extra space after the word ''Center'' in paragraph (b).

§ 478.72 [Amended]

■ 10. Amend § 478.72 by removing ''Form 4501'' and adding in its place ''Form 5300.13''.

§ 478.73 [Amended]

■ 11. Amend § 478.73 by removing ''Form 4501'' in paragraph (b) and adding in its place ''Form 5300.13''.

§ 478.74 [Amended]

■ 12. Amend § 478.74 by removing ''Form 4501'' and adding in its place ''Form 5300.13''.

§ 478.76 [Amended]

■ 13. Amend § 478.76 as follows:
■ a. Remove the words ''Tobacco and Firearms'' the first time they appear and add in their place the words ''Tobacco, Firearms, and Explosives'';
■ b. Remove the words ''the Assistant Chief Counsel or Division Counsel'' and add in their place the words ''Chief Counsel''; and
■ c. Remove the additional space after the word ''Director'' in the last sentence.

§ 478.78 [Amended]

■ 14. Amend § 478.78 by removing the words ''Tobacco and Firearms'' and adding in their place the words ''Tobacco, Firearms, and Explosives''.

§ 478.103 [Amended]

■ 15. Amend § 478.103 by removing the words ''mailed to the ATF Distribution Center, P.O. Box 5950, Springfield, Virginia, 22150–5950'' in the note to paragraph (e) and adding in their place the words ''submitted to the ATF Distribution Center (*http://www.atf.gov*) or made by calling (202) 648–6420''.

§ 478.126 [Amended]

■ 16. Amend § 478.126 by removing ''Form 4483'' in paragraph (a) and adding in its place ''Form 5300.5''.

PART 479—MACHINE GUNS, DESTRUCTIVE DEVICES, AND CERTAIN OTHER FIREARMS

■ 17. The authority citation for 27 CFR part 479 continues to read as follows:

Authority: 26 U.S.C. 7805.

■ 18. Amend § 479.11 as follows:
■ a. Remove the words ''Tobacco and Firearms (ATF)'' in the definition of ''ATF Officer'' and add in their place the words ''Tobacco, Firearms, and Explosives (ATF)'';
■ b. Revise the definition of ''Customs Officer'' to read as set forth below;
■ c. Remove the words ''Tobacco, and Firearms, the Department of the Treasury'' in the definition of ''Director'' and add in their place ''Tobacco, Firearms, and Explosives, the Department of Justice'';
■ d. Remove the acronym ''ATF'' in the definition of Regional director (compliance);
■ e. Remove the caption ''Regional director (compliance)'' in the definition of ''Regional director (compliance)'' and add in its place ''Director, Industry Operations''; and
■ f. Remove the newly designated definition of ''Director, Industry Operations'' from after the definition of ''Pistol'' and add it after the definition of ''Director''.

§ 479.11 Meaning of terms.

* * * * *

Customs officer. Any officer of U.S. Customs and Border Protection, any commissioned, warrant, or petty officer of the Coast Guard, or any agent or other person authorized by law to perform the duties of a customs officer.

* * * * *

§ 479.21 [Amended]

■ 19. Amend § 479.21 by removing the words ''mailed to the ATF Distribution Center, 7664 K Fullerton Road, Springfield, Virginia, 22150'' in paragraph (b) and adding in their place the words ''submitted to the ATF Distribution Center (*http://www.atf.gov*) or made by calling (202) 648–6420''.

§ 479.22 [Amended]

■ 20. Amend § 479.22 by removing the words ''Tobacco and Firearms'' and adding in their place the words ''Tobacco, Firearms, and Explosives''.

§ 479.26 [Amended]

■ 21. Amend § 479.26 as follows:

■ a. Remove the words ''regional director (compliance)'' in paragraph (a)(3) and add in their place the words ''Director, Industry Operations''; and

■ b. Remove the words ''regional director (compliance)'' in paragraph (b) and add in their place the words ''Director, Industry Operations''.

§ 479.34 [Amended]

■ 22. Amend § 479.34 by removing ''(12–93 edition)'' in the last sentence of paragraph (e).

§ 479.37 [Amended]

■ 23. Amend § 479.37 as follows:

■ a. Revise all references to ''regional director (compliance)'' to read ''Chief, National Firearms Act Branch''; and

■ b. Remove the word ''Center'' in the first sentence.

§ 479.38 [Amended]

■ 24. Amend § 479.38 by removing the words ''regional director (compliance)'' in the last sentence and adding in their place the words ''Chief, National Firearms Act Branch''.

§ 479.46 [Amended]

■ 25. Amend § 479.46 by removing the words ''regional director (compliance)'' in the second sentence and adding in their place the words ''Chief, National Firearms Act Branch''.

§ 479.47 [Amended]

■ 26. Amend § 479.47 by removing the words ''regional director (compliance)'' in the second sentence and adding in their place the words ''Chief, National Firearms Act Branch''.

§ 479.50 [Amended]

■ 27. Amend § 479.50 by removing the words ''regional director (compliance)'' in the first sentence and adding in their place the words ''Chief, National Firearms Act Branch''.

§ 479.84 [Amended]

■ 28. Amend § 479.84 by removing the words ''Regional director (compliance)'' in the third sentence and adding in their place the words ''Special Agent in Charge''.

§ 479.172 [Amended]

■ 29. Amend § 479.172 by removing the words ''regional director (compliance)'' in the fourth sentence and adding in their place the words ''Chief, National Firearms Act Branch''.

PART 555—COMMERCE IN EXPLOSIVES

■ 30. The authority citation for 27 CFR part 555 continues to read as follows:

Authority: 18 U.S.C. 847.

■ 31. Amend § 555.11 as follows:

■ a. Revise the definition of ''Customs Officer'' to read as set forth below;

■ b. Remove the caption ''Regional director (compliance)'' in the definition of ''Regional director (compliance)'' and add in its place ''Director, Industry Operations''; and

■ c. Remove the newly designated definition of ''Director, Industry Operations'' from after the definition of ''Region'' and add it after the definition of ''Director''.

§ 555.11 Meaning of terms.

* * * * *

Customs officer. Any officer of the Customs Service or any commissioned, warrant, or petty officer of the Coast Guard, or any agent or other person authorized to perform the duties of an officer of the Customs Service.

* * * * *

§ 555.21 [Amended]

■ 32. Amend § 555.21 by removing the words ''mailed to the ATF Distribution Center, 7664 K Fullerton Road, Springfield, Virginia, 22150'' in paragraph (b) and adding in their place the words ''submitted to the ATF Distribution Center (*http://www.atf.gov*) or made by calling (202) 648–6420''.

§ 555.22 [Amended]

■ 33. Amend § 555.22 by removing the words ''regional director (compliance)'' in the undesignated paragraphs following paragraphs (a)(3) and (b)(3) and adding in their place the words ''Director, Industry Operations''.

§ 555.25 [Amended]

■ 34. Amend § 555.25 by revising all references to ''regional director (compliance)'' to read ''Director, Industry Operations''.

§ 555.45 [Amended]

■ 35. Amend § 555.45 by removing the words ''Chief, Firearms and Explosives'' in paragraph (c)(3) and adding in their place the words ''Chief, Federal Explosives''.

§ 555.46 [Amended]

■ 36. Amend § 555.46 by removing the words ''Chief, Firearms and Explosives'' in paragraph (a), and adding in their place the words ''Chief, Federal Explosives''.

§ 555.49 [Amended]

■ 37. Amend § 555.49 as follows:

■ a. Remove the words ''Chief, Firearms and Explosives '' in paragraphs (b)(1) introductory text, (b)(2) introductory text, and (b)(3), and add in their place the words ''Chief, Federal Explosives''; and

■ b. Remove the words ''regional director (compliance)'' in paragraph (b)(3) and add in their place the words ''Director, Industry Operations''.

§ 555.50 [Amended]

■ 38. Amend § 555.50 by revising all references to ''Chief, Firearms and Explosives'' in paragraphs (a) and (b) to read ''Chief, Federal Explosives''.

§ 555.54 [Amended]

■ 39. Amend § 555.54 by revising all references to ''Chief, Firearms and Explosives'' in paragraphs (a) and (b) to read ''Chief, Federal Explosives''.

§ 555.56 [Amended]

■ 40. Amend § 555.56 by removing the words ''Chief, Firearms and Explosives'' and adding in their place the words ''Chief, Federal Explosives''.

§ 555.57 [Amended]

■ 41. Amend § 555.57 by revising all references to ''Chief, Firearms and Explosives'' in paragraphs (a), (b), and (c) to read ''Chief, Federal Explosives''.

§ 555.59 [Amended]

■ 42. Amend § 555.59 by removing the words ''Chief, Firearms and Explosives'' in paragraph (b) and adding in their place the words ''Chief, Federal Explosives''.

§ 555.60 [Amended]

■ 43. Amend § 555.60 by removing the words ''Chief, Firearms and Explosives'' and adding in their place the words ''Chief, Federal Explosives''.

§ 555.61 [Amended]

■ 44. Amend § 555.61 by removing the words ''Chief, Firearms and Explosives'' and adding in their place the words ''Chief, Federal Explosives''.

§ 555.63 [Amended]

■ 45. Amend § 555.63 by revising all references to ''regional director (compliance)'' in paragraphs (a)(4), (c), and (d) to read ''Director, Industry Operations''.

§ 555.71 [Amended]

■ 46. Amend § 555.71 by revising all references to ''regional director (compliance)'' to read ''Director, Industry Operations''.

§ 555.72 [Amended]

■ 47. Amend § 555.72 by removing the words ''regional director (compliance)'' in the first sentence and adding in their place the words ''Director, Industry Operations''.

§ 555.73 [Amended]

■ 48. Amend § 555.73 by revising all references to ''regional director (compliance)'' to read ''Director, Industry Operations''.

§ 555.74 [Amended]

■ 49. Amend § 555.74 by revising all references to ''regional director (compliance)'' to read ''Director, Industry Operations''.

§ 555.75 [Amended]

■ 50. Amend § 555.75 by revising all references to ''regional director (compliance)'' to read ''Director, Industry Operations''.

■ 51. Amend § 555.76 as follows:

■ a. Revise the section heading to read as set forth below; and

■ b. Revise all references to ''regional director (compliance)'' in paragraphs (a), (b), and (c) to read ''Director, Industry Operations''.

§ 555.76 Action by Director, Industry Operations.

* * * * *

§ 555.78 [Amended]

■ 52. Amend § 555.78 as follows:

■ a. Remove the words ''Tobacco and Firearms'' and add in their place the words ''Tobacco, Firearms, and Explosives''; and

■ b. Revise all references to ''regional director (compliance)'' to read ''Director, Industry Operations''.

§ 555.79 [Amended]

■ 53. Amend § 555.79 by revising all references to ''regional director (compliance)'' to read ''Director, Industry Operations''.

§ 555.80 [Amended]

■ 54. Amend § 555.80 by revising all references to ''regional director (compliance)'' to read ''Director, Industry Operations''.

§ 555.104 [Amended]

■ 55. Amend § 555.104 as follows:

■ a. Revise all references to ''Chief, Firearms and Explosives'' in paragraph (c) to read ''Chief, Federal Explosives''; and

■ b. Remove the words ''Tobacco and Firearms'' in the last sentence of paragraph (c) and add in their place the words ''Tobacco, Firearms, and Explosives''.

§ 555.122 [Amended]

■ 56. Amend § 555.122 as follows:

■ a. Revise all references to ''regional director (compliance)'' in paragraph (a)(4) to read ''Director, Industry Operations''; and

■ b. Revise all references to ''regional director (compliance)'' in paragraph (d) to read ''Chief, Explosives Industry Programs Branch''.

§ 555.123 [Amended]

■ 57. Amend § 555.123 as follows:

■ a. Revise all references to ''regional director (compliance)'' in paragraph (a)(4) to read ''Director, Industry Operations''; and

■ b. Revise all references to ''regional director (compliance)'' in paragraph (e) to read ''Chief, Explosives Industry Programs Branch''.

§ 555.124 [Amended]

■ 58. Amend § 555.124 as follows:

■ a. Revise all references to ''regional director (compliance)'' in paragraph (a)(4) to read ''Director, Industry Operations''; and

■ b. Revise all references to ''regional director (compliance)'' in paragraph (e) to read ''Chief, Explosives Industry Programs Branch''.

§ 555.125 [Amended]

■ 59. Amend § 555.125 as follows:

■ a. Revise all references to ''regional director (compliance)'' in paragraph (b)(1)(iv) to read ''Director, Industry Operations''; and

■ b. Revise all references to ''regional director (compliance)'' in paragraph (b)(7) to read ''Chief, Explosives Industry Programs Branch''.

§ 555.126 [Amended]

■ 60. Amend § 555.126 by removing the words ''identity of the of the holder'' in the second sentence in paragraph (b)(2) and adding in their place the words ''identity of the holder''.

§ 555.128 [Amended]

■ 61. Amend § 555.128 by removing the words ''Chief, Firearms and Explosives'' and adding in their place the words ''Chief, Federal Explosives''.

§ 555.141 [Amended]

■ 62. Amend § 555.141 by removing the words ''Public Safety Branch'' in the last sentence in paragraph (a)(1) and adding in their place the words ''Explosives Industry Program Branch''.

§ 555.142 [Amended]

■ 63. Amend § 555.142 by removing the words ''regional director (compliance)'' in paragraph (e)(4) and adding in their place the words ''Director, Industry Operations''.

§ 555.201 [Amended]

■ 64. Amend § 555.201 by removing the words ''regional director (compliance)'' in the third sentence of paragraph (b) and adding in their place the words ''Director, Industry Operations''.

PART 646—CONTRABAND CIGARETTES

■ 65. The authority citation for part 646 continues to read as follows:

Authority: 18 U.S.C. 2341–2346, unless otherwise noted.

§ 646.143 [Amended]

■ 66. Amend § 646.143 by removing the words ''Tobacco and Firearms (ATF)'' in the definition of ''Appropriate ATF officer'' and adding in their place the words ''Tobacco, Firearms, and Explosives (ATF)''.

Dated: August 4, 2014.

Eric H. Holder, Jr.,

Attorney General.

[FR Doc. 2014–18842 Filed 8–8–14; 8:45 am]

BILLING CODE 4410–FY–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2014–0644]

Drawbridge Operation Regulation; Tigre Bayou, Vermilion Parish, Delcambre, LA

AGENCY: Coast Guard, DHS.

ACTION: Notice of temporary deviation from regulations.

SUMMARY: The Coast Guard has issued a temporary deviation from the regulation governing the operation of the LA 330 Swing Bridge across Tigre Bayou, mile 2.3 in Delcambre, Vermilion Parish, Louisiana. This deviation provides for the bridge to remain closed to navigation for approximately 80 days for the purpose of conducting scheduled maintenance to the drawbridge.

DATES: This deviation is effective from 6 a.m. on August 18, 2014 through 6 p.m. on November 9, 2014.

ADDRESSES: The docket for this deviation, [USCG–2014–0644] 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 rulemaking. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary deviation, call or email Jim Wetherington, Bridge Administration Branch, Coast Guard, telephone (504) 671–2128, email *james.r.wetherington@uscg.mil*. If you have questions on viewing the docket, call Cheryl F. Collins, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION: The Louisiana Department of Transportation and Development (LADOTD) requested a temporary deviation from the normal operation of the drawbridge in order to perform maintenance and install a new rack system under the bridge. This deviation allows the draw of the LA 330 Swing Bridge across Tigre Bayou, mile 2.3 in Delcambre, Vermilion Parish, Louisiana, to remain closed to navigation from 6 a.m. on August 18, 2014 through 6 p.m. on November 9, 2014. These repairs require the bridge to be jacked up in order for the work to be done. These repairs are necessary for the continued operation of the bridge. The bridge can open for emergencies if four hours notice is given.

Broadcast Notice to Mariners and/or Local Notice to Mariners will be used to update mariners of any changes in this deviation.

The bridge has a vertical clearance of 5 feet above mean high water in the closed-to-navigation position and unlimited vertical clearance in the open-to-navigation position. Navigation on the waterway consists primarily of recreational craft. In accordance with 33 CFR 117.507, the draw of the bridge shall open on signal if at least four hours notice is given. There is no alternate route.

The Coast Guard and the State determined that there will be no significant impacts on vessel traffic because only one request for an opening was made within the last year. That vessel owner has been contacted by the contractor and is aware of the situation. Vessel traffic that does not require an opening may pass at any time at the minimum safe operating speed.

In accordance with 33 CFR 117.35(e), the drawbridges must return to their regular operating schedules 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 24, 2014.

David M. Frank,

Bridge Administrator.

[FR Doc. 2014–18869 Filed 8–8–14; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2014–0619]

RIN 1625–AA00

Safety Zone, Elizabeth River; Norfolk, VA

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a safety zone on the navigable waters of the Eastern Branch of the Elizabeth River in Norfolk, VA to support four Harbor Park Stadium fireworks displays. This action is intended to restrict vessel traffic movement in the designated area in order to protect the life and property of the maritime public and spectators from the hazards associated with fireworks displays.

DATES: This rule is effective from August 11, 2014 through August 30, 2014, and has been effective with actual notice since July 23, 2014. It has been or will be enforced from 10 p.m. until 10:30 p.m. on August 2, August 16, August 29, and August 30, 2014.

ADDRESSES: Documents mentioned in this preamble are part of docket [USCG–2014–0619]. To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type the docket number in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rulemaking. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email LCDR Gregory Knoll, Waterways Management Division Chief, Sector Hampton Roads, Coast Guard; telephone (757) 668–5580, email *HamptonRoadsWaterway@uscg.mil.* If you have questions on viewing or submitting material to the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

Table of Acronyms

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

A. Regulatory History and Information

The Coast Guard is issuing this temporary final rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because it is impracticable to provide a full comment period due to lack of time before the remaining shows planned for this season. Any delay encountered in this regulation's effective date to provide for a comment period would be contrary to the public interest as immediate action is needed to ensure the safety of the event participants, patrol vessels, spectator craft and other vessels transiting the event area. The Coast Guard will provide advance notifications to users of the affected waterways of the safety zone via marine information broadcasts, local notice to mariners, commercial radio stations, and area newspapers.

B. Basis and Purpose

On August 2, August 16, August 29, and August 30, 2014, the Norfolk Tides Baseball Club will host fireworks displays at Harbor Park Stadium on the bank of the Eastern Branch of the Elizabeth River in Norfolk, VA. The fireworks debris fallout area will extend over the navigable waters of the eastern branch of the Elizabeth River. Due to the need to protect mariners and spectators from the hazards associated with the fireworks displays, such as the accidental discharge of fireworks, dangerous projectiles, and falling hot embers or other debris, vessel traffic will be temporarily restricted within 210 feet of the fireworks launch site between positions 36°50′29.8896″ N, 076°16′43.662″ W and 36°50′30.3678″ N, 076°16′39.936″ W.

C. Discussion of the Rule

The Coast Guard is establishing a safety zone on specified waters of the Eastern Branch of the Elizabeth River in Norfolk, VA to support four fireworks displays. The fireworks will be launched from shore in the vicinity of the Harbor Park Stadium. The safety zone will encompass all navigable waters within 210 feet of the fireworks launching location at positions 36°50′29.8896″ N, 076°16′43.662″ W and 36°50′30.3678″ N, 076°16′39.936″ W. This safety zone will be established and enforced from 10 p.m. until 10:30 p.m. on August 2, August 16, August 29, and August 30, 2014. Access to the safety zone will be restricted during the specified dates and times. Except for individuals responsible for launching the fireworks and vessels specifically and expressly authorized by the Captain of the Port or his Representative, no person or vessel may enter or remain in the regulated area.

D. Regulatory Analyses

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

1. Regulatory Planning and Review

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, as supplemented by Executive Order 13563, Improving Regulation and Regulatory Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of Executive Order 12866 or under section 1 of Executive Order 13563. The Office of Management and Budget has not reviewed it under those orders. Although this regulation restricts access to the safety zone, the effect of this rule will not be significant because: (i) The safety zone will be in effect for a limited duration; (ii) the zone is of limited size; (iii) mariners may transit the waters in and around this safety zone at the discretion of the Captain of the Port or designated representative; and (iv), the Coast Guard will make notifications via maritime advisories so mariners can adjust their plans accordingly.

2. Impact on Small Entities

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

The rule will affect the following entities, some of which might be small entities: The owners or operators of vessels intending to transit or anchor in that portion of the eastern branch of the Elizabeth River from 10 p.m. until 10:30 p.m. on August 2, August 16, August 29, and August 30, 2014.

This safety zone will not have a significant economic impact on a substantial number of small entities for the following reasons: (i) The safety zone will only be in place for a limited duration; and (ii) before the enforcement periods of August 2, August 16, August 29, and August 30, 2014 maritime advisories will be issued allowing mariners to adjust their plans accordingly.

3. Assistance for Small Entities

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

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

4. Collection of Information

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

5. Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this rule under that Order and have determined that it does not have implications for federalism.

6. Protest Activities

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

7. Unfunded Mandates Reform Act

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

8. Taking of Private Property

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

9. Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to

minimize litigation, eliminate ambiguity, and reduce burden.

10. Protection of Children

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

11. Indian Tribal Governments

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

12. Energy Effects

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

13. Technical Standards

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

14. Environment

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T05–0619 to read as follows:

§ 165.T05–0619 Safety Zone, Elizabeth River; Norfolk, VA.

(a) *Definitions.* For the purposes of this section, *Captain of the Port* means the Commander, Sector Hampton Roads. *Representative* means any Coast Guard commissioned, warrant or petty officer who has been authorized to act on the behalf of the Captain of the Port.

(b) *Location.* The following area is a safety zone: Specified waters of the Captain of the Port Sector Hampton Roads zone, as defined in 33 CFR 3.25–10, all waters of the Eastern Branch of the Elizabeth River between approximate position 36°50′29.8896″ N, 076°16′43.662″ W and 36°50′30.3678″ N, 076°16′39.936″ W, extending 210 ft from the shoreline into the Eastern Branch of the Elizabeth River in the vicinity of Harbor Park Stadium in Norfolk, VA.

(c) *Regulations.* (1) In accordance with the general regulations in § 165.23, entry into this zone is prohibited unless authorized by the Captain of the Port, Hampton Roads or his designated Representative.

(2) The operator of any vessel in the immediate vicinity of this safety zone shall:

(i) Stop the vessel immediately upon being directed to do so by any commissioned, warrant or petty officer on shore or on board a vessel that is displaying a U.S. Coast Guard Ensign.

(ii) Proceed as directed by any commissioned, warrant or petty officer on shore or on board a vessel that is displaying a U.S. Coast Guard Ensign.

(3) The Captain of the Port, Hampton Roads can be reached through the Sector Duty Officer at Sector Hampton Roads in Portsmouth, Virginia at telephone Number (757) 668–5555.

(4) The Coast Guard Representatives enforcing the safety zone can be contacted on VHF–FM marine band radio channel 13 (165.65 Mhz) and channel 16 (156.8 Mhz).

(d) *Enforcement period.* This section will be enforced on August 2, August 16, August 29, and August 30, 2014 from 10 p.m. to 10:30 p.m. unless cancelled earlier by the Captain of the Port.

Dated: July 23, 2014.

Christopher S. Keane,

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

[FR Doc. 2014–18862 Filed 8–8–14; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2014–0376]

RIN 1625–AA00

Safety Zone, James River; Newport News, VA

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a safety zone on the navigable waters of the James River in Newport News, VA for multiple periods, one hour in length each, on all weekdays from August 6 until August 15, 2014. This action will restrict vessel traffic movement in the designated area during the United States Navy's operation involving unmanned and remote-operated crafts. This action is necessary in order to protect the life and property of the maritime public due to the high speed maneuvering of the vessels and the experimental nature of the control technology.

DATES: This rule is effective from August 11, 2014 through August 15, 2014, and has been in effect with actual notice since July 30, 2014. It has been or will be enforced from August 6 through August 8, 2014 and August 11 through August 15, 2014, from 9:30 a.m. to 10:30 a.m., 12 p.m. to 1 p.m., and 2 p.m. to 3 p.m.

ADDRESSES: Documents mentioned in this preamble are part of docket [USCG–2014–0376]. To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type the docket number in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rulemaking. You may also visit the Docket Management Facility in Room

W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email LCDR Gregory Knoll, Waterways Management Division Chief, Sector Hampton Roads, Coast Guard; telephone (757) 668–5581, email *Gregory.J.Knoll@uscg.mil.* If you have questions on viewing or submitting material to the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

Table of Acronyms

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

A. Regulatory History and Information

The United States Navy is conducting a demonstration in the James River in the vicinity of the James River Reserve Fleet and Hog Island. A Notice of Proposed Rulemaking (NPRM) was published on July 7, 2014 in the **Federal Register** (79 FR 38479).

The Coast Guard received two comments on the NPRM, which are addressed below in Section C. No request for a public meeting was received, and no meeting was held.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. The Coast Guard received the dates and times needed for the waterway closures from the Navy without sufficient time to provide for 30 days of public comment and 30 days advance notice of the Final Rule.

B. Basis and Purpose

The United States Navy's operation will involve over 20 vessels traveling in close proximity to one another at high speeds. The control systems on board these vessels have undergone significant research and development testing, but the experimental nature of them means that there could be an impact on marine traffic in the vicinity.

The Coast Guard will establish a safety zone closing a portion of the James River in the vicinity of the James River Reserve Fleet and Hog Island for multiple periods, one hour in length each, from August 6 through August 8, 2014, and August 11 through August 15, 2014. The safety zone will be effective from 9:30 a.m. to 10:30 a.m., 12 p.m. to 1 p.m., and 2 p.m. to 3 p.m. each day.

C. Discussion of Comments, Changes, and the Final Rule

The Coast Guard received one comment requesting to move the time of the second hour-long window each day to allow for a longer opening in between the two closure periods. The NPRM in 79 FR 38479 stated that the safety zone would be in effect from 9:30 a.m. to 10:30 a.m., 11:30 a.m. to 12:30 p.m., and 2 p.m. to 3 p.m. each day. Instead, the second window will be changed, as requested in the comment received, from 12 p.m. to 1 p.m. each day.

The Coast Guard received one comment concerning the effect of the safety zone on deep draft commercial traffic on the James River and the possible delays to vessels that must sail with the tide for certain sections of the James River outside of the Safety Zone. The Coast Guard reached out to facilities up river of the safety zone to determine vessel schedules from August 6 through August 15, 2014. Based on this information, the effect on tide-restricted vessels will be minimal due to the low volume of this type of traffic. For smaller vessel traffic not restricted by the tide, the limited duration of each closure allows vessels to transit through the area comprising the zone in between the specified one-hour periods. Additionally, the Captain of the Port, Hampton Roads or his designated on-scene Representative may allow vessels to transit through the safety zone during the enforcement period if deemed necessary on a case-by-case basis.

The Captain of the Port of Hampton Roads is establishing a safety zone within the waters of the James River, from James River Channel Lighted Buoy 11 (LLNR 11595), upstream to James River Channel Lighted Buoy 44 (LLNR 11987), bank to bank, in the vicinity of the James River Reserve Fleet and Hog Island, Virginia. This safety zone will be enforced from August 6, 2014 through August 8, 2014 and August 11, 2014 through August 15, 2014 from 9:30 a.m. to 10:30 a.m., 12 p.m. to 1 p.m. and 2 p.m. to 3 p.m. Access to the safety zone will be restricted during the specified dates and times. No person or vessel may enter or remain in the regulated area without the permission of the Captain of the Port of Hampton Roads.

D. Regulatory Analyses

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

1. Regulatory Planning and Review

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, as supplemented by Executive Order 13563, Improving Regulation and Regulatory Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of Executive Order 12866 or under section 1 of Executive Order 13563. The Office of Management and Budget has not reviewed it under those orders. Although this regulation restricts access to the safety zone, the effect of this rule will not be significant because: (i) The safety zone will be in effect for a limited duration; (ii) the zone is of limited size; and (iii) the Coast Guard will make notifications via maritime advisories so mariners can adjust their plans accordingly.

2. Impact on Small Entities

The Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601–612, as amended, requires federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities. The rule would affect the following entities, some of which might be small entities: The owners or operators of vessels intending to transit or anchor in that portion of the James River during the specified dates and times.

This safety zone will not have a significant economic impact on a substantial number of small entities for the following reasons: (i) The safety zone will only be in place for a limited duration; and (ii) before the enforcement period, maritime advisories will be issued allowing mariners to adjust their plans accordingly.

3. Assistance for Small Entities

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

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

4. Collection of Information

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

5. Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this rule under that Order and have determined that it does not have implications for federalism.

6. Protest Activities

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

7. Unfunded Mandates Reform Act

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

8. Taking of Private Property

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

9. Civil Justice Reform

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

10. Protection of Children

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

11. Indian Tribal Governments

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

12. Energy Effects

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

13. Technical Standards

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

14. Environment

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T05–0376 to read as follows:

§ 165.T05–0376 Safety Zone, James River; Newport News, VA.

(a) *Definitions.* For the purposes of this section, *Captain of the Port* means the Commander, Sector Hampton Roads. *Representative* means any Coast Guard commissioned, warrant or petty officer who has been authorized to act on the behalf of the Captain of the Port.

(b) *Location.* The following area is a safety zone: Specified waters of the Captain of the Port Sector Hampton Roads zone, as defined in 33 CFR 3.25–10: The James River between James River Channel Lighted Buoy 11 and James River Channel Lighted Buoy 44 from bank to bank.

(c) *Regulations.* (1) In accordance with the general regulations in § 165.23, entry into this zone is prohibited unless authorized by the Captain of the Port, Hampton Roads or his designated representatives.

(2) The operator of any vessel in the immediate vicinity of this safety zone shall:

(i) Contact on scene contracting vessels via VHF channel 13 and 16 for passage instructions.

(ii) If on scene proceed as directed by any commissioned, warrant or petty officer on shore or on board a vessel that is displaying a U.S. Coast Guard Ensign.

(3) The Captain of the Port, Hampton Roads can be reached through the Sector Duty Officer at Sector Hampton Roads in Portsmouth, Virginia at telephone number (757) 668–5555.

(4) The Coast Guard Representatives enforcing the safety zone can be contacted on VHF–FM marine band radio channel 13 (165.65 Mhz) and channel 16 (156.8 Mhz).

(d) *Enforcement period.* This section will be enforced from 9:30 a.m. to 10:30 a.m., 12 p.m. to 1 p.m. and 2 p.m. to 3

p.m. each day from August 6, 2014 through August 8, 2014 and from August 11, 2014 through August 15, 2014.

Dated: July 30, 2014.

Christopher S. Keane,

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

[FR Doc. 2014–18864 Filed 8–8–14; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF EDUCATION

34 CFR Chapter III

Final Priority; Technical Assistance on State Data Collection—IDEA Fiscal Data Center

AGENCY: Office of Special Education and Rehabilitative Services, Department of Education.

ACTION: Final priority.

SUMMARY: The Assistant Secretary for Special Education and Rehabilitative Services announces a priority under the Technical Assistance on State Data Collection program. The Assistant Secretary may use this priority for competitions in fiscal year (FY) 2014 and later years. We take this action to focus attention on an identified national need to provide technical assistance (TA) to improve the capacity of States to meet the data collection requirements of the Individuals with Disabilities Education Act (IDEA). The purpose of this priority is to establish a Fiscal IDEA Data Center (Center) to provide States with TA for meeting their fiscal data collection and reporting obligations under IDEA.

DATES: *Effective Date:* This priority is effective September 10, 2014.

FOR FURTHER INFORMATION CONTACT: Matthew Schneer, U.S. Department of Education, 400 Maryland Avenue SW., Room 4169, Potomac Center Plaza (PCP), Washington, DC 20202–2600. Telephone: (202) 245–6755 or by email: *matthew.schneer@ed.gov.*

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

SUPPLEMENTARY INFORMATION:

Purpose of Program: The purpose of the Technical Assistance on State Data Collection program is to improve the capacity of States to meet their IDEA data collection and reporting requirements under sections 616 and 618 of IDEA. Funding for the program is authorized under section 611(c)(1) of IDEA, which gives the Secretary the authority to reserve funds appropriated under Part B of IDEA to provide TA activities authorized under section 616(i).[1] Section 616(i) requires the Secretary to review the data collection and analysis capacity of States to ensure that data and information determined necessary for implementation of section 616 are collected, analyzed, and accurately reported. It also requires the Secretary to provide TA, where needed, to improve the capacity of States to meet the data collection requirements under IDEA. The Consolidated Appropriations Act of 2014 gives the Secretary the authority to use FY 2014 funds reserved under section 611(c) to assist the Secretary in administering and carrying out other services and activities to improve data collection, coordination, quality, and use under Parts B and C of IDEA (Pub. L. 113–76).

Program Authority: 20 U.S.C. 1411(c), 1416(i), and 1418(c); Consolidated Appropriations Act, 2014 (Pub. L. 113–76).

Applicable Program Regulations: 34 CFR 300.702.

We published a notice of proposed priority for this competition in the **Federal Register** on May 1, 2014 (79 FR 24661). That notice contained background information and our reasons for proposing this particular priority. Except for minor editorial revisions and one technical revision (noted below), there are no differences between the proposed priority and this final priority. We made a technical revision to the Administrative Requirements part of this priority in paragraph (g)(4)(ii) so that it now requires applicants to budget for a two and one-half day project directors' meeting in Washington, DC, to occur every other year beginning with the meeting scheduled for Summer 2016.

Public Comment: In response to our invitation in the notice of proposed priority, we did not receive any comments related to the proposed priority.

Final Priority

IDEA Fiscal Data Center

The purpose of this priority is to fund a cooperative agreement to establish and operate a Center to achieve, at a minimum, the following expected outcomes: (a) Improve the capacity of State staff to collect and report accurate fiscal data to meet the data collection requirements related to the IDEA Part B local educational agency (LEA) Maintenance of Effort (MOE) Reduction and Coordinated Early Intervening Services (CEIS) [LEA MOE/CEIS] and State Maintenance of Financial Support (State MFS); and (b) increase States' knowledge of the underlying fiscal requirements and the calculations necessary to submit valid and reliable data on LEA MOE/CEIS and State MFS.

Project Activities. To meet the requirements of this priority, the Center, at a minimum, must conduct the following activities:

Knowledge Development Activities

(a) To ensure that States have the capacity to collect and report accurate LEA MOE/CEIS and State MFS fiscal data, survey all 60 IDEA Part B programs in the first year to:

(1) Assess their capacity to collect and report high-quality LEA MOE/CEIS and State MFS fiscal data required under data collections authorized under section 618 and identify the policies and practices that facilitate or hinder the collection of accurate data consistent with IDEA fiscal requirements; and

(2) Analyze and catalogue how States make available State financial support for special education and related services in order to develop templates that increase the capacity of States to collect and report accurate data;

(b) In the first year, analyze the LEA MOE/CEIS data submissions and data notes to determine common data collection and submission errors and to identify States in need of intensive or targeted TA.

Technical Assistance and Dissemination Activities

(a) Provide intensive TA to a minimum of 10 State educational agencies (SEAs) per year, which may include continued TA for some SEAs for longer than one year, to improve States' collection and submission of IDEA fiscal data consistent with the following two annual data collection requirements authorized under section 618 of IDEA: (1) Section V of the Annual State Application under Part B of IDEA (Part B Annual Application); and (2) the LEA MOE/CEIS Data Collection, which was formerly referred to as the Report on Maintenance of Effort Reduction and Coordinated Early Intervening Services (Table 8). Preference should be given to those States with the greatest need, including States with a demonstrated failure to accurately report MFS or LEA MOE/CEIS data, and States requesting TA. When working with States on LEA MOE/CEIS data, the TA should develop the capacity of SEAs to train LEAS to accurately report the required data;

(b) Provide a range of targeted and general TA products and services

[1] All references to a statute in this priority are to sections of IDEA unless otherwise noted.

related to fiscal data to the 60 SEAs with IDEA Part B programs to improve State capacity to collect and report valid and reliable data, including the dissemination of Office of Special Education Programs (OSEP) guidance on IDEA fiscal requirements and the development and dissemination of TA products on IDEA fiscal data collection and reporting requirements, and improve the capacity of SEAs to train LEAs to accurately report the required data; and

(c) Develop templates to assist States in collecting valid and reliable State MFS and LEA MOE/CEIS data so those data can be accurately reported to OSEP. These templates should be designed to accommodate variances in State school financing systems (insofar as possible) and remind users of the applicable required components of the calculation.

Coordination Activities

(a) Communicate and coordinate, on an ongoing basis, with other Department-funded projects, including those providing data-related support to States, such as the National Technical Assistance Center to Improve State Capacity to Accurately Collect and Report IDEA Data; and

(b) Maintain ongoing communication with the OSEP project officer.

Administrative Requirements

To be considered for funding under this priority, applicants must meet the application and administrative requirements in this priority. OSEP encourages innovative approaches to meet these requirements, which are:

(a) Demonstrate, in the narrative section of the application under ''Significance of the Project,'' how the proposed project will address States' capacity to: (1) Understand IDEA's statutory and regulatory basis for the fiscal reporting requirements; (2) collect valid and reliable fiscal data; (3) conduct required calculations consistent with IDEA requirements; and (4) report valid and reliable fiscal data; and

(b) Demonstrate knowledge of IDEA fiscal data collections, including the underlying statutory and regulatory requirements, current fiscal guidance, and State school funding systems;

(c) Demonstrate, in the narrative section of the application under ''Quality of the Project Services,'' how the proposed project will—

(1) Achieve its goals, objectives, and intended outcomes. To meet this requirement, the applicant must provide—

(i) Measurable intended project outcomes; and

(ii) The logic model by which the proposed project will achieve its intended outcomes;

(2) Use a conceptual framework to develop project plans and activities, describing any underlying concepts, assumptions, expectations, beliefs, or theories, as well as the presumed relationships or linkages among these variables, and any empirical support for this framework;

(3) Base the design of the TA on current research and make use of evidence-based practices. To meet this requirement, the applicant must describe—

(i) The current research about adult learning principles and implementation science that will inform the proposed TA; and

(ii) How the proposed project will incorporate current research and evidence-based practices in the development and delivery of its products and services;

(4) Develop products and provide services that are of high quality and sufficient intensity and duration to achieve the intended outcomes of the proposed project. To address this requirement, the applicant must describe—

(i) How it proposes to identify or develop the knowledge base for IDEA fiscal data collection and reporting requirements;

(ii) How it proposes to conduct the survey of all 60 IDEA Part B Programs administered by SEAs;

(iii) How it proposes to conduct universal, general TA [2] for the 60 SEAs that have IDEA Part B programs;

(iv) How it proposes to provide targeted, specialized TA,[3] which must identify—

(A) The intended recipients of the products and services under this approach;

(B) How it proposes to measure the readiness of potential TA recipients to work with the project, assessing, at a minimum, their current infrastructure, available resources, and ability to build capacity at the LEA level; and

(C) Appropriate staff with the requisite responsibilities to receive the TA in these areas.

(v) How it proposes to provide intensive, sustained TA to the 10 or more selected SEAs,[4] which must identify—

(A) How it proposes to select and recruit SEAs to work with the proposed project, considering the SEAs' need for the initiative, current infrastructure, available resources, and ability to build capacity at the LEA level;

(B) How it proposes to assist SEAs in building training systems that include professional development based on adult learning principles and coaching; and

(C) How it proposes to involve and work with other regional TA providers to assist SEAs with communication between each level of the education system (e.g., districts, schools, families);

(5) Develop products and implement services to maximize the project's efficiency. To address this requirement, the applicant must describe—

(i) How the proposed project will use technology to achieve the intended project outcomes;

(ii) With whom the proposed project will collaborate and the intended outcomes of this collaboration; and

(iii) How the proposed project will use non-project resources to achieve the intended project outcomes.

(d) Demonstrate, in the narrative section of the application under ''Quality of the Evaluation Plan,'' how—

(1) The proposed project will collect and analyze data on specific and measurable goals, objectives, and intended outcomes of the project. To address this requirement, the applicant must describe its—

(i) Proposed evaluation methodologies, including instruments, data collection methods, and analyses; and

(ii) Proposed standards or targets for determining effectiveness;

[2] ''Universal, general TA'' means TA and information provided to independent users through their own initiative, resulting in minimal interaction with TA center staff and including one-time, invited or offered conference presentations by TA center staff. This category of TA also includes information or products, such as newsletters, guidebooks, or research syntheses, downloaded from the TA center's Web site by independent users. Brief communications by TA center staff with recipients, either by telephone or email, are also considered universal, general TA.

[3] ''Targeted, specialized TA'' means TA service based on needs common to multiple recipients and not extensively individualized. A relationship is established between the TA recipient and one or more TA center staff. This category of TA includes one-time, labor-intensive events, such as facilitating strategic planning or hosting regional or national conferences. It can also include episodic, less labor-intensive events that extend over a period of time, such as facilitating a series of conference calls on single or multiple topics that are designed around the needs of the recipients. Facilitating communities of practice can also be considered targeted, specialized TA.

[4] ''Intensive, sustained TA'' means TA services often provided on-site and requiring a stable, ongoing relationship between the TA center staff and the TA recipient. ''TA services'' are defined as negotiated series of activities designed to reach a valued outcome. This category of TA should result in changes to policy, program, practice, or operations that support increased recipient capacity or improved outcomes at one or more systems levels.

(2) The proposed project will use the evaluation results to examine the effectiveness of its implementation and its progress toward achieving intended outcomes; and

(3) The proposed methods of evaluation will produce quantitative and qualitative data that demonstrate whether the project achieved the intended outcomes.

(e) Demonstrate, in the narrative section of the application under ''Adequacy of Project Resources,'' how—

(1) The proposed project will encourage applications for employment from persons who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability, as appropriate;

(2) The proposed key project personnel, consultants, and subcontractors have the qualifications and experience to carry out the proposed activities and achieve the project's intended outcomes, including experience working with State and district fiscal systems;

(3) The applicant and any key partners have adequate resources to carry out the proposed activities; and

(4) The proposed costs are reasonable in relation to the anticipated results and benefits.

(f) Demonstrate, in the narrative section of the application under ''Quality of the Management Plan,'' how—

(1) The proposed management plan will ensure that the project's intended outcomes will be achieved on time and within budget. To address this requirement, the applicant must describe—

(i) Clearly defined responsibilities for key project personnel, consultants, and subcontractors, as applicable; and

(ii) Timelines and milestones for accomplishing the project tasks;

(2) Key project personnel and any consultants and subcontractors will be allocated to the project and how these allocations are appropriate and adequate to achieve the project's intended outcomes;

(3) The proposed management plan will ensure that the products and services provided are of high quality; and

(4) The proposed project will obtain a diversity of perspectives, including those of State and local personnel, TA providers, researchers, and policy makers, among others, in the development and operation of its plan.

(g) Address the following application requirements:

(1) Include in Appendix A a logic model that depicts, at a minimum, the goals, activities, outputs, and outcomes of the proposed project. A logic model communicates how a project will achieve its intended outcomes and provides a framework for both the formative and summative evaluations of the project.

Note: The following Web sites provide more information on logic models: *www.researchutilization.org/matrix/logicmodel_resource3c.html* and *www.tadnet.org/pages/589;*

(2) Include in Appendix A a conceptual framework for the project;

(3) Include in Appendix A person-loading charts and timelines, as applicable, to illustrate the management plan described in the narrative;

(4) Include in the budget the costs for attending the following events:

(i) A one and one-half day kick-off meeting in Washington, DC, after receipt of the award, and an annual planning meeting in Washington, DC, with the OSEP project officer and other relevant staff during each subsequent year of the project period.

Note: Within 30 days of receipt of the award, a post-award teleconference must be held between the OSEP project officer and the grantee's project director or other authorized representative;

(ii) A two and one-half day project directors' meeting in Washington, DC, to occur every other year beginning with the meeting scheduled for Summer 2016;

(iii) A two-day trip annually for Department briefings, Department-sponsored conferences, and other meetings, as requested by OSEP; and

(iv) A one-day intensive review meeting in Washington, DC, during the last half of the second year of the project period;

(5) Include in the budget a line item for an annual set-aside of five percent of the grant amount to support emerging needs that are consistent with the proposed project's intended outcomes, as those needs are identified in consultation with OSEP;

Note: With approval from the OSEP project officer, the grantee must reallocate any remaining funds from this annual set-aside no later than the end of the third quarter of each budget period; and

(6) Maintain a Web site that meets government or industry-recognized standards for accessibility.

Types of Priorities:

When inviting applications for a competition using one or more priorities, we designate the type of each priority as absolute, competitive preference, or invitational through a notice in the **Federal Register**. The effect of each type of priority follows:

Absolute priority: Under an absolute priority, we consider only applications that meet the priority (34 CFR 75.105(c)(3)).

Competitive preference priority: Under a competitive preference priority, we give competitive preference to an application by (1) awarding additional points, depending on the extent to which the application meets the priority (34 CFR 75.105(c)(2)(i)); or (2) selecting an application that meets the priority over an application of comparable merit that does not meet the priority (34 CFR 75.105(c)(2)(ii)).

Invitational priority: Under an invitational priority, we are particularly interested in applications that meet the priority. However, we do not give an application that meets the priority a preference over other applications (34 CFR 75.105(c)(1)).

This notice does not preclude us from proposing additional priorities, requirements, definitions, or selection criteria, subject to meeting applicable rulemaking requirements.

Note: This notice does *not* solicit applications. In any year in which we choose to use this priority, we invite applications through a notice in the **Federal Register**.

Executive Orders 12866 and 13563

Regulatory Impact Analysis

Under Executive Order 12866, the Secretary must determine whether this regulatory action is ''significant'' and, therefore, subject to the requirements of the Executive order and subject to review by the Office of Management and Budget (OMB). Section 3(f) of Executive Order 12866 defines a ''significant regulatory action'' as an action likely to result in a rule that may—

(1) Have an annual effect on the economy of $100 million or more, or adversely affect a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities in a material way (also referred to as an ''economically significant'' rule);

(2) Create serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impacts of entitlement grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive order.

This final regulatory action is not a significant regulatory action subject to

review by OMB under section 3(f) of Executive Order 12866.

We have also reviewed this final regulatory action under Executive Order 13563, which supplements and explicitly reaffirms the principles, structures, and definitions governing regulatory review established in Executive Order 12866. To the extent permitted by law, Executive Order 13563 requires that an agency—

(1) Propose or adopt regulations only upon a reasoned determination that their benefits justify their costs (recognizing that some benefits and costs are difficult to quantify);

(2) Tailor its regulations to impose the least burden on society, consistent with obtaining regulatory objectives and taking into account—among other things and to the extent practicable—the costs of cumulative regulations;

(3) In choosing among alternative regulatory approaches, select those approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity);

(4) To the extent feasible, specify performance objectives, rather than the behavior or manner of compliance a regulated entity must adopt; and

(5) Identify and assess available alternatives to direct regulation, including economic incentives—such as user fees or marketable permits—to encourage the desired behavior, or provide information that enables the public to make choices.

Executive Order 13563 also requires an agency ''to use the best available techniques to quantify anticipated present and future benefits and costs as accurately as possible.'' The Office of Information and Regulatory Affairs of OMB has emphasized that these techniques may include ''identifying changing future compliance costs that might result from technological innovation or anticipated behavioral changes.''

We are issuing this final priority only on a reasoned determination that its benefits justify its costs. In choosing among alternative regulatory approaches, we selected those approaches that maximize net benefits. Based on the analysis that follows, the Department believes that this regulatory action is consistent with the principles in Executive Order 13563.

We also have determined that this regulatory action does not unduly interfere with State, local, and tribal governments in the exercise of their governmental functions.

In accordance with both Executive orders, the Department has assessed the potential costs and benefits, both quantitative and qualitative, of this regulatory action. The potential costs are those resulting from statutory requirements and those we have determined as necessary for administering the Department's programs and activities.

An IDEA Fiscal Data Center funded under the priority established by this regulatory action will assist States in complying with Federal laws and regulations. Without this regulatory action, the burden of improving State capacity to collect, report, and analyze IDEA data will fall solely on the responsible State and local entities.

Intergovernmental Review: This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79. One of the objectives of the Executive order is to foster an intergovernmental partnership and a strengthened federalism. The Executive order relies on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

This document provides early notification of our specific plans and actions for this program.

Accessible Format: Individuals with disabilities can obtain this document in an accessible format (e.g., braille, large print, audiotape, or compact disc) by contacting the Grants and Contracts Services Team, U.S. Department of Education, 400 Maryland Avenue SW., Room 5075, PCP, Washington, DC 20202–2550. Telephone: (202) 245–7363. If you use a TDD or a TTY, call the FRS, toll free, at 1–800–877–8339.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at: *www.gpo.gov/fdsys*. At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at: *www.federalregister.gov*. Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Dated: August 6, 2014.

Michael K. Yudin,

Acting Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 2014–18968 Filed 8–8–14; 8:45 am]

BILLING CODE 4000–01–01

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R05–OAR–2014–0517; FRL–9914–95–Region–5]

Approval and Promulgation of Air Quality Implementation Plans; Wisconsin; Finding of Failure To Submit a PSD State Implementation Plan Revision for $PM_{2.5}$

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) finds that the State of Wisconsin has not made a necessary Prevention of Significant Deterioration (PSD) State Implementation Plan (SIP) submission to address the PSD permitting of Particulate Matter of less than 2.5 micrometers ($PM_{2.5}$) emissions, as required by the Clean Air Act (CAA). Specifically, EPA has determined that Wisconsin has not submitted a SIP revision to address the $PM_{2.5}$ PSD increments and implementing regulations as promulgated by EPA on October 20, 2010, by the required deadline of July 20, 2012. The CAA requires EPA to promulgate a Federal Implementation Plan (FIP) to address the outstanding PSD SIP elements by no later than 24 months after the effective date of this finding. EPA is making this finding in accordance with section 110 and part C of the CAA.

DATES: This final rule is effective on August 11, 2014.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA–R05–OAR–2014–0517. All documents in the docket are listed on the *www.regulations.gov* Web site. Although listed in the index, some information is not publicly available, *i.e.,* Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *www.regulations.gov* or in hard copy at the Environmental Protection Agency,

Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. This facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays. We recommend that you telephone Andrea Morgan, Environmental Engineer, at (312) 353–6058 before visiting the Region 5 office.

FOR FURTHER INFORMATION CONTACT: Andrea Morgan, Environmental Engineer, Air Permits Section, Air Programs Branch (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 353–6058, *@morgan.andrea@epa.gov.*

SUPPLEMENTARY INFORMATION: Section 553 of the Administrative Procedures Act (APA), 5 U.S.C. 553(b)(B), provides that, when an agency for good cause finds that notice and public procedure are impracticable, unnecessary, or contrary to the public interest, the agency may issue a rule without providing notice and an opportunity for public comment. EPA has determined that there is good cause for making this rule final without prior proposal and opportunity for comment because no significant EPA judgment is involved in making a finding of failure to submit SIPs, or elements of SIPs, required by the CAA, where States have made no submissions to meet the requirement. No additional fact gathering is necessary. Thus, notice and public procedure are unnecessary. Furthermore, providing notice and comment would be impracticable because of the limited time provided under the CAA for making such determinations. EPA believes that because of the limited time and non-controversial nature of this finding, Congress did not intend that it be subject to notice-and-comment rulemaking. Finally, notice and comment would be contrary to the public interest because it would divert Agency resources from the critical substantive review of submitted SIPs. See 58 FR 51270, 51272, note 17 (October 1, 1993); 59 FR 39832, 39853 (August 4, 1994). EPA finds that these constitute good cause under 5 U.S.C. 553(b)(B).

EPA has also determined that today's finding of failure to submit for Wisconsin is effective upon publication because this final action falls under the good cause exemption in 5 U.S.C. 553(d)(3) of the APA. The expedited effective date for this action is authorized under 5 U.S.C. 553(d)(3), which allows an effective date less than 30 days after publication ''as otherwise provided by the agency for good cause found and published with the rule.'' EPA has determined that there is good cause for making this rule effective upon publication because the PSD SIP element is already overdue and the State has been made aware of applicable provisions of the CAA relating to overdue SIP revisions. The State of Wisconsin failed to submit a required PSD SIP revision by the mandated deadline of July 20, 2012. We have previously alerted Wisconsin through meetings that it has failed to make the submittal by the deadline. Consequently, the State has been on notice that today's action was pending. The State and general public are aware of applicable provisions of the CAA that relate to failure to submit a required implementation plan. In addition, this action simply starts a 24-month ''clock'' wherein EPA must promulgate a Federal Implementation Plan (FIP) as required by CAA section 110(c). Additionally, the purpose of the 30-day waiting period prescribed in 5 U.S.C. 553(d) is to give affected parties a reasonable time to prepare before the final rule takes effect. Whereas here, the affected parties, such as the State of Wisconsin and sources within the State, do not need time to adjust and prepare before the finding of failure to submit takes effect. EPA finds that the above reasons support an effective date prior to 30 days after the date of publication and constitute good cause under 5 U.S.C. 553(d)(3).

Throughout this document whenever ''we,'' ''us,'' or ''our'' is used, we mean EPA. This supplementary information section is arranged as follows:

I. Overview of the $PM_{2.5}$ National Ambient Air Quality Standards Requirements
II. What action Is EPA taking?
III. Statutory and Executive Order Reviews

I. Overview of the $PM_{2.5}$ National Ambient Air Qquality Standards Requirements

To implement the $PM_{2.5}$ National Ambient Air Quality Standards (NAAQS), EPA issued two separate final rules that establish the New Source Review (NSR) permitting requirements for $PM_{2.5}$: the NSR $PM_{2.5}$ Implementation Rule promulgated on May 16, 2008 (73 FR 28321), and the $PM_{2.5}$ PSD Increments—Significant Impact Levels (SILs)—Significant Monitoring Concentration (SMC) Rule promulgated on October 20, 2010 (75 FR 64864). EPA's 2008 NSR $PM_{2.5}$ Implementation Rule required States to submit applicable SIP revisions to EPA no later than May 16, 2011, to address this rule's PSD and nonattainment NSR SIP requirements. The Wisconsin Department of Natural Resources (WDNR) first submitted provisions addressing the 2008 $PM_{2.5}$ NSR Implementation Rule on May 12, 2011, and on July 25, 2013, EPA issued a final disapproval of the submittal because it did not include all of the required elements (78 FR 44881). WDNR submitted a revised SIP revision to EPA on March 12, 2014, and EPA proposed approval of the revised provisions on June 30, 2014 (79 FR 36689), because EPA found the submittal addressed all the required elements of the 2008 NSR $PM_{2.5}$ Implementation Rule. As Wisconsin made a submission that fully addressed the 2008 $PM_{2.5}$ NSR Implementation Rule, today's finding of failure to submit only addresses the required elements of the 2010 $PM_{2.5}$ PSD Increments—SILs—SMC Rule.

The $PM_{2.5}$ PSD Increments—SILs—SMC Rule required States to submit SIP revisions to EPA by July 20, 2012, adopting provisions equivalent to or at least as stringent as the $PM_{2.5}$ PSD increments and associated implementing regulations. Specifically, the rule requires a State's submitted PSD SIP revision to adopt and submit for EPA approval the $PM_{2.5}$ increments issued pursuant to section 166(a) of the CAA to prevent significant deterioration of air quality in areas meeting the NAAQS. States were also required to adopt and submit for EPA approval revisions to the definitions for ''major source baseline date,'' ''minor source baseline date,'' and ''baseline area'' as part of the implementing regulations for the $PM_{2.5}$ increments.

The $PM_{2.5}$ PSD Increments—SILs—SMC Rule also allowed States to discretionarily adopt and submit for EPA approval: (1) SILs, which are used as a screening tool to evaluate the impact a proposed new major source or major modification may have on the NAAQS or PSD increment; and (2) a SMC (also a screening tool), which is used to determine the subsequent level of data gathering required for a PSD permit application for emissions of $PM_{2.5}$. However, on January 22, 2013, the United States Court of Appeals for the District of Columbia Circuit (Court) granted a request from EPA to vacate and remand to EPA the portions of the $PM_{2.5}$ PSD Increments — SILs—SMC Rule $PM_{2.5}$ addressing the SILs for $PM_{2.5}$ so that EPA could voluntarily correct an error in these provisions. The Court also vacated the parts of the $PM_{2.5}$ PSD Increments — SILs—SMC Rule establishing a $PM_{2.5}$ SMC, finding that EPA was precluded from using the $PM_{2.5}$ SMCs to exempt permit applicants from the statutory requirement to compile preconstruction monitoring data. *Sierra Club* v. *EPA, 705 F.3d 458,*

463–69. On December 9, 2013, EPA issued a good cause final rule formally removing the affected SILs and SMC provisions from the CFR. See 78 FR 73698. As such, SIP submittals should no longer include the vacated $PM_{2.5}$ SILs at 40 CFR 51.166(k)(2) and 52.21(k)(2) and vacated $PM_{2.5}$ SMC provisions at 40 CFR 51.166(i)(5)(i)(c) and 52.21(i)(5)(i)(c) for $PM_{2.5}$ PSD permitting. EPA notes that today's finding of failure to submit for the State of Wisconsin only applies to $PM_{2.5}$ increments and the supporting regulations and does not include the optional SILs and SMC component of the $PM_{2.5}$ PSD Increments—SILs—SMC Rule.

II. What action is EPA taking?

EPA is making a finding that the State of Wisconsin has failed to submit a required PSD SIP revision to address the implementation and permitting of $PM_{2.5}$ emissions in the Wisconsin PSD program. Specifically, we are finding that Wisconsin failed to submit a SIP revision, addressing the required $PM_{2.5}$ PSD elements establishing increments and the implementing regulations by the specified deadline of July 20, 2012, as required by the 2010 $PM_{2.5}$ PSD Increments—SILs—SMC Rule. By no later than 24 months after the effective date of this ruling, EPA is required by the CAA to promulgate a FIP for Wisconsin to address the $PM_{2.5}$ PSD requirements for increments. In addition, CAA section 110(c) provides that EPA can promulgate a FIP immediately after making the finding of failure to submit a required SIP, as late as two years after making the finding, or any time in between. This finding of failure to submit does not impose sanctions or set deadlines for imposing sanctions as described in section 179 of the CAA, because this finding does not pertain to the elements of a part D, title I, plan for nonattainment areas as required under section 110(a)(2)(I), and because this action is not a SIP call pursuant to section 110(k)(5). This action will be effective on August 11, 2014.

III. Statutory and Executive Order Reviews.

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

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

B. Paperwork Reduction Act

This action does not impose an information collection burden under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* This final rule does not establish any new information collection requirement apart from what is already required by law. This rule relates to the requirement in the CAA for States to submit PSD SIPs under section 166(b) to satisfy certain PSD requirements under the CAA for the $PM_{2.5}$ NAAQS. Burden means the total time, effort or financial resources expended by persons to generate, maintain, retain or disclose or provide information to or for a federal agency. This includes the time needed to review instructions; develop, acquire, install and utilize technology and systems for the purposes of collecting, validating and verifying information, processing and maintaining information and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information. An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. The OMB control numbers for EPA's regulations in the CFR are listed in 40 CFR part 9.

C. Regulatory Flexibility Act (RFA)

The Regulatory Flexibility Act (RFA) generally requires an agency to prepare a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements under the APA or any other statute unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small organizations and small governmental jurisdictions. For the purpose of assessing the impacts of this final rule on small entities, small entity is defined as: (1) A small business that is a small industry entity as defined in the U.S. Small Business Administration size standards *(See* 13 CFR 121); (2) a small governmental jurisdiction that is a government of a city, county, town, school district or special district with a population of less than 50,000; and (3) a small organization that is any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.

After considering the economic impacts of this final rule on small entities, I certify that this rule will not have a significant economic impact on a substantial number of small entities. This final rule will not impose any requirements on small entities. This action relates to the requirement in the CAA for States to submit PSD SIPs under section 166(b) to satisfy certain prevention of significant deterioration requirements of the CAA for the $PM_{2.5}$ NAAQS. Because EPA has made a ''good cause'' finding that this action is not subject to notice-and-comment requirements under the APA and any other statute, it is not subject to the regulatory flexibility provisions of the RFA.

D. Unfunded Mandates Reform Act of 1995 (UMRA)

This action contains no federal mandate under the provisions of Title II of the Unfunded Mandates Reform Act of 1995, 2 U.S.C. 1531–1538 for State, local and tribal governments and the private sector. The action imposes no enforceable duty on any State, local or tribal governments or the private sector. Therefore, this action is not subject to the requirements of section 202 and 205 of the UMRA. This action is also not subject to the requirements of section 203 of UMRA because it contains no regulatory requirements that might significantly or uniquely affect small governments. This action relates to the requirement in the CAA for States to submit PSD SIPs under section 166(b) to satisfy certain prevention of significant deterioration requirements under the CAA for the $PM_{2.5}$ NAAQS. This rule merely finds that Arkansas has not met that requirement. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector result from this action.

Additionally, because EPA has made a ''good cause'' that this action is not subject to notice-and-comment requirements under the APA or any other statute, it is not subject to sections 202 and 205 of the UMRA.

E. Executive Order 13132: Federalism

EO 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999), requires EPA to develop an accountable process to ensure ''meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.'' ''Policies that have federalism implications'' is defined in the EO to include regulations that have ''substantial direct effects on the States, or the relationship between

the national government and the States or on the distribution of power and responsibilities among the various levels of government.'' This final rule does not have federalism implications. It will not have substantial direct effects on the States, on the relationship between the national government and the States or on the distribution of power and responsibilities among the various levels of government, as specified in EO 13132. The CAA establishes the scheme whereby States take the lead in developing plans to meet the NAAQS. This rule will not modify the relationship of the States and EPA for purposes of developing programs to implement the NAAQS. Thus, EO 13132 does not apply to this rule.

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

EO 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 9, 2000), requires EPA to develop an accountable process to ensure ''meaningful and timely input by Tribal officials in the development of regulatory policies that have Tribal implications.'' This final rule does not have tribal implications, as specified in EO 13175. This rule responds to the requirement in the CAA for States to submit PSD SIPs under section 166(b) to satisfy certain prevention of significant deterioration requirements under the CAA for $PM_{2.5}$ NAAQS. No tribe is subject to the requirement to submit an implementation plan under section 166(b) within 21 months of promulgation of PSD regulations under section 166(a).

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

EPA interprets EO 13045 (62 FR 19885, April23, 1997) as applying only to those regulatory actions that concern health or safety risks, such that the analysis required under section 5–501 of the EO has the potential to influence the regulation. This action is not subject to EO 13045 because it merely finds that Wisconsin has failed to make a submission that is required under the CAA to implement the $PM_{2.5}$ NAAQS.

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

This rule is not a ''significant energy action'' as defined in EO 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001), because it is not likely to have a significant adverse effect on the supply, distribution or use of energy.

I. National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law No. 104–113, section 12(d) (15 U.S.C. 272 note), directs EPA to use voluntary consensus standards (VCS) in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impracticable. VCS are technical standards (e.g., materials specifications, test methods, sampling procedures and business practices) that are developed or adopted by VCS bodies. The NTTAA directs EPA to provide Congress, through OMB, explanations when the agency decides not to use available and applicable VCS. This action does not involve technical standards. Therefore, EPA did not consider the use of any VCS.

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

EO 12898 (59 FR 7629, February 16, 1994) establishes federal executive policy on environmental justice. Its main provision directs federal agencies, to the greatest extent practicable and permitted by law, to make environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies and activities on minority populations and low-income populations in the United States. EPA has determined that this final rule will not have disproportionately high and adverse human health or environmental effects on minority or low-income populations because it does not directly affect the level of protection provided to human health or the environment. This action is making a finding that the State of Wisconsin failed to submit a SIP revision that provides certain basic permitting requirements for the $PM_{2.5}$ NAAQS.

K. Congressional Review Act

The Congressional Review Act, 5 U.S.C. 801 et seq., as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. Section 808 allows the issuing agency to make any rule effective ''at such time as the Federal agency promulgating the rule determines'' if the agency makes a good cause finding that notice and public procedure is impracticable, unnecessary or contrary to the public interest. This determination must be supported by a brief statement. 5 U.S.C. 808(2). As stated previously, EPA has made such a good cause finding, including the reasons therefor, and established an effective date of August 11, 2014. EPA submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2). This rule will be effective August 11, 2014.

L. 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 10, 2014. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposed of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides.

Dated: July 28, 2014.

Susan Hedman,

Regional Administrator, Region 5.

[FR Doc. 2014–18827 Filed 8–8–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R10–OAR–2013–0708, FRL–9914–90–Region 10]

Approval and Promulgation of Implementation Plans; Idaho: Infrastructure Requirements for the 2010 Nitrogen Dioxide and 2010 Sulfur Dioxide National Ambient Air Quality Standards

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving the Idaho State Implementation Plan (SIP) as meeting the infrastructure requirements of the Clean Air Act (CAA) for the National Ambient Air Quality Standards (NAAQS) promulgated for nitrogen dioxide (NO_2) on January 22, 2010, and sulfur dioxide (SO_2) on June 2, 2010. Whenever a new or revised NAAQS is promulgated, the CAA requires states to submit a plan for the implementation, maintenance and enforcement of such NAAQS. The plan is required to address basic program elements, including but not limited to regulatory structure, monitoring, modeling, legal authority, and adequate resources necessary to implement, maintain and enforce the standards. These elements are referred to as infrastructure requirements.

DATES: This final rule is effective on September 10, 2014.

ADDRESSES: The EPA has established a docket for this action under Docket Identification No. EPA–R10–OAR–2013–0708. All documents in the docket are listed on the *http://www.regulations.gov* Web site. Although listed in the index, some information may not be publicly available, i.e., Confidential Business Information or other information the disclosure of which is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *http://www.regulations.gov* or in hard copy at EPA Region 10, Office of Air, Waste, and Toxics, AWT–107, 1200 Sixth Avenue, Seattle, Washington 98101. The EPA requests that you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday, 8:30 to 4:30, excluding Federal holidays.

FOR FURTHER INFORMATION CONTACT: Kristin Hall at: (206) 553–6357, *hall.kristin@epa.gov,* or the above EPA, Region 10 address.

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

Table of Contents

I. Background
II. Response to Comment
III. Final Action
IV. Statutory and Executive Order Reviews

I. Background

Section 110 of the CAA specifies the general requirements for states to submit SIPs to implement, maintain and enforce the NAAQS and the EPA's actions regarding approval of those SIPs. On September 16, 2013, Idaho made two SIP submissions to the EPA demonstrating that the Idaho SIP meets the infrastructure requirements of the CAA for the 2010 NO_2 and 2010 SO_2 NAAQS. Idaho's submissions addressed the following CAA section 110(a)(2) elements for the 2010 NO_2 and 2010 SO_2 NAAQS: (A), (B), (C), (D)(i)(II), (D)(ii), (E), (F), (G), (H), (J), (K), (L) and (M). On April 17, 2014, we proposed approval of Idaho's September 16, 2013, submissions (79 FR 21669). An explanation of the CAA requirements and implementing regulations that are met by these SIP submissions, a detailed explanation of the submissions, and the EPA's reasons for the proposed action were provided in the notice of proposed rulemaking on April 17, 2014, and will not be restated here (79 FR 21669). The public comment period for our proposed action ended on May 19, 2014, and we received one anonymous comment via the *www.regulations.gov* Web site.

II. Response to Comment

Comment: ''Due to the recent Supreme Court decision in *EME Homer City* v. *EPA,* the EPA should disapprove the State's submission with regard to Interstate Transport. This is because, due to the decision, a State's SIP is obligated to 'contain adequate provisions . . . prohibiting . . . any source or other type of emissions activity within the State from emitting any air pollutant in amounts which will . . . contribute significantly to nonattainment in, or interfere with maintenance by, any other State with respect to any' [such primary or secondary] NAAQS. Even though the lower court's stay of CSAPR may still be in effect, the fact remains that a state is required to submit something that addresses Interstate Transport. Since the State of Idaho did not submit anything for Interstate Transport the EPA is left with no other option than to disapprove the state's submission since it does not address Interstate Transport. Since this decision was handed down after this rule was published the EPA should withdraw this proposed rule and re-propose with a disapproval of the Interstate Transport section.''

Response: We disagree with the commenter. In this rulemaking the EPA is not taking any final action with respect to the provisions in CAA section 110(a)(2)(D)(i)(I), which address emissions that significantly contribute to nonattainment or interfere with maintenance of the NAAQS in any other state. Idaho did not make a SIP submission to address the requirements of CAA section 110(a)(2)(D)(i)(I) and thus there is no such submission upon which the EPA could take action under CAA section 110(k). The EPA did not propose to take any action with respect to Idaho's obligations pursuant to CAA section 110(a)(2)(D)(i)(I) and is not, in this rulemaking action, taking any such action. Further, the EPA could not, as the commenter urges, act to disapprove a SIP that has not been submitted to the EPA.

The EPA also disagrees with the commenters' assertion that the EPA should disapprove Idaho's submissions because they do not address the requirements of CAA section 110(a)(2)(D)(i)(I). Section 110(k)(3) of the CAA authorizes the EPA to approve a plan in full, disapprove it in full, or approve it in part and disapprove it in part, depending on the extent to which such plan meets the requirements of the CAA. This authority to approve the states' SIP submissions in separable parts was included in the 1990 Amendments to the CAA to overrule a decision in the Court of Appeals for the Ninth Circuit holding that the EPA could not approve individual measures in a plan submission without either approving or disapproving the plan as a whole. *See* S. Rep. No. 101–228, at 22, 1990 U.S.C.C.A.N. 3385, 3408 (discussing the express overruling of *Abramowitz* v. *U.S. EPA,* 832 F.2d 1071 (9th Cir. 1987)). The authority provided by the 1990 Amendments to act on particular plan revisions has been recognized by the Court of Appeals for the Ninth Circuit. *See Hall* v. *U.S. EPA,* 273 F.3d 1146 (9th Cir. August 29, 2001).

As such, the EPA interprets its authority under CAA section 110(k)(3) as affording the EPA the discretion to approve or conditionally approve individual elements of Idaho's

infrastructure SIP submissions for the 2010 NO_2 and 2010 SO_2 NAAQS, separate and apart from any action with respect to the requirements of CAA section 110(a)(2)(D)(i)(I) for the 2010 NO_2 and 2010 SO_2 NAAQS. The EPA views discrete infrastructure SIP requirements, such as the requirements of CAA section 110(a)(2)(D)(i)(I), as severable from the other infrastructure elements and interprets CAA section 110(k)(3) as allowing it to act on individual severable measures in a plan submission. In short, we believe we have discretion under CAA section 110(k) to act upon the various individual elements of the State's infrastructure SIP submittals, separately or together, as appropriate.

We note that the EPA is reviewing the recent Supreme Court case reversing and remanding the *EME Homer City* decision.[1] We are evaluating the opinion's impact on states' CAA section 110(a)(2)(D)(i)(I) obligations. We are working with state partners, including Idaho, to assess next steps to address interstate transport of pollution, including interstate transport SIP requirements for the 2010 NO_2 and 2010 SO_2 NAAQS.

II. Final Action

The EPA is approving the Idaho SIP as meeting the requirements of sections 110(a)(1) and (2) of the CAA for the 2010 NO_2 and 2010 SO_2 NAAQS. Specifically, we find that the Idaho SIP meets the following CAA section 110(a)(2) infrastructure elements for the 2010 NO_2 and 2010 SO_2 NAAQS: (A), (B), (C), (D)(i)(II), (D)(ii), (E), (F), (G), (H), (J), (K), (L), and (M). This action is being taken under section 110 of the CAA.

III. Statutory and Executive Order Reviews

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

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

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

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

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by October 10, 2014. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2)).

List of Subjects in 40 CFR Part 52

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

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

Dated: July 29, 2014.

Dennis J. McLerran,

Regional Administrator, Region 10.

40 CFR Part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart N—Idaho

■ 2. Section 52.670 is amended in paragraph (e) in the table entitled ''EPA-Approved Idaho Nonregulatory Provisions and Quasi-Regulatory Measures'' by adding two entries at the end to read as follows:

§ 52.670 Identification of plan.

* * * * *

(e) * * *

[1] On August 21, 2012, the U.S. Court of Appeals for the D.C. Circuit issued a decision vacating the Transport Rule, *see EME Homer City Generation, L.P.* v. *E.P.A.,* 696 F.3d 7 (D.C. Cir. 2012), and ordering the EPA to continue implementing CAIR in the interim. However, on April 29, 2014, the U.S. Supreme Court reversed and remanded the D.C. Circuit's ruling and upheld the EPA's approach in the Transport Rule. *EPA* v. *EME Homer City Generation, L.P.,* No. 12–1182, 572 U.S. ____slip op. (2014).

EPA-APPROVED IDAHO NONREGULATORY PROVISIONS AND QUASI-REGULATORY MEASURES

Name of SIP provision	Applicable geographic or non-attainment area	State submittal date	EPA approval date	Comments
* *	*	*	*	* *
Section 110(a)(2) Infrastructure Requirements for the 2010 NO_2 NAAQS.	State-wide	9/16/2013	8/11/2014 [Insert FR citation].	This action addresses the following CAA elements or portions thereof: 110(a)(2)(A), (B), (C), (D)(i)(II), (D)(ii), (E), (F), (G), (H), (J), (K), (L), and (M).
Section 110(a)(2) Infrastructure Requirements for the 2010 SO_2 NAAQS.	State-wide	9/16/2013	8/11/2014 [Insert FR citation].	This action addresses the following CAA elements or portions thereof: 110(a)(2)(A), (B), (C), (D)(i)(II), (D)(ii), (E), (F), (G), (H), (J), (K), (L), and (M).

[FR Doc. 2014–18810 Filed 8–8–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R05–2012–0567; FRL–9914–94–Region–5]

Approval and Promulgation of Air Quality Implementation Plans; Indiana; Indiana PSD Increments

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action to approve a component of a state implementation plan (SIP) submission from Indiana addressing EPA's requirements for the prevention of significant deterioration (PSD) program. The proposed rulemaking associated with today's final action was published on August 19, 2013.

DATES: This final rule is effective on September 10, 2014.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA–R05–OAR–2012–0567. All documents in the docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, e.g., Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly-available only in hard copy. Publicly-available docket materials are available either electronically in *www.regulations.gov* or in hard copy at the U.S. Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. This facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays. We recommend that you telephone Andy Chang at (312) 886–0258 before visiting the Region 5 office.

FOR FURTHER INFORMATION CONTACT: Andy Chang, Environmental Engineer, Attainment Planning and Maintenance Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–0258, *chang.andy@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document whenever ''we,'' ''us,'' or ''our'' is used, we mean EPA. This supplementary information section is arranged as follows:

I. What is the background of the SIP submissions?
A. What state SIP submissions does this rulemaking address?
B. Why did the state make these SIP submissions?
C. What is the scope of this rulemaking?
II. What action is EPA taking?
III. Statutory and Executive Order Reviews

I. What is the background of the SIP submissions?

A. What state SIP submissions does this rulemaking address?

This final rulemaking addresses a portion of a July 12, 2012, submission and a December 12, 2012, supplemental submission from the Indiana Department of Environmental Quality (IDEM). These submissions were made to satisfy certain EPA requirements for the state's PSD program.

B. Why did the state make these SIP submissions?

On October 20, 2010, EPA issued the final rule on the ''Prevention of Significant Deterioration (PSD) for Particulate Matter Less Than 2.5 Micrometers ($PM_{2.5}$)—Increments, Significant Impact Levels (SILs) and Significant Monitoring Concentration (SMC)'' (2010 NSR Rule). This rule established several components for making PSD permitting determinations for $PM_{2.5}$, including a system of ''increments'' which is the mechanism used to estimate significant deterioration of ambient air quality for a pollutant. These increments are codified in 40 CFR 51.166(c) and 40 CFR 52.21(c), and are included in the table below.

TABLE 1: $PM_{2.5}$ INCREMENTS ESTABLISHED BY THE 2010 NSR RULE IN MICROGRAMS PER CUBIC METER

	Annual arithmetic mean	24-hour max
Class I	1	2
Class II	4	9
Class III	8	18

On July 12, 2012, and supplemented on December 12, 2012, IDEM submitted revisions intended to address the increments established by the 2010 NSR Rule for incorporation into the SIP. Specifically, revisions to 326 IAC 2–2–6(b) contained the Federal increments for $PM_{2.5}$ for Class II areas.

C. What is the scope of this rulemaking?

On August 19, 2013, EPA proposed to approve various Clean Air Act (CAA) requirements, including Indiana's satisfaction of the infrastructure SIP requirements [1] for the 2008 ozone and 2008 lead National Ambient Air Quality Standards, Indiana's satisfaction of the state board requirements obligated by section 128 of the CAA, and Indiana's satisfaction of the PSD requirements obligated by the 2010 NSR Rule. Among these components was 326 IAC 2–2–6(b), which contains the Federally promulgated $PM_{2.5}$ increments for Class II areas in the state. Currently, there are no Class I or Class III areas in the state, and EPA did not receive any comments related to its proposed approval of this provision.[2]

II. What action Is EPA taking?

For the reasons discussed in our August 19, 2013, proposed rulemaking, EPA is taking final action to approve, as proposed, 326 IAC 2–2–6(b) into Indiana's SIP. Specifically, 326 IAC 2–2–6(b) contains the Federally promulgated $PM_{2.5}$ increments for Class II areas, pursuant to 40 CFR 51.166(c) and 40 CFR 52.21(c).

III. Statutory and Executive Order Reviews.

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the 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.

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

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by October 10, 2014. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

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

Dated: July 29, 2014.

Susan Hedman,

Regional Administrator, Region 5.

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.*

■ 2. In § 52.770 the table in paragraph (c) is amended by revising the entry for ''2–2–6'' to read as follows:

§ 52.770 Identification of plan.

* * * * *

(c) * * *

[1] The infrastructure SIP requirements are designed to ensure that the structural components of each state's air quality management program are adequate to meet the state's responsibilities under the CAA.

[2] EPA did receive an adverse comment related to Indiana's lack of increments for Class I and Class III areas. We will address this comment in a future rulemaking.

EPA-APPROVED INDIANA REGULATIONS

Indiana citation	Subject	Indiana effective date	EPA approval date	Notes
* * *	*	*	*	*
Rule 2. Prevention of Significant Deterioration (PSD) Requirements				
* * *	*	*	*	*
2–2–6	Increment consumption; requirements	7/11/2012	8/11/2014, [INSERT **Federal Register** CITATION].	(b) only
* * *	*	*	*	*

* * * * *

[FR Doc. 2014–18830 Filed 8–8–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2014–0142; FRL–9914–49–Region 3]

Approval and Promulgation of Air Quality Implementation Plans; Virginia; Revision to the Maintenance Plans for the Richmond 1990 1-Hour and Richmond-Petersburg 1997 8-Hour Ozone Maintenance Areas To Remove the Stage II Vapor Recovery Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking direct final action to approve a revision to the Virginia State Implementation Plan (SIP). The revision removes the Stage II vapor recovery program (Stage II) from the maintenance plans for the Richmond 1990 1-hour and Richmond-Petersburg 1997 8-hour ozone National Ambient Air Quality Standard (NAAQS) Maintenance Areas (Richmond Area or Area). The revision also includes an analysis that addresses the impact of the removal of Stage II from subject gasoline dispensing facilities (GDFs) in the Richmond Area. The analysis submitted by the Commonwealth of Virginia (Commonwealth) satisfies the requirements of section 110(l) of the Clean Air Act (CAA). EPA is approving this revision in accordance with the requirements of the CAA.

DATES: This rule is effective on October 10, 2014 without further notice, unless EPA receives adverse written comment by September 10, 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–2014–0142 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–2014–0142, 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–2012–0142. 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: Asrah Khadr, (215) 814–2071, or by email at *khadr.asrah@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

On November 12, 2013, the Commonwealth of Virginia submitted a formal revision to its SIP through the Virginia Department of Environmental Quality (VADEQ). The SIP revision consists of the removal of Stage II from the maintenance plans for the Richmond Area. The SIP revision also consists of an analysis demonstrating that the removal of Stage II from the Richmond Area maintenance plans will not cause any increase in emissions.

This analysis satisfies the requirements of section 110(l) of the CAA because it demonstrates that the removal of Stage II from the Richmond Area will not worsen air quality nor prevent maintenance of the NAAQS by the Area.

Stage II is a means of capturing gasoline vapors displaced during transfer of gasoline from the gasoline dispensing unit to the motor vehicle fuel tank during vehicle refueling at a (GDF). Stage II involves use of special refueling nozzles and coaxial hoses for vapor collection at each gasoline pump at a subject GDF. Gasoline vapors belong to a class of pollutants known as volatile organic compounds (VOC). These compounds along with nitrogen oxides (NO_X) are precursors to the formation of ozone. Stage II gasoline vapor recovery systems have been a required emission control measure in areas classified as serious, severe, and extreme for the ozone NAAQS.

With the amendment of the CAA in 1990, Stage II controls were required for moderate ozone areas, under CAA section 182(b)(3). However, under section 202(a)(6) of the CAA, 42 U.S.C. 7521(a)(6), the requirements of section 182(b)(3) no longer apply in moderate ozone nonattainment areas after EPA promulgated standards for onboard refueling vapor recovery (ORVR) as part of new motor vehicles' emission control systems. ORVR is a mechanism employed by vehicles to re-use the vapors in their gas tanks instead of allowing them to escape. Over time, non-ORVR vehicles continue to be replaced by ORVR-equipped vehicles. On May 16, 2012, EPA determined that ORVR technology is in widespread use throughout the U.S. vehicle fleet and waived the requirement for states to implement Stage II vapor recovery at GDFs in nonattainment areas classified as Serious or above for the ozone NAAQS (77 FR 28772). EPA determined that emission reductions from ORVR-equipped vehicles are essentially equal to and will soon surpass the emission reductions achieved by Stage II alone (77 FR 28772). EPA determined that a state previously required to implement a Stage II vapor recovery program may take appropriate action to remove the measure from its SIP (77 FR 28772).

The Richmond Area was designated as a moderate nonattainment area under the 1990 1-hour ozone NAAQS as well as the 1997 8-hour ozone NAAQS. On July 26, 1996, VADEQ submitted a redesignation request and maintenance plan because the air quality data was showing attainment of the 1990 1-hour ozone NAAQS. On November 17, 1997 (62 FR 61237), EPA approved the redesignation request and maintenance plan. On September 26, 2006, VADEQ submitted a redesignation request and maintenance plan because the air quality data was showing attainment of the 1997 8-hour ozone NAAQS. On June 1, 2007 (72 FR 30485), EPA approved the redesignation request and maintenance plan. Even though the 1990 1-hour ozone NAAQS was revoked on June 15, 2005, EPA's subsequent implementation rules for the 1997 8-hour ozone NAAQS retained the Stage II-related requirements under CAA section 182(b)(3), but only as they applied to the Area for the Area's classification for the 1-hour ozone NAAQS designation for the 8-hour ozone NAAQS. *See* 40 CFR 51.900(f). Therefore, the maintenance plans for both NAAQS contain provisions for the implementation of Stage II.

II. Summary of SIP Revision

The analysis submitted by VADEQ addresses the effects of removing Stage II from the Richmond Area. In accordance with section 110(l) of the CAA, the analysis demonstrates that the removal of Stage II from the Richmond Area will not interfere with the attainment or maintenance of the NAAQS. In this demonstration, VADEQ followed guidance provided by EPA in the following guidance document: *Guidance on Removing Stage II Gasoline Vapor Control Programs from State Implementation Plans and Assessing Comparable Measures.* The guidance document provided a method in which states could provide certain calculations showing that increased emissions from non-ORVR compatible Stage II would eventually negate benefits from the implementation of Stage II. Also, the guidance gave the states flexibility to provide additional or alternate analyses to EPA for consideration.

As recommended by the guidance, VADEQ calculated the area-wide VOC inventory emissions benefits from Stage II. These calculations demonstrate when the emissions increases from non-ORVR compatible Stage II would overtake emissions benefits from Stage II. The calculation results for the area-wide Stage II emissions reductions from year 2002 to 2020 are provided in Table 1. The results provided in Table 1 demonstrate that in 2016 there would no longer be a VOC emissions benefit from Stage II, or that the emissions benefit is negative. Virginia plans on removing the Stage II requirement on January 1, 2017. VADEQ also provided additional data and analyses demonstrating that Stage II has very little impact on VOC emissions in the Richmond Area and that modeling indicates that the formation of ozone in the Richmond Area is much more dependent on NO_X emissions than VOC emissions. A detailed summary of EPA's review and rationale for proposing to approve this SIP revision may be found in the Technical Support Document (TSD) prepared in support of this rulemaking action and is available on line at *http://www.regulations.gov,* Docket number EPA–R03–OAR–2014–0142.

TABLE 1—STAGE II EMISSIONS REDUCTIONS IN THE AREA-WIDE VOC INVENTORY

Year	Emissions reductions (tons per day VOC)
2002	2.17
2005	1.51
2008	0.87
2009	0.71
2010	0.55
2011	0.4
2012	0.28
2013	0.16
2014	0.07
2015	0.00
2016	−0.06
2017	−0.10
2018	−0.14
2020	−0.19

III. Final Action

EPA is approving the revision submitted by the Commonwealth of Virginia to remove Stage II from the maintenance plans for the Richmond Area. EPA is approving this revision because it was demonstrated that the removal of the Stage II requirement on January 1, 2017 will not cause any emissions increases that could interfere with the attainment or maintenance of the NAAQS, or otherwise interfere with any applicable requirement of the CAA. 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 10, 2014 without further notice unless EPA receives adverse comment by September 10, 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.

IV. 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.

V. 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 10, 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 approving the removal of Stage II from the Richmond Area maintenance plans may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Nitrogen dioxide, Ozone, Volatile organic compounds.

Dated: July 11, 2014.

William C. Early,

Acting Regional Administrator, Region III.

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 (e) is amended by revising the entries for ''Ozone Maintenance Plan, emissions inventory & contingency measures, Richmond Area'', and ''8-Hour Ozone Maintenance Plan and 2002 Base Year Emissions Inventory'' to read as follows:

§ 52.2420 Identification of plan.

* * * * *

(e) *EPA-approved non-regulatory and quasi-regulatory material*

Name of non-regulatory SIP revision	Applicable geographic area	State submittal date	EPA approval date	Additional explanation
*	* *	*	* *	*
Ozone Maintenance Plan, emissions inventory & contingency measures.	Richmond Area	7/26/96 11/12/13	11/17/97, 62 FR 61237 8/11/2014 [Insert **Federal Register** citation].	52.2465(c)(119) Removal of Stage II vapor recovery program. See section 52.2428.
*	* *	*	* *	*
8-Hour Ozone Maintenance Plan and 2002 Base Year Emissions Inventory.	Richmond-Petersburg VA Area.	9/18/06, 9/20/06, 9/25/06, 11/17/06, 2/13/07. 11/12/13	6/1/07, 72 FR 30485 8/11/2014 [Insert **Federal Register** citation].	The SIP effective date is 6/18/07. Removal of Stage II vapor recovery program. See section 52.2428.
*	* *	*	* *	*

■ 3. Section 52.2428 is amended by adding paragraph (i) to read as follows:

§ 52.2428 Control Strategy: Carbon monoxide and ozone.

* * * * *

(i) As of October 10, 2014, EPA approves the removal of the Stage II vapor recovery program from the maintenance plans for the Richmond 1990 1-Hour Ozone Maintenance Area and the Richmond-Petersburg 1997 8-Hour Ozone Maintenance Area.

[FR Doc. 2014–18620 Filed 8–8–14; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL MARITIME COMMISSION

46 CFR Part 502

[Docket No. 14–09]

RIN 3072–AC57

Informal Procedure for Adjudication of Small Claims

AGENCY: Federal Maritime Commission.

ACTION: Direct final rule; request for comments.

SUMMARY: The Federal Maritime Commission (Commission) amends its regulations concerning the adjudication of small claims filed with the Commission seeking reparations in the amount of $50,000 or less for violation of the Shipping Act of 1984. The rule transfers responsibility for the assignment of these claims from the Alternative Dispute Resolution Specialist to the Chief Administrative Law Judge.

DATES: This rule is effective November 7, 2014 without further action, unless significant adverse comment is received by September 8, 2014. If significant adverse comment is received, the Federal Maritime Commission will publish a timely withdrawal of the rule in the **Federal Register**.

ADDRESSES: Submit comments to: Karen V. Gregory, Secretary, Federal Maritime Commission, 800 North Capitol Street NW., Washington, DC 20573–0001, or email non-confidential comments to: *Secretary@fmc.gov* (email comments as attachments, preferably in Microsoft Word or PDF).

FOR FURTHER INFORMATION CONTACT: Karen V. Gregory, Secretary, Federal Maritime Commission, 800 North Capitol Street NW., Washington, DC 20573–0001, (202) 523–5725, Email: *Secretary@fmc.gov*.

SUPPLEMENTARY INFORMATION:

Submit Comments: Include in the subject line: Docket No. 14–09, Informal

Procedure for Adjudication of Small Claims. Non-confidential filings may be submitted in hard copy or as a Microsoft Word or PDF attachment addressed to *secretary@fmc.gov*. Confidential filings must be accompanied by a transmittal letter that identifies the filing as ''confidential'' and describes the nature and extent of the confidential treatment requested. Any comment that contains confidential information must consist of the complete filing and be marked by the filer as ''Confidential-Restricted,'' with the material claimed to be confidential clearly marked on each page. The Commission will provide confidential treatment to the extent allowed by law for submissions, or parts of submissions, for which the filer requests confidentiality. A public version must be submitted with the confidential version if applicable. Questions regarding filing or treatment of confidential responses to this notice should be directed to the Commission's Secretary, Karen V. Gregory, at the telephone number or email provided in this notice.

The Commission expects the amendments to be noncontroversial as they address the Commission's internal procedures. Therefore, pursuant to 5 U.S.C. 553, notice and comment are not required and this rule may become effective after publication in the **Federal Register** unless the Commission receives significant adverse comments within the specified period. The Commission recognizes that parties may have information that could impact the Commission's views and intentions with respect to the revised internal procedures, and the Commission intends to consider any comments filed. The Commission will withdraw the rule if it receives significant adverse comments. Filed comments that are not adverse may be considered for modifications to part 502 at a future date. If no significant adverse comment is received, the rule will become effective without additional action.

This direct final rule is not a ''major rule'' under 5 U.S.C. 804(2). No notice of proposed rulemaking is required; therefore, the provisions of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.,* do not apply.

Pursuant to Section 11(a) of the Shipping Act of 1984 (46 U.S.C. 41301(a)), a person may file a complaint with the Commission claiming a violation of the Shipping Act of 1984 and may seek reparations for an injury caused by the violation. With the consent of both parties, claims in the amount of $50,000 or less are decided without the necessity of formal procedures under the Commission's rules.

The current rules provide that claims less than $50,000 will be decided by a Settlement Officer appointed by the Commission's Alternative Dispute Resolution Specialist. The new rules provide that claims in the amount of $50,000 or less will be decided by a Small Claims Officer appointed by the Commission's Chief Administrative Law Judge.

List of Subjects in 46 CFR Part 502

Administrative practice and procedure, Claims, Equal access to justice, Investigations, Lawyers, Maritime carriers, Penalties, Reporting and recordkeeping requirements.

For the reasons stated in the preamble, the Federal Maritime Commission amends 46 CFR Part 502, Subpart S as follows:

PART 502—RULES OF PRACTICE AND PROCEDURE

■ 1. The authority citation for part 502 continues to read as follows:

Authority: 5 U.S.C. 504, 551, 552, 553, 556(c), 559, 561–569, 571–596; 5 U.S.C. 571–584; 18 U.S.C. 207; 28 U.S.C. 2112(a); 31 U.S.C. 9701; 46 U.S.C. 305, 40103–40104, 40304, 40306, 40501–40503, 40701–40706, 41101–41109, 41301–41309, 44101–44106; E.O. 11222 of May 8, 1965.

Subpart S—Informal Procedure for Adjudication of Small Claims

■ 2. Revise § 502.301(b) to read as follows:

§ 502.301 Statement of policy.

* * * * *

(b) With the consent of both parties, claims filed under this subpart in the amount of $50,000 or less will be decided by a Small Claims Officer appointed by the Federal Maritime Commission's Chief Administrative Law Judge, without the necessity of formal proceedings under the rules of this part. Authority to issue decisions under this subpart is delegated to the appointed Small Claims Officer.

* * * * *

§ 502.304 [Amended]

■ 3. Amend § 502.304 by:

■ a. In paragraphs (a), (d), (e), (g), and (h) removing the reference ''Settlement Officer'' and adding the reference ''Small Claims Officer'' in its place; and

■ b. In paragraphs (g) and (h) removing the reference ''Settlement Officer's'' and adding the reference ''Small Claims Officer's'' in its place.

Exhibit No. 1 to Subpart S of Part 502 [Amended]

■ 4. Amend Exhibit No. 1 to Subpart S, paragraph VII, by removing the reference ''Settlement Officer'' and adding the reference ''Small Claims Officer'' in its place.

Exhibit No. 2 to Subpart S of Part 502 [Amended]

■ 5. Amend Exhibit No. 2 to Subpart S, by removing the reference ''Settlement Officer'' and adding the reference ''Small Claims Officer'' in its place.

By the Commission.

Karen V. Gregory,

Secretary.

[FR Doc. 2014–18917 Filed 8–8–14; 8:45 am]

BILLING CODE 6730–01–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 541

[Docket No. NHTSA–2014–0059]

RIN 2127–AL50

Federal Motor Vehicle Theft Prevention Standard; Final Listing of 2015 Light Duty Truck Lines Subject to the Requirements of This Standard and Exempted Vehicle Lines for Model Year 2015

AGENCY: National Highway Traffic Safety Administration (NHTSA), U.S. Department of Transportation.

ACTION: Final rule.

SUMMARY: This final rule announces NHTSA's determination that there are no new model year (MY) 2015 light duty truck lines subject to the parts-marking requirements of the Federal motor vehicle theft prevention standard because they have been determined by the agency to be high-theft or because they have a majority of interchangeable parts with those of a passenger motor vehicle line. This final rule also identifies those vehicle lines that have been granted an exemption from the parts-marking requirements because the vehicles are equipped with antitheft devices determined to meet certain statutory criteria.

DATES: The amendment made by this final rule is effective August 11, 2014.

FOR FURTHER INFORMATION CONTACT: Ms. Rosalind Proctor, Consumer Standards Division, Office of International Policy, Fuel Economy and Consumer Programs, NHTSA, West Building, 1200 New

Jersey Avenue SE., (NVS–131, Room W43–302) Washington, DC 20590. Ms. Proctor's telephone number is (202) 366–4807. Her fax number is (202) 493–0073.

SUPPLEMENTARY INFORMATION: The theft prevention standard (49 CFR Part 541) applies to (1) all passenger car lines; (2) all multipurpose passenger vehicle (MPV) lines with a gross vehicle weight rating (GVWR) of 6,000 pounds or less; (3) low-theft light-duty truck (LDT) lines with a GVWR of 6,000 pounds or less that have major parts that are interchangeable with a majority of the covered major parts of passenger car or MPV lines; and (4) high-theft LDT lines with a GVWR of 6,000 pounds or less.

The purpose of the theft prevention standard is to reduce the incidence of motor vehicle theft by facilitating the tracing and recovery of parts from stolen vehicles. The standard seeks to facilitate such tracing by requiring that vehicle identification numbers (VINs), VIN derivative numbers, or other symbols be placed on major component vehicle parts. The theft prevention standard requires motor vehicle manufacturers to inscribe or affix VINs onto covered original equipment major component parts, and to inscribe or affix a symbol identifying the manufacturer and a common symbol identifying the replacement component parts for those original equipment parts, on all vehicle lines subject to the requirements of the standard.

Section 33104(d) provides that once a line has become subject to the theft prevention standard, the line remains subject to the requirements of the standard unless it is exempted under § 33106. Section 33106 provides that a manufacturer may petition annually to have one vehicle line exempted from the requirements of § 33104, if the line is equipped with an antitheft device meeting certain conditions as standard equipment. The exemption is granted if NHTSA determines that the antitheft device is likely to be as effective as compliance with the theft prevention standard in reducing and deterring motor vehicle thefts.

The agency annually publishes the names of those LDT lines that have been determined to be high theft pursuant to 49 CFR Part 541, those LDT lines that have been determined to have major parts that are interchangeable with a majority of the covered major parts of passenger car or MPV lines and those vehicle lines that are exempted from the theft prevention standard under section 33104. Appendix A to Part 541 identifies those LDT lines that are or will be subject to the theft prevention standard beginning in a given model year. Appendix A–I to Part 541 identifies those vehicle lines that are or have been exempted from the theft prevention standard.

For MY 2015, there are no new LDT lines that will be subject to the theft prevention standard in accordance with the procedures published in 49 CFR Part 542. Therefore, Appendix A does not need to be amended.

For MY 2015, the list of lines that have been exempted by the agency from the parts-marking requirements of Part 541 is amended to include nine vehicle lines newly exempted in full. The ten exempted vehicle lines are the BMW X4, Chrysler 200, Ford Fiesta, Subaru WRX, Cadillac SRX, Honda Accord, Jaguar Land Rover Discovery Sport, Nissan NV200 Taxi, Toyota Highlander and the Volkswagen Audi Q3.

Subsequent to publishing the July 23, 2013 final rule (See 78 FR 44030), the agency also granted two petitions for exemption in full to Porsche Cars North America, Inc., and Tesla Motors, Inc., for the Macan and Model X vehicle lines respectively, beginning with their MY 2014 vehicles.

We note that the agency also removes from the list being published in the **Federal Register** each year certain vehicles lines that have been discontinued more than 5 years ago. Therefore, the agency is removing the Mercury Sable, Ford Taurus X, Saturn Aura, Kia Amanti, and the Suzuki XL–7 vehicle lines from the Appendix A–I listing. The agency will continue to maintain a comprehensive database of all exemptions on our Web site. However, we believe that re-publishing a list containing vehicle lines that have not been in production for a considerable period of time is unnecessary.

The vehicle lines listed as being exempt from the standard have previously been exempted in accordance with the procedures of 49 CFR Part 543 and 49 U.S.C., 33106. Therefore, NHTSA finds for good cause that notice and opportunity for comment on these listings are unnecessary. Further, public comment on the listing of selections and exemptions is not contemplated by 49 U.S.C. Chapter 331. For the same reasons, since this revised listing only informs the public of previous agency actions and does not impose additional obligations on any party, NHTSA finds for good cause that the amendment made by this notice should be effective as soon as it is published in the **Federal Register**.

Regulatory Impacts

A. Executive Order 12866 and DOT Regulatory Policies and Procedures

Executive Order 12866, ''Regulatory Planning and Review'' (58 FR 51735, October 4, 1993), provides for making determinations whether a regulatory action is ''significant'' and therefore subject to Office of Management and Budget (OMB) review and to the requirements of the Executive Order. The Order defines a ''significant regulatory action'' as one that is likely to result in a rule that may:

(1) Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or Tribal governments or communities;

(2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

This final rule was not reviewed under Executive Order 12866. It is not significant within the meaning of the DOT Regulatory Policies and Procedures. It will not impose any new burdens on vehicle manufacturers. This document informs the public of previously granted exemptions. Since the only purpose of this final rule is to inform the public of previous actions taken by the agency no new costs or burdens will result.

B. Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980 (5 U.S.C. 601 et seq.) requires agencies to evaluate the potential effects of their rules on small businesses, small organizations and small governmental jurisdictions. I have considered the effects of this rulemaking action under the Regulatory Flexibility Act and certify that it would not have a significant economic impact on a substantial number of small entities. As noted above, the effect of this final rule is only to inform the public of agency's previous actions.

C. National Environmental Policy Act

NHTSA has analyzed this final rule for the purposes of the National Environmental Policy Act. The agency has determined that implementation of this action will not have any significant

impact on the quality of the human environment. Accordingly, no environmental assessment is required.

D. Executive Order 13132 (Federalism)

The agency has analyzed this rulemaking in accordance with the principles and criteria contained in Executive Order 13132 and has determined that it does not have sufficient federal implications to warrant consultation with State and local officials or the preparation of a federalism summary impact statement.

E. Unfunded Mandates Act

The Unfunded Mandates Reform Act of 1995 requires agencies to prepare a written assessment of the costs, benefits and other effects of proposed or final rules that include a Federal mandate likely to result in the expenditure by State, local or tribal governments, in the aggregate, or by the private sector, of more than $100 million annually ($120.7 million as adjusted annually for inflation with base year of 1995). The assessment may be combined with other assessments, as it is here.

This final rule will not result in expenditures by State, local or tribal governments or automobile manufacturers and/or their suppliers of more than $120.7 million annually. This document informs the public of previously granted exemptions. Since the only purpose of this final rule is to inform the public of previous actions taken by the agency, no new costs or burdens will result.

F. Executive Order 12988 (Civil Justice Reform)

Pursuant to Executive Order 12988, ''Civil Justice Reform'',[1] the agency has considered whether this final rule has any retroactive effect. We conclude that it would not have such an effect. In accordance with § 33118 when the Theft Prevention Standard is in effect, a State or political subdivision of a State may not have a different motor vehicle theft prevention standard for a motor vehicle or major replacement part. 49 U.S.C. 33117 provides that judicial review of this rule may be obtained pursuant to 49 U.S.C. 32909. Section 32909 does not require submission of a petition for reconsideration or other administrative proceedings before parties may file suit in court.

G. Paperwork Reduction Act

The Department of Transportation has not submitted an information collection request to OMB for review and clearance under the Paperwork reduction Act of 1995 (Pub.L. 104–13, 44 U.S.C. Chapter 35). This rule does not impose any new information collection requirements on manufacturers.

List of Subjects in 49 CFR Part 541

Administrative practice and procedure, Labeling, Motor vehicles, Reporting and recordkeeping requirements.

In consideration of the foregoing, 49 CFR Part 541 is amended as follows:

PART 541—[AMENDED]

■ 1. The authority citation for part 541 continues to read as follows:

Authority: 49 U.S.C. 33101, 33102, 33103, 33104, 33105 and 33106; delegation of authority at 49 CFR 1.50.

■ 2. In part 541, Appendix A–I is revised to read as follows:

Appendix A–I to Part 541—Lines With Antitheft Devices Which Are Exempted From the Parts-Marking Requirements of This Standard Pursuant to 49 CFR Part 543

Manufacturer	Subject lines
BMW	MINI.
	X1.
	X3.
	X4.[1]
	X5.
	Z4.
	1 Car Line.
	3 Car Line.
	4 Car Line.
	5 Car Line.
	6 Car Line.
	7 Car Line.
CHRYSLER	300C.
	Jeep Cherokee.
	Fiat 500.
	Town and Country MPV.
	Jeep Grand Cherokee.
	Jeep Patriot.
	Jeep Wrangler.
	Dodge Charger.
	Dodge Challenger.
	Dodge Dart.
	Dodge Journey.
	Dodge Magnum (2008).
FORD MOTOR CO.	C-Maxx.
	Edge.
	Escape.
	Explorer.
	Fiesta.[1]
	Focus.
	Fusion.
	Lincoln Town Car.
	Mustang.
	Mercury Mariner.
	Mercury Grand Marquis.
	Mercury Sable.
	Taurus.
	Taurus X.
GENERAL MOTORS.	Buick Lucerne.
	Buick LaCrosse.
	Buick Verano.
	Cadillac ATS.
	Cadillac CTS.
	Cadillac DTS/Deville.
	Cadillac SRX.[1]
	Cadillac XTS/Deville.
	Chevrolet Camaro.
	Chevrolet Cobalt (2005–2010).
	Chevrolet Corvette.
	Chevrolet Cruze.
	Chevrolet Equinox.
	Chevrolet Impala/Monte Carlo.
	Chevrolet Malibu.
	Chevrolet Sonic.
	GMC Terrain.
	Pontiac G6.
	Saturn Aura.
HONDA	Accord.[1]
	Civic.
	Acura TL.
HYUNDAI	Azera.
	Genesis.
	Equus (originally codenamed VI).
JAGUAR	F-Type.
	XJ.
	XK.
	Land Rover Discovery Sport.[1]
	Land Rover LR2.
	Land Rover Range Rover Evoque.
KIA	Amanti.
MASERATI	Quattroporte.
MAZDA	2.
	3.
	5.
	6.
	CX–5.
	CX–7.
	CX–9.
	MX–5 Miata.
	Tribute.
MERCEDES-BENZ.	smart USA fortwo.
	SL-Line Chassis (SL-Class).
	(the models within this line are):
	SL550.
	SL55.
	SL 63/AMG.
	SL 65/AMG.
	SLK-Line Chassis (SLK-Class).
	(the models within this line are):
	SLK 250.
	SLK 300.
	SLK 350.
	SLK 55 AMG.
	S-Line Chassis (S-Class/CL-Class).
	(the models within this line are):
	S450.
	S500.
	S550.
	S600.
	S55.
	S63 AMG.
	S65 AMG.
	CL55.

[1] *See* 61 FR 4729, February 7, 1996.

Manufacturer	Subject lines
	CL65.
	CL500.
	CL550.
	CL600.
	NGCC Chassis Line (CLA-Class).
	(the models within this line are):
	CLA250.
	CLA250 4MATIC.
	CLA45 4MATIC AMG.
	C-Line Chassis (C-Class/CLK/GLK-Class).
	(the models within this line are):
	C63 AMG.
	C240.
	C250.
	C300.
	C350.
	CLK 350.
	CLK 550.
	CLK 63AMG.
	GLK250.
	GLK350.
	E-Line Chassis (E-Class/CLS Class).
	(the models within this line are):
	E55.
	E63 AMG.
	E320 BLUETEC.
	E350 BLUETEC.
	E320/E320DT CDi.
	E350/E500/E550.
	E400 HYBRID.
	CLS500/CLS55.
MITSUBISHI	Eclipse.
	Endeavor.
	Galant.
	iMiEV.
	Lancer.
	Outlander.
	Outlander Sport.
	Mirage.
NISSAN	Altima.
	Cube.
	Juke.
	Leaf.
	Maxima.
	Murano.
	NV200 Taxi.[1]
	Pathfinder.
	Quest.
	Rogue.
	Sentra.
	Versa (2008–2011).
	Versa Hatchback.
	Versa Note.
	Infiniti G (2003–2013).
	Infiniti Q50/60.[3]
	Infiniti QX60.
	Infiniti M.
	Infiniti Q70.[4]
PORSCHE	911.
	Boxster/Cayman.
	Macan.[2]
	Panamera.
SAAB	9–3.
	9–5.
SUBARU	Forester.
	Impreza.
	Legacy.
	B9 Tribeca.
	Outback.
	WRX.[1]
	XV Crosstrek.
SUZUKI	Kizashi.
	XL–7.
TESLA	Model S.
	Model X.[2]
TOYOTA	Camry.
	Corolla.
	Highlander.[1]
	Lexus ES.
	Lexus GS.
	Lexus LS.
	Lexus SC.
	Prius.
	RAV4.
VOLKSWAGEN.	Audi A3.
	Audi A4.
	A4 Allroad MPV.
	Audi A6.
	Audi A8.
	Audi Q3.[1]
	Audi Q5.
	Beetle.
	Eos.
	Golf/Rabbit/GTI/R.
	Jetta.
	New Beetle (renamed "Beetle" in MY 2012).
	Passat.
	Tiguan.
VOLVO	S60.

[1] Granted an exemption from the parts marking requirements beginning with MY 2015.

[2] Granted an exemption from the parts marking requirements beginning with MY 2014.

[3] The nameplate for the Infiniti G vehicle line was changed to the Infiniti Q50/60 vehicle line beginning with MY 2014.

[4] The nameplate for the Infiniti M was changed to the Infiniti Q70 beginning with MY 2014.

Under authority delegated in 49 CFR part 1.95.

David M. Hines,

Acting Associate Administrator for Rulemaking.

[FR Doc. 2014–18663 Filed 8–8–14; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 130903775–4276–02]

RIN 0648–XD378

Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; Closure of the 2014 Trimester 2 Directed Longfin Squid Fishery

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS announces that the 2014 Trimester 2 longfin squid fishery is closed. Vessels issued a commercial Federal moratorium longfin squid permit may not possess or land more than an incidental amount of longfin squid for the remainder of Trimester 2. This action is necessary to prevent the fishery from exceeding its Trimester 2 quota and to allow for effective management of the stock. Regulations governing the longfin squid fishery require publication of this notification to advise permit holders that the fishery is closed.

DATES: Effective 0001 hours, August 11, 2014, through 2400 hours, August 31, 2014.

FOR FURTHER INFORMATION CONTACT: Peter Christopher, Supervisory Fishery Policy Analyst, 978–281–9288, Fax 978–281–9135.

SUPPLEMENTARY INFORMATION: Regulations governing the longfin squid fisheries are found at 50 CFR part 648. The regulations require specifications for maximum sustainable yield, initial optimum yield, allowable biological catch (ABC), domestic annual harvest (DAH), domestic annual processing, joint venture processing, and total allowable levels of foreign fishing for the species managed under the Atlantic Mackerel, Squid, and Butterfish Fishery Management Plan (FMP). The procedures for setting the annual initial specifications are described in § 648.22.

The longfin squid DAH for the 2014 fishing year (FY) is 21,810 mt, and is allocated into three trimesters: Trimester 1 (January 1–April 30) is allocated 43 percent of the quota (9,378 mt); Trimester 2 (May 1–August 31) is allocated 17 percent of the quota (3,708 mt); and Trimester 3 (September 1–December 31) is allocated 40 percent of the quota (8,724 mt) (79 FR 18834, April 4, 2014).

Due to an underharvest of quota in Trimester 1, NMFS adjusted the Trimester 2 quota from the initial quota of 3,708 mt to a new quota of 5,562 mt. Section 648.24 requires NMFS to close the directed longfin squid fishery in the EEZ, and reduce the possession limit for moratorium longfin squid permit holders, when 90 percent of the Trimester 2 quota (5,006 mt) is projected to be harvested. NMFS is required to notify the Executive Directors of the Mid-Atlantic, New England, and South Atlantic Fishery Management Councils; mail notification of the directed closure and subsequent possession limit

reduction to all moratorium longfin permit holders at least 72 hr before the effective date of the closure; provide adequate notice of the closure to recreational participants in the fishery; and publish notification of the closure in the **Federal Register**.

The Administrator, Greater Atlantic Region, NMFS, based on dealer reports and other available information, has determined that 90 percent of the Trimester 2 longfin quota for the 2014 fishing year will be harvested on August 11, 2014. Therefore, effective 0001 hours, August 11, 2014, the Trimester 2 directed longfin fishery is closed and vessels issued Federal moratorium permits for longfin are prohibited from possessing or landing more than 2,500 lb (1,134 kg) of longfin through August 31, 2014. The Trimester 3 longfin fishery will open at 0001 hours, September 1, 2014.

There is one exception for the 2,500 lb (1,134 kg) possession limit: A vessel with a longfin squid/butterfish moratorium permit that is on a directed *Illex* squid fishing trip (i.e., possesses more than 10,000 lb (4,536 kg) of *Illex* squid) and is seaward of the coordinates specified at § 648.23(a)(3) may possess up to 15,000 lb (6,804 kg) of longfin squid during the directed longfin squid fishery closure.

Classification

This action is required by 50 CFR part 648, and is exempt from review under Executive Order 12866.

The Assistant Administrator for Fisheries, NOAA, finds good cause pursuant to 5 U.S.C. 553(b)(B) to waive prior notice and the opportunity for public comment because it would be contrary to the public interest. This action closes the directed longfin fishery until September 1, 2014, under current regulations. The regulations at § 648.24 require such action to ensure that longfin vessels do not exceed the 2014 Trimester 2 quota. Data indicating the longfin fleet will have landed at least 90 percent of the 2014 Trimester 2 quota have only recently become available. If implementation of this closure is delayed to solicit prior public comment, the quota for Trimester 2 will be exceeded, thereby undermining the conservation objectives of the FMP.

The Assistant Administrator further finds, pursuant to 5 U.S.C. 553(d)(3), good cause to waive the 30-day delayed effectiveness period for the reasons stated above.

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

Dated: August 5, 2014.

Emily H. Menashes,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2014–18855 Filed 8–7–14; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 79, No. 154
Monday, August 11, 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.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

10 CFR Part 1708

Procedures for Safety Investigations

AGENCY: Defense Nuclear Facilities Safety Board.

ACTION: Second notice of proposed rule.

SUMMARY: The Defense Nuclear Facilities Safety Board (Board) published a proposed rule in the **Federal Register** (77 FR 44174) on July 27, 2012. The proposed rule established procedures for conducting preliminary and formal safety investigations of events or practices at Department of Energy (DOE) defense nuclear facilities that the Board determines have adversely affected, or may adversely affect, public health and safety. The Board's experience in conducting formal safety investigations necessitates codifying the procedures set forth in the final rule. Among other benefits, these procedures will ensure a more efficient investigative process, protect confidential and privileged safety information, and promote uniformity of future safety investigations. The rule also promotes public awareness through greater transparency in the conduct of Board investigations.

The Board's enabling legislation, 42 U.S.C. 2286 et seq., was amended on January 2, 2013, by the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2013. The amendments appeared before the final rule was published. This second notice of proposed rule incorporates changes necessitated by those amendments.

DATES: To be considered, comments must be mailed, emailed, or delivered to the address listed below on or before October 10, 2014.

FOR FURTHER INFORMATION CONTACT: John G. Batherson, Associate General Counsel, Defense Nuclear Facilities Safety Board, 625 Indiana Avenue NW., Suite 700, Washington, DC 20004, telephone (202) 694–7018, facsimile (202) 208–6518, email *JohnB@dnfsb.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

On July 27, 2012, the Board published a proposed rule in the **Federal Register** (77 FR 44174). The Board initially provided a 30-day public comment period for the proposed rule, and then extended the comment period an additional 30 days to September 26, 2012 (77 FR 51943). Subsequent to publication of the proposed rule and disposition of comments, but before the final rule was published, the NDAA for FY 2013 amended the Board's enabling legislation on January 2, 2013. One new provision, 42 U.S.C. 2286(c)(5), describes the authority of individual Board Members. This authority includes equal responsibility in establishing decisions and determining actions of the Board, full access to all information relating to the performance of the Board's functions, powers, and mission, and authority to have one vote. The NDAA amendments require the Board to further modify the proposed rule. These modifications will be described in further detail in Section V. below.

The Board is responsible for making recommendations to the Secretary of Energy and the President as the Board determines are necessary to ensure adequate protection of public health and safety at DOE defense nuclear facilities. The Board is vested with broad authority pursuant to 42 U.S.C. 2286a(b)(2) to investigate events or practices which have adversely affected, or may adversely affect, public health and safety at DOE's defense nuclear facilities. The Board is authorized to promulgate this final rule pursuant to its enabling legislation in the Atomic Energy Act of 1954, as amended, at 42 U.S.C. 2286b(c), which states that the Board may prescribe regulations to carry out its responsibilities. The final rule establishes a new Part 1708 in the Board's regulations, setting forth procedures governing the conduct of safety investigations.

It is imperative that Board investigators be able to obtain information from witnesses necessary to form an understanding of the underlying causes that adversely affect, or may adversely affect, public health and safety at DOE defense nuclear facilities. Frank communications are critical if Board investigators are to be effective. The Board must also be viewed as uncompromising in maintaining non-disclosure of privileged safety information. The Board must be able to assure complete confidentiality in order to encourage future witnesses to come forward.

The Board requires the discretion to offer individuals enforceable assurances of confidentiality in order to encourage their full and frank testimony. Without such authority, individuals may refrain from providing the Board with vital information affecting public health and safety, frustrating the efficient operation of the Board's oversight mission. To encourage candor and facilitate the free flow of information, the Board adopted in the proposed rule procedures to protect confidential statements from disclosure to the maximum extent permitted under existing law.

The Board received two formal comments on the July 27, 2012, proposed rule: An email comment from Mr. Richard L. Urie, dated September 4, 2012, and a letter from Mr. Eric Fygi, DOE Deputy General Counsel, dated September 26, 2012, submitted on behalf of DOE. The Board also became aware of additional commentary from Mr. Larry Brown, a former Board Member, published in the ''Weapons Complex Monitor.'' This commentary was not sent to the Board's contact point noticed in the proposed rule. However, the Board, in its discretion, has decided to treat this commentary as having been submitted directly to the Board as a comment. The Board has carefully considered each comment received, and has made modifications to the proposed rule in response where appropriate.

II. Email Comment From Mr. Richard L. Urie

Comment. The commenter stated that he submitted his comment in his personal capacity as a health and safety professional, and that he was not speaking on behalf of or for DOE. The commenter fully supports the concept of providing anonymity and formality in the investigative process. He alluded to raising significant safety issues in the past as a contractor and found the subsequent process to be demoralizing and punitive in nature. The commenter further suggested that raising safety issues, even with the best of intentions, nearly always negatively impacts both the individual and his or her family; such impacts disincentivize employees

to report safety issues. The commenter indicated he was a strong advocate of workers' rights to report or discuss relevant issues in a protected status, and that anything less is counterproductive to a mission oriented, proactive safety culture within any organization.

Response: The Board agrees with this comment. The Board's intent in promulgating the rule resonates with the commenter's support for anonymity and formality in the investigative process. The Board believes the final rule will address the concerns raised by the commenter by providing confidentiality to individuals and enhanced procedural processes in the conduct of safety investigations. No change to the proposed rule is needed in response to this comment.

III. Comments From the Department of Energy via Deputy General Counsel Eric Fygi

A comprehensive set of comments was received from Mr. Eric Fygi, DOE Deputy General Counsel. Each of the enumerated comments under this sub-heading is attributable to the commenter.

Comment 1. As a general matter, the Board is a public entity whose paramount mission is to provide recommendations to DOE relating to nuclear safety. However, the proposed rule would allow the Board to withhold information it collects during safety investigations and would place restrictive limits on the role of DOE's counsel in such investigations. The rule therefore runs counter to the Board's essential mission of providing information and recommendations to DOE and will likely have unintended, negative consequences. If there are safety matters to resolve, DOE is the entity responsible for taking swift and appropriate actions. By withholding information collected by the Board from DOE, the Board's proposed rule runs the very real risk of limiting the effectiveness of DOE's response to genuine safety issues.

Response: The comment fundamentally misconstrues the statutory structure that governs the Board's operations. It is true that one of the Board's principal functions is ''to provide recommendations to the Department of Energy relating to nuclear safety.'' In order to carry out this function, the Board must gather information. The Board collects information via examination of documents sent to it voluntarily and with the cooperation of DOE, imposition of reporting requirements on the Secretary of Energy, investigations, and public hearings. The Board's enabling act and the legislative history do not, however, assign to the Board the task of ''providing information'' to DOE. In the investigative context, the Board reviews all information it develops and may use the information to make recommendations to the Secretary. But the Board must first obtain all necessary information, which is the precise purpose of the proposed rule. In the event a safety investigation revealed information pertinent to a genuine safety issue, the Board would readily disclose such information consistent with its charter to ensure adequate protection of the public and worker health and safety. On the other hand, an investigation could conceivably not result in the discovery of new safety information of value to DOE. No change to the proposed rule is needed in response to this comment.

Comment 2: The proposed rule does not take account of existing, effective procedures through which safety concerns may be raised to DOE. DOE and its contractors provide numerous formal and informal processes by which employees may report safety concerns, including the Differing Professional Opinion process. DOE takes seriously its need to foster and support a fully effective ''Safety Conscious Work Environment,'' one where employees feel free to raise safety concerns to management without fear of reprisal. It is not clear that the Board's proposed rule is necessary or that it fully takes account of existing, effective procedures at DOE and its contractors.

Response: The Board is aware of the internal DOE procedures referred to in the comment. It is not clear how these procedures relate to the subject of the proposed rule regarding safety investigations conducted by the Board. The Board's enabling legislation states that the Board ''shall investigate any event or practice at a Department of Energy defense nuclear facility which the Board determines has adversely affected, or may adversely affect, public health and safety.'' The Board is not given the option of declining to do investigations of health and safety matters based on DOE's employee concerns reporting procedures. Moreover, DOE and contractor processes for protecting employees who report safety issues may not be completely effective. In the investigation preceding the Board's Recommendation 2011–1, *Safety Culture at the Waste Treatment and Immobilization Plant (WTP),* the Board found evidence that a DOE employee concerns program was not effective, and that technical dissent was being suppressed at the WTP project. Provisions in the Board's final rule designed to further enhance the confidentiality of employees who raise safety issues facilitate a healthier ''Safety Conscious Work Environment.'' No change to the proposed rule is needed in response to this comment.

Comment 3: DOE objects to any provisions that would purport to allow the Board or any Investigating Officer from barring counsel from a hearing room absent extraordinarily weighty grounds. Specifically, proposed § 1708.110(c) would authorize an Investigating Officer to exclude an attorney who represents multiple interests if the Investigating Officer has ''concrete evidence'' that the attorney's presence would ''obstruct or impede the safety investigation.'' DOE objects to this proposed provision to the extent it may be construed to exclude DOE counsel from being present during the testimony of multiple agency witnesses. As an initial matter, a DOE attorney appearing with DOE officers and employees does not have a ''possible conflict of interest'' to report because DOE counsel represents the interests of the agency and its officers and employees in their official capacities.

Response: In a safety investigation, testimony could be taken from DOE or contractor employees who have challenged management positions and fear corporate or agency reprisals. In such cases, representation by corporate counsel or DOE counsel may not be desired by the witness. If counsel is nonetheless present, such witnesses may say little or refuse to testify at all because the attorney may report the substance of the testimony to corporate or agency officials. For this reason, it is entirely appropriate for the Board to exclude a corporate or DOE attorney in certain cases where the ''concrete evidence'' standard is met. Moreover, there may come a point where a witness's or employee's interests may diverge from that of the employer or agency. Proposed § 1708.110(c) simply recognizes the contingency where potential or actual adverse interests may exist such that impartiality cannot be maintained consistent with the ''concrete evidence'' standard. No change to the proposed rule is needed in response to this comment.

Comment 4: The Nuclear Regulatory Commission (NRC), in promulgating a rule that contains a provision nearly identical to proposed § 1708.110(c), predicted that ''it will be a rare case in which there is actual proof that the multiple representation will seriously obstruct and impede the investigation.'' 57 FR 61,780, 61,783 (Dec. 29, 1992). That prediction was prescient: in the twenty years since the NRC's rule went

into effect, the agency has not once exercised its power to exclude counsel from a safety investigation. DOE contends that should the Board choose to maintain the ''concrete evidence'' language in the rule that it apply the standard in the same rigorous fashion as the NRC.

Response: The Board agrees that it will probably be a rare case where the ''concrete evidence'' standard is satisfied. However, as the commenter points out, this standard is one accepted by the courts in the Administrative Procedure Act (APA) context. See *Professional Reactor Operator Society* v. *Nuclear Regulatory Commission, 939 F.2d 1047 (D.C. Cir. 1991) and Security and Exchange Commission* v. *Frank Csapo, 533 F.2d 7 (D.C. Cir. 1976).* The Board agrees with the commenter's suggestion that the Board should apply rigor in the application of the standard should the situation ever arise. No change to the proposed rule is needed in response to this comment.

Comment 5: DOE recommends that the Board institute the same procedural protections that the NRC's rule provides, viz., the requirement that the Board issue a written statement of the reasons supporting any decision to exclude counsel, and provide for a delay of the hearing to permit the retention of new counsel. See 10 CFR 19.18.

Response: The Board agrees with the comment and has modified § 1708.110 of the rule accordingly, so that the Board must issue a verbal or written statement of the reasons supporting any decision to exclude counsel and provide for a delay of the hearing to permit the retention of new counsel.

Comment 6: Proposed § 1708.112(b) would authorize the Board to exclude from appearing before the Board any counsel found ''[t]o have engaged in obstructionism or contumacy.'' Unlike proposed § 1708.110(c), this provision has no counterpart in the NRC's regulations governing investigatory proceedings. Indeed, despite the NRC's critically important nuclear safety mission, that agency's regulations do not contemplate the exclusion of counsel from investigative proceedings on any grounds except for representation of multiple interests, as discussed above. The NRC's regulations governing adjudicatory proceedings—distinct from the investigative proceedings contemplated in the Board's proposed rule—do contain a provision authorizing the presiding officer to exclude any counsel ''who refuses to comply with its directions, or who is disorderly, disruptive, or engages in contemptuous conduct.'' 10 CFR 2.314(c). This authority has been exercised only on rare occasions, and only in the face of truly egregious misconduct.

Response: The commenter seems to be arguing that the Board's rules must track those used by NRC when NRC investigates licensees. The provision objected to has been utilized by other federal agencies with similar language. For example, the Chemical Safety and Hazard Investigation Board's (CSHIB) rule on attorney misconduct provides that persons conducting depositions have authority to take all necessary actions to avoid delay, obstructionism and contemptuous language. This same provision grants the CSHIB authority to exclude attorneys from participation in investigations if circumstances warrant. See 40 CFR 1610.1(a)(5). The Federal Energy Regulatory Commission's (FERC) rule on attorney misconduct has similar effect. A FERC investigating officer has authority to take all necessary action to regulate the course of a proceeding to avoid delay and prevent or restrain obstructionist or contumacious conduct or contemptuous language. Moreover, the Commission may suspend or bar counsel from further appearance before it, and may even exclude counsel from participation in an investigation if circumstances warrant. See 18 CFR 1b.16c(4). The Board's proposed § 1708.112(c) is similar to the misconduct provisions in both the CSHIB and FERC rules in that the Board may exclude or suspend persons from participation in safety investigations if those persons engage in obstructionist or contumacious conduct. The Board finds that the CSHIB and FERC provisions, in use for a considerable length of time, are suitable models and chooses not to employ NRC's more elaborate procedures, except as provided in response to Comments 8 and 9 below. No change to the proposed rule is needed in response to this comment.

Comment 7: Further, DOE asserts that proposed § 1708.112 does not provide any method to challenge an attorney's exclusion on the grounds of obstructionism or contumacy. If the Board does not remove this provision from its proposed rule, DOE recommends that the Board provide witnesses and their attorneys the ability to request a stay and review of any contumacy or obstructionism finding, similar to that which NRC grants to attorneys practicing before it in an adjudicatory setting.

Response: The Board chooses not to adopt the procedures used by NRC with respect to requesting a stay and review of contumacy or obstructionism findings. No change to the proposed rule is needed in response to this comment.

Comment 8: Proposed § 1708.112(b) does not require any statement (written or otherwise) of the reasons for the finding of ''obstructionism or contumacy.'' DOE recommends that if the provision is retained, the proposed rule require a written statement of reasons to be given at the time of the finding.

Response: The Board agrees with the comment and has created new § 1708.112(d) to include language that a statement, either verbal or written, of the reasons for a finding of ''obstructionism or contumacy'' will be given at the time of the finding.

Comment 9: While proposed § 1708.112(d) allows a witness whose counsel has been suspended or excluded to retain a replacement, DOE suggests that if retained, the rule specify that the witness will be allowed a reasonable time to obtain such a replacement.

Response: The Board agrees with the comment and has created new § 1708.112(e) to include language allowing a reasonable period of time to permit retention of new counsel.

Comment 10. Proposed § 1708.109 seeks to limit in various ways the grounds on which attorneys may raise objections at an investigative hearing. For example, it would prohibit counsel from objecting to any question unless it is deemed to be outside the scope of the investigation or would require the witness to reveal privileged information. See Proposed § 1708.109(c). It would also prohibit ''unnecessary objections,'' without providing guidance on what objections should be considered necessary and what should be considered unnecessary. Finally, it would preclude counsel from repeating an objection that has been made to a similar line of inquiry. See Proposed § 1708.109(e), (f). These prohibitions do not constitute the full range of acceptable and reasonable legal objections, and these limitations would necessarily infringe upon counsel's responsibility to zealously represent his or her client.

Response: The commenter misapprehends the purpose of testimony given in a Board safety investigation. Safety investigations are not APA proceedings designed to assemble an evidentiary record upon which rulemaking or adjudicatory decisions are based. Hearings in safety investigations conducted by the Board have only one purpose: To obtain as much relevant information as possible in a timely manner about the event or practice of concern. Counsel for a

witness is not present to ensure that strict rules of evidence are followed. To the contrary, formal rules of evidence do not apply in such proceedings. Investigative proceedings could easily be made ineffective by actions of counsel whose purpose is to impede the free giving of relevant testimony. The Board certainly recognizes that if the form of a question is confusing or could be misconstrued, counsel is encouraged to seek clarification from the Board. Additionally, the Board will not make inquiries into protected privileged communications between counsel and client. The Board is optimistic that if a hearing is convened pursuant to a safety investigation, it will be conducted in a mutually civil and cooperative manner. No change to the proposed rule is needed in response to this comment.

Comment 11: DOE also questions the Board's authority for withholding information from DOE based on a purported ''safety privilege,'' at proposed §§ 1708.104, 1708.114, and 1708.115. The proposed rule provides that information will be treated as ''safety privileged . . . to the extent permissible under existing law.'' Proposed § 1708.104; see also Background paragraph (safety privilege adopted ''to protect confidential witness statements to the maximum extent permitted under existing law''). However, no common law or statutory privilege exists to protect disclosure of information to DOE on the ground that it relates to safety.

Response: This comment appears to proceed from the assumption that DOE has a statutory right to request information from the Board, much as a private citizen has a statutory right to request disclosure of agency records under the Freedom of Information Act (FOIA). Such an assumption conflicts both with the Board's enabling legislation (which offers no such right) and with the Board's status as an independent federal agency within the executive branch. The Board need not cite a privilege in response to a DOE request because DOE has no statutory right to Board information. In the event a safety investigation revealed information pertinent to a genuine safety issue, the Board would readily disclose such information consistent with its charter to ensure adequate protection of the public and worker health and safety. Since the Board began operation, confidentiality of communications from concerned employees or the public has served both the Board and DOE in ensuring adequate protection of public health and safety. The rule's provisions on confidentiality are intended to be consistent with the Board's legal obligations with respect to compliance with the Freedom of Information Act, the Government in the Sunshine Act, or any procedures or requirements contained in the Board's regulations issued pursuant to those Acts. These statutes relate to public access to information, not access by other federal agencies.

With regard to public access to information, the U.S. Supreme Court has recognized that FOIA Exemption 5 encompasses a common law, safety-related privilege concerning promises of confidentiality given to complainants and witnesses interviewed during accident investigations. *United States* v. *Weber Aircraft Corp., 465 U.S. 792, 800 (1984); Machin* v. *Zuckert, 316 F.2d 336 (1963).* Indeed, DOE's Office of Hearings and Appeals (OHA) applied this privilege administratively in a FOIA appeal matter. *Department of Energy OHA Case No. TFA–0173 (March 29, 2007).* Acknowledging the need for confidentiality in safety investigations, OHA remarked that promises of confidentiality given to complainants and witnesses are critical to the effectiveness of investigations. No change to the proposed rule is needed in response to this comment.

Comment 12: In addition, the creation of a ''safety privilege,'' which would allow the Board to withhold from DOE information collected in its safety investigations, may have negative, unintended consequences. For example, proposed § 1708.115(b) provides that the report of the safety investigation is not releasable because it is protected by the safety privilege. By withholding this information from DOE as a matter of course, the Board's proposed rule runs the very real risk of limiting the effectiveness of DOE's response to genuine safety issues.

Response: As stated in the response to Comment 1, the Board will ensure that any safety information developed in an investigation that would assist DOE in effectively responding to a health and safety issue will be promptly provided. The Board reserves the right, however, to provide information without disclosing its sources. No change to the proposed rule is needed in response to this comment.

Comment 13: The Board's enabling statute, under the heading ''Powers of Board'' and the subheading ''Hearings,'' authorizes the Board or a member authorized by the Board to hold hearings and require, by subpoena or otherwise, the attendance and testimony of witnesses and the production of evidence. 42 U.S.C. 2286b(a)(1). Further, the Board's statute allows subpoenas to be issued only under the signature of the Chairman or any Member of the Board designated by him. 42 U.S.C. 2286b(a)(2)(A). Proposed § 1708.109, and in particular proposed § 1708.109(h) and (i), exceed the Board's statutory authority because under that authority, the Board may compel testimony or document productions only before the Board [as a whole] or a Member authorized by the Board. 42 U.S.C. 2286b(a)(1). The Board has no statutory authority to compel a witness to testify before Board staff or even a Board staff member designated as an ''Investigative Officer.''

Response: The Board accepts the comment and has modified the text of § 1708.109 to clarify that only the Board or designated Board Members may receive testimony and documents taken under compulsion of a subpoena issued by the Chairman or a Board Member authorized by the Chairman.

Comment 14: In the second paragraph of the Background section, the proposed rule references the Board's authority to investigate practices that affect ''health and safety of the public and workers at DOE defense nuclear facilities.'' DOE suggests striking the words ''and workers,'' as investigations into worker health and safety exceed the Board's statutory authority. See 42 U.S.C. 2286a.

Response: In its Annual Report to Congress for 1990 (Annual Report to Congress, Defense Nuclear Facilities Safety Board, February 1991) the Board stated:

> The Board's jurisdiction extends to ''public health and safety'' issues at ''United States Department of Energy defense nuclear facilities.'' 42 U.S.C. 2286a, 2286g. The various provisions of the statute and their attendant legislative history indicate that Congress generally intended the phrase ''public health and safety'' to be considered broadly. For example, both Congress and the Board have interpreted the public to include workers at defense nuclear facilities.

The Board's 1991 statement on jurisdiction had, and still has, sound support in case law. *Siegel* v. *Atomic Energy Commission, 400 F.2d 778 (D.C. Cir. 1968); Commonwealth of Massachusetts* v. *U.S. Nuclear Regulatory Commission, 708 F.3d 63 (1st Cir. 2013).* The Board has issued a number of recommendations aimed in whole or in part at the safety of workers at DOE's defense nuclear facilities. See, for example, Recommendations 90–6, 91–6, 92–7, 94–4, and 2010–1. DOE has accepted all of these recommendations either fully or, in the case of Recommendation 2010–1, partially. In no case has DOE rejected any part of a recommendation based on the argument made in this comment. In fact, DOE has

endorsed this interpretation of the Board's statute. For example, in Recommendation 92–7, ''*Training and Qualification,''* the Board stated:

> Since its inception, the Defense Nuclear Facilities Safety Board has emphasized that a well constructed and documented program for training and qualifying operations, maintenance, and technical support personnel and supervisors at defense nuclear facilities is an essential foundation of operations and maintenance and, hence, the safety and health of the public, *including the facility workers.* (Emphasis added).

Secretary James Watkins responded:

> Your recommendations in 92–7 are fully consistent with our ongoing initiatives, and consequently, I accept all elements of Recommendation 92–7.

As recently as May 27, 2011, Secretary Chu wrote to the Board in regard to Recommendation 2010–1:

> The clarifications you provided in your reaffirmation letter have furthered that dialogue, and will help guide our work to develop an Implementation Plan that satisfies our mutual objectives of ensuring that our requirements are clear, ensure adequate protection of the public, *workers* and the environment, and can be implemented as written. (Emphasis added).

The comment appears to be at odds with DOE's official, public position that the Board's health and safety jurisdiction extends to workers at defense nuclear facilities. No change to the proposed rule is needed in response to this comment.

IV. Comment From Mr. Larry Brown

Comment 1. The commenter's primary concern is that the rule is contrary to the principle of open and transparent government, and that the procedures grant to the Chairman unchecked power.

Response: With regard to transparency, the Board's objective is not to make its operations less transparent to the public, but to protect its sources and the content of confidential communications in safety investigations. It is unclear what the commenter is referring to in the context that the rule imparts to the Chairman ''unchecked power.'' With that said, the Board has modified the rule in such a way that complies with recent amendments to the Board's enabling legislation and addresses this comment. Specifically, the Board amended the rule to make clear that safety investigations will only be instituted by an order following a recorded notational vote of all Board Members, or after convening a meeting in accordance with the Government in the Sunshine Act of 1976 and voting in open or closed session. Hearings associated with safety investigations will be convened only after a recorded notational vote of all Board Members. Finally, subpoenas associated with safety investigation hearings will only be authorized by notational vote of the Board, and issued as authorized under the Board's enabling legislation—under signature of the Chairman or any Member of the Board designated by the Chairman.

V. Modifications to the Proposed Rule Resulting From Amendments to the Board's Statute

The NDAA for FY 2013 contained amendments to the Board's enabling legislation that require several changes to the proposed rule in addition to those changes resulting from the aforementioned comments. Section 1708.102(f) of the proposed rule is modified to clarify that following a notational vote, the Board may authorize a closed investigative hearing that grants all Board Members full participatory rights and access to all information relating to the matter under investigation. This modification satisfies the new language in the Board's statute at 42 U.S.C. 2286(c)(5)(B) that each Board Member shall have full access to information relating to the performance of the Board's functions, powers, and mission, including the investigation function. This provision also contemplates that all of the requirements of the Government in the Sunshine Act will be met for closed proceedings.

Section 1708.102(g) is also modified to add the word ''hearings'' after the words ''safety investigation.'' This change is made for two reasons. First, to clarify that issuance of subpoenas in safety investigations is authorized only where the hearing power is invoked during such investigations. In making this change, it is noted that the Board's hearing provision under 42 U.S.C. 2286b(a)(2)(C) states that in connection with issuance of a subpoena, a court may order ''such person to appear before the Board to produce evidence or to give testimony relating to the matter under investigation.'' This provision demonstrates that the Board's hearing provision contemplates convening hearings for investigations.

Moreover, § 1708.102(g) will now include language that subpoenas associated with safety investigation hearings will only be authorized after notational vote of the Board. The change is intended to satisfy 42 U.S.C. 2286(c)(5)(A), which provides that each Board member shall have equal responsibility and authority in establishing decisions and determining actions of the Board. Issuance of the subpoena remains the exclusive authority of the Chairman pursuant to 42 U.S.C. 2286b(a)(2)(A), unless the Chairman designates another Board Member with that authority.

Finally, a new provision in the proposed rule, § 1708.102(h), is added to recognize 42 U.S.C. 2286(c)(5)(A) and (C). These provisions, when read together, provide that before the Board establishes a decision or determines an action the Board must take a notational vote on that decision or action with each Board Member having one vote. Consequently, § 1708.102(h) mandates that the Board will conduct a notational vote before making any decision or taking any action authorized under the procedures in the proposed rule.

Matters of Regulatory Procedure

Regulatory Flexibility Act

For purposes of the Regulatory Flexibility Act, the rule will not have a significant economic impact on a substantial number of small entities. The rule addresses only the procedures to be followed in safety investigations. Accordingly, the Board has determined that a Regulatory Flexibility Analysis is not required.

Unfunded Mandates Reform Act

For purposes of the Unfunded Mandates Reform Act of 1995, the rule would not significantly or uniquely affect small governments and would not result in increased expenditures by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more (as adjusted for inflation).

Executive Order 12866

In issuing this regulation, the Board has adhered to the regulatory philosophy and the applicable principles of regulation as set forth in section 1 of Executive Order 12866, Regulatory Planning and Review. This rule has not been reviewed by the Office of Management and Budget under that Executive Order since it is not a significant regulatory action within the meaning of the Executive Order.

Executive Order 12988

The Board has reviewed this regulation in light of section 3 of Executive Order 12988, Civil Justice Reform, and certifies that it meets the applicable standards provided therein.

Paperwork Reduction Act

The Paperwork Reduction Act does not apply because this regulation does not contain information collection requirements that require approval by the Office of Management and Budget.

The Board expects the collection of information that is called for by the regulation would involve fewer than 10 persons each year.

Congressional Review Act

The Board has determined that this rulemaking does not involve a rule within the meaning of the Congressional Review Act.

List of Subjects in 10 CFR Part 1708

Administrative practice, Procedure, and Safety investigations.

For the reasons set forth in the preamble, the Defense Nuclear Facilities Safety Board proposes to add Part 1708 to 10 CFR chapter XVII to read as follows:

PART 1708—PROCEDURES FOR SAFETY INVESTIGATIONS

Sec.

1708.100 Authority to conduct safety investigations.
1708.101 Scope and purpose of safety investigations.
1708.102 Types of safety investigations.
1708.103 Request to conduct safety investigations.
1708.104 Confidentiality of safety investigations and privileged safety information.
1708.105 Promise of confidentiality.
1708.106 Limitation on participation.
1708.107 Powers of persons conducting formal safety investigations.
1708.108 Cooperation: Ready access to facilities, personnel, and information.
1708.109 Rights of witnesses in safety investigations.
1708.110 Multiple interests.
1708.111 Sequestration of witnesses.
1708.112 Appearance and practice before the Board.
1708.113 Right to submit statements.
1708.114 Official transcripts.
1708.115 Final report of safety investigation.
1708.116 Procedure after safety investigations.

Authority: 42 U.S.C. 2286b(c); 42 U.S.C. 2286a(b)(2); 44 U.S.C. 3101–3107, 3301–3303a, 3308–3314.

§ 1708.100 Authority to conduct safety investigations.

(a) The Defense Nuclear Facilities Safety Board (Board) is an independent federal agency in the executive branch of the United States Government.

(b) The Board's enabling legislation authorizes it to conduct safety investigations pursuant to the Atomic Energy Act of 1954, as amended (42 U.S.C. 2286a(b)(2)).

§ 1708.101 Scope and purpose of safety investigations.

(a) The Board shall investigate any event or practice at a Department of Energy defense nuclear facility which the Board determines has adversely affected, or may adversely affect, public health and safety.

(b) The purpose of any Board investigation shall be:

(1) To determine whether the Secretary of Energy is adequately implementing standards (including all applicable Department of Energy orders, regulations, and requirements) at Department of Energy defense nuclear facilities;

(2) To ascertain information concerning the circumstances of such event or practice and its implications for such standards;

(3) To determine whether such event or practice is related to other events or practices at other Department of Energy defense nuclear facilities; and

(4) To provide to the Secretary of Energy such recommendations for changes in such standards or the implementation of such standards (including Department of Energy orders, regulations, and requirements) and such recommendations relating to data or research needs as may be prudent or necessary.

§ 1708.102 Types of safety investigations.

(a) The Board may initiate a preliminary safety inquiry or order a formal safety investigation.

(b) A preliminary safety inquiry means any inquiry conducted by the Board or its staff, other than a formal investigation. Where it appears from a preliminary safety inquiry that a formal safety investigation is appropriate, the Board's staff will so recommend to the Board.

(c) A formal safety investigation is instituted by an Order of Safety Investigation issued either after a recorded notational vote of Board Members or after convening a meeting in accordance with the Government in the Sunshine Act and voting in open or closed session, as the case may be.

(d) Orders of Safety Investigations will outline the basis for the investigation, the matters to be investigated, the Investigating Officer(s) designated to conduct the investigation, and their authority.

(e) The Office of the General Counsel shall have primary responsibility for conducting and leading a formal safety investigation. The Investigating Officer(s) shall report to the Board.

(f) Following a notational vote and in accordance with the Government in the Sunshine Act, the Board or an individual Board Member authorized by the Board may hold such closed or open hearings and sit and act at such times and places, and require the attendance and testimony of such witnesses and the production of such evidence as the Board or an authorized member may find advisable, or exercise any other applicable authority as provided in the Board's enabling legislation. Each Board Member shall have full access to all information relating to the matter under investigation, including attendance at closed hearings.

(g) Subpoenas in formal safety investigation hearings may be issued by the Chairman only after a notational vote of the Board. The Chairman may designate another Board Member to issue a subpoena. Subpoenas shall be served by any person designated by the Chairman, or otherwise as provided by law.

(h) A determination of a decision or action authorized to the Board by these procedures shall only be made after a notational vote of the Board with each Board Member having one vote.

§ 1708.103 Request to conduct safety investigations.

(a) Any person may request that the Board perform a preliminary safety inquiry or conduct a formal safety investigation concerning a matter within the Board's jurisdiction.

(b) Actions the Board may take regarding safety investigation requests are discretionary.

(c) The Board will offer to protect the identity of a person requesting a safety investigation to the maximum extent permitted by law.

(d) Board safety investigations are wholly administrative and investigatory in nature and do not involve a determination of criminal culpability, adjudication of rights and duties, or other quasi-judicial determinations.

§ 1708.104 Confidentiality of safety investigations and privileged safety information.

(a) Information obtained during the course of a preliminary safety inquiry or a formal safety investigation may be treated as confidential, safety privileged, and non-public by the Board and its staff, to the extent permissible under existing law. The information subject to this protection includes but is not limited to: Identity of witnesses; recordings; statements; testimony; transcripts; emails; all documents, whether or not obtained pursuant to Board subpoena; any conclusions based on privileged safety information; any deliberations or recommendations as to policies to be pursued; and all other related investigative proceedings and activities.

(b) The Board shall have the discretion to assert the safety privilege when safety information, determined by

the Board as protected from release, is sought by any private or public governmental entity or by parties to litigation who attempt to compel its release.

(c) Nothing in this section voids or otherwise displaces the Board's legal obligations with respect to the Freedom of Information Act, the Government in the Sunshine Act, or any procedures or requirements contained in the Board's regulations issued pursuant to those Acts.

§ 1708.105 Promise of confidentiality.

(a) The Investigating Officer(s) may give a promise of confidentiality to any individual who provides evidence for a safety inquiry or investigation to encourage frank communication.

(b) A promise of confidentiality must be explicit.

(c) A promise of confidentiality must be documented in writing.

(d) A promise of confidentiality may be given only as needed to ensure forthright cooperation of a witness and may not be given on a blanket basis to all witnesses.

(e) A promise of confidentiality must inform the witness that it applies only to information given to the Investigating Officer(s) and not to the same information if given to others.

§ 1708.106 Limitation on participation.

(a) A safety investigation under this rule is not a judicial or adjudicatory proceeding.

(b) No person or entity has standing to intervene or participate as a matter of right in any safety investigation under this regulation.

§ 1708.107 Powers of persons conducting formal safety investigations.

The Investigating Officer(s) appointed by the Board may take informal or formal statements, interview witnesses, take testimony, request production of documents, recommend issuance of subpoenas, recommend taking of testimony in a closed forum, recommend administration of oaths, and otherwise perform any lawful act authorized under the Board's enabling legislation in connection with any safety investigation ordered by the Board.

§ 1708.108 Cooperation: Ready access to facilities, personnel, and information.

(a) Section 2286c(a) of the Atomic Energy Act of 1954, as amended, requires the Department of Energy to fully cooperate with the Board and provide the Board with ready access to such facilities, personnel, and information as the Board considers necessary, including ready access in connection with a safety investigation.

(b) Each contractor operating a Department of Energy defense nuclear facility under a contract awarded by the Secretary is also required, to the extent provided in such contract or otherwise with the contractor's consent, to fully cooperate with the Board and provide the Board with ready access to such facilities, personnel, and information of the contractor as the Board considers necessary in connection with a safety investigation.

(c) The Board may make a written request to persons or entities relevant to the safety investigation to preserve pertinent information, documents, and evidence, including electronically stored information, in order to preclude alteration or destruction of that information.

§ 1708.109 Rights of witnesses in safety investigations.

(a) Any person who is compelled to appear in person to provide testimony or produce documents in connection with a safety investigation is entitled to be accompanied, represented, and advised by an attorney. Subpoenas in safety investigations shall issue only under signature of the Chairman or any Member of the Board designated by the Chairman. Attendance and testimony shall be before the Board or a Member authorized by the Board.

(b) If an executive branch agency employee witness is represented by counsel from that same agency, counsel shall identify who counsel represents to determine whether counsel represents multiple interests in the safety investigation.

(c) Counsel for a witness may advise the witness with respect to any question asked where it is claimed that the testimony sought from the witness is outside the scope of the safety investigation, or that the witness is privileged to refuse to answer a question or to produce other evidence. For these permissible objections, the witness or counsel may object on the record to the question and may state briefly and precisely the grounds therefore. If the witness refuses to answer a question, then counsel may briefly state on the record that counsel has advised the witness not to answer the question and the legal grounds for such refusal. The witness and his or her counsel shall not otherwise object to or refuse to answer any question, and they shall not otherwise interrupt any oral examination.

(d) When it is claimed that the witness has a privilege to refuse to answer a question on the grounds of self-incrimination, the witness must assert the privilege personally.

(e) Any objections made during the course of examination will be treated as continuing objections and preserved throughout the further course of testimony without the necessity for repeating them as to any similar line of inquiry.

(f) Counsel for a witness may not interrupt the examination by making any unnecessary objections or statements on the record.

(g) Following completion of the examination of a witness, such witness may make a statement on the record, and that person's counsel may, on the record, question the witness to enable the witness to clarify any of the witness's answers or to offer other evidence.

(h) The Board or any Member authorized by the Board shall take all measures necessary to regulate the course of an investigative proceeding to avoid delay and prevent or restrain obstructionist or contumacious conduct or contemptuous language.

(i) If the Board or any Member authorized by the Board finds that counsel for a witness, or other representative, has refused to comply with his or her directions, or has engaged in obstructionism or contumacy, the Board or Member authorized by the Board may thereupon take action as the circumstances may warrant.

(j) Witnesses appearing voluntarily do not have a right to have counsel present during questioning, although the Board or Member authorized by the Board, in consultation with the Office of the General Counsel, may permit a witness appearing on a voluntary basis to be accompanied by an attorney or non-attorney representative.

§ 1708.110 Multiple interests.

(a) If counsel representing a witness appears in connection with a safety investigation, counsel shall state on the record all other persons or entities counsel represents in that investigation.

(b) When counsel does represent more than one person or entity in a safety investigation, counsel shall inform the Investigating Officer(s) and each client of counsel's possible conflict of interest in representing that client.

(c) When an Investigating Officer(s), or the Board, as the case may be, in consultation with the Board's General Counsel, has concrete evidence that the presence of an attorney representing multiple interests would obstruct or impede the safety investigation, the Investigating Officer(s) or the Board may prohibit that attorney from being present during testimony.

(d) The Board shall issue a written statement of the reasons supporting a decision to exclude counsel under this section within five working days following exclusion. The Board shall also delay the safety investigation for a reasonable period of time to permit retention of new counsel.

§ 1708.111 Sequestration of witnesses.

(a) Witnesses shall be sequestered during interviews, or during the taking of testimony, unless otherwise permitted by the Investigating Officer(s) or by the Board, as the case may be.

(b) No witness, or counsel accompanying any such witness, shall be permitted to be present during the examination of any other witness called in such proceeding, unless permitted by the Investigating Officer(s) or the Board, as the case may be.

§ 1708.112 Appearance and practice before the Board.

(a) Counsel appearing before the Board or the Investigating Officer(s) must conform to the standards of ethical conduct required of practitioners before the Courts of the United States.

(b) The Board may suspend or deny, temporarily or permanently, the privilege of appearing or practicing before the Board in any way to a person who is found:

(1) Not to possess the requisite qualifications to represent others; or

(2) To have engaged in unethical or improper professional conduct; or

(3) To have engaged in obstructionism or contumacy before the Board; or

(4) To be otherwise not qualified.

(c) Obstructionist or contumacious conduct in an investigation before the Board or the Investigating Officer(s) will be grounds for exclusion of any person from such safety investigation proceedings and for summary suspension for the duration of the investigation.

(d) At the time of the finding the Board shall issue a verbal or written statement of the reasons supporting a decision to suspend or exclude counsel for obstructionism or contumacy.

(e) A witness may have a reasonable amount of time to retain replacement counsel if original counsel is suspended or excluded.

§ 1708.113 Right to submit statements.

At any time during the course of an investigation, any person may submit documents, statements of facts, or memoranda of law for the purpose of explanation or further development of the facts and circumstances relevant to the safety matter under investigation.

§ 1708.114 Official transcripts.

(a) Official transcripts of witness testimony, whether or not compelled by subpoena to appear before a Board safety investigation, shall be recorded either by an official reporter or by any other person or means designated by the Investigating Officer(s) or the Board's General Counsel.

(b) Such witness, after completing the compelled testimony, may file a request with the Board's General Counsel to procure a copy of the official transcript of that witness's testimony. The General Counsel shall rule on the request, and may deny for good cause.

(c) Good cause for denying a witness's request to procure a transcript may include, but shall not be limited to, the protection of a trade secret, non-disclosure of confidential or proprietary business information, security-sensitive operational or vulnerability information, safety privileged information, or the integrity of Board investigations.

(d) Whether or not a request is made, the witness and his or her attorney shall have the right to inspect the official transcript of the witness's own testimony, in the presence of the Investigating Officer(s) or his designee, for purposes of conducting errata review.

(e) Transcripts of testimony are otherwise considered confidential and privileged safety information, and in no case shall a copy or any reproduction of such transcript be released to any other person or entity, except as provided in paragraph (b) above or as required under the Freedom of Information Act or the Government in the Sunshine Act, or any procedures or requirements contained in Board regulations issued pursuant to those Acts.

§ 1708.115 Final report of safety investigation.

(a) The Board will complete a final report of the safety investigation fully setting forth the Board's findings and conclusions.

(b) The final report of the safety investigation is confidential and protected by the safety privilege, and is therefore not releasable.

(c) The Board, in its discretion, may sanitize the final report of the safety investigation by redacting confidential and safety privileged information so that the report is put in a publically releasable format.

(d) Nothing in this section voids or otherwise displaces the Board's legal obligations with respect to compliance with the Freedom of Information Act, the Government in the Sunshine Act, or any procedures or requirements contained in the Board's regulations issued pursuant to those Acts.

§ 1708.116 Procedure after safety investigations.

(a) If a formal safety investigation results in a finding that an event or practice has adversely affected, or may adversely affect, public health and safety, the Board may take any appropriate action authorized to it under its enabling statute, including, but not limited to, making a formal recommendation to the Secretary of Energy, convening a hearing, or establishing a reporting requirement.

(b) If a safety investigation yields information relating to violations of federal criminal law involving government officers and employees, the Board shall expeditiously refer the matter to the Department of Justice for disposition.

(c) If in the course of a safety investigation, a safety issue or concern is found to be outside the Board's jurisdiction, that safety issue or concern shall be referred to the appropriate entity with jurisdiction for disposition.

(d) Statements made in connection with testimony provided to the Board in an investigation are subject to the provisions of 18 U.S.C. 1001.

Dated: August 6, 2014.

Peter S. Winokur,

Chairman.

[FR Doc. 2014–18575 Filed 8–8–14; 8:45 am]

BILLING CODE 3670–01–P

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 701

RIN 3133–AE39

Federal Credit Union Ownership of Fixed Assets

AGENCY: National Credit Union Administration (NCUA).

ACTION: Notice of proposed rulemaking.

SUMMARY: The NCUA Board (Board) proposes to amend its regulation governing federal credit union (FCU) ownership of fixed assets to provide regulatory relief and to help FCUs better manage their fixed assets. The proposed rule provides greater flexibility to FCUs by removing the waiver requirement for FCUs to exceed the five percent aggregate limit on investments in fixed assets. An FCU that chooses to exceed the five percent aggregate limit may do so without prior NCUA approval, provided it implements a fixed assets management (FAM) program that

demonstrates appropriate pre-acquisition analysis to ensure the FCU can afford any impact on earnings and net worth levels. An FCU's FAM program is subject to supervisory scrutiny and must provide for close ongoing oversight of fixed assets levels and their effect on the financial performance of the FCU. It must also include a written policy that sets an FCU board-established limit on the aggregate amount of the FCU's fixed assets. In addition, the proposal simplifies the partial occupancy requirement for premises acquired for future expansion.

DATES: Comments must be received on or before October 10, 2014.

ADDRESSES: You may submit comments by any of the following methods (Please send comments by one method only):

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *NCUA Web site: http://www.ncua.gov/RegulationsOpinionsLaws/proposed_regs/proposed_regs.html.* Follow the instructions for submitting comments.
- *Email:* Address to *regcomments@ncua.gov.* Include ''[Your name] Comments on Notice of Proposed Rulemaking for Part 701, FCU Ownership of Fixed Assets'' in the email subject line.
- *Fax:* (703) 518–6319. Use the subject line described above for email.
- *Mail:* Address to Gerard Poliquin, Secretary of the Board, National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314–3428.
- *Hand Delivery/Courier:* Same as mail address.

Public Inspection: You may view all public comments on NCUA's Web site at *http://www.ncua.gov/Legal/Regs/Pages/PropRegs.aspx* as submitted, except for those we cannot post for technical reasons. NCUA will not edit or remove any identifying or contact information from the public comments submitted. You may inspect paper copies of comments in NCUA's law library at 1775 Duke Street, Alexandria, Virginia 22314, by appointment weekdays between 9 a.m. and 3 p.m. To make an appointment, call (703) 518–6546 or send an email to *OGCMail@ncua.gov.*

FOR FURTHER INFORMATION CONTACT: Pamela Yu, Senior Staff Attorney, Office of General Counsel, at the above address or telephone (703) 518–6540, or Jacob McCall, Program Officer, Office of Examination and Insurance, at the above address or telephone (703) 518–6360.

SUPPLEMENTARY INFORMATION:

I. Background
II. Summary of the Proposed Rule
III. Regulatory Procedures

I. Background

The Federal Credit Union Act (FCU Act) authorizes an FCU to purchase, hold, and dispose of property necessary or incidental to its operations.[1] NCUA's fixed assets rule interprets and implements this provision of the FCU Act.[2] NCUA's current fixed assets rule: (1) Limits FCU investments in fixed assets; (2) establishes occupancy, planning, and disposal requirements for acquired and abandoned premises; and (3) prohibits certain transactions.[3] Under the current rule, fixed assets are defined as premises, furniture, fixtures, and equipment, including any office, branch office, suboffice, service center, parking lot, facility, real estate where a credit union transacts or will transact business, office furnishings, office machines, computer hardware and software, automated terminals, and heating and cooling equipment.[4]

A. Why is NCUA proposing this rule?

Executive Order 13579 provides that independent agencies, including NCUA, should consider if they can modify, streamline, expand, or repeal existing regulations to make their programs more effective and less burdensome.[5] Additionally, the Board has a policy of continually reviewing NCUA's regulations to ''update, clarify and simplify existing regulations and eliminate redundant and unnecessary provisions.'' To carry out this policy, NCUA identifies one-third of its existing regulations for review each year and provides notice of this review so the public may comment. In 2012, NCUA reviewed its fixed assets rule as part of this process. As a result of that review, in March 2013, the Board issued proposed amendments to the fixed assets rule to make it easier for FCUs to understand it.[6] The proposed amendments did not make any substantive changes to the regulatory requirements. Rather, they only clarified the rule and improved its overall organization, structure, and readability.

The March 2013 proposal was published with a 60-day public comment period. In response to the Board's request for feedback, several commenters offered suggestions for substantive changes to the regulatory requirements in the fixed assets rule. For example, a number of commenters urged the Board to consider increasing or eliminating the aggregate limit on fixed assets, or to allow FCUs to establish their own written policies to set limits on their investments in fixed assets. One commenter suggested that, as an alternative to the aggregate cap, certain FCUs should have the option to submit periodic fixed assets management plans to NCUA. Several commenters also recommended changes to NCUA's current waiver process. In addition, one commenter suggested that the Board should extend the time frames for partially occupying improved premises and unimproved premises acquired for future expansion, which under the current rule, are three years and six years, respectively. These comments, however, were beyond the scope and intent of the March 2013 proposal, which only reorganized and clarified the rule. Therefore, the Board was prevented by the provisions of the Administrative Procedure Act from making such substantive changes at that time.[7] Accordingly, in September 2013, the Board adopted the March 2013 proposed rule as final without change except for one minor modification.[8] In finalizing the rule, however, the Board indicated it would take those substantive comments into consideration if it considered making substantive changes to NCUA's fixed assets rule in the future.

The Board has determined that making the referenced substantive amendments to the fixed assets rule will allow FCUs more flexibility in managing their fixed assets, while maintaining NCUA's ability to supervise FCUs' management of fixed assets in order to protect safety and soundness. This proposed rule reflects these substantive amendments. The Board also believes this proposal is consistent with the spirit of Executive Order 13579.

B. How would the proposed rule change the current rule?

The Board proposes to provide regulatory relief to FCUs by: (1) Allowing FCUs to exceed the current five percent aggregate limit on fixed assets, without prior NCUA approval, provided FCUs do so safely and soundly by establishing their own FAM policies and programs; and (2) simplifying the partial occupancy requirement for premises acquired for future expansion. The proposed rule also eliminates or streamlines certain aspects of the fixed assets waiver requirements in various circumstances.

[1] 12 U.S.C. 1757(4).
[2] 12 CFR 701.36.
[3] Id.
[4] 12 CFR 701.36(c).
[5] E.O. 13579 (July 11, 2011).
[6] 78 FR 17136 (Mar. 20, 2013).
[7] 5 U.S.C. 553.
[8] 78 FR 57250 (Sept. 18, 2013).

II. Summary of the Proposed Rule

A. FCU Investments in Fixed Assets Above Five Percent of Shares and Retained Earnings

Section 701.36(c) of the current rule establishes an aggregate limit on investments in fixed assets for FCUs with $1,000,000 or more in assets.[9] For an FCU meeting this threshold asset amount, the aggregate of all its investments in fixed assets is limited to five percent of its shares and retained earnings, unless NCUA grants a waiver establishing a higher limit.[10]

In the past few years, and most recently in response to the March 2013 proposed rule, FCUs have asked the Board to consider increasing or eliminating the current five percent aggregate limit on fixed assets, or to allow FCUs to establish their own written policies to set limits on their investments in fixed assets.[11] Some credit unions have mentioned that the limit is too low for FCUs to effectively manage their investments in fixed assets and to achieve growth. They have argued that a higher limit is necessary to allow FCUs adequate flexibility in acquiring fixed assets to serve their members' needs.

The Board has long stated that the purpose of the fixed assets rule is to provide control on the risk of excess or speculative acquisition of fixed assets.[12] In explaining the need for the aggregate limit on fixed assets, the Board noted in 1978 that ''[i]t is the aggregate amount invested in non-income producing assets that is of critical importance.'' [13] Past experience has shown that excessive levels of non-income producing assets may lead to financial difficulties. While the Board continues to believe that the five percent aggregate limit functions as a reasonable benchmark for safety and soundness, the Board recognizes that some relief in this regard should be provided to ensure FCUs can accomplish their growth strategies and provide the services their members demand. Accordingly, the Board proposes to allow FCUs the discretion to exceed the five percent aggregate limit, without the need for a waiver, provided they implement a FAM program that provides appropriate pre-acquisition analysis to ensure the FCU can afford any impact on its earnings and net worth levels, and they maintain close ongoing oversight of how fixed assets levels are affecting the financial performance of the FCU.

An FCU's FAM program, at a minimum, must include three elements: (1) A written board policy; (2) board oversight; and (3) ongoing internal controls. These elements are discussed in more detail below. The proposed rule eliminates the current waiver process for FCUs that wish to exceed the five percent aggregate limit, but an FCU's actions in this regard are subject to supervisory scrutiny.[14]

Written Board Policy

An FCU's board-approved written FAM policy must establish a reasonable limit on the aggregate amount of the FCU's total investments in fixed assets. The policy and the board-established aggregate limit must demonstrate adequate consideration for preserving the FCU's earnings and net worth. NCUA will consider policies which represent a threat to earnings and net worth unsafe and unsound. The policy must be consistent with the FCU's overall strategic plan, risk tolerance, and financial condition. The policy must also state actions and authorities required for exceptions to policy, limits, and authorizations. An FCU may adopt a separate FAM policy or it may incorporate a FAM policy into an existing asset liability management or other risk management policy. In any case, however, the policy must be written and approved by the FCU's board of directors.

FCU Board Oversight

An FCU that wishes to make an investment in fixed assets that would exceed, in the aggregate, five percent of its shares and retained earnings must obtain prior approval from its board of directors. Any board resolution, either approving the investment or disapproving the investment, at a minimum, must clearly document the board's analysis of the FCU's purpose for the investment. This analysis must demonstrate, for example, the board's full consideration of whether the investment in fixed assets represents a routine replacement, a necessary investment or purchase in the normal course of business, or an effort to expand the FCU's services. The degree and detail of the board's analysis must be commensurate with the FCU's stated purpose for the investment. The FAM may include a delegated authority to the CEO or operational management to make acquisitions of equipment within board specified limits, which would relieve the board of a requirement to approve each individual purchase of equipment.

The board resolution must also reflect its analysis of the FCU's pro-forma balance sheet and income statement projections, as well as its sensitivity to material assumptions. This analysis must be supported by reasonable growth projections that are consistent with contemporary observed trends.

For investments in real property, the board must consider the future marketability of the premises should it decide to dispose of the asset in the future, including reasonable recovery expectations based on the location of the premises and other relevant factors. The board must consider similar factors for any other unique or special-purpose fixed assets.

The board must annually review the FCU's FAM program and update it as necessary. If the board determines that no changes to the FAM program are necessary, it must appropriately document that determination.

Internal Controls

An FCU with an aggregate investment in fixed assets that exceeds five percent of its shares and retained earnings must establish, as a part of its FAM program, strong internal controls to effectively monitor and measure its investments in fixed assets. These controls must be ongoing and appropriate to the total amount of the FCU's fixed assets investments. Internal controls must include, for example, periodic physical inventories of the FCU's fixed assets.

Overall, an FCU's FAM program must demonstrate adequate protections to the FCU's net worth and earnings, or it will be considered unsafe and unsound. An FCU with an unsafe and unsound FAM program or that does not comply with its FAM program may be subject to

[9] This proposed rule does not amend the $1,000,000 asset threshold. Thus, FCUs under $1,000,000, which are currently exempt from the regulatory limit on aggregate investments in fixed assets, will be also exempt from the proposed FAM requirements. The Board, however, emphasizes that investments in fixed assets by FCUs under $1,000,000 are, and will continue to be, subject to supervisory review. FCUs exempt from FAM program requirements must invest in fixed assets safely and soundly.

[10] 12 CFR 701.36(c).

[11] *See, e.g.,* 75 FR 66295, 66297 (Oct. 28, 2010); 78 FR 57250, 57250 (Sept. 18, 2013).

[12] *See* 43 FR 26317, 26317 (June 19, 1978) (''This regulation is intended to ensure that the officials of FCUs' have considered all relevant factors prior to committing large sums of members' funds to the acquisition of fixed assets.''); 49 FR 50365, 50366 (Dec. 28, 1984) (''The intent of the regulation is to prevent, or at least curb, excessive investments in fixed assets and the related costs and expenses that may be beyond the financial capability of the credit union.''); 54 FR 18466, 18467 (May 1, 1989) (''[T]he purpose of the regulation is to provide some control on the potential risk of excess investment and/or commitment to invest substantial sums in fixed assets.'').

[13] 43 FR 58176, 58177 (Dec. 13, 1978).

[14] The Board notes that the majority of FCU requests for waiver of the five percent aggregate limit are approved by NCUA. In 2013, for example, 54 percent of waiver requests for all parts of § 701.36 were for a waiver of the aggregate limit. Of those, 88 percent were approved by NCUA.

supervisory action, including prohibition of additional investments in fixed assets or divestiture of fixed assets.

Grandfathering

Should this rule become finalized as proposed, FCUs with an existing waiver of the five percent aggregate limit on fixed assets will be grandfathered at the approved limit and may continue to rely on the waiver until its expiration. The Board emphasizes, however, an FCU with an existing waiver will be required to implement a FAM program prior to making any future investment in fixed assets which exceeds the amount approved. Moreover, if, subsequent to the effective date of a final rule, the level of the FCU's investments in fixed assets falls below the regulatory five percent limit, the waiver will cease and the FCU will be required to implement a FAM program prior to making any future investment in fixed assets which exceeds five percent of its shares and retained earnings.

B. Partial Occupancy of Premises Acquired for Future Expansion

The Board also proposes to clarify the provision in the fixed assets rule that requires an FCU to partially occupy property acquired for future expansion within a time period set by the rule.[15]

Under the current rule, if an FCU acquires premises for future expansion and does not fully occupy them within one year, it must have a board resolution in place by the end of that year with definitive plans for full occupation.[16] There is no set time period within which an FCU must achieve full occupation, giving FCUs significant leeway and flexibility in managing real property acquired for future use. An FCU, however, may not hold (or lease to unrelated third parties) real property indefinitely without fully occupying the premises.[17] The rule requires an FCU to show that it will fully occupy the premises within a reasonable time, and consistent with its usage plan, by requiring the FCU's partial occupancy of the premises within a time period set by the rule. Specifically, for improved premises acquired for future expansion, an FCU is currently permitted up to three years from the date it obtains the property to meet the partial occupancy requirement, unless NCUA grants a waiver. If the premises are unimproved land or unimproved real property, however, the time period is extended to six years from the date of acquisition.[18] As noted above, in response to the March 2013 proposal, one commenter suggested that the Board extend the time frames for the partial occupation requirement.

The Board proposes to simplify this aspect of the fixed assets rule by establishing a single time period for partial occupancy of *any* premises acquired for future expansion. The proposed rule would permit FCUs up to five years from the date of acquisition to meet the partial occupancy requirement, regardless of whether the premises are improved or unimproved property. This extends the current time period for improved premises by two years. This reduces the current time period for unimproved land or unimproved real property by one year, but the Board believes that five years is sufficient time to meet this requirement even for raw land. The Board notes that the proposed five-year time frame is consistent with requirements for real estate acquired by banks for future expansion.[19]

The proposed rule retains the current waiver process for FCUs that require additional time to partially occupy premises acquired for future expansion. The Board, however, proposes to streamline one aspect of the current waiver process. Currently, an FCU must submit its request for a waiver from the partial occupancy requirement within 30 months after the property is acquired. The Board, however, understands that in some circumstances it may be difficult for FCUs to satisfy this requirement, particularly in the unimproved land context as construction-related delays are difficult to anticipate and could occur after the 30 months have expired. Accordingly, the Board proposes to eliminate the 30-month requirement for partial occupancy waiver requests and allow FCUs to apply for a waiver beyond that time frame as appropriate.

Request for Comment on Full Occupancy of Premises Acquired for Future Expansion

As discussed above, the current rule does not set a specific time period within which an FCU must achieve full occupation of premises acquired for future expansion. However, partial occupancy of the premises is required within five years (as proposed) and must be sufficient to show, among other things, that the FCU will fully occupy the premises within a reasonable time and consistent with its plan for the premises. This proposal does not amend the full occupancy provision of the current rule, but the Board welcomes public comment on this aspect of the fixed assets rule.

C. NCUA's Supervisory Review

Should this rule become finalized as proposed, when NCUA examines an FCU with fixed assets in excess of five percent of its shares and retained earnings, NCUA will evaluate whether or not the FCU's FAM program is sound. This analysis will be similar to that conducted during the current waiver process, but will instead become part of the routine examination of the FCU. NCUA's supervisory review of an FCU's FAM program may include the following considerations:

- To determine if an FCU has established a reasonable policy limit on the aggregate amount of its fixed assets, NCUA will evaluate the impact on earnings and net worth levels. High levels of non-earning assets may lower income and increase operating expenses (such as depreciation and maintenance expenses). Reduced earnings, in turn, can jeopardize the FCU's ability to establish or maintain sound net worth levels. FCUs are not in compliance with the provisions of this rule if they cannot demonstrate that operating at higher levels of fixed assets to *expand the FCU's services* does not pose a material reduction to the FCU's ability to establish or maintain sound net worth levels. Minor acquisitions of equipment in the normal course of business will not result in supervisory scrutiny even for FCUs that exceed the five percent aggregate limit, unless the FCU is otherwise experiencing significant earnings problems.
- The FCU's FAM policy must be consistent with the FCU's overall strategic plan, risk tolerance, and financial condition. The FCU's policy and associated financial projections and board resolutions must also document sensitivity to material assumptions. This analysis must be supported by reasonable growth projections that are

[15] 12 CFR 701.36(d)(2).

[16] 12 CFR 701.36(d)(1).

[17] Section 107(4) of the FCU Act authorizes an FCU to purchase, hold, and dispose of property necessary or incidental to its operations. 12 U.S.C. 1757(4). Generally, an FCU may only invest in property it intends to use to transact credit union business or in property that supports its internal operations or member services. There is no authority for an FCU to invest in real estate for speculative purposes or to otherwise engage in real estate activities that do not support its purpose of providing financial services to its members.

[18] 12 CFR 701.36(d)(2); *see also* 12 CFR 701.36(b) (''*Partially occupy* means occupation, on a full-time basis, of a portion of the premises that is: (1) Consistent with the federal credit union's usage plan for the premises; (2) significant enough that the federal credit union is deriving practical utility from the occupied portion, relative to the scope of the usage plan; and (3) sufficient to show that the federal credit union will fully occupy the premises within a reasonable time.'')

[19] *See* 12 CFR 34.84.

consistent with contemporary observed growth trends.

• NCUA will consider it unsafe and unsound if an FCU's investments in unique or special-purpose real property with very limited marketability result in it operating at fixed assets levels above the five percent aggregate limit.

If an FCU does not meet the requirements of the rule, fails to comply with its FAM program, or has an unsafe program or levels of fixed assets, NCUA may, in the discretion of the appropriate Regional Director,[20] prohibit an FCU from making any further fixed assets acquisitions and require the FCU to reduce fixed assets levels if doing so would not pose a safety and soundness concern.

III. Regulatory Procedures

Regulatory Flexibility Act

The Regulatory Flexibility Act requires NCUA to prepare an analysis to describe any significant economic impact a proposed rule may have on a substantial number of small entities (primarily those under $50,000,000 in assets). This proposed rule would provide regulatory relief to help FCUs better manage their investments in fixed assets. NCUA has determined this proposed rule will not have a significant economic impact on a substantial number of small credit unions.

Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (PRA) applies to rulemakings in which an agency by rule creates a new paperwork burden on regulated entities or modifies an existing burden.[21] For purposes of the PRA, a paperwork burden may take the form of either a reporting or a recordkeeping requirement, both referred to as information collections. NCUA recognizes that this proposed rule requires FCUs to comply with certain requirements that constitute an information collection within the meaning of the PRA. Under this rule, FCUs that wish to exceed the five percent aggregate limit on investments in fixed assets may do so provided they implement a FAM program which includes a written policy. However, the proposed amendments would also relieve FCUs from the current requirement to obtain a waiver to exceed the five percent aggregate limit on investments in fixed assets.

According to NCUA records, in 2013, there were 259 FCUs subject to the fixed assets rule with a fixed assets ratio above five percent. Of those, 83 requests sought a waiver of the five percent aggregate limit in 2013. For purposes of this analysis, based on 2013 experience, NCUA believes it is reasonable to estimate 83 FCUs will be required to draft a fixed assets policy each year in lieu of creating a waiver request, and an average of 176 FCUs (259 minus the 83 which would be drafting a policy) would have a requirement to review a fixed asset policy each year.

Accordingly, information collection obligations imposed by the proposed rule are analyzed below:

Estimate of initial burden for implementing written fixed assets policy.

Number of FCUs requesting a waiver of the 5% limit in 2013: 83
Frequency for creating fixed asset policy: Annual
Initial hour burden: 24
83 FCUs × 24 hours = 1,992 hours initial burden

Estimate of ongoing burden to maintain written fixed assets policy.

FCUs needing to review/update existing fixed asset policies: 176
Frequency for reviewing fixed asset policy: Annual
Review hour burden: 2
176 FCUs × 2 hours = 352 hours annual burden

However, the proposed amendments would also relieve FCUs from the current requirement to request a waiver if the FCU exceeds the five percent aggregate limit on fixed assets. NCUA estimates the reduced burden by eliminating the waiver requirement will more than offset the annual burden imposed by implementing and maintaining a fixed assets policy. The research and documentation required under the current regulation is substantially the same as the proposed regulation (both require approximately 24 hours). Under both the current and proposed regulations, FCUs are required to project future fixed asset ratios resulting from the fixed asset purchases, evaluate the changes to balance sheet and income projections and demonstrate prudence in securing the asset at a reasonable cost. These activities would be substantially unchanged through the proposed revision, with the exception that the final document of record will be a policy instead of a waiver request. In addition, the current regulation also requires the FCU to draft a waiver request memo which would be used to submit the waiver for NCUA's consideration. This effort, which is estimated to create 4 hours burden, would no longer be required under the proposed regulation.

Estimate the reduced burden by eliminating the waiver requirement.

Estimated FCUs which will no longer be required to prepare a waiver request and file a waiver request: 83
Frequency of waiver request: Annual
Reduced hour burden: 4
83 FCUs × 4 hours = 332 hours annual reduced burden

In accordance with the requirements of the PRA, NCUA intends to obtain a modification of its OMB Control Number, 3133–0040, to support these changes. NCUA is submitting a copy of the proposed rule to OMB, along with an application for a modification of the OMB Control Number.

The PRA and OMB regulations require that the public be provided an opportunity to comment on the paperwork requirements, including an agency's estimate of the burden of the paperwork requirements. The Board invites comment on: (1) Whether the paperwork requirements are necessary; (2) the accuracy of NCUA's estimates on the burden of the paperwork requirements; (3) ways to enhance the quality, utility, and clarity of the paperwork requirements; and (4) ways to minimize the burden of the paperwork requirements.

Comments should be sent to the NCUA Contact and the OMB Reviewer listed below:

NCUA Contact: Tracy Crews, National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314–3428, Fax No. 703–837–2861, Email: *OCIOPRA@ncua.gov.*

OMB Contact: Office of Management and Budget, ATTN: Desk Officer for the National Credit Union Administration, Office of Information and Regulatory Affairs, Washington, DC 20503.

Executive Order 13132

Executive Order 13132 encourages independent regulatory agencies to consider the impact of their actions on state and local interests. NCUA, an independent regulatory agency, as defined in 44 U.S.C. 3502(5), voluntarily complies with the executive order to adhere to fundamental federalism principles. Because the fixed assets regulation applies only to federal credit unions, this proposed rule 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

[20] ''Regional Director'' means the representative of the Administration in the designated geographical area in which the office of the FCU is located or, for FCUs with $10 billion or more in assets, the Director of the Office of National Examinations and Supervision. 12 CFR 700.2.

[21] 44 U.S.C. 3507(d); 5 CFR part 1320.

responsibilities among the various levels of government. As such, NCUA has determined that this rule does not constitute a policy that has federalism implications for purposes of the executive order.

Assessment of Federal Regulations and Policies on Families

NCUA has determined that this rule will not affect family well-being within the meaning of Section 654 of the Treasury and General Government Appropriations Act of 1999.[22]

List of Subjects in 12 CFR Part 701

Credit unions, Reporting and recordkeeping requirements.

By the National Credit Union Administration Board, on July 31, 2014.

Gerard Poliquin,

Secretary of the Board.

For the reasons stated above, NCUA proposes to amend 12 CFR part 701 as follows:

PART 701—ORGANIZATION AND OPERATIONS OF FEDERAL CREDIT UNIONS

■ 1. The authority citation for part 701 continues to read as follows:

Authority: 12 U.S.C. 1752(5), 1755, 1756, 1757, 1758, 1759, 1761a, 1761b, 1766, 1767, 1782, 1784, 1786, 1787, 1789. Section 701.6 is also authorized by 15 U.S.C. 3717. Section 701.31 is also authorized by 15 U.S.C. 1601 *et seq.;* 42 U.S.C. 1981 and 3601–3610. Section 701.35 is also authorized by 42 U.S.C. 4311–4312.

■ 2. In § 701.36, revise paragraphs (c) and (d)(2) to read as follows:

§ 701.36 Federal credit union ownership of fixed assets.

* * * * *

(c) *Limits on investment in fixed assets.* If a federal credit union has $1,000,000 or more in assets, the aggregate of all its investments in fixed assets must not exceed five percent of its shares and retained earnings, unless it has implemented an effective fixed assets management (FAM) program, and the federal credit union's board of directors has analyzed and determined that the investment in fixed assets in excess of the five percent limit is appropriate, safe and sound, and supported by its FAM program. An aggregate investment in fixed assets that exceeds five percent of a federal credit union's shares and retained earnings is generally considered unsafe and unsound and requires a sufficiently robust FAM program to mitigate supervisory concerns. A federal credit union that does not meet the requirements of this paragraph or fails to comply with its FAM program may, in the discretion of the Regional Director, be subject to the full extent of NCUA's supervisory authority, including prohibition of any additional investments in fixed assets or divestiture of fixed assets. A federal credit union's FAM program must be annually reviewed by its board of directors and include the following:

(1) *Written board policy.* The federal credit union's board of directors must adopt a written FAM policy, which, at a minimum, must:

(i) Establish a prudent limit on the aggregate amount of the federal credit union's investments in fixed assets;

(ii) Demonstrate adequate consideration for preserving the federal credit union's earnings and net worth; and

(iii) Demonstrate consistency with the federal credit union's overall strategic plan, risk tolerance, and financial condition.

(2) *Board oversight.* Except for minor acquisitions of equipment in the normal course of business, the federal credit union must obtain approval from its board of directors prior to making an investment in fixed assets that would exceed, in the aggregate, five percent of its shares and retained earnings. A board resolution approving or disapproving the investment, at a minimum, must reflect:

(i) The board's analysis of the purpose for the investment;

(ii) The board's analysis, supported by reasonable growth assumptions, of the federal credit union's pro-forma balance sheet and income statement projections; and

(iii) For an investment in real property, the board's consideration of the future marketability of the premises, in the event the federal credit union needs or wants to sell the premises in the future.

(3) *Internal controls.* The federal credit union must establish ongoing internal controls to monitor and measure its investments in fixed assets.

(d) * * *

(1) * * *

(2) If a federal credit union acquires premises for future expansion, including unimproved land or unimproved real property, it must partially occupy them within a reasonable period, but no later than five years after the date of acquisition. NCUA may waive the partial occupation requirements. To seek a waiver, a federal credit union must submit a written request to its Regional Office and fully explain why it needs the waiver. The Regional Director will provide the federal credit union a written response, either approving or disapproving the request. The Regional Director's decision will be based on safety and soundness considerations.

* * * * *

[FR Doc. 2014–18524 Filed 8–8–14; 8:45 am]

BILLING CODE 7535–01–P

[22] Public Law 105–277, 112 Stat. 2681 (1998).

FEDERAL TRADE COMMISSION

16 CFR Part 310

Telemarketing Sales Rule

AGENCY: Federal Trade Commission.

ACTION: Rule Review, Request for public comments.

SUMMARY: The Commission requests public comment on its Telemarketing Sales Rule (''TSR'' or ''Rule''). The Commission is soliciting comments as part of the FTC's systematic review of all current Commission regulations and guides.

DATES: Comments must be received on or before October 14, 2014.

ADDRESSES: Interested parties may file a comment online or on paper by following the instructions in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below. Write ''Telemarketing Sales Rule Regulatory Review, 16 CFR Part 310, Project No. R411001,'' on your comment and file your comment online at *https://ftcpublic.commentworks.com/ftc/telemarketingsalesnprm* by following the instructions on the web-based form. If you prefer to file your comment on paper, mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW., Suite CC–5610 (Annex B), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW., 5th Floor, Suite 5610 (Annex B), Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: Karen S. Hobbs or Craig Tregillus, Division of Marketing Practices, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue NW., Washington, DC 20580, (202) 326–3587 or (202) 326–2970.

SUPPLEMENTARY INFORMATION:

I. Background

Enacted in 1994, the Telemarketing and Consumer Fraud and Abuse Prevention Act (''Telemarketing Act'' or

''Act'') [1] targets deceptive and abusive telemarketing practices.[2] The Act specifically directed the Commission to issue a rule defining and prohibiting deceptive and abusive telemarketing acts or practices.[3] In addition, the Act mandated that the rule address some specified practices, which the Act designated as ''abusive.'' [4] The Act also authorized state attorneys general or other appropriate state officials, as well as private persons who meet its jurisdictional requirements, to bring civil actions in federal district court.[5]

A. Telemarketing Sales Rule

Pursuant to the Act's directive, the Commission promulgated the original TSR in 1995 and subsequently amended it in 2003 and again in 2008 and 2010 to add, among other things, provisions establishing the National Do Not Call Registry and addressing debt relief offers and prerecorded messages.[6] The TSR applies to ''telemarketing,'' defined to mean ''a plan, program, or campaign which is conducted to induce the purchase of goods or services or a charitable contribution, by use of one or more telephones and which involves more than one interstate telephone call.'' [7] The Telemarketing Act, however, in authorizing the issuance of the TSR, limited the jurisdiction of the Commission to its jurisdiction under Section 5 of the Federal Trade Commission Act (''FTC Act''). As a result, some entities and activities fall outside the scope of the TSR.[8] In addition, the Rule wholly or partially exempts several types of calls from its coverage. For example, the Rule generally exempts inbound calls placed by consumers in response to direct mail or general media advertising,[9] business-to-business calls,[10] and other situations.[11]

The TSR is designed to protect consumers in a number of ways. First, the Rule requires telemarketers to make certain disclosures and prohibits material misrepresentations to consumers.[12] Second, the TSR sets forth mechanisms to protect consumers from unauthorized charges or debits to their financial account, such as the requirement that telemarketers obtain the consumer's ''express informed consent'' for a charge to be billed to a particular account before billing or collecting payment.[13] Third, the Rule prohibits telemarketers and sellers from requesting or receiving advance payments for certain products and services. In particular, telemarketers and sellers may not charge advance fees for credit repair services; [14] recovery services; [15] loans or other extension of credit; [16] or debt relief services.[17] Fourth, the Rule prohibits credit card laundering [18] and more broadly, assisting and facilitating sellers or telemarketers engaged in violating the TSR.[19] Fifth, the TSR, with narrow exceptions, prohibits telemarketers from calling consumers whose numbers are on the National Do Not Call Registry or who have specifically requested not to receive calls from a particular entity.[20] Finally, the TSR requires that telemarketers transmit to consumers' telephones accurate Caller ID information[21] and places restrictions on calls made using predictive dialers [22] and those delivering prerecorded messages.[23]

B. TSR Rule Review

The Commission routinely reviews all of its rules and guides periodically to examine their efficacy, costs, and benefits, and to determine whether to retain, modify, or rescind them. The Commission does so in two ways. First, since 1992, the FTC has conducted a regular, systematic review of all its rules and guides on a rotating basis. Last year, the Commission announced its intention to seek public comment on

[1] 15 U.S.C. 6101–6108. Subsequently, the USA PATRIOT Act, Public Law 107–56, 115 Stat. 272 (Oct. 26, 2001), expanded the Telemarketing Act's definition of ''telemarketing'' to encompass calls soliciting charitable contributions, donations, or gifts of money or any other thing of value.

[2] Other statutes enacted by Congress to address telemarketing fraud during the early 1990's include the Telephone Consumer Protection Act of 1991 (''TCPA''), 47 U.S.C. 227 *et seq.,* which restricts the use of automated dialers, bans the sending of unsolicited commercial facsimile transmissions, and directs the Federal Communications Commission (''FCC'') to explore ways to protect residential telephone subscribers' privacy rights; and the Senior Citizens Against Marketing Scams Act of 1994, 18 U.S.C. 2325 *et seq.,* which provides for enhanced prison sentences for certain telemarketing-related crimes.

[3] 15 U.S.C. 6102(a).

[4] 15 U.S.C. 6102(a)(3).

[5] 15 U.S.C. 6103, 6104.

[6] TSR and Statement of Basis and Purpose and Final Rule (''*TSR Final Rule*''), 60 FR 43842 (Aug. 23, 1995); Amended TSR and Statement of Basis and Purpose (''*TSR Amended Rule*''), 68 FR 4580 (Jan. 29, 2003); Amended TSR and Statement of Basis and Purpose (''*TSR Amended Rule 2008*''), 73 FR 51164 (Aug. 29, 2008); Amended TSR and Statement of Basis and Purpose (''*TSR Amended Rule 2010*''), 75 FR 48459 (Aug. 10, 2010).

[7] 16 CFR 310.2(dd) (adopting the definition used by the Telemarketing Act, 15 U.S.C. 6106(4)). The TSR excludes from the definition of telemarketing the solicitation of catalog sales that make specified disclosures in the catalog.

[8] *See* 15 U.S.C. 44, 45(a)(2) (which excludes from the Commission's jurisdiction several types of entities, including bona fide nonprofits, bank entities (including, among others, banks, thrifts, and federally chartered credit unions), and activities of common carriers. In addition, activities related to the business of insurance are outside the FTC's jurisdiction pursuant to the McCarran-Ferguson Act of 1945. 15 U.S.C. 1011–1015. However, the FCC's rules, established pursuant to the TCPA, 47 U.S.C. 227, include similar ''do not call'' protections. 47 CFR 64.1200 *et seq.* The TCPA does not similarly limit FCC jurisdiction, but expressly excludes tax-exempt nonprofits from some requirements. 47 U.S.C. 227(a)(4)(C).

[9] 16 CFR 310.6(b)(5)–(6). The general exemption does not apply to certain limited situations. For example, the TSR covers calls initiated by a customer in response to a general advertisement relating to investment opportunities. *See id.*

[10] 16 CFR 310.6(b)(7) (exempting ''[t]elephone calls between a telemarketer and any business, except calls to induce the retail sale of non-durable office or cleaning supplies''). The exemption, however, is limited to instances in which a telemarketer solicits a business regarding purchases on behalf of the business. Telemarketers and sellers are not exempted from the requirements of the TSR when they solicit consumers at their place of employment. *FTC* v. *Publishers Bus. Servs., Inc.,* 821 F. Supp. 2d 1205, 1220–21 (D. Nev. 2010)(granting summary judgment on FTC's TSR claims against defendant that placed telephone calls to businesses to sell magazine subscriptions to consumers employed at that business).

[11] 16 CFR 310.6 lists the exemptions from the TSR.

[12] The TSR requires that telemarketers soliciting sales of goods or services promptly disclose several key pieces of information in an outbound telephone call or an internal or external upsell: (1) The identity of the seller; (2) the fact that the purpose of the call is to sell goods or services; (3) the nature of the goods or services being offered; and (4) in the case of prize promotions, that no purchase or payment is necessary to win. 16 CFR 310.4(d); *see also* 16 CFR 310.2(ee) (defining ''upselling''). Telemarketers also must disclose in any telephone sales call the cost of the goods or services and certain other material information. 16 CFR 310.3(a)(1). In addition, the TSR prohibits misrepresentations about, among other things, the cost and quantity of the offered goods or services. 16 CFR 310.3(a)(2). It also prohibits making false or misleading statements to induce any person to pay for goods or services or to induce charitable contributions. 16 CFR 310.3(a)(4).

[13] 16 CFR 310.4(a)(7); 16 CFR 310.3(a)(3).

[14] 16 CFR 310.4(a)(2).

[15] 16 CFR 310.4(a)(3). As the Commission has previously explained,

> [In] recovery room scams . . . a deceptive telemarketer calls a consumer who has lost money, or who has failed to win a promised prize, in a previous scam. The recovery room telemarketer falsely promises to recover the lost money, or obtain the promised prize, in exchange for a fee paid in advance. After the fee is paid, the promised services are never provided. In fact, the consumer may never hear from the telemarketer again.

TSR Final Rule, 60 FR at 43854.

[16] 16 CFR 310.4(a)(4) (focusing on loans that the telemarketer or seller represents to be guaranteed or highly likely to materialize); *see also TSR Amended Rule,* 68 FR at 4614 (finding that credit repair services, recovery services, and loans and other extension of credit services were ''fundamentally bogus'').

[17] 16 CFR 310.4(a)(5)(*i*); *see also TSR Amended Rule 2010,* 75 FR at 48458 (adopting TSR amendments to curb deceptive and abusive practices in the telemarketing of debt relief services).

[18] 16 CFR 310.3(c).

[19] 16 CFR 310.3(b).

[20] 16 CFR 310.4(b)(iii).

[21] 16 CFR 310.4(a)(8).

[22] 16 CFR 310.4(b)(1)(iv) (a call abandonment safe harbor is found at 16 CFR 310.4(b)(4)).

[23] 16 CFR 310.4(b)(1)(v).

several rules, including the TSR.[24] This notice commences the Commission's periodic review of the TSR.[25]

Second, the Commission may itself identify changes in the marketplace and other issues that warrant a proposal to amend the Rule. For example, in 2008 [26] and 2010,[27] the Commission finalized amendments related to prerecorded calls and debt settlement services. In 2013, the Commission published a Notice of Proposed Rulemaking (''TSR Anti-Fraud NPRM'') seeking public comment on proposed amendments aimed at curbing the abuse of certain payment methods in telemarketing and clarifying provisions of the Rule.[28] The TSR Anti-Fraud NPRM is proceeding concurrently with this rule review.

1. General Areas of Interest for FTC Review

As part of its review, the Commission is seeking comment on a number of general issues, as outlined in the questions posed in Section II below, including the continuing need for the TSR and its economic impact, the effect of the Rule on deception in telemarketing, and the interaction of the Rule with other regulations. The Commission believes that this review is important to determine whether the TSR continues to serve a useful purpose, and if so, how it could or should be improved.

2. Specific Areas of Interest for FTC Review

The Commission occasionally receives informal input regarding the efficacy of the Rule and requests for clarification about the Rule's application. In addition, the Commission recognizes there may have been changes in the marketplace and legal landscape since the rule review that culminated in the 2003 amendments and since the 2008 and 2010 amendments. Some of the questions included in this notice, therefore, address specific issues. By including a summary of some of these changes and related issues, the Commission intends to facilitate comment, and the inclusion or exclusion of any issue is not an indication of the Commission's intent to make any specific modifications to the Rule.

a. Preacquired Account Information

Preacquired account information is any information that enables a seller or telemarketer to cause a charge to be placed against a consumer's account without obtaining the account number directly from the consumer.[29] Consumers who provide their financial account information to a seller to complete a purchase during a telemarketing call can be surprised to find that a different seller has charged their account for additional purchases arising from the same call or a subsequent call.

Since the Commission amended the TSR in 2003 to address the use of preacquired account information in telemarketing,[30] significant changes in the legal landscape have occurred, namely, the passage of the Restore Online Shoppers Confidence Act (''ROSCA''), 15 U.S.C. 8401 (2010), and the promulgation of certain credit card operating rules as discussed below. In 2009, the Senate Committee on Commerce, Science, and Transportation (''Senate Commerce Committee'') launched an investigation into the use of ''data pass,'' an online marketing practice involving preacquired account information.[31] Data pass usually involves a consumer shopping at a familiar online Web site. At the retailer's checkout, after the consumer already has entered his credit card information, a third-party marketer displays an offer for a discount or reward that the consumer accepts. Many consumers do not know the offer is from a third-party seller or that there are any fees or costs associated with the offer. These consumers end up with unexpected monthly membership fees or other recurring charges because, unbeknownst to the consumer, the first retailer has passed the consumer's credit card information to the third-party seller. Frequently, consumers do not realize they have been charged until unfamiliar transactions appear on a monthly statement.

Ultimately, Congress found that ''[t]he use of a 'data pass' process defied consumers' expectations that they could only be charged for a good or a service if they submitted their billing information, including their complete credit or debit card numbers.'' [32] To curb the abusive use of preacquired account information in the online context, Congress enacted ROSCA, which prohibits an ''initial merchant'' from disclosing a consumer's billing information to any ''post-transaction third-party seller'' for the purpose of charging the consumer's account.[33] Under ROSCA, a third-party seller must obtain the consumer's full account information directly from the consumer.

The operating rules of the three major credit card associations are consistent with ROSCA. They prohibit the disclosure, exchange, or use of preacquired credit card account information by and among their merchants.[34] Visa, MasterCard, and

[24] Notice of Intent To Request Public Comments, 78 FR 30798 (May 23, 2013).

[25] As required by the Telemarketing Act, 15 U.S.C. 6108, the Commission initiated a review of the Rule on November 24, 1999, which culminated in the TSR amendments adopted in 2003 that created the National Do Not Call Registry. See generally TSR Amended Rule, 68 FR 4580; *see also* Notice of Proposed Rulemaking (''2002 NPRM''), 67 FR 4492 (Jan. 30, 2002).

[26] *See generally 2008 TSR Amendments,* 73 FR 51164 (addressing the use of prerecorded messages).

[27] *See generally 2010 TSR Amendments,* 75 FR 48459 (prohibiting the collection of advanced fees for debt relief services).

[28] Notice of Proposed Rulemaking (''*TSR Anti-Fraud NPRM''*), 78 FR 41200 (July 9, 2013). The proposed amendments would (1) bar sellers and telemarketers from accepting remotely created checks, remotely created payment orders, cash-to-cash money transfers, and cash reload mechanisms as payment in inbound or outbound telemarketing transactions; (2) expand the scope of the advance fee ban on ''recovery'' services, now limited to recovery of losses in prior telemarketing transactions, to include recovery of losses in any previous transaction; and (3) clarify other TSR provisions. The Commission has not yet completed the rulemaking process or issued any further notice regarding these proposed amendments. The public comments are posted on the FTC's Web site at *http://www.ftc.gov/os/comments/tsrantifraudnprm/index.shtm.*

[29] 16 CFR 310.2(x).

[30] Among other things, the 2003 amendments added provisions to section 310.4(a) to protect consumers from unauthorized charges resulting from the use of preacquired account information. Section 310.4(a)(6) makes it illegal to traffic in unencrypted consumer account numbers. Section 310.4(a)(7)(i) requires telemarketers using preacquired account information in combination with so-called free trial offers to obtain additional evidence of a consumer's express informed consent to be charged. This evidence includes an audio recording of the entire telemarketing call and the receipt (from the consumer) of the last four digits of the account to be charged.

[31] *Aggressive Sales Tactics on the Internet and Their Impact on American Consumers, Hearing Before the S. Comm. on Commerce, Sci. & Transp.,* 111th Cong. (2009), *available at http://www.gpo.gov/fdsys/pkg/CHRG-111shrg54917/pdf/CHRG-111shrg54917.pdf;* Office of Oversight & Investigations Majority Staff, S. Comm. on Commerce, Sci. & Transp., 111th Cong., Supplemental Report on Aggressive Sales Tactics on the Internet, 17–18 (Comm. Print 2010), *available at http://www.commerce.senate.gov/public/?a=Files.Serve&File_id=439184c5-0965-4bb9-aa98-4a114b00a42e;* Office of Oversight & Investigations Majority Staff, S. Comm. on Commerce, Sci. & Transp., 111th Cong., Aggressive Sales Tactics on the Internet and Their Impact on American Consumers (Comm. Print 2009), *available at http://www.commerce.senate.gov/public/?a=Files.Serve&File_id=c7b50606-8e74-4cbb-b608-87ab8b949d9a.*

[32] 15 U.S.C. 8401(7).

[33] *Id.* The definition of ''initial merchant'' includes a subsidiary or corporate affiliate of the initial merchant.

[34] *See, e.g.,* Visa International Operating Regulations, Chapter 8: Risk Management—Account and Transaction Information Security, *Cardholder and Transaction Information Disclosure Prohibitions (Updated)* p. 715 (Apr. 13, 2013), *available at http://usa.visa.com/download/merchants/visa-international-operating-regulations-main.pdf;* MasterCard Rules, *Rule 5.13 Sale or*

American Express operating rules forbid merchants from disclosing cardholder account information to third parties other than to facilitate the processing of sales transactions or as required by law.[35]

In contrast, the existing TSR expressly permits the use of preacquired account information by and among third parties, with certain restrictions.[36] The Commission invites public comment as to what effect, if any, these industry and regulatory changes should have on the TSR.

b. Negative Option Marketing

Negative option marketing refers to an offer or agreement to sell goods or services ''under which the consumer's silence or failure to take an affirmative action to reject the goods or services or to cancel the agreement within a specified period of time is interpreted by the seller as acceptance of the offer.'' [37] In 2003, the Commission amended the TSR to require telemarketers and sellers to disclose the specific terms and conditions of such offers and to make truthful disclosures of all aspects of a negative option feature.[38] In addition, section 310.4(a)(7)(i) was added to protect consumers from unauthorized charges resulting when telemarketers use preacquired account information in combination with free-trial offers.[39] Since then, the marketplace and legal landscape have evolved.

For example, at the time the Commission adopted these protections for consumers, staff found ''no evidence on the record indicating that these [negative option] products or services [were] telemarketed through general media advertisements.'' [40] Today, telemarketers and sellers must abide by section 310.4(b) of the TSR, which generally prohibits outbound calls to telephone numbers registered on the national Do Not Call list,[41] restricts abandoned calls,[42] and bans the use of most prerecorded messages.[43] In the wake of these restrictions, telemarketers now use a variety of general media to solicit inbound calls from consumers to purchase a variety of goods and services,[44] including those involving a negative option or free-trial.[45]

Furthermore, Congress, in enacting ROSCA, also highlighted the risk of deception when online merchants use data pass in combination with offers involving a ''negative option feature.'' ROSCA requires online marketers to clearly and conspicuously disclose all material terms of any offer involving a negative option feature before obtaining the consumer's billing information; obtain a consumer's express informed consent to be charged for such goods or services; and provide a simple mechanism for a consumer to stop recurring charges resulting from the transaction.[46] ROSCA incorporates the TSR's definition of ''negative option feature'' and generally mirrors the Rule's provisions requiring pre-sale disclosures of material terms of a negative option offer [47] and prohibiting material misrepresentations of any material aspect of a negative option feature.[48] The Commission invites public comment as to what impact, if any, these marketplace changes should have on the TSR.

c. Recordkeeping

The recordkeeping requirements in section 310.5 of the TSR do not include a requirement that sellers and telemarketers retain any record of the telemarketing calls they have placed. Neither the original TSR nor the 2003 amendments considered such a requirement,[49] evidently based on the reasonable assumption that records of telemarketing calls would be readily available from a seller's or telemarketer's telephone carrier. However, this assumption has been called into question.

Obtaining call records for a seller's or telemarketer's sales calls to consumers is necessary to enforce the prohibition against calls to numbers on the National Do Not Call Registry. That task has turned out to be inefficient, difficult and time-consuming because it often requires multiple requests to different telecommunications service providers that do not always produce the most useful records. Moreover, when a telecommunications provider is located outside the U.S., enforcement is even more problematic.

The Commission recognizes that the simple solution to these enforcement obstacles—requiring sellers and

Exchange of Information, p. 5–19 (June 14, 2013), *available at http://www.mastercard.com/us/merchant/pdf/BM-Entire_Manual_public.pdf;* and American Express Merchant Reference Guide—U.S., *Rule 3.4—Treatment of American Express Cardmember Information,* p. 18 (Oct. 2013), *available at https://www209.americanexpress.com/merchant/singlevoice/singlevoiceflash/USEng/pdffiles/MerchantPolicyPDFs/US_%20RefGuide.pdf.*

[35] *See, e.g.,* Visa Business News, Risk Management Compliance, *Merchants May Not Share Cardholder Account Information with Third Parties* (Apr. 21, 2010) (''These new rules clarify that merchants forming marketing and/or referral arrangements with other merchants may not transfer cardholder information to their referral partners to complete subsequent transactions with the Visa cardholder. Alternatively, any subsequent transactions related to these marketing arrangements must be subjected to a separate and distinct check out process. This separate check out process must require the cardholder to provide an account number so there is clear recognition that a sales transaction will occur.'').

[36] *See supra* note 28.

[37] 16 CFR 310.2(u).

[38] 16 CFR 310.3(a)(1)(vii) and 310.3(a)(2)(ix).

[39] *2003 TSR Amendments,* 68 FR at 4658. Section 310.4(a)(6)(i) (now 310.4(a)(7)(i)) provides that, in telemarketing transactions involving a free-to-pay conversion and preacquired account information, evidence of a consumer's express informed consent to be charged must include an audio recording of the entire telemarketing call and the telemarketer must obtain from the consumer the last four digits of the account to be charged.

[40] *2003 TSR Amendments,* 68 FR at 4658. The ''general media'' exemption itself dates back to the original Rule issued in 1995. The exceptions to the general media exemption reflect the Commission's law enforcement experience with deceptive telemarketers' use of mass media to advertise ''certain goods or services that have routinely been touted by fraudulent sellers using general media advertising to generate inbound calls.'' *Id.* As a result, inbound calls in response to general media advertisements for investment or business opportunities, advance fee loans, credit card protection services, credit repair services, recovery services and (since 2010) debt relief services are subject to the Rule.

[41] 16 CFR 310.4(b)(1)(iii).

[42] 16 CFR 310.4(b)(1)(iv).

[43] 16 CFR 310.4(b)(1)(v).

[44] Data from the Commission's third Consumer Fraud Survey (''Third Fraud Survey'') issued in 2013, a decade after the implementation of the Do Not Call provisions of the TSR, suggest that more than half of all frauds are now mass-marketed via radio, television, newspapers, magazines, and additional kinds of general media advertising other than direct mail, including internet Web pages and email. Keith B. Anderson, *Consumer Fraud in the United States: The Third FTC Survey* (April 2013), *available at http://www.ftc.gov/reports/consumer-fraud-united-states-2011-third-ftc-survey.* For example, the Third Fraud Survey showed that in 59.3 percent of fraud incidents, victims initially learned about the fraudulent offer through such general media advertising. *Id.* at 37–39.

[45] *See, e.g., FTC* v. *FTN Promotions, Inc.,* Civ. No. 8:07–1279 (M.D. Fla. Jan. 13, 2014) ($14.75 million contempt judgment against defendants for violating a 2008 stipulated judgment by telemarketing a payday loan scam that provided only a negative option membership service); *FTC* v. *Ultralife Fitness, Inc.,* Civ. No. 2:08–07655 (C.D. Cal. Dec. 1, 2008) (Stip. Perm. Inj.) (defendants advertised free trial sale of weight loss dietary supplements via general media outlets, allegedly took consumers' credit or debit card information to cover shipping and handling, and then charged consumers' accounts for continuity programs without their consent); *FTC* v. *Hispanexo, Inc.,* Civ. No. 1:06–424 (E.D. Va. Apr. 18, 2006) (Stip. Perm. Inj.) (defendants allegedly used Spanish-language radio and television advertisements to lure consumers to pay $9 shipping and handling charges for a 15-day trial of at-home instructional courses without disclosing that their credit card or bank accounts automatically would be charged three additional payments of $86.99 at the conclusion of the trial period); *see also FTC* v. *Berkeley Premium Nutraceuticals, Inc.,* Civ. No. 1:06–00051 (S.D. Ohio July 22, 2009) (Stip. Perm. Inj.).

[46] 15 U.S.C. 8403.

[47] 16 CFR 310.3(a)(1)(vii).

[48] 16 CFR 310.3(2)(ix).

[49] Statement of Basis & Purpose, 60 FR 43842, 43857 (Aug. 23, 1995); Statement of Basis & Purpose, 68 FR 4580, 4653 (Jan. 29, 2003).

telemarketers to retain their own call records—would likely create compliance costs and burdens, and therefore requests comments detailing the costs and burdens of such a requirement, as well as suggestions for feasible alternatives.

II. Issues for Comment

Without limiting the scope of issues on which it is seeking comment, the Commission is particularly interested in receiving comments on the questions that follow. These questions are intended only as examples of the issues relevant to the Commission's examination. Interested parties are invited to comment on any relevant issue, regardless of whether it is identified below. Where comments advocate changes to the Rule, please be specific in describing suggested changes and describe any potential costs and/or benefits such changes might have on industry and consumers. The Commission requests that responses to its questions include a reference to the question being answered, and cite to empirical data or other evidence wherever available and appropriate.

A. General Questions for Comment

1. Is there a continuing need for all parts of the Rule? Why or why not?

a. Have changes in technology, industry structure, or economic conditions affected the need for or effectiveness of any parts of the Rule?

b. Does the Rule include any provision that imposes costs not outweighed by benefits? If so, which ones?

c. Does the Rule include any provision that is no longer necessary? If so, which ones?

d. Does the Rule include any provision that fails to serve its intended purpose? If so, which ones?

e. Does the Rule include any provision imposing unnecessary costs and burdens on businesses, including small businesses?

f. What are the aggregate costs and benefits of the Rule?

g. Have the costs or benefits of the Rule dissipated over time?

2. What impact, if any, has the Rule had on consumers?

a. What significant benefits has the Rule provided to consumers? What evidence supports the asserted benefits?

b. What economic or other costs or burdens has the Rule imposed on consumers? What evidence supports the asserted costs or burdens?

c. What impact has the Rule had on the flow of truthful information to consumers? On the flow of deceptive information to consumers?

d. What impact has the Rule had on consumer privacy?

e. What changes, if any, should be made to the Rule to increase the benefits to consumers? How would these changes affect the compliance costs or burdens the Rule imposes on businesses, including small businesses?

3. What impact, if any, has the Rule had on entities that must comply with it?

a. What economic or other costs or burdens has the Rule imposed on the industry or individual sellers or telemarketers? What evidence supports the asserted costs or burdens?

b. How has the Rule benefitted the industry or individual sellers or telemarketers? What evidence supports the asserted benefits?

c. What changes, if any, should be made to the Rule to minimize any burden or cost imposed on the industry or individual businesses, including small businesses? How would these changes affect the benefits provided by the Rule to consumers or the industry?

d. What evidence is available concerning the degree of industry compliance with the Rule? Does this evidence indicate that the Rule should be modified? If so, why, and how? If not, why not?

4. What impact, if any, has the Rule had on sellers or telemarketers that are small businesses with respect to costs, profitability, and competitiveness? Have the costs or benefits of the Rule dissipated over time with respect to small business sellers or telemarketers?

5. Does the Rule overlap or conflict with other federal, state, or local laws or regulations? If so, how do they overlap or conflict? What evidence supports any such asserted overlap or conflict. If overlaps or conflicts exist, how do telemarketers address them? Should the Rule be modified to address these asserted overlaps or conflicts? If so, why, and how? If not, why not?

a. To what extent have private parties and state attorneys general brought actions under the TSR? Under state telemarketing statutes or regulations?

b. Are there any gaps where no federal, state, or local government law or regulation has addressed a particular abuse?

6. Are there regulatory alternatives to the Rule or any of its provisions that might reduce any adverse economic effect of the Rule, yet comply with the mandate of the Telemarketing Act to provide consumers with necessary protection from telemarketing deception and abuse?

B. Questions on Specific Issues

Abusive Acts or Practices

7. Section 310.4(a)(6) prohibits sellers and telemarketers from disclosing or receiving unencrypted consumer account numbers for use in telemarketing except for the purpose of processing a payment for goods or services or a charitable contribution.

a. Has this Rule provision been effective in preventing the use of preacquired account information for unauthorized billing of consumers' accounts? If so, why? If not, why not, and how has the prohibition been inadequate?

b. What changes, if any, should be made to this section? Explain. What are the costs and benefits of the change for consumers and for businesses, including small businesses?

c. Have the provisions of this section significantly increased the cost of doing business? If so, how? What changes could be made to the Rule to reduce the cost of these provisions for businesses, including small businesses, without negatively impacting consumers?

d. Should the Rule prohibit all transfers of account information from one seller or telemarketer to another in telemarketing transactions? Why or why not?

i. In what situations do sellers or telemarketers transfer encrypted account information from one seller or telemarketer to another? How would transactions that use such transferred data be affected if they were no longer permitted to transfer encrypted account information?

ii. Would there be benefits in prohibiting such transfers and thereby making the Rule more consistent with the credit card associations' rules prohibiting the exchange, transfer, or sale of cardholder account numbers?

iii. What would be the costs and benefits of a total prohibition on the transfer of account information for consumers and businesses, including small businesses?

e. Should sellers or telemarketers who obtain consumers' account information during a telemarketing transaction and wish to retain it for use in future transactions be required to obtain the consumer's consent? Is there any material difference between telemarketing sales and Internet sales that should prevent modification of the Rule expressly to require sellers and telemarketers to seek authorization to retain a customer's billing information for use in future transactions? If so, what is the difference and why should it prevent such a modification?

i. Do sellers and telemarketers currently retain consumer account information that they obtain in telemarketing transactions? If so, do sellers and telemarketers obtain consumer permission before retaining the account numbers, and how is this permission obtained and in what circumstances is it sought? If not, what would be the costs of obtaining permission?

ii. What would be the benefits of requiring sellers and telemarketers to obtain consumer consent before retaining account information that they receive as part of a telemarketing transaction? What problems have arisen where sellers and telemarketers have retained consumers' account information without their permission?

iii. What evidence of the consumer's agreement, if any, should a seller or telemarketer be required to retain?

iv. Should a consumer have the right to change or revoke her permission for a seller or telemarketer to retain her billing information at any time?

v. Should any requirement for consumer consent to retain her billing information apply not only to outbound telemarketing calls, but also to:

1. All inbound calls?

2. Only inbound calls in response to general media or direct mail advertisements soliciting inbound calls?

vi. What specific costs and burdens, if any, would a requirement to obtain a consumer's consent to retain her billing information for future transactions with the same seller or telemarketer impose on businesses, including small businesses?

vii. Should any consent requirement for retaining a consumer's billing information apply only prospectively and ''grandfather in'' previously obtained billing information?

8. Section 310.4(a)(7) generally prohibits sellers and telemarketers from submitting billing information for payment in any transaction without first obtaining the express informed consent of the customer or donor to be charged for the goods or services or charitable donation and to be charged using an identified account.

a. Has this Rule provision been effective in preventing the use of preacquired account information for unauthorized billing of consumers' accounts? If so, why? If not, why not, and how has the prohibition been inadequate?

b. What changes, if any, should be made to this section? What would be the costs and benefits of any such change for consumers and businesses, including small businesses. Explain.

c. Should this section, permitting the use of preacquired account information by sellers and telemarketers who obtain a consumer's express informed consent, be made more consistent with (including more or less rigorous than) the credit card associations' rules prohibiting the exchange, transfer, or sale of cardholder account numbers? Why or why not?

d. Should this section be made more consistent with (including more or less rigorous than) section 3(a)(2) of the Restore Online Shoppers' Confidence Act? Why or why not?

e. Have the provisions of this section significantly increased the cost of doing business? If so, how? What changes could be made to the Rule to reduce the cost of these provisions? What would be the costs and benefits of any such change for consumers and businesses, including small businesses? Explain.

f. What additional evidence, if any, of a consumer's express informed consent to be charged should the Rule require where a seller or telemarketer already has the consumer's account information and:

i. The charge is for an internal upsell by the seller or telemarketer who obtained the account information directly from the consumer in the same telephone call?

ii. The charge is for an external upsell by a seller or telemarketer who did not obtain the account information directly from the consumer?

iii. The charge is for a free trial offer that will lead to continuing charges if the consumer does not cancel?

iv. The charge is for an initial payment for a negative option or continuity sales plan?

v. The charge is for a subscription that will renew automatically?

g. Are there benefits to the use of preacquired account information in (i) internal upsells, (ii) external upsells, (iii) free trial offers, (iv) negative option or continuity sales plans, and (v) subscription renewals? If so, please identify the benefits and quantify them if possible. Do these benefits outweigh the possible harm caused by the use of preacquired account information in these types of transactions? If so, please identify the harm and quantify it if possible.

9. Section 310.4(a)(7) specifically requires in a transaction involving preacquired account information and a ''free to pay conversion feature'' that a seller or telemarketer evidence a customer's express informed consent by obtaining from the consumer the last four digits of the account number to be charged and making and maintaining an audio recording of the entire telemarketing transaction. (A ''free to pay conversion feature'' is a free trial for a specified period of time that requires payment if the customer does not take affirmative action to cancel the transaction before the free trial ends.)

a. Has the requirement that the entire telemarketing transaction be recorded by sellers or telemarketers who use preacquired account information to bill consumers for offers with a free to pay conversion feature been effective in preventing or resolving billing disputes? If so, why? If not, why not, and how has the requirement been inadequate?

b. Has the requirement of obtaining the last four digits of the customer's account number been sufficient to inform consumers that the seller or telemarketer has their account information and can use that information to place charges on their account? If so, why? If not, why not, and how has the prohibition been inadequate?

c. What changes, if any, should be made to this section? What would be the costs and benefits of any such change for consumers and businesses, including small businesses? Explain.

d. Have the provisions of this section significantly increased business costs, including the costs for small businesses? If so, how? What changes could be made to the Rule to reduce the cost of these provisions while minimizing any loss of benefits for consumers?

e. Should this section, permitting the use of preacquired account information by telemarketers and sellers who obtain additional evidence of consumers' express informed consent, be made more consistent with (including more or less rigorous than) the credit card associations' rules prohibiting the exchange, transfer, or sale of cardholder account numbers? Why or why not?

f. Should this section be made more consistent with (including more or less rigorous than) section 3(a)(2) of the Restore Online Shoppers' Confidence Act? Why or why not?

g. When a seller or telemarketer already has a consumer's billing information, is the consumer more likely to understand that she is authorizing a charge if she must provide the complete number of her account to be charged, only the last four digits, or is simply asked for her express authorization to charge the transaction to her account in the following scenarios:

i. The charge is for an additional purchase during the same telephone call with a seller or telemarketer to whom the consumer has already provided her account number?

ii. The charge is for a new purchase during a telephone call subsequent to a prior telemarketing call in which the consumer had agreed to be charged for a purchase by providing her billing information?

iii. The charge is for an external upsell purchase from a sales agent different from the sales agent to whom, during the same telephone call, the consumer previously provided her billing information for an initial purchase?

To what extent, if any, do the answers depend on whether the consumer has previously given her account information to the seller or telemarketer and agreed to allow the seller or telemarketer to retain that information for use in future transactions?

h. Should the Commission consider a prohibition on any use of preacquired account information in external upsells? If so, why? If not, why not, and what costs and burdens would such a requirement impose on businesses, including small businesses, and on consumers?

i. Is any harm caused by the use of preacquired account information in external upsells outweighed by countervailing benefits to consumers or competition? If so, please identify the harm and the countervailing benefits, and quantify the benefits if possible.

j. Should the Commission consider applying the requirements of this provision to transactions involving preacquired account information and offers with negative option features?

10. Have the existing recordkeeping provisions imposed costs and burdens on sellers and telemarketers? On the ability of law enforcement authorities to take action against sellers and telemarketers that violate Rule requirements? What changes, if any, should be made to the recordkeeping provisions? What are the costs and benefits of any such change for consumers and businesses, including small businesses? Explain.

11. Should the recordkeeping provisions be expanded to include a requirement that sellers and/or telemarketers retain records of the telemarketing calls they have placed? What specific costs and burdens would such a requirement impose on businesses, including small businesses? What costs and burdens does the lack of such a requirement impose on law enforcement and on consumers? Are there alternatives to such a requirement that would reduce law enforcement costs and burdens while minimizing the costs and burdens on businesses?

Exemptions

12. Section 310.6 lists acts or practices that are exempt from the Rule, including pay-per-call-services and the sale of franchises and business opportunities already subject to Commission rules.

a. Have the exemptions been effective at minimizing the burden on businesses, including small businesses, while affording consumers sufficient protections under the Rule? If so, why? If not, why not, and how should this section be changed?

b. How should sales to home-based businesses be treated under the Rule? Should sales to home-based businesses be considered business-to-business sales? If so, how are telemarketers able to differentiate between a residential telephone number and a home-based-business telephone number? If not, why not?

c. Is the exemption for ''general media'' advertising still appropriate? If not, why not, and how should this exemption be changed?

d. Should the Rule require that consumers who place inbound calls to a seller or telemarketer in response to a general media advertisement for a negative option product or service receive the same disclosures required by section 310.3(a)(1)(vii) for outbound telemarketing calls ? Why or why not?

e. Should telemarketers and sellers who receive inbound calls from consumers in response to a general media advertisement be subject to the same prohibition against misrepresenting any material aspect of a negative option feature as provided in section 310.3(a)(2)(ix) for outbound telemarketing calls? Why or why not?

f. Are there additional business-to-business products or services that should not be exempted from the TSR (*e.g.,* Web site creation or other Internet-related services, business directories or other advertising services)? Explain.

g. Are there additional exemptions that would be appropriate? Explain.

C. Questions on the Past and Future of the Telemarketing Industry

The Commission also is seeking comment on the telemarketing industry generally to develop an understanding of the history of telemarketing over the past ten years, as well as factors currently shaping and likely to continue to shape the industry. Without limiting the scope of issues on which public comment may be submitted, the Commission is particularly interested in receiving comments on the questions that follow.

Industry Background

13. What is the dollar volume of goods and services that are sold through telemarketing today? Through outbound telemarketing? Through inbound telemarketing? How many people are employed in outbound telemarketing? In inbound telemarketing?

14. How have these figures changed since 2003?

15. How many U.S. firms sell their products domestically, either in whole or in part, through telemarketing? How many sell via outbound telemarketing? How many only receive calls placed by consumers? How have these numbers changed since 2003?

16. How many of these firms engage in telemarketing on their own behalf? How many employ others to engage in telemarketing for them? How have these numbers changed since 2003?

17. How many U.S. entities sell their products, either in whole or in part, internationally through telemarketing?

18. How many foreign entities sell their products, either in whole or in part, in the U.S. through telemarketing?

19. How has the market for selling goods or services internationally by telemarketing changed, if at all, over the past ten years?

20. How many outbound calls are made each year? How many inbound calls are received each year? How have these numbers changed over the past ten years?

21. In addition to sellers and telemarketers, as defined by the TSR, what other third-parties currently serve the industry? How have these parties changed over the past ten years?

22. How do the costs and benefits of selling through telemarketing—either through outbound calls or inbound calls—compare to the costs and benefits of other methods of marketing, e.g., selling online or in a ''brick-and mortar'' face-to-face setting?

23. What percentage of small businesses use telemarketing to make sales? What percentage of businesses providing telemarketing services are small businesses?

Technology

24. What technological innovations have been implemented by telemarketers over the past ten years, and what impact have these innovations had on:

a. The growth of the telemarketing industry?

b. The number of consumers a telemarketer can contact in a given time period?

c. The manner in which list brokers and others develop call lists?

d. The costs of selling through telemarketing?

e. The response and general attitude of consumers toward the industry?

25. What impact have these technological innovations had on consumers? How have consumers benefitted? How have they been harmed? Explain.

26. How have the following technological developments impacted telemarketing? How have they impacted consumers?

a. The use of computer databases of consumer information?

b. Predictive dialers?

c. The integration of telephone and computer technology to permit, e.g., broadcasting of prerecorded calls?

d. The availability of VoIP?

27. What technology is available to consumers to screen or deflect unwanted calls from telemarketers (e.g., answering machines, Caller ID, anonymous call rejection, privacy managers, call filtering systems)? Are interception technologies available and affordable? What impact are such innovations having on telemarketing or telemarketers? How will these technologies that intercept calls shape the future of telemarketing? What consumer habits or concerns (such as the concern about security if an unanswered call may make it appear that the house is empty) may reduce the willingness of consumers to rely on this technology?

28. How has the growth of the Internet as a marketing medium affected traditional telemarketing? What trends are likely over the next five to ten years?

Self-Regulatory Efforts

29. What steps, if any, have industry associations taken to self-regulate? What perceived problems have these steps sought to address? How effective have industry efforts at self-regulation been? Explain.

30. Are industry-sponsored ethical codes effective? How many companies engaged in telemarketing belong to industry associations sponsoring self-regulatory efforts, as compared to the total number of companies engaged in telemarketing? Is compliance with these codes measurable? If so, what do these measurements show?

31. Has the industry undertaken efforts to educate members and/or the public about telemarketing fraud? Describe any such efforts and discuss how effective they have been.

Government Regulation

32. Excluding the TSR, what steps, if any, have federal, state, and local governments taken to regulate telemarketing? What perceived problems have these steps sought to address? How effective have these regulatory efforts been? Explain.

33. What efforts have federal, state, and local governments taken to educate industry and/or the public about telemarketing fraud? Describe any such efforts and discuss how effective they have been. What problems have been encountered?

Consumer Issues

34. What are consumer perceptions of telemarketing today? How have they changed over the past ten years?

35. How much money do consumers lose as a result of telemarketing fraud each year? Has the amount of telemarketing fraud increased or decreased over the past ten years? How much has it changed?

36. Are consumers more aware of telemarketing fraud than in the past? Are consumers less susceptible to telemarketing fraud now than ten years ago? What are the most effective ways to educate the public about fraudulent telemarketing practices?

37. Are there particular groups of consumers that are especially susceptible to telemarketing fraud and has this changed over the past ten years?

38. How can consumers be given greater control over contacts by telemarketers? How are they exercising control now and how has that evolved?

You can file a comment online or on paper. For the Commission to consider your comment, we must receive it on or before October 14, 2014. Write ''Telemarketing Sales Rule Regulatory Review, 16 CFR Part 310, Project No. R411001,'' on your comment. Your comment, including your name and your state, will be placed on the public record of this proceeding, including, to the extent practicable, on the public Commission Web site, at *http://www.ftc.gov/os/publiccomments.shtm.* As a matter of discretion, the Commission tries to remove individuals' home contact information from comments before placing them on the Commission Web site.

Because your comment will be made public, you are solely responsible for making sure that your comment does not include any sensitive personal information, such as anyone's Social Security number, date of birth, driver's license number or other state identification number or foreign country equivalent, passport number, financial account number, or credit or debit card number. You are also solely responsible for making sure that your comment does not include any sensitive health information, such as medical records or other individually identifiable health information. In addition, do not include any ''[t]rade secret or any commercial or financial information which is . . . privileged or confidential,'' as discussed in section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2). In particular, do not include competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

If you want the Commission to give your comment confidential treatment, you must file it in paper form, with a request for confidential treatment, and you have to follow the procedure explained in FTC Rule 4.9(c), 16 CFR 4.9(c).[50] Your comment will be kept confidential only if the FTC General Counsel, in his or her sole discretion, grants your request in accordance with the law and the public interest.

Postal mail addressed to the Commission is subject to delay due to heightened security screening. As a result, we encourage you to submit your comments online. To make sure that the Commission considers your online comment, you must file it at: *https://ftcpublic.commentworks.com/ftc/telemarketingsalesnprm* by following the instructions on the web-based form. If this Notice appears at *http://www.regulations.gov/#!home,* you also may file a comment through that Web site.

If you file your comment on paper, write ''Telemarketing Sales Rule Regulatory Review, 16 CFR Part 310, Project No. R411001'' on your comment and on the envelope, and mail your comment to: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW., Suite CC–5610 (Annex B), Washington, DC 20580, or deliver your comment to: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW., 5th Floor, Suite 5610 (Annex B), Washington, DC 20024. If possible, submit your paper comment to the Commission by courier or overnight service.

Visit the Commission Web site at *http://www.ftc.gov* to read this NPRM and the news release describing it. The FTC Act and other laws that the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. The Commission will

[50] In particular, the written request for confidential treatment that accompanies the comment must include the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. See FTC Rule 4.9(c), 16 CFR 4.9(c).

consider all timely and responsive public comments that it receives on or before October 14, 2014. You can find more information, including routine uses permitted by the Privacy Act, in the Commission's privacy policy, at *http://www.ftc.gov/ftc/privacy.htm.*

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 2014–18505 Filed 8–8–14; 8:45 am]

BILLING CODE 6750–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2014–0436]

RIN 1625–AA09

Drawbridge Operation Regulations; Gulf Intracoastal Waterway, St. Petersburg Beach, FL

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to change the operating schedule that governs the Pinellas Bayway Structure ''E'' (SR 679) Bridge, Gulf Intracoastal Waterway mile 113.0, St. Petersburg Beach, FL. This proposal would extend the time period when the bridge is subject to periodic openings. During this extended time period the bridge will not open on demand.

DATES: Comments and related material must reach the Coast Guard on or before November 10, 2014.

ADDRESSES: You may submit comments identified by docket number USCG–2014–0436 using any one of the following methods:

(1) *Federal eRulemaking Portal: http://www.regulations.gov.*

(2) *Fax:* 202–493–2251.

(3) *Mail or Delivery:* Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001. Deliveries accepted between 9 a.m. and 5 p.m., Monday through Friday, except federal holidays. The telephone number is 202–366–9329.

See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section below for instructions on submitting comments. To avoid duplication, please use only one of these four methods.

FOR FURTHER INFORMATION CONTACT: If you have questions on this proposed rule, call or email Mr. Gene Stratton, Seventh Coast Guard District, Bridge Branch, 305–415–6944, email *allen.e.stratton@uscg.mil.* If you have questions on viewing or submitting material to the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

Table of Acronyms

CFR Code of Federal Regulations
DHS Department of Homeland Security
FR **Federal Register**
NPRM Notice of Proposed Rulemaking
§ Section Symbol
U.S.C. United States Code

A. Public Participation and Request for Comments

We encourage you to participate in this proposed rulemaking by submitting comments and related materials. All comments received will be posted, without change to *http://www.regulations.gov* and will include any personal information you have provided.

1. Submitting comments

If you submit a comment, please include the docket number for this proposed rulemaking (USCG–2014–0436), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online (*http://www.regulations.gov*), or by fax, mail or hand delivery, but please use only one of these means. If you submit a comment online via *http://www.regulations.gov,* it will be considered received by the Coast Guard when you successfully transmit the comment. If you fax, hand deliver, or mail your comment, it will be considered as having been received by the Coast Guard when it is received at the Docket Management Facility. We recommend that you include your name and a mailing address, an email address, or a phone number in the body of your document so that we can contact you if we have questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov,* type the docket number USCG–2014–0436 in the ''SEARCH'' box and click ''SEARCH.'' Click on ''Submit a Comment'' on the line associated with this rulemaking. 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 them 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 the rule based on your comments.

2. Viewing comments and documents

To view comments, as well as documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type the docket number USCG–2014–0436 in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rulemaking. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC, 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

3. Privacy Act

Anyone can search the electronic form of comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review a Privacy Act notice regarding our public dockets in the January 17, 2008, issue of the **Federal Register** (73 FR 3316).

4. Public Meeting

We do not now plan to hold a public meeting. But you may submit a request for one using one of the three methods specified under **ADDRESSES**. Please explain why one would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register.**

B. Basis and Purpose

The legal basis for the rule is the Coast Guard's authority to establish drawbridge regulations:

33 U.S.C. 499. The proposed changes would relieve traffic congestion in St. Petersburg, FL by shortening the time period when the Pinellas Bayway Structure ''E'' (SR 679) is subject to on demand openings and it will extend the period when the Bridge is subject to scheduled periodic openings. The Tierra Verde Community Association, Inc. (''TVCA'') has requested an amendment to the Pinellas Bayway Structure ''E'' (SR 679) Bridge operating schedule to reduce increased vehicular traffic during peak hours. TVCA has indicated that the existing operating schedule severely impacts commute times for residents, businesses, and those seeking

recreational access to Fort Desoto Park. Accordingly, this rule is proposed to seek additional input before the operating schedule is changed.

C. Discussion of Proposed Rule

The Pinellas Bayway Structure ''E'' Bridge provides a vertical clearance of 25 feet at mean high water in the closed position and a horizontal clearance of 89 feet. Vessels with a height of less than 25 feet may pass through the bridge at any time. 33 CFR 117.287(d)(4) states Pinellas Bayway Structure ''E'' (SR 679) bridge, mile 113.0 at St. Petersburg Beach ''shall open on signal, except that from 9 a.m. to 7 p.m. the draw need open only on the hour and 30 minutes past the hour.'' The proposed change would extend the time when the Bridge is not required to open on signal by two hours in the morning and evening. This proposed change would allow this Bridge to open on the hour and half-hour from 7 a.m. to 9 p.m., seven days a week.

D. Regulatory Analyses

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

1. Regulatory Planning and Review

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

We believe this proposed rule is not a significant regulatory action because vessels may still transit the Bridge at scheduled intervals and these changes will continue to meet the reasonable needs of navigation. Therefore, the proposed rule will only have a minor impact on vessels transiting the Gulf Intracoastal Waterway in the vicinity of St Petersburg Beach, Florida.

2. Impact on Small Entities

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

This proposed rule would affect the following entities, some of which might be small entities: The owners or operators of vessels transiting the Gulf Intracoastal Waterway.

This action will not have a significant economic impact on a substantial number of small entities for the following reasons: Vessels that can safely transit under the bridge may do so at any time. Vessels unable to transit under the Bridge will be able to transit the bridge at specific intervals which can be taken into account by owners and operators.

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

3. Assistance for Small Entities

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

4. Collection of Information

This proposed rule would call for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

5. Federalism

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

6. Protest Activities

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

7. Unfunded Mandates Reform Act

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

8. Taking of Private Property

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

9. Civil Justice Reform

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

10. Protection of Children

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

11. Indian Tribal Governments

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

12. Energy Effects

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

13. Technical Standards

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

14. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions which do not individually or cumulatively have a significant effect on the human environment. This proposed rule simply promulgates the operating regulations or procedures for drawbridges. This rule is categorically excluded, under figure 2–1, paragraph (32)(e), of the Instruction.

Under figure 2–1, paragraph (32)(e), of the Instruction, an environmental analysis checklist and a categorical exclusion determination are not required for this rule. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

List of Subjects in 33 CFR Part 117

Bridges.

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 117 as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

■ 1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 33 CFR 1.05–1; Department of Homeland Security Delegation No. 0170.1.

■ 2. In § 117.287, revise paragraph (d)(4) to read as follows:

§ 117.287 Gulf Intracoastal Waterway.

* * * * *

(d) * * *

(4) Pinellas Bayway Structure ''E'' (SR 679) bridge, mile 113.0 at St. Petersburg Beach. The draw shall open on signal, except that from 7 a.m. to 9 p.m. the draw need open only on the hour and 30 minutes past the hour.

* * * * *

Dated: June 24, 2014.

J.H. Korn,

Rear Admiral, U.S. Coast Guard, Commander, Seventh Coast Guard District.

[FR Doc. 2014–18868 Filed 8–8–14; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R07–OAR–2014–0550; FRL 9915–02–Region 7]

Approval and Promulgation of Implementation Plans; State of Iowa; 2014 Iowa State Implementation Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to grant full approval of Iowa's State Implementation Plan (SIP) revision for the 2006 24-hour $PM_{2.5}$ National Ambient Air Quality Standard (NAAQS). Iowa completed the SIP revision in response to a SIP Call finalized by EPA on July 14, 2011, finding that the Iowa SIP was substantially inadequate to maintain the 2006 24-hour $PM_{2.5}$ NAAQS in Muscatine County, Iowa. Iowa submitted its revised SIP to EPA on February 18, 2014. EPA believes that the SIP revision submitted by the state satisfies the applicable requirements of the Clean Air Act (CAA) identified in EPA's SIP Call and the 2006 24-hour $PM_{2.5}$ NAAQS and will keep the Muscatine area in attainment of the 35 microgram/cubic meter (ug/m^3)$PM_{2.5}$ NAAQS.

DATES: Comments must be received on or before September 10, 2014.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R07–OAR–2014–0550, by one of the following methods:

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

2. Email: *algoe-eakin.amy@epa.gov.*

3. Mail, Hand Delivery or Courier: Amy Algoe-Eakin, Environmental Protection Agency, Air Planning and Development Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219.

Instructions: Direct your comments to Docket ID No. EPA–R07–OAR–2014–0550. 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, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy at the Environmental Protection Agency, Air Planning and Development Branch, 11201 Renner Boulevard, Lenexa, Kansas. EPA requests that you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The interested persons wanting to examine these documents should make an appointment with the office at least 24 hours in advance.

FOR FURTHER INFORMATION CONTACT: Amy Algoe-Eakin at (913) 551–7942, or email her at *algoe-eakin.amy@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document ''we,'' ''us,'' or ''our'' refer to EPA.

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I. What is being addressed in this document?

EPA is proposing to grant full approval of Iowa's SIP revision for the 2006 24-hour $PM_{2.5}$ NAAQS. Iowa submitted this SIP revision in response to EPA's Finding of Substantial Inadequacy of Implementation Plan; Call for Iowa State Implementation Plan Revision related to the 2006 $PM_{2.5}$ National Ambient Air Quality Standard (NAAQS) in Muscatine County, Iowa. 76 FR 41424 (July 14, 2011) (hereinafter referred to as the ''SIP Call''). Iowa's SIP revision demonstrates continued attainment of the 2006 $PM_{2.5}$ NAAQS.

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

The state submission has met the public notice requirements for SIP submissions in accordance with 40 CFR 51.102. The submission also satisfied the completeness criteria of 40 CFR part 51, appendix V. In addition, the revision meets the substantive SIP requirements of the CAA, including section 110 and implementing regulations.

III. What action is EPA taking?

EPA is proposing to grant full approval of Iowa's SIP revision in response to EPA's SIP Call to maintain the 2006 24-hour $PM_{2.5}$ NAAQS. We are processing this as a proposed action because we are soliciting comments. Final rulemaking will occur after consideration of any comments.

IV. Background

EPA determined based on 2008–2010 monitoring data from a monitor within the city limits of Muscatine, Iowa that the Iowa SIP was inadequate to maintain attainment with the 2006 24-hour $PM_{2.5}$ NAAQS. 76 FR 41424.[1] EPA based the SIP call on its review of the monitoring data as well as the information from the violating monitor. All portions of Muscatine County are, and continue to be designated as attainment.

EPA issued its SIP call under section 110(k)(5) of the CAA and required Iowa to submit a SIP revision within 18 months of the effective date of the SIP Call that included: (1) An emissions inventory of sources expected to contribute to the violating monitor; (2) a modeling demonstration showing the reductions needed to attain and maintain the $PM_{2.5}$ NAAQS; (3) enforceable control measures necessary to attain and maintain the $PM_{2.5}$ NAAQS; and (4) enforceable commitments to adopt and implement contingency measures if the area does not attain or violates the standard. The SIP Call required that Iowa's SIP revision provide for attainment and maintenance of the 2006 24-hour $PM_{2.5}$ NAAQS in Muscatine County as expeditiously as practicable.

Iowa submitted its SIP revision to EPA on February 18, 2014.

V. Technical Review of the Attainment Demonstration SIP

A. Facility Descriptions

In order to meet the requirements of the SIP Call, Iowa developed a control strategy for Muscatine County. Iowa determined that there were three facilities that were significant contributors to modeled exceedances in the vicinity of the Garfield School monitor: Grain Processing Corporation (GPC), Muscatine Power & Water (MPW) and Union Tank Car (UTC). The largest source of $PM_{2.5}$ near the Garfield School monitor is GPC. The modeling demonstration submitted by Iowa shows that GPC has actual $PM_{2.5}$ emissions of 537.6 tons/year. MPW and UTC have 58.3 and 3.0 tons/year of $PM_{2.5}$ emissions, respectively.

GPC is located approximately 500 meters east/southeast of the Garfield School monitor. GPC processes grain into industrial, beverage, and fuel-grade ethanol, grain based food products, industrial products, and animal feeds. GPC has nearly 200 $PM_{2.5}$ emission points, including coal and gas-fired boilers, dryers, coolers and associated material handling and storage equipment.

Union Tank Car (UTC) supplies and reconditions rail tank cars for use through rental agreements. The primary sources of $PM_{2.5}$ from UTC are from the removal of paint from rail tank cars, repair of rail tank cars, and application of paint through a spray system on rail tank cars. UTC is not a major source of $PM_{2.5}$, but is located near the Garfield School monitor. Iowa determined that UTC contributed to predicted violations of the $PM_{2.5}$ NAAQS. Therefore, Iowa included UTC in the control strategy.

Muscatine Power & Water (MPW) is a municipal electric generating station located approximately 1.6 kilometers south and east of the Garfield School monitor. The primary sources of $PM_{2.5}$ at MPW include emissions from three coal-fired boilers, Units 7, 8, and 9, and emissions from the associated handling and storage equipment.

B. Modeling and Emissions Inventory Data

In the final SIP Call, EPA required the state to submit a modeled attainment demonstration which is consistent with appendix W to 40 CFR part 51. EPA required the modeling to show what reductions will be needed to attain and maintain the $PM_{2.5}$ NAAQS in the area. The state adequately addressed this requirement in its SIP submittal.

The SIP revision includes a detailed explanation of the modeling conducted. Included in the state's plan is discussion of model selection and options including: The extent of the receptor grid, receptor grid spacing, terrain elevations, downwash, and meteorological data. The state also provides background as to the iterative analyses conducted as well as the detailed development of model inputs for emissions and meteorology.

During the development of the plan and in previous technical modeling exercises regarding the 2006 24-hour $PM_{2.5}$ designations, EPA provided technical expertise to the state regarding modeling activities. EPA Region 7 reviewed and provided comment on the state's modeling protocol during the development of the $PM_{2.5}$ Muscatine SIP. (The modeling protocol is including in the state's formal submission as attachment A.)

In evaluating the SIP revision for consistency with appendix W to 40 CFR part 51, EPA Region 7 believes the state submission to be consistent with EPA's modeling requirements. Because local point sources are considered to be the significant contributors to the monitor 24-hour $PM_{2.5}$ violations, the state's modeling was conducted using AERMOD version 12345. Again, the model selection, modeling inputs, such as background concentrations and significant impact levels, and results of modeled attainment tests were subject to consultation with EPA Region 7 prior

[1] A complete history of EPA's rule making can be found at 76 FR 9706, and 76 FR 41424. A summary is also included in the Technical Support Document (TSD) in the public docket for this action.

to the formal completion of the control strategy selection.

In the SIP Call, EPA stated that the state must include in the revised SIP an emissions inventory consistent with 40 CFR 51.114. This regulatory provision provides for identification of emissions data and projections and each plan must contain a detailed inventory of emissions from point and area sources.

Iowa has adequately addressed this requirement in the SIP revision. Iowa reviewed the average 2007 and 2008 facility-wide actual emissions from the facilities shown to contribute significantly to violations of the 24-hour $PM_{2.5}$ NAAQS. Building upon the technical analysis which occurred during the designations process for the 2006 24-hour $PM_{2.5}$ NAAQS and in reviewing inventory for the development of modeling, the state determined three sources significantly contributed to the Garfield School monitored violations. Because of the form of the standard (24-hour average), local sources were determined to be critical in terms of contributions to ambient $PM_{2.5}$ concentrations. The state, as noted in their SIP, did not identify any other potential emissions sources in the area of the violating monitor, such as area and mobile sources, as contributing significantly to the NAAQS violations. Background concentrations were added to modeled results to account for the regional transport of fine particulate matter and any unidentified local sources such as mobile and area sources not explicitly included in the model.

C. Control Strategy

Iowa determined that three sources: GPC, MPW, and UTC, contributed to modeled exceedances of the 2006 $PM_{2.5}$ NAAQS. Iowa's SIP includes a control strategy addressing each of these sources. Iowa's control strategy for GPC is memorialized in Administrative Consent Order No. 2014–AQ–A1 (ACO), which is an administrative consent order between the Iowa Department of Natural Resources and GPC and is included as part of Iowa's SIP revision as SIP attachment B. The ACO includes a schedule for implementing the control strategy, as well as recordkeeping, reporting and testing requirements. The provisions of the ACO will be incorporated into permits, which will then be submitted to EPA for approval into the state SIP. The ACO includes numerous and substantial changes at the GPC facility. The control measures include new particulate controls or improvements to existing particulate controls on a number of sources; shutdown of existing equipment; replacement of old equipment; installation of more efficient equipment; regular sweeping and watering of road surfaces; increase of stack heights; and operating restrictions on certain processes. As described in detail in attachment A to the ACO, GPC has already implemented the control strategy at many of its emission points. This includes operation restrictions, $PM_{2.5}$ emission limits, shutdown of emission units, and stack height increases. However, there are several large-scale projects that will require substantial planning and construction by GPC.

Due to the scale and complexity of the control strategy implementation at GPC, GPC has developed a phased implementation schedule that is already underway and concludes in December 2016. Many of the changes at the GPC facility are contingent upon completion of a significant project related to a new dryer house (Dryer House #5 or DH 5) that is also required under a 2006 Consent Order entered into between GPC and the State of Iowa to address PM_{10} emissions. The DH 5 project is included in Iowa's SIP revision to address $PM_{2.5}$ emissions.

The SIP Call occurred at the same time GPC was designing the DH 5 project to comply with the 2006 Consent Order. To demonstrate compliance with the $PM_{2.5}$ SIP Call, GPC re-evaluated the DH 5 project and made adjustments to the design to accommodate the more stringent plant-wide changes required by the $PM_{2.5}$ SIP Call. As a result of the changes to the project to accommodate the $PM_{2.5}$ SIP Call control strategy, the design complexity, and construction logistics for the DH 5 project, GPC will complete the project on March 31, 2015.

The control strategy includes several large scale projects that are tied to the installation and completion of the DH 5 project. They are described in detail in the Technical Support Document for this action.

The control strategy for GPC also includes several large scale projects that are complex in all aspects, including design and construction, and will require an extended schedule to complete. These projects include improvements to the dryer and scrubber performance at Gluten Plant Units 1 and 2; and decommissioning of dryers and conversion of dryers to natural gas. These projects are all described in detail in the TSD for this action.

The complexity of the design, fabrication, and construction of the projects at GPC supports the phased implementation schedule. Further, approval of the phased implementation schedule does not have a negative effect on air quality. The 24-hour $PM_{2.5}$ design values have been steadily declining over the last three design value periods. The most recent three year design value (2011–2013) at the Garfield School monitor is 28 ug/m^3. Design values at both the Franklin School and Greenwood Cemetery monitors have also declined. The 2010–2012 design value for these monitors is 32 ug/m^3. The on-going implementation of controls pursuant to the control strategy will ensure that future design values stay below the 24-hour $PM_{2.5}$ NAAQS and will eliminate the oscillation of the design values around the $PM_{2.5}$ NAAQS.

Full implementation of the control measures at GPC will reduce $PM_{2.5}$ emissions from GPC by an estimated 367.9 tons/year.

As part of the control strategy, Union Tank Car is installing new particulate controls on several emission points. It is also increasing stack heights at select locations and restricting operations of certain processes. Full implementation of control measures at UTC will reduce $PM_{2.5}$ emissions from UTC by an estimated 0.3 tons per year. The UTC control measures are made enforceable through state-issued air construction permits, which were submitted by Iowa as part of its SIP revision and will become part of the SIP once EPA has granted full approval. All of the control measures at UTC have been implemented.

As part of the control strategy, MPW will conduct regular watering of road surfaces; pave an unpaved road and water road surfaces; remove a lime silo and mixing tank, 3 diesel engines, and wet fly ash truck loading; and implement operational restrictions. MPW will also reduce the capacity of its limestone hopper loading and handling systems; install a roofed enclosure with three sides for the limestone hopper; and reduce the size of the coal pile, limestone pile and synthetic gypsum pile. MPW is also modifying its dust collection system for its coal reclaim and the coal crush feeders by reconfiguring the equipment and increasing the stack height. The MPW control measures are made enforceable through state-issued air construction permits, which were submitted by Iowa as part of its SIP revision and will become part of the SIP once EPA has granted full approval. All of the control measures at MPW have been implemented. The full implementation of the control strategy at MPW is expected to reduce $PM_{2.5}$ emission from MPW by an estimated 0.7 tons per year.

In our final rule (76 FR 41424), EPA stated that we would establish a specific date for attainment at the same time we

took final action on the state's implementation plan revision in response to this final SIP Call. 76 FR at 41426. At the time of the SIP Call, we expected the attainment date to be the first full calendar year following the implementation of controls. In this case, EPA expected the attainment date would be the first full calendar year following the required implementation of controls, i.e. 2014.

However, based upon the information in Iowa's SIP revision, our review of the supplemental information provided by GPC by email dated April 29, 2014,[2] and the current air quality monitoring data for the Muscatine area, EPA is proposing to establish this attainment date as December 31, 2017. This proposed attainment date is consistent with EPA's expectations established in the SIP Call, as it is the first full calendar year following implementation of controls. Due to the complexity of the control strategy, particularly the design, fabrication, and construction of the projects at GPC, and based on the current monitoring value, demonstrating continued attainment of the 2006 $PM_{2.5}$ NAAQS, EPA believes that December 31, 2017 is the date by which long term compliance with the NAAQS can be achieved as expeditiously as practicable.

The proposed control strategy will also further the downward trend of $PM_{2.5}$ emissions for the Muscatine area and provide co-benefits in reductions of other pollutants. Additional analysis can be found in the TSD for this action.

D. Contingency Measures

In the SIP Call, EPA stated that it was reasonable to expect that the 98th percentile value of 24-hour concentrations for the calendar year after the necessary controls were implemented should be at or below the 24-hour $PM_{2.5}$ standard (35 ug/m^3). 76 FR at 41426. EPA stated that contingency measures will be triggered if that value is above the 98th percentile value in the calendar year after the implementation of controls necessary for attainment or in any subsequent year. *Id.* EPA then stated that the SIP revision must contain an enforceable commitment to adopt and implement sufficient contingency measures, once triggered, in an expeditious and timely fashion that is comparable and analogous to the requirements for contingency measures in CAA section 175A(d). *Id.*

EPA determined that the reference to CAA section 175A(d) was warranted because EPA made the SIP call to ensure that the area attains and then continues to maintain the $PM_{2.5}$ standard. 76 FR at 41428. At the time of the SIP Call, Iowa did not comment on the proposed contingency measure trigger. *Id.*

In Iowa's SIP, Iowa included a phased approach to the contingency measure trigger. Iowa stated it will use a violation of the 2015–2017 (or any subsequent) $PM_{2.5}$ design value measured from the Garfield School monitor to determine whether contingency measures should be implemented (first tier trigger). The contingency measures would then be implemented no later than 24 months as stated in the SIP Call. If a contingency measure is triggered, Iowa would then use the 98th percentile value for any subsequent calendar year following the implementation of contingency measures to determine the need for additional measures (second tier trigger).

If the 98th percentile for any subsequent calendar year following the implementation of contingency measure is above 35 ug/m^3 then additional contingency measures would be implemented as expeditiously as practicable, but no later than 24 months after the second tier of contingency measures is triggered. Like the contingency measures implemented as a result of the design value trigger (first tier trigger), the additional contingency measures implemented as a result of the 98th percentile trigger (second tier trigger) would continue indefinitely and become part of the permanent control strategy for the area.

Iowa stated in its submission that it proposed this two tier approach because Iowa believed the SIP Call trigger (98th percentile in the calendar year following implementation of controls) did not adequately consider the potential role of regional (non-local) events. Iowa reviewed the statewide historical 98th percentile $PM_{2.5}$ monitoring data for the past 10 years. Iowa's review showed that if the SIP Call trigger was used, many communities in eastern Iowa that are not adjacent to direct sources of $PM_{2.5}$ and that are not currently designated as non-attainment for the 24-hour $PM_{2.5}$ NAAQS, would have been designated non-attainment for the 24-hour $PM_{2.5}$ NAAQS due to regional $PM_{2.5}$ episodes. Iowa also found that the SIP Call trigger failed to account for the documented year-to-year variability of meteorological conditions. The annual variability of meteorological conditions is accounted for in the form of the 24-hour $PM_{2.5}$ standard, which uses a three-year average of 98th percentile values.

EPA commented on this approach during the public comment period on Iowa's proposed SIP revision. Iowa stated that the two tier trigger approach allows for the triggering of contingency measures on the same time schedule that would have been applicable with a trigger based only on the 98th percentile value for the calendar year after complete implementation of the control strategy.

Section 175A(d) contingency measures are required as part of SIPs to assure that a state will promptly correct any violation of the standard which occurs after the redesignation of the area as an attainment area. The contingency measures shall include a requirement that the state will implement all measures with respect to the control for the air pollutant concerned which were contained in the SIP for the area before redesignation of the area to attainment. In the SIP Call, EPA stated that it did not intend to imply that section 175A(d) is literally applicable to the Muscatine area, but rather provided that IDNR follow 175A(d) as a guide for developing and implementing contingency measures. 76 FR at 41428. At the time of the SIP Call, EPA believed it was reasonable to expect the 98th percentile would be the appropriate trigger for implementing contingency measures. 76 FR at 41426. After reviewing Iowa's SIP revision and the associated contingency measures, EPA believes that the SIP revision meets the requirements of the SIP Call.

Iowa has used Section 175A(d) as guidance in developing the contingency measures, as required by the SIP Call. The contingency measure trigger proposed by Iowa is also reasonable. The first contingency measure trigger using the design value to determine whether there is a violation is consistent with the 2006 $PM_{2.5}$ NAAQS. The second contingency measure trigger using the 98th percentile value is consistent with EPA's SIP Call. Iowa will immediately implement the contingency measures as described below, upon reaching the first trigger.

EPA has carefully reviewed the control strategy and the contingency measures proposed and agrees that the design value trigger for the contingency measures is reasonable, given the strength of the control strategy and the contingency measures proposed and the current design value data of 28 ug/m^3.

EPA is proposing to adopt Iowa's two tier contingency measure approach. The two tier approach is protective of air quality and provides for a comprehensive approach to contingency measures. Therefore, EPA proposes to

[2] This information is included in the TSD and docket for this action.

approve Iowa's two tier trigger for the contingency measures.

As with all aspects of this proposal, EPA is taking comment on the approval of the two tier contingency measure trigger.

In the event that the 2015–2107 24-hour $PM_{2.5}$ design value exceeds the 24-hour $PM_{2.5}$ NAAQS at the Garfield School monitor, Iowa will require the submission of an emissions control program from the appropriate sources in the area. Iowa will determine which sources are required to submit an emissions control program based on the circumstances that triggered the exceedance. Iowa developed some potential contingency measures that may provide additional reductions in the event of an exceedance. These include the following: Evaluate and install additional control equipment, as needed; evaluate and implement changes in stack parameters and stack configurations to improve dispersion of emissions; evaluate and implement additional operation and production restrictions; evaluate and implement process changes to reduce $PM_{2.5}$ and $PM_{2.5}$ formation; review operations and maintenance procedures to determine whether improvements can be made; re-evaluate traffic flow patterns at facilities and vehicle miles traveled to determine whether idling time and congestion can be reduced; re-evaluate material produce unloading, handling, and loading procedures and patters to determine whether improvements can be made; re-evaluate facility best management practices associated with housekeeping including cleaning internal and external areas to minimize dust when the facility is receiving, transferring or loading out materials and product; consider planting vegetation in specific areas to control dust flow patterns and fugitive emissions; and identify and implement other improvements that may be necessary based on potential sources of particulate emissions.

The contingency measures adoption and implementation schedule is as follows:

CONTINGENCY MEASURES ADOPTION AND IMPLEMENTATION SCHEDULE

Activity	Completion date (T=trigger date)
(1) Evaluate circumstances of trigger; ID sources	T + 1 month.
(2) Identify additional control measures	T + 2 months.
(3) Facility(s) submit emission control program	T + 4 months.
(4) Issue order or permits	T + 6 months.
(5) Facility(s) implement additional control measures	Within T + 24 months.

The emissions control plan for any facility required to submit a plan would include the necessary supporting technical information, emissions calculations, construction permit applications, and air quality evaluation to make the additional control measure enforceable through the issuance of an order or construction permits. This approach requires each affected facility to create and implement an emissions control plan with targeted control measures appropriate to the circumstances of the situation that triggered the contingency measures.

E. Enforceability

As specified in section 172(c)(6) and section 110(a)(2)(A) of the CAA and 57 FR 13556, all measures and other elements in the SIP must be enforceable by the state and EPA. The enforceable documents included in Iowa's SIP revision that EPA is proposing to approve are the ACO[3] (Administrative Consent Order No. 2014–AQ–A1) and the construction permits for MPW and UTC. The ACO contains all the control measures with enforceable dates for implementation. The construction permits for MPW and UTC contain all the necessary operational requirements for implementation. Further, the control strategy at MPW and UTC is in the process of being fully implemented.

Upon EPA approval of the SIP revision, the ACO and the state permits will become state and Federally enforceable, and enforceable by citizens under section 304 of the CAA. The ACO specifically allows for the enforcement of the ACO if the terms and provisions are not met. EPA is not bound by the state's enforcement or penalty actions and would enforce violations of this document under section 113 of the CAA or other Federal authorities.

EPA proposed to approve Iowa's SIP as meeting sections 172(c)(6) and 110(a)(2)(A) of the CAA, and 57 FR 13556.

V. Proposed Action

EPA is proposing to grant full approval of Iowa's SIP revision to maintain the 2006 24-hour $PM_{2.5}$ NAAQS.

VII. Statutory and Executive Order Reviews

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' and therefore is not subject to review under Executive Orders 12866 and 13563 (76 FR 3821, January 21, 2011).This action is also not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001). This action merely approves state law as meeting Federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule approves pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4).

This rule also does not have tribal implications because it will not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). This action also does not have Federalism implications because it does not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in

[3] As stated in Iowa's SIP submission letter of February 18, 2014, Iowa did not submit Section III, Paragraph 5, the last sentence, or Section VI to EPA for approval. Therefore, those provisions of the 2014 ACO are not part of Iowa's SIP and are not considered by EPA.

Executive Order 13132 (64 FR 43255, August 10, 1999). Thus Executive Order 13132 does not apply to this action. This action merely approves a state rule implementing a Federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the CAA. This rule also is not subject to Executive Order 13045, ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997) because it approves a state rule implementing a Federal standard.

In reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a state submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA when it reviews a state submission, to use VCS in place of a state submission that otherwise satisfies the provisions of the CAA. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. This action does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). Burden is defined at 5 CFR 1320.3(b).

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

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 10, 2014. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. 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 final rulemaking. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

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

Dated: August 1, 2014.

Karl Brooks,

Regional Administrator, Region 7.

[FR Doc. 2014–18952 Filed 8–8–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2014–0142; FRL–9914–50–Region 3]

Approval and Promulgation of Air Quality Implementation Plans; Virginia; Revision to the Maintenance Plans for the Richmond 1990 1-Hour and Richmond-Petersburg 1997 8-Hour Ozone Maintenance Areas To Remove the Stage II Vapor Recovery Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) proposes to approve the State Implementation Plan (SIP) revision submitted by the Commonwealth of Virginia (Commonwealth). The revision removes the Stage II vapor recovery program (Stage II) from the maintenance plans for the Richmond 1990 1-hour and Richmond-Petersburg 1997 8-hour ozone National Ambient Air Quality Standard (NAAQS) Maintenance Areas (Richmond Area or Area). The revision also includes an analysis that addresses the impact of the removal of Stage II from subject gasoline dispensing facilities (GDFs) in the Richmond Area. The analysis submitted by the Commonwealth satisfies the requirements of section 110(l) of the Clean Air Act (CAA). In the Final Rules section of this **Federal Register**, EPA is approving the State's SIP submittal as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule and the Technical Support Document (TSD) prepared in support of this rulemaking action. A detailed summary of EPA's review and rationale for proposing to approve this SIP revision may be found in the TSD prepared in support of this rulemaking action and is available on line at *http://www.regulations.gov,* Docket number EPA–R03–OAR–2014–0142. 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 10, 2014.

ADDRESSES: Submit your comments, identified by Docket ID Number EPA–R03–OAR–2014–0142 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–2014–0142, 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–2014–0142. 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: Asrah Khadr, (215) 814–2071, or by email at *Khadr.asrah@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.

William C. Early,

Acting Regional Administrator, Region III.

[FR Doc. 2014–18621 Filed 8–8–14; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 2, 7, 12, 46, and 52

[FAR Case 2013–002; Docket No. 2013–0002; Sequence No. 1]

RIN 9000–AM58

Federal Acquisition Regulation; Expanded Reporting of Nonconforming Items; Extension of Comment Period

AGENCY: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Proposed rule; extension of comment period.

SUMMARY: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to require expanded reporting of nonconforming items. The comment period is being extended to provide additional time for interested parties to review the FAR changes of FAR Case 2013–002; Expanded Reporting of Nonconforming Items to September 10, 2014.

DATES: Interested parties should submit written comments to the Regulatory Secretariat at one of the addressees shown below on or before September 10, 2014 to be considered in the formation of the final rule.

ADDRESSES: Submit comments in response to FAR Case 2013–002 by any of the following methods:

- Regulations.gov: *http://www.regulations.gov.* Submit comments via the Federal eRulemaking portal by searching for ''FAR Case 2013–002''. Select the link ''Comment Now'' that corresponds with ''FAR Case 2013–002.'' Follow the instructions provided at the ''Comment Now'' screen. Please include your name, company name (if any), and ''FAR Case 2013–002'' on your attached document.
- Fax: 202–501–4067.
- Mail: General Services Administration, Regulatory Secretariat (MVCB), ATTN: Hada Flowers, 1800 F Street NW., 2nd Floor, Washington, DC 20405.

Instructions: Please submit comments only and cite FAR Case 2013–002, in all correspondence related to this case. All comments received will be posted without change to *http://www.regulations.gov,* including any personal and/or business confidential information provided.

FOR FURTHER INFORMATION CONTACT: Ms. Marissa Petrusek, Procurement Analyst, at 202–501–0136, for clarification of content. For information pertaining to status or publication schedules, contact the Regulatory Secretariat at 202–501–4755. Please cite FAR Case 2013–002.

SUPPLEMENTARY INFORMATION:

I. Background

DoD, GSA, and NASA published a proposed rule in the **Federal Register** at 79 FR 33164, June 10, 2014. The comment period is extended to provide additional time for interested parties to review and submit comments on the published FAR changes until *September 10, 2014.*

List of Subjects in 48 CFR Parts 2, 7, 12, 46, and 52

Government procurement.

Dated: August 6, 2014.

William Clark,

Acting Director, Office of Government-wide Acquisition Policy, Office of Acquisition Policy, Office of Government-wide Policy.

[FR Doc. 2014–18974 Filed 8–8–14; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

49 CFR Parts 171 and 173

[Docket No. PHMSA–2011–0143 (HM–253)]

RIN 2137–AE81

Hazardous Materials: Reverse Logistics (RRR)

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

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: PHMSA is proposing to revise the Hazardous Materials Regulations applicable to return shipments of certain hazardous materials by motor vehicle. PHMSA proposes a definition for ''reverse logistics'' for hazardous materials that are intended to be returned to or between a vendor, distributor, manufacturer, or other person for the purpose of returning for credit, recalling product, replacement, or similar reason (for instance, from a retail or wholesale outlet). PHSMA proposes to establish a new section in the regulations to provide an exception for materials that are transported in a manner that meets the definition of ''reverse logistics.'' In this exception, PHMSA proposes to clearly identify the

hazardous materials authorized, packaging, hazard communication, and training requirements applicable to reverse logistics shipments. In addition to providing a new reverse logistics exception, this rulemaking also proposes to expand an existing exception for reverse logistics shipments of used automobile batteries that are being shipped from a retail facility to a recycling center.

DATES: Comments must be received by October 10, 2014. To the extent possible, PHMSA will consider late-filed comments as a final rule is developed.

ADDRESSES: You may submit comments by identification of the docket number (PHMSA–2011–0143 (HM–253)) by any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 1–202–493–2251.
- *Mail:* Docket Operations, U.S. Department of Transportation, West Building, Ground Floor, Room W12–140, Routing Symbol M–30, 1200 New Jersey Avenue SE., Washington, DC 20590.
- *Hand Delivery:* To Docket Operations, Room W12–140 on the ground floor of the West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Instructions: All submissions must include the agency name and docket number for this notice at the beginning of the comment. All comments received will be posted without change to the Federal Docket Management System (FDMS), including any personal information.

Docket: For access to the dockets to read background documents or comments received, go to *http://www.regulations.gov* or DOT's Docket Operations Office (see **ADDRESSES**).

FOR FURTHER INFORMATION CONTACT: Steven Andrews, Standards and Rulemaking Division, Office Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, 1200 New Jersey Avenue SE., Washington, DC 20590, at (202) 366–8553.

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I. Executive Summary

This notice of proposed rulemaking (NPRM) proposes to create a new section in the Hazardous Materials Regulations (HMR; 49 CFR Parts 171–180) with provisions tailored to the unique characteristics of reverse logistics. By creating an exception from existing regulations for certain reverse logistics shipments, this NPRM offers opportunities for reduced compliance costs among hazmat shippers and carriers, without any decrease in safety. In addition, PHMSA is also handling a reverse logistics issue related to the transportation of used automobile batteries to recycling centers. This change to the HMR will reduce the burden on the regulated community when consolidating shipments of lead acid batteries for recycling.

PHMSA published an ANPRM on July 5, 2012 (77 FR 39662), to request comments from the public on changes to the regulations that would simplify requirements and reduce the burden on retail outlets. In response to PHMSA efforts in the area of reverse logistics, petitions for rulemaking, and comments submitted to the ANPRM, PHMSA is proposing the following changes in this NPRM:

- Define the term ''reverse logistics'';
- Establish regulations for the shipment of hazardous material in the reverse logistics supply chain;
- Establish clear applicability to the training requirements associated with ''reverse logistics'' shipments;
- Provide authorized packaging for reverse logistics shipments;
- Establish segregation requirements for reverse logistics shipments; and
- Allow more flexibility for the transportation of lead acid batteries.

There are no quantified costs associated with this proposed rule—PHMSA estimates that the simplified requirements proposed in this NPRM will create a safer environment for consumer products to be returned to distribution centers. However, we do not expect any significant change in the current level of safety. Benefits have been estimated in the areas of training and shipment preparation. Due to limited data availability, the benefit estimates associated with this NPRM are based on certain key assumptions and are presented as ranges. Annual figures are presented rather than a time-series of future values since no major variations are expected from year to year.

BENEFITS OF THE PROPOSED RULE

[Reduced compliance costs]

Relevant HMR citation	Category	Amount of annual savings
§ 173.157	Training	$4–8 million.
§ 173.157	Shipment Preparation	0–1 million.
§ 173.159	Transportation Costs—Battery Recycling	1–2 million.

A complete copy of the regulatory evaluation for this rulemaking is available at *http://www.regulations.gov* under Docket No. PHMSA–2011–0143.

II. Background

Currently, the HMR do not provide any specific exceptions for shipments made in the reverse logistics supply chain. Therefore, a hazardous material that is shipped from a retail outlet back to a distribution facility is subject to the HMR in the same manner as the original shipment to the retail outlet. The retail outlet is fully subject to the shipper's responsibility requirements provided in § 173.22 of the HMR. Key shipper

responsibilities include classification, selecting a packaging, closing the packaging, communicating the hazard, and ensuring the employees are properly trained in the functions they perform. In conducting enforcement actions and outreach, we have learned that these requirements are often misunderstood or overlooked. In addition, PHMSA received two petitions requesting that we take action to provide reverse logistics requirements in a single section that is both clear and easily understood. PHMSA's observations and the petitions are described below:

PHMSA Observations

During investigations conducted by PHMSA field operations staff, we identified several instances where damaged hazardous materials were being shipped from retail outlets back to distribution centers without proper packaging or segregation. In most instances, non-compliant shipments were due to a lack of understanding of the HMR and hazardous materials shipping requirements. Often, returned hazardous materials and packages are damaged or compromised. Very often, the employees at the retail outlets responsible for packing and shipping these materials have little or no hazardous materials training. This may result in inadequate packaging and hazard communication. Below we identify potential problems that can occur in the reverse logistics of hazardous materials:

- Lack of hazardous materials training by the employees at the retail outlet;
- Different packaging from the original packaging being used to ship the material;
- Lack of knowledge regarding the hazards of the material;
- Potential for hazardous materials to be subject to Environmental Protection Agency (EPA) waste manifest rules;
- Items that were once classified as consumer commodities that no longer meet that exception;
- Undeclared hazardous materials shipped within the stream of commerce;
- Properly-marked and labeled original packaging being improperly re-used to ship returned products that are either not hazardous materials or hazardous materials for which said packaging is not authorized; and
- Shipments that are not accompanied by appropriate hazardous communication, such as shipping papers, emergency response numbers, placards, labels, markings, and other requirements of the HMR.

PHMSA believes that reverse logistics issues involving hazardous materials will continue to rise with the increased consumption of goods in a growing economy. We also believe that it would be beneficial to identify those areas where PHMSA and the regulated community can work together to facilitate the movement of hazardous materials in the reverse logistics supply chain. Based on stakeholder petitions, the regulated industry seems to agree that we can work together to improve the reverse logistics supply chain. Specifically, PHMSA has received two petitions that provide a potential path forward to address the issues that both industry and government face. These petitions are outlined as follows:

P–1528

PHMSA received a petition from the Council on the Safe Transportation of Hazardous Articles Inc. (COSTHA) outlining issues related to the return shipment of hazardous materials. In its petition for rulemaking (P–1528), COSTHA proposed that the HMR include a definition for ''reverse logistics'' in § 171.8 and add a new section, § 173.157 to outline the general requirements and exceptions for hazardous materials shipped in the context of reverse logistics. Additionally, in its petition, COSTHA identified an unquantifiable exposure to risk presented through undeclared hazmat from retail outlets. This includes retail operations that unknowingly return articles containing hazardous materials to the product manufacturing that are potentially compromised. COSTHA has indicated that the majority of these hazardous materials are returned to the retail outlet by the customer. COSTHA also noted that equipment powered by internal combustion engines may be returned to retail outlets after being used and may contain residual fuel, posing a hazardous materials risk.

P–1561

PHMSA received a petition (P–1561) from the Battery Council International (Battery Council) involving the reverse logistics of used lead acid automobile batteries. In its petition, the Battery Council requests that PHMSA allow the shipment of used batteries from multiple shippers on a single transport vehicle under the exception provided in § 173.159(e). The Battery Council notes in their petition that currently the exception in § 173.159(e) does not clearly allow for shipment of used batteries from multiple shippers for the purposes of recycling.

ANPRM

On July 5, 2012 (77 FR 39662), PHMSA published an Advanced Notice of Proposed Rulemaking (ANPRM), to request comments on reverse logistics. Specifically, we requested comments on regulatory changes intended to reduce the burden on retail outlets that ship consumer products containing hazardous materials in the reverse logistics supply chain. We targeted questions in the ANPRM to evaluate reverse logistics shipments by highway, rail, and vessel. In response to the ANPRM, we received comments from the following individuals and organizations:

1. NUCON International, Inc.
2. Call 2 Recycle
3. Federal Express (FedEx)
4. Lisa M. Brosseau
5. United Parcel Service (UPS)
6. International Foodservice Distributors Association (IFDA)
7. RSR Corporation
8. American Trucking Associations (ATA)
9. VaporLok Products, LLC.
10. Council on Safe Transportation of Hazardous Articles (COSTHA)
11. PSC Environmental Services
12. Veolia ES Technical Solutions, L.L.C.
13. Healthcare Distribution Management Association (HDMA)
14. PharmaLink, Inc.
15. American Coatings Association, Inc. (ACA)
16. National Electrical Manufacturers Association (NEMA)
17. Hazardous and Medical Waste Program, Army Public Health Command
18. VaporLok Products, LLC.
19. Dangerous Goods Advisory Council (DGAC)
20. Minnesota Pollution Control Agency (MPCA)
21. Nickel City Ventures, Inc.
22. Battery Council International (BCI)
23. The Rechargeable Battery Association (PRBA)
24. The Food Marketing Institute (FMI)
25. MBSource, LLC
26. Association of Hazmat Shippers, Inc.
27. Retail Industry Leaders Association (RILA)
28. Labelmaster
29. Wal-Mart
30. National Association of Chain Drug Stores (NACDS)

A large majority of commenters were supportive of PHMSA's efforts to provide an exception to current regulations. However, some commenters did not see a need for relief for hazardous materials in the reverse logistics supply chain. As noted in the

comments to the ANPRM, reverse logistics includes such commodities as perfumes, automotive parts, medical supplies, and batteries. Detailed responses to the comments are found below in the Review of Proposed Amendments section of this rulemaking.

III. Review of Proposed Amendments

PHMSA's reverse logistics initiative is the result of efforts by the Federal government to clarify and streamline regulations and reduce regulatory burden where possible. The overall intent is to provide clear and concise regulatory requirements that maintain a high level of safety. In regard to reverse logistics, PHMSA has considered petitions for rulemaking submitted by the regulated community, input from our field staff, and comments submitted to the July 5, 2012 ANPRM. As a result, PHMSA is proposing to make the following changes in this NPRM:

- Define the term ''reverse logistics;''
- Establish a single section in the regulations for the shipment of hazardous material in the reverse logistics supply chain;
- Establish training requirements tailored to reverse logistics shipments;
- Define the authorized packaging for reverse logistics shipments;
- Establish segregation requirements for reverse logistics shipments; and
- Allow for more flexibility in the transportation of lead acid batteries.

Below we describe each proposal in detail and provide our rationale for the change.

A. Definition of ''Reverse Logistics'' and Applicable Hazard Classes

In the ANPRM we asked how we should best define the term ''reverse logistics.'' In response, we received proposed definitions for reverse logistics from both COSTHA and Wal-Mart. We relied heavily on the input provided by the commenters to develop a proposed definition for the term. Specifically, we are proposing to add the definition to § 171.8 of the HMR. The proposed definition for reverse logistics is the process of moving goods from their final destination for the purpose of capturing value, recall, replacement, proper disposal, or similar reason. PHMSA notes that as proposed in this NPRM, individual consumers would not be considered hazmat employees under § 171.8 of the HMR and thus would not be directly affected by the new requirements in this rulemaking. However, individual consumers should also be sure to check United States Postal Service (USPS) or other common carrier requirements before shipping hazardous materials.

B. Applicability and Hazard Classes

In the ANPRM we asked for information on the hazard classes and quantities of hazardous materials that are shipped in the reverse logistics supply chain. Based on that information, we are proposing to limit the exceptions for reverse logistics to shipments made by highway. UPS notes in its comments that the consequences of aviation incidents are too great to allow these shipments by air. PHMSA agrees and is not allowing shipments under the reverse logistics section by air. Further, PHMSA is concerned that allowing shipments by rail or vessel will promote consolidation of multiple reverse logistics shipments. The intent of this exception is to provide a means of safely transporting a consumer product containing a hazardous material from a final destination, such as a retail outlet, to a disposal or repackaging location. It is not our intent for reverse logistics shipments to be consolidated and shipped overseas, for example.

PHMSA also received several comments on what hazard classes should be included in a reverse logistics exception. UPS indicates that PHSMA should not include explosives such as Division 1.1, 1.2, and 1.3 that have specific defined packaging and handling instructions. In addition, UPS indicates that PHMSA should not include toxic gases (Class 2.3), dangerous when wet (Division 4.3), Oxidizers (5.1), Organic Peroxides (5.2), and Class 7 materials that require a Radioactive White-I, Yellow-II, or Yellow-III label. Wal-Mart indicates that waiving the fully-regulated hazmat requirements for reverse logistics on Classes 2.1, 2.2, 3, 4.1, 5.1, 6.1, 7, 8 and 9 would significantly reduce the burden and expense incurred in the reverse logistics supply chain.

After careful review of the comments in the ANPRM, PHMSA has decided to include consumer products in hazard classes 1.4 (ammunition), 2.1, 2.2, 3, 4.1, 5.1, 5.2, 6.1, 6.2, 8 and 9 in the reverse logistics exception. PHMSA believes that limited quantities of hazardous materials in these hazard classes that are used in consumer products present a risk that is easily managed by the proposed reverse logistics exception. In addition, PHSMA believes, based on comments and petitions, that these hazard classes cover the vast majority of hazardous materials in the reverse logistics supply chain and will effectively reduce an unnecessary burden on retail outlets.

C. Training Requirements

In the ANPRM we asked to what extent should retail employees who package hazardous materials for shipments back to the distribution centers be subject to the requirements in 49 CFR Part 172, Subpart H. PHMSA also asked if retail employees are currently being trained for the shipment of hazardous materials under 49 CFR Part 172, Subpart H. Most comments indicate that full training is not necessary given the low risk of the materials covered. UPS supported employees meeting the full training requirements but stated that if PHMSA does reduce the training requirements, function specific training of the employees should not be compromised. PHMSA believes the training requirements proposed in this rulemaking will satisfy UPS concerns.

Currently under the HMR, any person who meets the definition of a hazardous material employee is subject to the training requirements in § 172.700. PHMSA recognizes that in a retail setting, it is unlikely that employees are meeting the training requirements, as their primary function is not shipping hazardous materials. In comments to the ANPRM, FMI states that any training required under the reverse logistics exception should take into account the small quantities of hazardous materials and minimal danger to the public and safety. Wal-Mart notes that requiring retail employees to meet the full training requirements in § 172.700 requires tens of thousands of employees to be trained on how to package, mark, and label hazardous materials. The RILA notes that due to the seasonal sales nature of the retail industry, the retail industry can experience a very high-turnover in staff making it difficult to cost effectively train all retail staff in accordance with the HMR. In addition, Wal-Mart adds that only a small portion of items returned to retail outlets are classified as hazardous materials and vast majority of those items present little to no safety risk. Wal-Mart also adds that retail employees should be exempt from being trained in the special permit functions of a retail item.

UPS sees no reason to provide exceptions from training for employees in retail establishments that routinely stock and sell inventory that is regulated as hazardous materials. However, UPS adds that if PHMSA determines to reduce the required scope of the applicable training regulations, it should take care not to waive function-specific requirements that contribute to safe shipment preparation. UPS indicates that employees should have

the full capability to create safe shipments, while understanding the basic packaging requirements, hazard segregation, and hazard communication requirements.

PHMSA agrees with most commenters and is not proposing to require retail employees shipping under the proposed reverse logistics section to be fully trained under 49 CFR Part 172, Subpart H. After considering the comments from industry, PHMSA is proposing a relaxed set of training requirements. This NPRM proposes that employees shipping hazardous materials under the reverse logistics section have a minimal amount of hazardous materials training. Key to this training is the employee's knowledge of the types of materials that are being returned to the distribution centers. Further, required training would be clearly specified in the reverse logistics exception.

D. Segregation Issues

In the ANPRM we asked if hazardous materials are currently being properly segregated as required by § 177.843 of the HMR when being shipped from retail outlets to distribution centers. Generally, commenters indicate that in many cases segregation is not necessary given the low risk associated with the materials covered. UPS noted that while there is no direct evidence that incidents involving segregation issues were necessarily associated with reverse logistics, the incidents resulting from the dangerous combination of incompatible materials underscore the need to segregate hazards in all transportation—including reverse logistics activity.

In the comments to the ANPRM, ATA notes that the segregation tables could be revised to allow some hazard classes to be transported together. ATA adds, since reverse logistics would most likely encompass smaller quantities of hazardous materials or hazardous materials that are packed inside another product; the current segregation standards may not be necessary. COSTHA notes that in most cases the materials previously classified as ORM–D are in small quantities and the designation as ORM–D do not identify the hazard class. The Association of Hazmat Shippers indicates that segregation of Class 2 and Class 3 materials is unnecessary under the reverse logistics exception.

Wal-Mart adds that the most volatile classes should not be excepted from segregation requirements such as Classes and Divisions 1.1, 1.2, 2.3, 4.2, 5.2, and 6 Inhalation hazards. However, Wal-Mart adds that most of these do not appear in the retail arena, and therefore, are not generally transported in a retail reverse logistics scenario.

PHMSA agrees with most commenters and is proposing a section in the NPRM to allow the mixing of various hazard classes provided the packages are not leaking. If the packages are compromised, those products would need to be placed in a leak proof inner packaging for liquids or sift proof inner packaging for solids to prevent leakage if further damage were to occur. Further, for simplicity, we propose to include the reverse logistics segregation requirements in the reverse logistics exception section.

E. Packaging

In the ANPRM we asked if PHMSA should define specification packages for materials shipped under reverse logistics. PHMSA received multiple comments on the types of packaging that should be required under the reverse logistics exception. In addition, through investigations, PHMSA discovered that currently many shipments of hazardous materials are improperly packaged in the reverse logistics supply chain.

In its comments, UPS notes that shipments made under the reverse logistics exception may contain packages with unsecured closures that are subject to leakage. In addition, UPS expresses concern that the outer packaging used in the reverse logistics process may not be designed to contain spills from damaged retail items. UPS indicates that PHMSA should require packages that are used in the reverse logistics supply chain to incorporate an outer packaging and absorbent material capable of fully containing any leakage from the inner packagings. The Association of Hazmat Shippers adds that limited quantity and consumer commodity shipments might track the Canadian limited quantity example in TDG 1.17. Specifically, each package meeting the general packaging requirements, weighing no more than 30 kg, meeting limited quantity inner packaging limits, and marked with ORM–D or the new limited quantity diamond, should be excepted from specification packaging requirements, any other markings, labels, placards, hazmat employee training, unintended release reporting, and security requirements when shipped by road, rail, or vessel when engaged in domestic transportation.

Wal-Mart indicates that there is no need for specification packaging for consumer products in the reverse logistics supply chain based on the limited transportation risk they present. Rather, Wal-Mart recommends a common sense requirement that is simple to understand and execute. For instance, inner containers should be securely closed, protected against damage, and secured against movement within the outer package along with a compatible packing material. Outer packaging should be strong outer packaging of good integrity that clearly identifies the content.

Wal-Mart also presents a scenario where a fully regulated cylinder of a non-flammable gas is returned to a retail outlet. In these cases, a retail associate cannot determine whether a container is empty, making it impossible for the associate to determine if the cylinder still meets the definition for class 2.2 non-flammable compressed gas. Wal-Mart suggests allowing the shipment of these cylinders as hazmat even if they may not meet the definition of a Class 2 non-flammable gas.

Another commenter, RILA suggests that any sturdy, six-sided container will adequately protect the consumer products in the reverse logistics supply chain. Further, RLA suggests the use of orientation arrows and securement.

After carefully weighing the comments from the ANPRM, PHMSA is proposing a set of packaging standards under the proposed reverse logistics exception that will ensure consistent and safe packaging requirements for these low hazard items. This includes requiring the use of the original package or a package of equivalent strength or integrity. It also requires that inner packagings be leakproof for liquids and siftproof for solids. Further, for liquids, the outer packaging must contain enough absorbent material to contain a spill from the inner packagings. The exception will also provide that packages be secured against shifting through the use of cages, carts, and bins.

F. Battery Recycling

This NPRM also addresses an existing exception concerning the reverse logistics shipment of lead acid batteries. As noted in the ANPRM and in the Background section above, PHMSA received a petition from BCI to modify the exception in § 173.159(e) to allow for the pickup of batteries from multiple retail entities for the purposes of recycling. Currently, the HMR include a single shipper provision which prohibits the pickup of batteries from multiple locations.

PHMSA received several comments in support of modifying the battery exception in § 173.159(e) to allow for pickup of used automobile batteries from multiple shipper locations. However, RSR Corporation urges PHMSA to keep the single shipper

provision in intact. RSR Corporation indicates that the removal of the provision would lead to an increase in incidents involving the transportation of used lead acid batteries.

PHMSA does not believe that allowing a battery recycler to pick up batteries from multiple shipping locations will lead to an increase in incidents involving the transportation of used automobile batteries. PHMSA believes that the proposed requirements in § 173.159(e) that batteries shipped under this section must be blocked, braced, or otherwise secured to prevent contact with or damage to batteries will prevent an increase in incidents. In addition, reducing the regulatory burden on lead acid battery recyclers is likely to encourage an even greater rate of recycling among lead acid battery recyclers. Also, as noted by BCI, allowing the collection of lead acid batteries from multiple locations will result in more batteries on a single truck and fewer miles traveled to accomplish battery collection activities. This will lead to a reduction in the number of highway miles traveled, thus reducing the risk of accidents on the highway. PHMSA does not anticipate any negative impacts on safety. Therefore, in this NPRM PHMSA is proposing to revise § 173.159(e)(4) to allow for the pick-up of used automotive batteries from multiple retail locations for the purposes of recycling as long as the pallets are built so they will not cause damage to another pallet during transportation. In addition, PHMSA is requiring an incident report to be filed for any spill that occurs while operating under the expanded battery exception.

V. Rulemaking Analyses and Notices

A. Statutory/Legal Authority for This Rulemaking

This NPRM is published under the authority of the Federal Hazardous Materials Transportation Law, 49 U.S.C. 5101 *et seq.* Section 5103(b) authorizes the Secretary to prescribe regulations for the safe transportation, including security, of hazardous material in intrastate, interstate, and foreign commerce. This NPRM provides for regulations for the shipment of consumer products in the reverse logistics supply chain.

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

This notice of proposed rulemaking is not considered a significant regulatory action under Executive Order 12866 and the Regulatory Policies and Procedures of the Department of Transportation (44 FR 11034).[1] A regulatory evaluation is available for review in the public docket for this rulemaking, and PHMSA seeks comments on the methodology, assumptions, and calculations contained within it.

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.[2] 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 were 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.

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.[3]

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 has evaluated the HMR with respect to reverse logistics and identified areas that could be modified to enhance the program and increase flexibility for the regulated community. In this NPRM, the proposed amendments to the HMR will not impose increased compliance costs on the regulated industry. By proposing to add a § 173.157 to the HMR for items shipped in the reverse logistics supply chain, PHMSA will reduce regulatory burden and increase flexibility to industry, while maintaining an equivalent level of safety. There may be a number of retailers who are currently not in compliance with the HMR when shipping hazardous materials in the reverse logistics supply chain. It is not feasible for PHMSA to quantify the number of retail outlets who are in non-compliance. However, PHMSA believes through a simplified regulatory approach and outreach, the proposed standards will create regulatory framework that will assist these retail outlets in complying with the HMR.

In addition to providing a new reverse logistics exception, this rulemaking also proposes to expand an existing exception for reverse logistics shipments of used automobile batteries that are being shipped from a retail facility to a recycling center. This change to the HMR will reduce the burden on the regulated community when consolidating shipments of lead acid batteries for recycling.

A summary of the regulatory evaluation used to support the proposals presented in this NPRM are discussed below. A complete copy of the regulatory evaluation for this rulemaking is available at *http://www.regulations.gov* under Docket No. PHMSA–2011–0143.

Regulatory Evaluation

For the regulatory evaluation of this NPRM, PHMSA assumes that this rulemaking would reduce shipping paper preparation costs for shipments involving relevant quantities of the affected commodity types, through the elimination of requirements to describe the hazardous materials in shipping papers. Similarly, the rule also eliminates the requirement for emergency response information for those shipments that currently require a shipping paper. Packages affected by the proposed rule would no longer require either material-specific markings and labels, or limited-quantity or ORM–D markings. Vehicles carrying packages affected by the proposed rule would no longer require placarding. The training requirements would also be reduced to a level commensurate with the risk posed by these consumer products. In addition, PHMSA is proposing to relax the requirements for recycling used lead

[1] See *http://www.whitehouse.gov/omb/inforeg_riaguide/.*

[2] See *http://www.whitehouse.gov/the-press-office/2011/01/18/improving-regulation-and-regulatory-review-executive-order.*

[3] See *http://www.gpo.gov/fdsys/pkg/FR-2012-05-14/pdf/2012-11798.pdf.*

acid batteries. The change will reduce the transportation costs associated with recycling of lead acid batteries. A table identifying the benefits associated with this NPRM is provided below:

BENEFITS OF THE PROPOSED RULE

[Reduced compliance costs]

Relevant HMR citation	Category	Amount of annual savings
§ 173.157	Training	$4–8 million.
§ 173.157	Shipment Preparation	$0–1 million.
§ 173.159	Transportation Costs—Battery Recycling	$1–2 million.

PHMSA does not expect any additional cost to the regulated community as a result of the proposed changes. PHMSA welcomes additional comments from the regulated community on any cost or benefits resulting from this proposed action.

C. Executive Order 13132

This proposed rule has been analyzed in accordance with the principles and criteria contained in Executive Order 13132 (''Federalism''), and the President's memorandum on ''Preemption'' published in the **Federal Register** on May 22, 2009 (74 FR 24693). This proposed rule will preempt State, local, and Indian tribe requirements but does not propose any regulation that has substantial direct effects on the States, the relationship between the national government and the States, or the distribution of power and responsibilities among the various levels of government. Therefore, the consultation and funding requirements of Executive Order 13132 do not apply.

The Federal hazardous materials transportation law, 49 U.S.C. 5101–5128, contains an express preemption provision (49 U.S.C. 5125 (b)) that preempts State, local, and Indian tribe requirements on the following subjects:

(1) The designation, description, and classification of hazardous materials;

(2) The packing, repacking, handling, labeling, marking, and placarding of hazardous materials;

(3) The preparation, execution, and use of shipping documents related to hazardous materials and requirements related to the number, contents, and placement of those documents;

(4) The written notification, recording, and reporting of the unintentional release in transportation of hazardous material; and

(5) The design, manufacture, fabrication, marking, maintenance, recondition, repair, or testing of a packaging or container represented, marked, certified, or sold as qualified for use in transporting hazardous material.

This proposed rule addresses all the covered subject areas above. If adopted as final, this rule will preempt any State, local, or Indian tribe requirements concerning these subjects unless the non-Federal requirements are ''substantively the same'' as the Federal requirements. Furthermore, this proposed rule is necessary to update, clarify, and provide relief from regulatory requirements.

Federal hazardous materials transportation law provides at § 5125(b)(2) that, if DOT issues a regulation concerning any of the covered subjects, DOT must determine and publish in the **Federal Register** the effective date of Federal preemption. The effective date may not be earlier than the 90th day following the date of issuance of the final rule and not later than two years after the date of issuance. PHMSA has determined that the effective date of Federal preemption for these requirements will be one year from the date of publication of a final rule in the **Federal Register**.

D. Executive Order 13175

This NPRM has been analyzed in accordance with the principles and criteria contained in Executive Order 13175 (''Consultation and Coordination with Indian Tribal Governments''). Because this NPRM does not significantly or uniquely affect the communities of the Indian tribal governments 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 Procedures and Policies

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 a significant impact on a substantial number of small entities. The primary costs to small entities include ensuring that damaged consumer commodities are shipped properly under § 173.157 and ensuring that its employees have access to the minimal training requirements as required under this section.

PHMSA expects impacts of this rule will be quite limited for many small entities. The estimated benefits and costs figures discussed below should be viewed as upper bounds, both of which will be reduced by the extent of current practice.

Retail, trucking, and other industries potentially affected by the proposed rule all have substantial numbers of small entities. The impacts of the proposed rule are expected to be favorable because of the significant new flexibility being proposed for the preparation and transport of certain hazardous materials in reverse logistics. However, PHMSA does not expect that the impacts will be significant. A typical small entity would save roughly $60 per affected new employee on training costs, and $0.17 to $2 per affected package in shipment preparation costs. PHMSA invites comments on these estimates.

Based upon the above estimates and assumptions, PHMSA certifies that the proposals in this NPRM will not have a significant economic impact on a substantial number of small entities. Further information on the estimates and assumptions used to evaluate the potential impacts to small entities is available in the Regulatory Impact Assessment that has been placed in the public docket for this rulemaking.

This notice has been developed in accordance with Executive Order 13272 (''Proper Consideration of Small Entities in Agency Rulemaking'') and DOT's procedures and policies to promote compliance with the Regulatory Flexibility Act to ensure that potential impacts of draft rules on small entities are properly considered. More information can be found in the Initial Regulatory Flexibility Act (IFRA) that is included in the Regulatory Impact Analysis (RIA) document.

F. Paperwork Reduction Act

PHMSA currently has an approved information collection under OMB Control Number 2137–0034, entitled ''Hazardous Materials Shipping Papers & Emergency Response Information,'' with an expiration date of April 30, 2015. This NPRM will result in a decrease in the annual burden and cost to OMB Control Number 2137–0034 due to the decrease in the number of shipments subject to the shipping paper requirements.

Under the Paperwork Reduction Act of 1995, no person is required to respond to an information collection unless it has been approved by OMB and displays a valid OMB control number. Section 1320.8(d), title 5, Code of Federal Regulations requires that PHMSA provide interested members of the public and affected agencies an opportunity to comment on information and recordkeeping requests.

This notice identifies revised information collection requests that PHMSA will submit to OMB for approval based on the requirements in this proposed rule. PHMSA has developed burden estimates to reflect changes in this proposed rule and estimates that the information collection and recordkeeping burdens will be revised as follows:

OMB Control No. 2137–0034.

Decrease in Annual Number of Respondents: 12,600.

Decrease in Annual Responses: 630,000.

Decrease in Annual Burden Hours: 210,000.

Decrease in Annual Burden Costs: $5,250,000.

PHMSA specifically requests comments on the information collection and recordkeeping burdens associated with developing, implementing, and maintaining these requirements for approval under this proposed rule.

Requests for a copy of this information collection should be directed to Steven Andrews or T. Glenn Foster, Office of Hazardous Materials Standards (PHH–12), Pipeline and Hazardous Materials Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590–0001, Telephone (202) 366–8553.

Address written comments to the Dockets Unit as identified in the **ADDRESSES** section of this rulemaking. We must receive comments regarding information collection burdens prior to the close of the comment period identified in the **DATES** section of this rulemaking. In addition, you may submit comments specifically related to the information collection burden to the PHMSA Desk Officer, Office of Management and Budget, at fax number (202) 395–6974.

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 of 1995

This proposed rule does not impose unfunded mandates under the Unfunded Mandates Reform Act of 1995. It does not result in costs of $141.3 million or more to either state, local or tribal governments, in the aggregate, or to the private sector, and is the least burdensome alternative that achieves the objective of the rule.

I. Draft Environmental Assessment Prepared in Compliance With the National Environmental Policy Act

The National Environmental Policy Act, 42 U.S.C. 4321 et seq., (NEPA) requires that federal agencies consider the environmental effects of proposed actions in their decision making process. In accordance with the Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500–1508), which implement NEPA, an agency may prepare an environmental assessment (EA) when it does not anticipate that the proposed action will have significant environmental effects. An EA must provide sufficient evidence and analysis for determining whether to prepare an environmental impact statement or a finding of no significant impact and include (1) the need for the proposed action (2) alternatives to the proposed action (3) environmental impacts of the proposed action and alternatives and (4) a list of the agencies and persons consulted during the consideration process. 40 CFR 1508.9(b).

1. Purpose and Need

The purpose of this rulemaking is to provide an exception in the HMR for the shipment of low hazard items in the reverse logistics supply chain. Currently, shipment of hazardous material shipped from retail outlets to distribution centers are considered fully regulated. PHMSA is proposing to revise the HMR to provide requirements that are more logical in a consumer/retail environment. Additionally, PHMSA expects a reduction in the burden to industry when shipping these low hazard consumer products back to the distribution center. Further, PHMSA is proposing to provide more flexibility for lead acid battery recyclers that would promote recycling and allow carriers to consolidate shipments of batteries from multiple shippers on a single transport vehicle.

2. Alternatives

The alternatives considered in this draft EA include:

Alternative 1: Allowing proposed rule to allow low hazard consumer items to be returned under a new section of the HMR. This is the action that PHMSA proposes to select. This action would provide a mechanism for the regulated community to safely transport low hazard items back to distribution facilities in the reverse logistics supply chain. PHMSA believes incorporation of this section will simplify the return process and maintain an equivalent level of safety.

Alternative 2: The ''no action'' alternative, meaning that the regulatory scheme will stay the same and the proposed rule would not be promulgated. This alternative would result in no change to the HMR, which requires full regulation for low hazard items shipped to distribution facilities via the reverse logistics supply chain. While this alternative would not impose any new cost or change any environmental impacts, it would not account for the compliance obstacles and regulatory concerns raised by retailers and shared by PHMSA.

3. Environmental Consequences

When developing potential regulatory requirements, PHMSA evaluates those requirements to consider the environmental impact of each amendment. Specifically, PHMSA evaluates: The risk of release and resulting environmental impact; the risk to human safety, including any risk to first responders; longevity of the packaging; and if the proposed regulation would be carried out in a defined geographic area, the resources, especially any sensitive areas, and how they could be impacted by any proposed regulations.

Of the regulatory changes in Alternative 1, none have negative environmental impacts. The relaxation of the battery recycling regulations in § 173.159 may promote and simplify the recycling of used automobile batteries. In turn, this may lead to fewer shipments of such batteries on highways. Positive impacts of the NPRM include the reduction in the number of shipments by highway that will lead to

lower emissions through a reduction in fuel consumption. This change will also further increase the lead acid battery recycling rate thus reducing the number of these batteries that end up in landfills. This reduction in the likelihood of spills will reduced the likelihood that any hazardous materials are spilled into the environment. Overall, all of these impacts will have a net positive impact on the environment. PHMSA does not believe that these environmental impacts will be significant, but invites comment on this issue.

Alternative 2, the no-action alternative, would not lead to any environmental costs or benefits.

4. Federal Agencies Consulted and Public Participation

In an effort to ensure all appropriate federal stakeholders are provided a chance to provide input on potential rulemaking actions, PHMSA, as part of its rulemaking development, consults other federal agencies that a proposed rule could affect. In developing this rulemaking action, PHMSA consulted the Federal Motor Carrier Safety Administration (FMCSA), Federal Railroad Administration (FRA), Environmental Protection Agency (EPA), Occupational Safety and Health Administration (OSHA), and the Consumer Products Safety Commission (CPSC).

PHMSA invites other interested parties and members of the public to provide input on this draft EA. PHMSA welcomes any data or information related to environmental impacts that may result from the proposed action discussed in this notice. PHMSA will consider any comments it receives in preparing the final EA, which would accompany any final rule.

J. Privacy Act

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78) or you may visit *http://www.dot.gov.*

K. International Trade Analysis

Under E.O. 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 will 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. We have assessed the effects of the proposed rule, and found that this domestic exception for the return of consumer products through the reverse logistics supply chain will 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.

L. National Technology Transfer and Advancement Act

The National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) directs federal agencies to use voluntary consensus standards in their regulatory activities unless doing so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g. specification of materials, test methods, or performance requirements) that are developed or adopted by voluntary consensus standard bodies.

This proposed rulemaking does not involve voluntary consensus standards.

List of Subjects

49 CFR Part 171

Administrative practice and procedure, Hazardous materials transportation, Penalties, Reporting and record keeping requirements.

49 CFR Part 173

Hazardous materials transportation, Packaging and containers, Radioactive materials, Reporting and recordkeeping requirements, Uranium.

In consideration of the foregoing, 49 CFR chapter I is proposed to be amended as follows:

PART 171—HAZARDOUS MATERIALS PROGRAM PROCEDURES

■ 1. The authority citation for part 171 continues 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. 104–134, section 31001; 49 CFR 1.81 and 1.97.

■ 2. In § 171.8, in alphabetical order add the definition for ''Reverse logistics'' to read as follows:

§ 171.8 Definitions and abbreviations.

* * * * *

Reverse logistics is the process of moving goods from their final destination for the purpose of capturing value, recall, replacement, proper disposal, or similar reason.

* * * * *

PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

■ 3. The authority citation for part 173 continues to read as follows:

Authority: 49 U.S.C. 5101–5128, 44701; 49 CFR 1.81, 1.96 and 1.97.

■ 4. Add § 173.157 to read as follows:

§ 173.157 Reverse Logistics—General requirements and exceptions for reverse logistics.

General. Reverse logistics is defined in § 171.8 of this subchapter. When transported by motor vehicle in conformance with this section, a hazardous material is not subject to any other requirements of this subchapter besides those set forth or referenced in this section.

(a) *Applicability.* Hazardous materials authorized for transportation under this section are limited to the following materials within the quantity limitations specified.

(1) Division 1.4S and 1.4G fireworks, flares and signals and ammunition;

(2) A Class 3, 8, 9, Division 4.1, 5.1, 5.2, 6.1, 6.2 material contained in a packaging having a gross mass or capacity in each inner packaging not exceeding:

(i) 0.5 kg or 0.5 L for a Packing Group I material;

(ii) 1.0 kg or 1 L for a Packing Group II;

(iii) 5kg or 5L for a Packing Group III, or ORM–D material;

(iv) 30 L for a diluted mixture, not to exceed 2 percent concentration, of a Class 3, 8 or 9 material or a Division 6.1 material;

(3) A Division 2.1 or 2.2 material in a cylinder or aerosol container with a gross weight not over 30 kg. For the purposes of this section a cylinder or aerosol container may be assumed to meet the definition of a Division 2.1 or 2.2 materials, respectively, even if the exact pressure is unknown.

(4) A Division 4.3 material in Packing Group II or Ill contained in a packaging having a gross capacity not exceeding 1 L.

(b) *Packaging.*

(1) Packagings must be leak tight for liquids and gases, sift proof for solids, and be securely closed, secured against shifting, and protected against damage. Inner packagings must be secured against movement within the outer package and protected against damage under conditions normally incident to transportation. For liquids, the inner packaging must be leak proof, and the outer packaging must contain sufficient absorbent material to absorb the entire contents of the inner packaging. For solids, inner packaging must be sift proof.

(2) Each material must be packaged in the manufacturer's original packaging if available, or a packaging of equal or greater strength and integrity.

(3) Outer packagings are not required for receptacles (e.g., cans and bottles) that are secured against shifting in cages, carts, bins, boxes or compartments. However, any compromised receptacle must be placed in an inner packaging or outer packing that will prevent spillage in transportation.

(4) The fuel tank and fuel lines of equipment powered by an internal combustion engine must have the flammable liquid fuel drained to the greatest degree possible, shut-off valves, if present, must be in the closed position, and all fuel tank caps or closures must be securely in place.

(5) Equipment powered by an internal combustion engine using flammable gas fuel, or other devices using flammable gas fuel (such as camping equipment, lighting devices, and torch kits) must have the flammable gas source disconnected and all shut-off devices in the closed position.

(6) Equipment powered by electric storage batteries must have the batteries properly installed within the equipment and protected against short circuit. The activation switch on the equipment must be protected to prevent inadvertent activation. If the equipment is damaged to the extent that the battery or switches may not be protected, the battery should be removed and packaged separately in a manner that will protect the terminals from short circuit. Batteries should also indicate the proper orientation during transportation and storage.

(7) Aerosols must be packed to prevent inadvertent discharge of the contents from the aerosol packaging during transport. Each aerosol container must be secured with a cap to protect the valve stem.

(8) Cylinders or other pressure vessels containing a Division 2.1 or 2.2 materials such as DOT–39 cylinders and cylinders containing limited quantities of compressed gases must conform to the packaging, qualification, maintenance, and use requirements of this subchapter.

(9) Materials authorized for transport according to a special permit as defined in § 171.8 of this subchapter:

(i) Each outer packaging that has not been opened and is in the original undamaged condition with the closure secure, shall be offered for transportation and transported in the original packaging as authorized by the special permit;

(ii) When the inner receptacles have been removed from the outer packaging of a combination packaging and remain undamaged with closure secure they must be packed either in the original packaging authorized by the special permit if available and undamaged or packed in a suitably strong outer packaging with suitable cushioning material and securely closed.

(c) *Hazard communication.*

(1) The outer packaging, other than a cylinder shipped as a single packaging, must be marked with a common name or proper shipping name to identify the hazardous material it contains.

(2) A DOT specification cylinder (except DOT specification 39) must be marked and labeled as prescribed in this subchapter. Each DOT Specification 39 cylinder must display the following markings:

(i) DOT–39.

(ii) NRC.

(iii) The service pressure.

(iv) The test pressure.

(v) The registration number (M****) of the manufacturer.

(vi) The lot number.

(vii) The date of manufacture if the lot number does not establish the date of manufacture.

(viii) With one of the following statements:

(A) For cylinders manufactured prior to October 1, 1996: ''Federal law forbids transportation if refilled-penalty up to $25,000 fine and 5 years imprisonment (49 U.S.C. 1809)'' or ''Federal law forbids transportation if refilled-penalty up to $500,000 fine and 5 years imprisonment (49 U.S.C. 5124).''

(B) For cylinders manufactured on or after October 1, 1996: ''Federal law forbids transportation if refilled-penalty up to $500,000 fine and 5 years imprisonment (49 U.S.C. 5124).''

(d) *Training.* Each person who offers or transports a hazardous material under the requirements of this section must be familiar with the requirements of this section. Employees preparing reverse logistics shipments, as defined in § 171.8 of this subchapter and authorized by this section, are not subject to the Subpart H of Part 172—Training requirements of this subchapter provided:

(1) The employer has identified the hazardous materials subject to the provisions of this section, has verified compliance with the appropriate conditions and limitations, and has provided training and supervision to persons preparing or offering these shipments for transportation, or transporting shipments in reverse logistics to make the provisions of this section effective.

(2) The employee has received appropriate training applicable to the material to be offered in transport in accordance with the provisions of this section. The training must enable the employee to recognize the hazardous materials, identify the hazards associated with the applicable material and prepare the shipment as provided by this section.

(3) The employer must maintain a record of those employees receiving the training required by this section.

(4) The operator of a motor vehicle that contains a reverse logistics material must be informed of the presence of the hazardous material and must be informed of the requirements of this section.

(e) *Exceptions.*

(1) A reverse logistics material may be transported by motor vehicle under the provisions of this section with other hazardous materials without affecting its eligibility for exceptions provided by this section.

(2) Hazardous materials that may react dangerously with one another may not be transported in the same outer packaging.

(3) Different hazard classes of materials in reverse logistics may be transported in the same cargo transport unit provided that they are adequately

separated to prevent commingling of materials that may result in a dangerous reaction in the event of an accidental release during transport.

(4) Shipments made under this section are subject to the incident reporting requirements in § 171.15.

(5) Shipments prepared, offered for transportation, or transported according to this section are not subject to any other requirements of this subchapter.

■ 5. In § 173.159, revise paragraphs (e)(3) and (e)(4) paragraphs (e)(5) and (e)(6)are added to read as follows:

§ 173.159 Batteries, wet.

* * * * *

(e) * * *

(3) Any other material loaded in the same vehicle must be blocked, braced, or otherwise secured to prevent contact with or damage to the batteries. In addition, pallets used should be built as to not cause damage to another pallet in transportation.

(4) A carrier may accept shipments of lead acid batteries from multiple locations for the purpose of consolidating shipments of lead acid batteries for recycling.

(5) Class 8 lead acid batteries are the only hazardous material authorized on the transport vehicle under this section.

(6) Shipments made under this section are subject to the incident reporting requirements in § 171.15.

* * * * *

Issued in Washington, DC, under authority delegated in 49 CFR 1.97(b).

Magdy El-Sibaie,

Associate Administrator for Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration.

[FR Doc. 2014–18741 Filed 8–8–14; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 140311229–4229–01]

RIN 0648–BE09

Fisheries of the Exclusive Economic Zone Off Alaska; Gulf of Alaska Trawl Economic Data Report

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes to implement the Gulf of Alaska (GOA) Trawl Economic Data Report Program to evaluate the economic effects of current and anticipated future fishery management measures for the GOA trawl fisheries. This data collection program is necessary to provide the North Pacific Fishery Management Council (Council) and NMFS with baseline economic information on harvesters, crew, processors, and communities active in the GOA trawl fisheries, which could be used to assess the impacts of anticipated future fishery management measures on GOA trawl groundfish management. The data collected for this program would be submitted by vessel owners and leaseholders of GOA trawl vessels, processors receiving deliveries from those trawl vessels, and trawl catcher/processors. The types of data collected would include, but not be limited to, labor information, revenues, capital and operational expenses, and other operational or financial data. This action is intended to promote the goals and objectives of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), the GOA Fishery Management Plan, and other applicable laws.

DATES: Submit comments on or before September 10, 2014.

ADDRESSES: You may submit comments on this document, identified by NOAA–NMFS–2014–0035, by either 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-2014-0035,* 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. Mail comments to P.O. Box 21668, Juneau, AK 99802–1668.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on *www.regulations.gov* without change. All personal identifying information (e.g., name, address), 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.

Electronic copies of the Categorical Exclusion and the Regulatory Impact Review/Initial Regulatory Flexibility Analysis (collectively, Analysis) prepared for this action are available from *http://www.regulations.gov* or from the NMFS Alaska Region Web site at *http://alaskafisheries.noaa.gov*.

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 NMFS at the above address and by email to *OIRA_Submission@omb.eop.gov* or fax to 202–395–7285.

FOR FURTHER INFORMATION CONTACT: Jeff Hartman, 907–586–7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fisheries in the exclusive economic zone of the GOA and Bering Sea and Aleutian Islands Management Area (BSAI) under the GOA Fishery Management Plan (GOA FMP) and BSAI Fishery Management Plan (BSAI FMP) (collectively, the FMPs). The Council prepared these FMPs 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 FMPs appear at 50 CFR part 679. General regulations governing U.S. fisheries also appear at 50 CFR part 600.

The following sections of the preamble describe: (1) General management of trawl fisheries in the GOA, (2) the objectives and rationale for this proposed action, and (3) provisions of the proposed action.

General Management of Groundfish and PSC in the GOA

The trawl groundfish fisheries in the GOA include fisheries for pollock, sablefish, several rockfish species, numerous flatfish species, Pacific cod, and other groundfish. Trawl gear is a fishing practice that captures groundfish by towing a net above or along the ocean floor. Trawl fisheries are active in three specific areas of the GOA: (1) The West Yakutat District in the eastern portion of the GOA, (2) the Central GOA regulatory area, and (3) the Western GOA regulatory area. These specific areas are defined in regulation at § 679.2. This proposed action would apply to the federally-permitted vessels using trawl gear to harvest groundfish in these specific areas of the GOA. This proposed action would not apply to the southeastern portion of the GOA because that area is closed to trawl

fisheries (63 FR 8356, February 19, 1998). Additional detail on the fisheries and groundfish species harvested in the GOA trawl fisheries in the GOA are provided in the Section 3.7 of the Analysis and in the final 2014 and 2015 harvest specifications for the GOA groundfish fisheries (79 FR 12890, March 6, 2014).

Groundfish harvested in the GOA trawl fisheries are managed under annual total allowable catch (TAC) limits. For some groundfish species, regulations limit vessels using trawl gear to a specific portion, or allocation, of the TAC. Section 3.7 of the Analysis and the final 2014 and 2015 harvest specifications for the GOA groundfish fisheries (79 FR 12890, March 6, 2014) describe these catch limits in greater detail.

To ensure that TAC limits and groundfish allocations are not exceeded, NMFS requires vessel operators participating in groundfish fisheries in the GOA to comply with a range of restrictions, such as area, time, gear, and operation-specific fishery closures. Regulations at § 679.20(d)(1), (d)(2), and (d)(3) describe the range of management measures that NMFS uses to maintain total catch at or below the TAC and groundfish species allocations to trawl gear.

In addition to these measures to limit catch of groundfish species, the Council and NMFS have adopted various measures intended to control the catch of species taken incidentally in groundfish fisheries. Certain species are designated as ''prohibited species catch'' (PSC) species in the FMPs because they are the primary target of other, fully utilized domestic fisheries. The FMPs and regulations at § 679.21 require that catch of PSC species must be avoided while fishing for groundfish, and when incidentally caught, these PSC species must be immediately returned to the sea with a minimum of injury. The PSC species include Pacific halibut, Pacific herring, Pacific salmon, steelhead trout, king crab, and Tanner crab.

NMFS has implemented a range of PSC control measures in the BSAI and GOA at § 679.21 for halibut, salmon, crab, and other PSC species, including: (1) Closing groundfish fishing in areas with a high occurrence of prohibited species, or where there is a relatively high level of PSC; (2) requiring the use of gear specifically modified to minimize PSC; and (3) establishing PSC limits in specific Alaska groundfish fisheries in the BSAI and GOA.

The Council has recommended and NMFS has implemented specific measures to limit PSC in the GOA trawl fisheries. These include: (1) Seasonal and annual limits on the amount of halibut PSC that may be taken; (2) seasonal and permanent area closures to protect red king crab and Tanner crab in the GOA; (3) requirements that nonpelagic trawl vessels use specific gear that minimizes impacts on red king crab and Tanner crab in the GOA; and (4) limits on the maximum amount of Chinook salmon PSC that may be taken in the directed pollock fishery in the GOA. Section 1.2 of the Analysis provides additional detail on these management measures. The Council recommended that NMFS set PSC limits for Chinook salmon caught in non-pollock GOA trawl groundfish fisheries. A proposed rule to implement Chinook salmon PSC limits in the Western and Central GOA non-pollock trawl fisheries was published in the **Federal Register** on June 25, 2014 (79 FR 35971).

The Council is considering new management measures so participants in the GOA trawl fisheries are better able to avoid PSC and efficiently minimize the amount of PSC that cannot be avoided. One of the management measures the Council is considering for GOA groundfish trawl fishery participants is a catch share program. A catch share program allocates exclusive harvest privileges for certain groundfish or shellfish species to specific fishery participants. This exclusive harvest privilege allows fishery participants to tailor their fishing operations to their available allocation and avoid a costly and inefficient ''race for fish'' with other fishery participants seeking to maximize their harvest before the TAC is reached. Over the years, the Council has recommended, and NMFS has implemented, a series of catch share programs to manage groundfish trawl harvests to specific TAC limits, while providing participants in those fisheries the ability to minimize bycatch to the extent practicable and realize greater economic revenue (see Section 3.9 and 4.6 of the Analysis for additional detail).

Catch share programs implemented for trawl fisheries have included not only an allocation of a specific portion of the TAC but also an allocation of a portion of the PSC limits for salmon or halibut depending on the program. Participants in these trawl catch share programs are prohibited from exceeding either their allocation of TAC or PSC. By allocating a portion of the TAC and PSC limits, catch share program participants have strong economic incentive to minimize their catch of PSC species to improve their chances of fully harvesting their allocation of the TAC.

The Central GOA Rockfish Program is an example of a GOA trawl catch share program that allocates a portion of the TAC for specific groundfish species and a halibut PSC limit (76 FR 81248, December 27, 2011). The Central GOA Rockfish Program has proven successful at allowing harvesters to fully harvest their groundfish species allocations while minimizing the amount of halibut PSC (Section 3.7 of the Analysis provides additional detail on the Central GOA Rockfish Program). The Council is considering a similar catch share program for other trawl fisheries in the GOA. For additional detail on catch share programs and anticipated future management of GOA trawl fisheries, see Section 1.2 of the Analysis.

Based on past experience, catch share programs have previously resulted in fundamental changes to harvesting and processing patterns. In turn, the changes have affected harvesting and processing employment and revenue. Catch share programs have also had impacts on fishing communities and associated support services, such as utilities energy, waste treatment, and social services due to the changes in harvesting and processing patterns. Catch share programs may have beneficial, neutral, or adverse economic impacts on specific businesses, communities, and employees dependent on the GOA trawl fisheries.

However, the potential economic impacts of a prospective GOA trawl catch share program are uncertain without a baseline understanding of the economic conditions prior to its implementation. In addition, understanding the economic changes that could occur upon implementation of a GOA trawl catch share program could help guide the Council and NMFS in future decisions about program modifications. For example, understanding the changes in harvesting crew revenue before and after implementation of a GOA trawl catch share program could help the Council and NMFS determine if the GOA trawl catch share program should be modified to provide additional measures to protect or enhance harvesting crew revenue.

Objectives and Rationale for the Proposed Action

The objectives of this proposed action are to: (1) Collect baseline economic data on the trawl groundfish fisheries in the GOA to evaluate the effect of prospective future GOA trawl catch share management on affected harvesters, processors, and communities, (2) implement the baseline data collection as soon as practicable, and (3) minimize the stakeholder burden to report economic

data by collecting data that are reliable, relevant, and cannot be obtained from existing data collections. Given the potential for implementation of catch shares in the GOA, the scope of the proposed action would include participants in trawl fisheries in the West Yakutat District, Central GOA regulatory area, and the Western GOA regulatory area. The collection of baseline economic data in these areas would help the Council and NMFS understand the potential economic and employment impacts of a future GOA trawl catch share management program on persons participating in specific job categories of fishing, processing, or administration of fishing operations. This understanding could help guide future decisions about the management of a prospective GOA trawl catch share program.

To address these objectives, additional data are needed prior to the implementation of a GOA trawl catch share program to augment data that are currently available. The Council believes and NMFS agrees that collecting baseline information not otherwise available would provide a better understanding on the current economic conditions in the GOA trawl fisheries, and the potential impacts of a prospective GOA trawl catch share program. In particular, this proposed action would collect economic data on the crew members that participate in the GOA trawl fishery, workers in plants processing trawl-caught groundfish from the GOA, and these workers' compensation in the period before the Council fully develops and NMFS implements a GOA trawl catch share program.

In October 2013, the Council recommended that NMFS implement an economic data collection for GOA trawl fisheries through an Economic Data Report (EDR). EDRs are data collection reports submitted on an annual basis that are used to evaluate a catch share program's effectiveness. Furthermore, the EDR data are used to understand the economic effects of catch share programs. The Council based its recommendation on past experience with economic data collections that have been implemented in other catch share programs. Specifically, the Council analyzed the EDRs required for: (1) The BSAI Crab Rationalization (CR) Program (70 FR 10174, March 2, 2005); (2) the Amendment 80 Program that manages trawl catcher/processors active primarily in the BSAI, but also in the GOA (72 FR 52668, September 14, 2007); and (3) the Bering Sea pollock trawl fishery. The EDRs for the BSAI Crab CR Program and the Amendment 80 Program provide information on the economic performance of fishery participants in those catch share programs that received exclusive harvesting or processing privileges. The EDR for the Bering Sea pollock fishery provides information used to assess the economic impact of management measures designed to minimize Chinook salmon PSC in that fishery (75 FR 53026, August 30, 2010).

All three of these EDRs became effective either after catch share programs were implemented (in the case of the BSAI Crab Rationalization Program and the Amendment 80 Program) or after the Chinook salmon PSC management measures for the Bering Sea pollock fishery were implemented. Section 3.9 of the Analysis notes that because these EDRs were implemented after the catch share program or management measure was effective, they limited the ability of NMFS to effectively compare the economic impacts of the change in management. The Council recommended that the GOA trawl EDR be implemented prior to the prospective GOA trawl catch share program and thus minimize some of the limitations present in past economic data collections where EDRs were only issued and information was collected after the program was implemented.

After the Council's October 2013 recommendation, NMFS conducted additional outreach with the potentially affected industry participants and developed draft EDR forms to ensure that the proposed data collection forms would be compatible with industry recordkeeping procedures and consistent with the intent of the Council. In April 2014, the Council reviewed the proposed EDR forms developed for this proposed action and the draft regulatory text. The Council expressed its support that NMFS go forward with this proposed rule.

The following section describes: (1) The persons required to submit the proposed EDR forms and the specific data that would be collected; (2) the proposed requirements to submit the EDR forms; and (3) and the proposed methods for reviewing and auditing the EDR data.

Provisions of the Proposed Action

NMFS proposes to collect baseline economic data from persons who own, operate, or lease trawl catcher/processors (C/Ps) or trawl catcher vessels (CVs) that catch groundfish in the GOA, as well as from owners or operators of shoreside processors or stationary floating processors (SFPs) that receive catch harvested by trawl C/Ps or CVs. The baseline data includes, but is not limited to, quantities and costs of labor, fuel, and gear for vessels; it also includes labor and utility costs for processing companies. The proposed EDRs used to collect this baseline data would each be structured differently for CVs, C/Ps, and shoreside processors and SFPs because of the unique operating characteristics of these three operational groups.

Catcher/processors catch groundfish with trawl gear and process their groundfish at sea, so the proposed Annual Trawl Catcher/Processor EDR (Trawl C/P EDR) would collect data relating to groundfish catching and processing operations. Catcher vessels catch groundfish with trawl gear and deliver unprocessed groundfish to either a shoreside or stationary floating processor, so the proposed Annual Trawl Catcher Vessel EDR (Trawl CV EDR) would collect economic and other data relating to the groundfish operations of these vessels. Shoreside processors operate on land and take deliveries of groundfish. SFPs operate near shore and take deliveries of groundfish from vessels and do not engage in groundfish fishing activities. The proposed Annual Shoreside Processor EDR (Processor EDR) would collect data related to both shoreside and SFP processing operations. These three operational groups and three types of EDRs are described in greater detail in the following sections of this preamble, and in the Analysis at Section 3.7 and briefly summarized as follows. Each of these three EDRs is discussed in detail in the Analysis in Section 3.9.

Trawl C/P EDR

Persons using trawl C/Ps to catch and process groundfish in the GOA during a calendar year would be required to submit a Trawl C/P EDR. The proposed Trawl C/P EDR would replace the EDR currently required under the Amendment 80 Program. Based on data from 2012, 22 vessels operate as trawl C/Ps in the GOA. Currently, and as explained further below, all but one of the persons using a trawl C/P in the GOA is subject to the requirements to submit an Amendment 80 EDR.

NMFS proposes to amend existing Amendment 80 C/P EDR regulations to create the trawl C/P EDR program. To minimize duplication with existing Amendment 80 regulatory requirements, this proposed rule would: (1) Change the name of the existing Amendment 80 Program EDR to the Trawl C/P EDR; (2) require all persons currently required to submit an Amendment 80 Program EDR to submit the Trawl C/P EDR; and (3) extend the requirements to submit a

Trawl C/P EDR to all persons using trawl C/Ps to catch and process groundfish in the GOA if not already covered by the requirements of the Amendment 80 Program EDR. This proposed action would also streamline the regulatory text describing the information that must be entered in a Trawl C/P EDR form.

This proposed action would modify Amendment 80 program regulations at § 679.94(a) to rename the ''Amendment 80 Economic Data Report'' as the ''Annual Trawl Catcher/Processor Economic Data Report'' because the Trawl C/P EDR would now apply to more than just the participants in the Amendment 80 Program. This proposed rule would also include new regulations at § 679.94(a)(1) and at § 679.110(a)(3) to require the owner or leaseholder of any vessel named on a Limited License Program (LLP) groundfish license that authorizes a C/P using trawl gear to harvest and process LLP groundfish in the GOA to submit a Trawl C/P EDR as described at § 679.94 for that calendar year.

The instructions for submission of the Trawl C/P EDR would be described at both § 679.94(a)(1) and at § 679.110(a)(3). Because there would be GOA-based and BSAI Amendment 80-based trawl EDR submitters, NMFS proposes two separate regulatory references. Most of the Amendment 80 sector regulations, including those for the Amendment 80 Program EDR, are codified at 50 CFR 679.94. Thus, owners, operators, or leaseholders of Amendment 80 vessels that only operate in the BSAI would continue to find EDR regulations at § 679.94(a)(1), while the GOA trawl C/P submitters would find EDR submission requirements at § 679.110, which would describe the Gulf of Alaska Trawl Economic Data program.

Under this proposed action, any person who held an Amendment 80 quota share permit during a calendar year, or an owner or leaseholder of a vessel using trawl gear to harvest groundfish in the GOA and that processed groundfish on board that vessel during a calendar year, would be required to submit a Trawl C/P EDR. This requirement would ensure that those persons currently submitting an Amendment 80 Program EDR continue to submit data on their operations in the BSAI and GOA. This requirement would also ensure that any other persons owning or operating a trawl C/P vessel endorsed to fish in the GOA submit data from their operations in the GOA. This proposed change would ensure that the Trawl C/P EDR provides a comprehensive economic baseline on trawl C/Ps in the GOA.

Based on data provided in Section 3.9 of the Analysis, at least one Amendment 80 vessel owner that has not been subject to the Amendment 80 EDR requirements would be required to submit the Trawl C/P EDR under this proposed rule. The owner of the F/V *Golden Fleece* is currently exempt from the requirements to submit the Amendment 80 Program EDR because that vessel does not participate in the Amendment 80 Program. The owner would be required to submit the Trawl C/P EDR because the F/V *Golden Fleece* is used as a trawl C/P in the GOA. For more detailed information on the number of GOA trawl C/Ps subject to the Trawl C/P EDR, see the Analysis at Section 3.9.

This proposed action would streamline and remove unnecessary regulatory text found at § 679.94. Current regulatory text describes, in particular, data elements that must be submitted in the Amendment 80 EDR data fields, such as costs for oil, fuel, freight, storage, food and provisions. Proposed regulations at § 679.94 would specify that persons required to submit a Trawl C/P EDR would do so by filling out an electronic Trawl C/P EDR form with instructions that specify each data field in the form as opposed to describing each data field in regulation and in the data form. NMFS proposes this streamlined approach to simplify regulations, provide greater flexibility to modify specific data fields without requiring additional regulatory amendments, and reduce potential confusion if the text in the regulations and forms differ. Overall, this approach could provide submitters with a clearer understanding of the information that would be required.

The Council recommended and NMFS proposes this approach based on experience with other EDRs. The economic data collection programs for the BSAI CR Program and the Bering Sea pollock fishery use streamlined regulatory text and the EDRs provide detailed instructions and requirements. This approach allows NMFS to consult with EDR submitters and the Council, and based on the consultations, amend, add, or remove specific information requests as needed. This approach would ensure the EDR is providing the information necessary to assess the economic performance of trawl C/Ps in both the Amendment 80 fishery and the GOA on a more timely basis.

Concurrent with this proposed action, NMFS would provide notice of the proposed information collection in the Trawl C/P EDR form on the NMFS Web site at *www.alaskafisheries.noaa.gov.* Interested persons would have an opportunity to comment on the proposed Trawl C/P EDR information collection, consistent with the requirements of the Paperwork Reduction Act (PRA).

If the Secretary of Commerce approves this Trawl EDR Program, any additional proposed changes to the Trawl C/P EDR form in the future would be implemented consistent with the recordkeeping and reporting requirements established by the PRA. NMFS would provide an opportunity for public comment on any additional proposed changes to the Trawl C/P EDR form.

Although the specific elements in the Trawl C/P EDR form are not contained within the proposed regulatory text, the following section describes the proposed Trawl C/P EDR form so that the submitters understand the specific elements of the proposed information collection. To minimize repetition, the following section highlights changes in the proposed information collection in the Trawl C/P EDR form from the current Amendment 80 Program EDR form. Section 9.1 of the Analysis provides a detailed description of the current Amendment 80 Program EDR form.

Trawl C/P EDR Form

Contact Information, Capital Costs, Capacity, Revenue, and Expenditure Data for Trawl C/P EDR

NMFS proposes to collect the same general identifying information on owners, leaseholders, and representatives in the Trawl C/P EDR that was collected in the Amendment 80 Program EDR form. This would include names, addresses, unique vessel and person identifiers, and other contact information of owners and leaseholders of Amendment 80 QS permits and the vessels and operations. All previously implemented EDRs allow submitters the option to designate a representative whom NMFS could contact for questions on the submitted EDR. This option would be provided under this proposed action.

No revisions from the current Amendment 80 Program EDR form are proposed for general revenue data, capital expenditure data, or other expenses. Data requirements on vessel characteristics, vessel survey value, fuel capacity, processing capacity, and freezing space would be unchanged from the Amendment 80 Program EDR form.

Modifications to Amendment 80 Program EDR Vessel Activity Table for the Trawl C/P EDR

NMFS proposes that the Vessel Activity data table created for the Amendment 80 Program EDR form be placed in the Trawl C/P EDR form, but an additional field would be added to require trawl C/Ps to attribute the number of days of activity for fishing and processing in the GOA trawl fisheries versus other EEZ groundfish fishing or processing activity. This revision responds to the proposed action's objective to analyze economic effects of the GOA trawl fishery and seafood processing prior to and after implementation of any future catch share program.

Crew Employment, Payments, and License Data for Trawl C/P EDR

NMFS proposes that data on crew licenses and State of Alaska Commercial Fisheries Entry Commission (CFEC) limited entry fishing permit numbers of the fishing crew, should be included in the Trawl C/P EDR form. Neither the CFEC nor NMFS collect data identifying crew members who work aboard GOA trawl vessels. The only crew member data available for GOA groundfish fisheries are the annual counts of people who obtained crew licenses for fisheries in the State of Alaska, including where they live and where they bought their licenses. It is not possible to determine which of these licensed crew members fished in the GOA groundfish fishery or on a specific trawl vessel. Collecting these data annually would allow crew information to be linked to specific vessels. The vessel operator submission burden for these data would be minimized by allowing them access to a crew license/permit lookup file. This file would allow the person required to report the data to simply select their crew members from a list of permit holders. Access to the database should reduce the time and cost required for both the data collector and data provider to determine and correct, if necessary, misreported crew numbers.

Trawl CV EDR

This proposed action would include new regulations at § 679.110(a)(1) to describe the persons who must submit the Annual Trawl Catcher Vessel Economic Data Report (Trawl CV EDR). These persons would include any owner or leaseholder of a vessel that was named on a Limited License Program (LLP) groundfish license that authorizes a catcher vessel using trawl gear to harvest LLP groundfish species in the GOA for that year. Each of these persons must submit the Trawl CV EDR by following the instructions on the Trawl CV EDR form.

An LLP license is required for vessels participating in directed fishing for groundfish in the GOA or that retain any bycatch of groundfish while targeting non-groundfish in the EEZ (see § 679.4). A vessel must be named on an LLP license that is on board the vessel used to fish in the GOA, unless the vessel does not exceed 26 feet length overall (LOA). No trawl vessels less than 26 feet are active in the GOA. All trawl vessels currently active in the GOA are named on an LLP license. Therefore, tying the requirement to submit a Trawl CV EDR to the holder of an LLP license endorsed as a trawl CV in the GOA would capture participants who could use trawl gear to catch groundfish in the GOA groundfish fisheries. Based on 2012 data, there are currently 84 LLP licenses endorsed as trawl catcher vessels in the GOA.

As with the Trawl C/P EDR form, the specific data elements to be collected would be specified on the Trawl CV EDR form. Although the specific data elements in the Trawl CV EDR form are not contained within the proposed regulatory text, the following section describes the proposed Trawl CV EDR form so that the submitters understand the specific data elements of the proposed information collection.

As noted in the discussion of the Trawl C/P EDR form, NMFS does not intend to implement additional changes to the Trawl CV EDR form without first consulting with EDR submitters and the Council. Any additional proposed changes to the Trawl C/P EDR form would be implemented consistent with the recordkeeping and reporting requirements established by the PRA, and NMFS would provide an opportunity for public comment on any additional proposed changes to the form.

Trawl CV EDR Form

The Trawl CV EDR form would be a new EDR form collecting data on trawl CVs in the GOA. The EDR would collect baseline economic data on the GOA trawl fisheries. The Trawl CV EDR would collect (1) basic identifier and contact information for GOA trawl CV LLP holders; (2) labor information and employee identifiers; (3) payments to crew, captain, and other labor; (4) fuel usage and costs; and (5) gear purchases. The owner or leaseholder of a vessel named on an LLP, endorsed for CV operation and trawl gear in the GOA would be required to submit the Trawl CV EDR. Certification information would also be required in each Trawl CV EDR. For additional detail on the certification data, see the section ''Certification of the GOA Trawl EDRs'' in this preamble.

NMFS proposes that the Trawl CV EDR would require submission of detailed contact and personal identifier data on LLP license holders and identification information for the vessels to which those LLP licenses were assigned. Vessel identification information would include the Alaska Department of Fish and Game vessel registration number and United States Coast Guard documentation number. The names and addresses of the persons and the companies associated with vessel activities also are necessary to understand the structure of the business firms in the fishery. As with previously implemented EDR programs, the Trawl CV EDR form would allow an LLP holder to designate a representative as a contact person who could address NMFS' questions on the EDR.

Labor Data for Trawl CVs

NMFS proposes that the Alaska commercial crew member license number or a CFEC permit number for each individual who worked as a captain or crew member aboard a GOA trawl CV during the calendar year be submitted in the Trawl CV EDR form. As noted in the discussion on the Trawl C/P EDR form, these data are not currently collected by other means. The reason for including crew data for this EDR is similar to the reason for including this information in the Trawl C/P EDR form. These data will provide consistent information about the number of persons entering and exiting the trawl CV crew labor force, which is important baseline data for evaluating groundfish CVs operations in the GOA.

NMFS proposes that the Trawl CV EDR form collect data on the annual wages, salaries, or related payment to crew and captains who worked aboard the vessel. The Alaska commercial crew member license number or CFEC permit number data could be linked to the commercial crew database to provide more useful estimates of labor payments to resident and non-resident crew. The amount of the payment to crew and captains required in the Trawl CV EDR form would be the actual amount paid to crew and captains in their settlement, not their earnings before crew-related expenses (such as fuel, food, and provisions) were deducted. All post-season adjustments to pay also would be included in the crew and captain labor field.

In some cases, a captain who is not an LLP license holder may have information on payments to crew or have other data that would be submitted

in the Trawl CV EDR form. NMFS' experience with previous EDRs shows that owners and leaseholders form agreements with their employees to provide the necessary data to report in an EDR. The owners and leaseholders of these vessels would be responsible for submitting a Trawl CV EDR form and would be expected to gather any necessary information, such as crew wage payments, from their employees or other persons as needed.

Fuel Usage and Gear Data for Trawl CVs

NMFS proposes that data on fuel use and cost, as well as the investment in gear in the GOA trawl fishery, would help evaluate the transitional effects of any future management programs. Data on fuel cost and gear purchases may assist the Council and NMFS to evaluate the efficiency of these operations by comparing fuel costs and gear purchases with data collected if a catch share program is implemented in the future. Reported costs for gear investments would include aggregate trawl gear purchases and leases in a calendar year (e.g., nets, doors, rollers, cables). These costs also would include those incurred for PSC excluder devices that are used with trawl gear in the GOA.

Processor EDR

The owner or leaseholder of a shoreside processor or stationary floating processor (SFP) with a Federal Processor Permit (FPP) that processes groundfish delivered by vessels fishing with trawl gear in the GOA would be required to submit a complete Annual Shoreside Processor Economic Data Report (Shoreside Processor EDR) for each calendar year by following the instructions on the Shoreside Processor EDR form. All shoreside processors and SFPs located within Alaska State waters and receiving or processing groundfish harvested from Federal waters or from any federally permitted vessel must have a Federal Processor Permit (FPP). FPPs are non-transferable permits, valid for one year from March 1 to February 28, issued to owners on request without charge. These permits are authorized at § 679.4(f).

SFPs in the GOA are limited to operating within State of Alaska waters and are restricted by how many times annually they can relocate for processing purposes. Motherships also are limited in the GOA. Motherships cannot receive deliveries of pollock and Pacific cod, but are authorized to receive deliveries of flatfish. In 2013, no motherships were operating in the GOA.

The Analysis shows that most of the shoreside processors receiving deliveries of Central GOA groundfish are located on Kodiak Island. Processors located in ports west of Kodiak tend to rely primarily on harvests from the Western GOA and the BSAI areas. Between 2008 and 2012, as many as 19 shoreside processors and SFPs held an FPP and received deliveries of groundfish from vessels using trawl gear in the GOA groundfish fisheries. Shorebased processors receiving catch from GOA trawl fisheries are located in Akutan, Dutch Harbor/Unalaska, King Cove, Kodiak, Sand Point, Seward, and Sitka. There were also two SFPs operating in the GOA that have taken groundfish harvested by trawl vessels in the GOA deliveries during 2008 through 2012.

This proposed action would include new regulations at § 679.110(a)(2) to require the owner or leaseholder of a shoreside processor or stationary floating processor (SFP) with an FPP that processes groundfish delivered by vessels fishing with trawl gear in the GOA to submit a complete Shoreside Processor EDR.

Although the analysis points out that the processor EDR should collect data from all Kodiak processors, including the Kodiak Fish Meal Company, NMFS can require data submission only from processors that are first receivers of fish. The Kodiak Fish Meal Company holds an FFP, but receives ancillary groundfish product (see definitions at § 679.2 for ancillary product) that is used to produce fish meal. Because section 303(b)(7) of the Magnuson-Stevens Act only allows NMFS to collect information from ''first receivers of fish,'' NMFS is not authorized to require that data submission from the Kodiak Fish Meal Company. Based on NMFS records, the Kodiak Fish Meal Company does not receive deliveries of raw groundfish from vessels using trawl gear, and therefore cannot be considered a first receiver of fish and cannot be required to submit a Processor EDR form. Because the Kodiak Fish Meal Company has participated in voluntary submissions of data to NMFS in the past, NMFS believes it may voluntarily submit the Processor EDR form.

As with the Trawl CV EDR form and the Trawl C/P EDR form, the specific data elements to be collected would be specified on the Processor EDR form. Although the specific data elements in the Processor EDR form are not contained within the proposed regulatory text, the following section describes the proposed Processor EDR form so that the submitters understand the specific elements of the proposed information collection.

As noted in the discussion of the Trawl C/P and Trawl CV EDR forms, if a final rule for the Trawl EDR Program is approved by the Secretary of Commerce, NMFS does not intend to implement additional changes to the Processor EDR form without first consulting with EDR submitters and the Council. Furthermore, any additional proposed changes to the Processor EDR form would be implemented consistent with the PRA. The PRA requires that any modification to a collection of information, such as revising or adding data fields to an EDR form, be made available for public comment.

Processor EDR Form

The proposed Processor EDR form would augment and improve the quality of NMFS' existing fisheries labor and employment data, and collect data about processor use of community utilities (for more information on specific data variables see the Analysis detail in Sections 3.9.2.3 and 3.9.2.4).

The Processor EDR form would collect monthly data on the average number of groundfish processing employment positions and the associated labor hours and wage payments. The proposed information collection would assist NMFS' comparison of labor costs among processing plants. These employment data elements would be aggregated in the EDR for all fisheries, GOA management areas, and gear types. Collecting data for each month allows analysts to focus on changes that occur during months of high groundfish processing, relative to other species (e.g., salmon). Employment labor by hours per month would be reported separately in one of two categories: By labor hours for employees using housing provided by the processor-or or by labor hours for employees that do not use housing provided by the processor.

NMFS determined that employment data from processors should not be broken out by fishery because employees may process fish from more than one fishery in a month or week, or participate in more than one type of processing job (e.g. processing line worker, processing manager). The reporting burden for processors to report labor data that is separated by fishery would be burdensome, and potentially delay implementation of this program.

The shoreside processors and SFPs who submit the Processor EDR would be required to estimate payments to non-processing workers, such as management staff. These data elements would assist NMFS in understanding how other support and management staff are compensated. This information may assist NMFS in understanding the impacts of income and employment of

labor to the local economy, if these management employees are typically residents of the community in which the processing plant is located.

NMFS proposes that the Processor EDR form collect data on water and electric usage from Kodiak processing plants because the utilities are supplied by the local community. This section of the Shoreside Processor EDR would collect this data from Kodiak plants only and not from processors in other communities because of the large number of processing plants active in Kodiak, the potential economic effects of changes in processing activities on the local utility services, and that in many other communities in the GOA utilities may not be directly supplied by the local community. Large adjustments in processing capacity may impact the amount that processors are willing to pay for community supplied energy and other utilities. In some communities, energy suppliers have upgraded peak energy production or total energy capacity to supply processing plants. In other cases, communities have upgraded the capacity of other utilities (e.g. potable water supply or waste water treatment) based on the long-term needs for seafood processing operations. A large change in deliveries to processing plants that idled a significant amount of the seafood processing capacity at one or more processing plants could change utility prices in a community, which NMFS could assess with baseline data from the Processor EDR.

General Submission Requirements for all GOA Trawl EDRs

A completed Trawl C/P EDR, Trawl CV EDR, and Processor EDR form would be submitted to NMFS according to the instructions on each form. The proposed action would include new regulations at § 679.110(b) to require that the Trawl CV and Processor EDR forms be submitted on June 1 of each year, providing data from the prior calendar year of operations. Proposed regulations at § 679.110(b) would refer to the due date specified in § 679.94(a)(2) for the Trawl C/P EDR form. The Trawl C/P EDR form is also due on June 1 of each year, providing data from the prior calendar year of operations. For example, in 2017, the Trawl C/P EDR form would be used to submit with data from the 2016 calendar year.

The proposed action would include new regulations at § 679.110(c) to require that the Trawl CV, and Processor EDR forms be downloadable on the NMFS Alaska Region Web site at *www.alaskafisheries.noaa.gov,* or by contacting NMFS by phone. This proposed action would contain a similar new regulation at § 679.94(a)(3) for the Trawl C/P EDR form. Detailed instructions on each form would describe how to submit data through an electronic web-form operated by the data collection agent (DCA), or by mail to the DCA. This proposed rule would include a new definition for ''Data Collection Agent'' at § 679.2. The DCA would be described as the entity selected by the Regional Administrator (i.e., NMFS) to distribute an EDR to a person required to complete it, receive the completed EDR, review and verify the accuracy of the data in the EDR, and then provide the data to authorized recipients such as NMFS economists.

Submitter Certification of the GOA Trawl EDRs

NMFS proposes that persons submitting an EDR form certify the accuracy of information describing the owners or leaseholders of each vessel or processor, and contact information. The proposed action would include new regulations at § 679.110(d) to require completion of an EDR certification statement: (1) Attesting to the accuracy and completion of the EDR by signing and dating the certification portion of the applicable EDR form; or (2) attesting that the submitter meets the conditions exempting them from completing the entire EDR form as described in the certification portion of the applicable EDR form and sign and date the certification portion of the form. This proposed action would contain a similar new regulation at § 679.94(a)(4) for the Trawl C/P EDR form.

General certification information would be specified in each EDR form and would include: (1) The name of the submitter or designated representative; (2) contact information for those persons; (3) the Amendment 80 permit number, Trawl C/P vessel identification number, Trawl CV LLP permit number, or FPP permit number held by the person required to submit the EDR; and (5) a requirement for a person to attest to the accuracy of the data submitted.

The certification section of each EDR would also include information that can be used for a submitter to determine if they would be exempt from filling out certain sections of the EDR. For example, the certification information in the Trawl CV EDR requests information on whether the LLP license was assigned to a vessel that made landings of groundfish in the GOA using trawl gear in the previous calendar year. If the vessel did not, then the LLP license holder would not be required to fill out the remaining portions of the Trawl CV EDR.

Data Verification and Auditing for the GOA Trawl EDRs

The proposed action would include new regulations at § 679.110(e) to establish the procedures for Trawl CV and Processor EDR data audits. This proposed action would also contain a similar new regulation at § 679.94(b) for Trawl C/P EDR data audits. The auditing procedures for data submitted in both the Trawl CV and Processor EDR would be similar.

Regulations for the existing BSAI Crab CR Program and Amendment 80 Program EDRs authorize data verification and audits, and specify when EDR submitters are required to respond to NMFS inquiries regarding data accuracy and data completeness. Those procedures are summarized as follows: (1) NMFS will verify information and submitted data with the EDR submitter or designated representative; (2) the EDR submitter or designated representative must respond to NMFS' inquiries within 20 days of the date of the inquiry; and (3) the EDR submitter or designated representative must provide NMFS with additional information or data to facilitate verification.

NMFS proposes that the data verification and CR EDR and Amendment 80 auditing processes should be adopted for the EDR verification process and regulations. Data verification and audits will be conducted by NMFS staff, the DCA, and a designated data collection auditor (DDCA).

NMFS is proposing to define the term ''data collection agent'' at § 679.2 as the person NMFS selects to distribute EDRs to those required to complete it, receive the completed EDR, review and verify the accuracy of the data in the EDR, and provide those data to authorized recipients. This definition would not affect the roles and responsibilities of existing DCAs and clarifies the DCA's specific responsibilities.

NMFS is proposing to define the term ''designated data collection auditor'' at § 679.2 as an examiner employed by, or under contract to, the data collection agent (DCA) to verify data submitted in an economic data report or the NMFS-designated contractor to perform the functions of a data collection auditor.

Confidential Data and Blind Data for the GOA Trawl EDRs

Information submitted to NMFS in an EDR would be considered confidential and not disclosable to the public. Unless a court orders disclosure to other third parties, confidential data may be disclosed only to authorized persons,

including NMFS employees, Council staff, NMFS, or Council contractors. Persons authorized to receive and handle confidential information must comply with agency measures that ensure the information is protected from accidental disclosure to the public. While the submitted information would be considered confidential, the information can be released to the public under certain circumstances. For example, information can be released if it has been aggregated or summarized with other submitter's information and does not reveal the submitter's identification or business. Section 3.6 of the Analysis describes the current aggregation standards used by NMFS.

NMFS proposes the use of blind data formatting before EDR data could be provided to authorized users such as NMFS economists and Council analytical staff. The requirement for blind data formatting would not apply to data submitted under the Trawl C/P EDR.

NMFS is proposing to include new regulations at § 679.110(f) to establish that unaggregated Trawl C/P EDR data may be released to authorized data users in blind data format only. NMFS is proposing to define the term ''blind data'' at § 679.2 as any data collected from an EDR by the data collection agent that are subsequently amended by removing personal identifiers, including, but not limited to social security numbers, crew permit numbers, names and addresses, Federal fisheries permit numbers, Federal processor permit numbers, Federal tax identification numbers, and State of Alaska vessel registration and permit numbers, and by adding in their place a nonspecific identifier. A non-specific identifier is a random number that is assigned to a unique to a vessel, plant or entity, and cannot be linked to a personal identifier such as a person's name, business name, or address.

This proposed regulation would further reduce the chances that confidential EDR information, such as proprietary information, would be accidently disclosed. The Council and NMFS determined that reducing the chances of accidental disclosure was seen as a greater potential benefit than those that could be gained if analysts could review a complete data set with identifiers.

Trawl C/P EDR information would be considered confidential and not disclosable to the public. The EDR information would be handled in accordance with existing Amendment 80 Program EDR procedures. Authorized NMFS, DCA, and Council staff would have access to all data collected in the Trawl C/P EDR. Trawl C/P EDR data, including individual identifiers from submitters, would not be converted to blind data. This is consistent with the intent of the Council and NMFS that all Trawl C/Ps catching groundfish in the GOA, including those that do not receive an Amendment 80 QS permit, be required to provide vessel specific information to analysts. These data would continue to assist in evaluating the economic conditions in the Amendment 80 Program and in any future GOA trawl groundfish management program. No unauthorized releases of individual Amendment 80 EDR data have occurred through use of vessel specific data by NMFS and the Council staff, and the participants in this sector have not expressed concerns regarding the security of specific vessel data. While the submitted information would be considered confidential, the information can be released to the public under certain circumstances. For example, information can be released if it has been aggregated or summarized with other submitter's information and doesn't reveal the submitter's identification or business. Section 3.6 of the Analysis describes the current aggregation standards used by NMFS.

Effective Date for the Proposed Action

The Council requested that the GOA Trawl EDR program be implemented as soon as practicable. If the Secretary of Commerce approves the final rule for this proposed action in 2014, completed annual EDRs from this action would be required for the entire year of 2015. The first EDRs would be provided to the DCA in June 2016, and annually for each year thereafter. This schedule would provide the submitters of the GOA Trawl EDRs with sufficient time to prepare and maintain records necessary to complete and submit an EDR. Persons subject to the EDR submission requirement would, for example, keep associated GOA trawl invoices starting January 1, 2015.

Classification

Pursuant to section 304(b)(1)(A) and 305(d) of the Magnuson-Stevens Act, the NMFS Assistant Administrator has determined that this proposed rule is consistent with the GOA and BSAI Groundfish FMPs, other provisions of the Magnuson-Stevens Act, and other applicable law, subject to further consideration after public comment.

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

An RIR was prepared for this action that assesses all costs and benefits of available regulatory alternatives. The RIR describes the potential size, distribution, and magnitude of the economic impacts this action may be expected to have. The RIR shows that this action may create a small burden on commercial fishing operations because it increases recordkeeping and reporting costs. This action creates a small increase in administrative costs because NMFS will need to administer or revise a contract for verification and auditing of the proposed EDRs.

An Initial Regulatory Flexibility Analysis (IRFA) was prepared for this action, as required by section 603 of the Regulatory Flexibility Act (RFA). An IRFA is required to include: (a) A description of the reasons why action by the agency is being considered; (b) a succinct statement of the objectives of, and legal basis for, the proposed rule; (c) a description of and, where feasible, an estimate of the number of small entities to which the proposed rule will apply; (d) a description of the projected reporting, recordkeeping and other compliance requirements of the proposed rule; (e) an identification, to the extent practicable, of all relevant Federal rules which may duplicate, overlap or conflict with the proposed rule; and (f) a description of any significant alternatives to the proposed rule which accomplish the stated objectives of applicable statutes and which minimize any significant economic impact of the proposed rule on small entities. A summary of the analysis follows. A copy of this analysis is available from NMFS (see **ADDRESSES**).

The entities directly regulated by this action are (1) those entities that catch and process groundfish at-sea using trawl gear in the GOA; (2) those entities that own or lease vessels that are named on an LLP license and that are endorsed for trawl gear as a catcher vessel in any GOA endorsement area; (3) shoreside processors and SFPs that take deliveries of groundfish from vessels using trawl gear in the GOA; and (4) Western Alaska Community Development Quota (CDQ) groups.

Using the small entity threshold for a commercial finfishing entity, which became effective on July 14, 2014 (79 FR 33647, June 14, 2014), the number of employees worldwide for a processing entity, and entities that qualify for non-profit status, there were an estimated 52 small entities affected by this proposed action. Of 87 directly regulated trawl entities (including 47 CVs and one C/P, the F/V *Golden Fleece*), 48 were small entities under the $19 million threshold. Of 15 shoreside processors, two were small entities under the threshold for the number of employees, worldwide.

Of six Community Development Quota program (CDQ) entities, two CDQ entities were small entities, under the threshold for non-profit entities under the CDQ program. Through the CDQ program, the Council and NMFS allocate a portion of the BSAI groundfish TACs, and PSC limits for Pacific halibut and several crab species, to 65 eligible Western Alaska communities. These communities work through six non-profit CDQ groups, which are required to use the proceeds from the CDQ allocations to start or support activities that will result in ongoing, regionally based, commercial fishery or related businesses. The CDQ group's ownership of harvesting vessels that operate in the GOA means that some of the group's activities could be directly regulated in the same manner as other small entities that own vessels harvesting groundfish in the GOA. Because they are nonprofit entities, the two CDQ groups that had ownership interests in trawl vessels that operated in the GOA groundfish fisheries in 2012 are considered small entities for RFA purposes.

An IRFA requires a description of any significant alternatives to the proposed action(s) that accomplish the stated objectives, are consistent with applicable statutes, and that would minimize any significant economic impact of the proposed rule on small entities. The alternatives selected by the Council were developed with the goal to minimize economic impacts of a data collection program. That goal has resulted in a limited data collection program that focuses on areas that are of greatest need, as the Council considers further development of a trawl catch share program in the GOA. The preferred alternative chosen by the Council and proposed by NMFS has several elements, including the Trawl C/P EDR, the Trawl CV EDR, and the Processor EDR. The preferred alternative (the action alternative to implement the GOA Trawl EDR Program) places somewhat larger reporting obligations on directly regulated small entities than the alternative of retaining the status quo. There are no alternatives that have a smaller adverse economic impact on directly regulated small entities that still achieve the objectives of the proposed GOA Trawl EDR Program.

NMFS evaluated a number of alternatives to the preferred alternative, including: (1) No action, (2) a variety of additional data fields for detecting reasons for decisions to use or not use various PSC avoidance devices or other behaviors to avoid PSC, (3) applying aggregation procedures to the data to limit analysts from having access to individual vessel or processor level observations, (4) collection of landings and production data, (5) creation of blind data for all vessels submitting the Trawl C/P EDR, (6) extending CV logbooks to vessels less than 60 feet length overall, (7) reporting employee activities of vessel owner, operator, or crew for readying a vessel before and after a fishing trip, and (8) itemizing each data reporting field in the GOA Trawl EDR Program in regulation.

Because current economic data on the GOA trawl fisheries and processing operations are not available for evaluating the range and magnitude of economic effects of introducing a modified program to best reduce and utilize PSC to the extent practicable in the future, the no action alternative (Alternative 1) would not achieve the objectives of the action. Each of the additional alternatives considered but not proposed, placed additional burden on reporting entities, and were not anticipated to improve the quality and accuracy of data that were necessary for understanding the current economic conditions in the GOA trawl fisheries, or provide substantially improved data to understand the potential impact of a GOA trawl catch share program. None of these alternatives met both the objectives of the action and had a smaller impact on small entities, compared with the preferred alternative.

The Analysis revealed no Federal rules that would conflict with, overlap, or be duplicated by the alternatives under consideration.

Collection-of-Information Requirements

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 revisions have been submitted to OMB for approval. The collections are listed below by OMB control number.

OMB 0648–0564

Public reporting burden for Annual Trawl Catcher/Processor Economic Data Report (EDR) is estimated to average 22 hours per response. The name of this collection was previously Amendment 80 Program EDR for the Non-AFA Trawl Catcher/Processors.

OMB 0648–0000

Public reporting burden is estimated to average 15 hours per response for Annual Trawl Catcher Vessel EDR; and 3 hours per response for Annual Shoreside Processor EDR.

Estimated responses include 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 on 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 NMFS (see **ADDRESSES**) and by email to *OIRA_Submission@omb.eop.gov,* or fax to 202–395–7285.

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 *http://www.cio.noaa.gov/services_programs/prasubs.html.*

List of Subjects in 50 CFR Part 679

Alaska, Fisheries, 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 679 is proposed to be amended 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.

■ 2. In § 679.2, add, in alphabetical order, definitions for ''Blind data'' and ''Data collection agent,'' and revise the definitions for ''Designated data collection auditor'' and ''Economic data report'' to read as follows:

§ 679.2 Definitions.

* * * * *

Blind data means any data collected from an economic data report by the data collection agent that are subsequently amended by removing

personal identifiers, including, but not limited to social security numbers, crew permit numbers, names and addresses, Federal fisheries permit numbers, Federal processor permit numbers, Federal tax identification numbers, and State of Alaska vessel registration and permit numbers, and by adding in their place a nonspecific identifier.

* * * * *

Data collection agent (DCA) means the entity selected by the Regional Administrator to distribute an EDR to a person required to complete it, to receive the completed EDR, to review and verify the accuracy of the data in the EDR, and to provide those data to authorized recipients.

* * * * *

Designated data collection auditor (DDCA) means an examiner employed by, or under contract to, the data collection agent (DCA) to verify data submitted in an economic data report or the NMFS-designated contractor to perform the functions of a data collection auditor.

* * * * *

Economic data report (EDR) means the report of cost, labor, earnings, and revenue data required under § 679.65, § 679.94, and § 679.110.

* * * * *

■ 3. Revise § 679.94 to read as follows:

§ 679.94 Economic data report (EDR) for the Amendment 80 sector and Gulf of Alaska Trawl Catcher/Processors.

(a) *Annual Trawl Catcher/Processor Economic Data Report (EDR)*—(1) *Requirement to submit an EDR.* A person who held an Amendment 80 QS permit during a calendar year, or an owner or leaseholder of a vessel that was named on a Limited License Program (LLP) groundfish license that authorizes a Catcher/Processor using trawl gear to harvest and process LLP groundfish species in the GOA must submit a complete Annual Trawl Catcher/Processor EDR for that calendar year by following the instructions on the Annual Trawl Catcher/Processor EDR form.

(2) *Deadline.* A completed EDR or EDR certification pages must be submitted as required on the form to NMFS for each calendar year on or before 1700 hours, A.l.t., June 1 of the following year.

(3) *Information required.* The Annual Trawl Catcher/Processor EDR form is available on the NMFS Alaska Region Web site at *www.alaskafisheries.noaa.gov,* or by contacting NMFS at 1–800–304–4846.

(4) *EDR certification pages.* Any person required to submit an EDR under paragraph (a)(1) of this section, or their designated representative, if applicable, must submit the EDR certification statement as either:

(i) *Part of the entire EDR.* Persons submitting the completed EDR must attest to the accuracy and completion of the EDR by signing and dating the certification portion of the EDR form; or

(ii) *EDR certification only.* Persons submitting a completed EDR certification only must attest that they meet the conditions exempting them from submitting the entire EDR as described in the certification portion of the Annual Trawl Catcher/Processor EDR form and sign and date the certification portion of the EDR form.

(b) *Verification of EDR data.* (1) NMFS, the DCA, or the DDCA will conduct verification of information with persons required to submit the Annual Trawl Catcher/Processor EDR, or if applicable, that person's designated representative.

(2) Persons required to submit the Annual Trawl Catcher/Processor EDR or designated representative, if applicable, must respond to inquiries by NMFS, the designated DCA, or the DDCA within 20 days of the date of issuance of the inquiry.

(3) The persons required to submit the Annual Trawl Catcher/Processor EDR or designated representative, if applicable, must provide copies of additional data to facilitate data verification. NMFS, the DCA, or the DDCA may review and request copies of additional data provided by the persons required to submit the Annual Trawl Catcher/Processor EDR form or designated representative, if applicable, including but not limited to, previously audited or reviewed financial statements, worksheets, tax returns, invoices, receipts, and other original documents substantiating the data submitted in an Annual Trawl Catcher/Processor EDR form.

■ 4. Add subpart J, consisting of § 679.110, to read as follows:

Subpart J—Gulf of Alaska Trawl Economic Data

§ 679.110 Gulf of Alaska Trawl Economic Data Reports (EDRs).

(a) *Requirements to submit an EDR*—(1) *GOA Trawl Catcher Vessels.* The owner or leaseholder of any vessel that was named on a Limited License Program (LLP) groundfish license that authorizes a catcher vessel using trawl gear to harvest LLP groundfish species in the GOA must submit a complete Annual Trawl Catcher Vessel Economic Data Report (EDR) for that calendar year by following the instructions on the Annual Trawl Catcher Vessel EDR form.

(2) *GOA Shoreside Processors and Stationary Floating Processors.* The owner or leaseholder of a shoreside processor or stationary floating processor with a Federal Processor Permit (FPP) that processes groundfish caught by vessels fishing with trawl gear in the GOA must submit a complete Annual Shoreside Processor Economic Data Report (EDR) for that calendar year by following the instructions on the Annual Shoreside Processor EDR form.

(3) *Annual Trawl Catcher/Processor Economic Data Report (EDR).* The owner or leaseholder of a vessel that was named on a Limited License Program (LLP) groundfish license that authorizes a Catcher/Processor using trawl gear to harvest and process LLP groundfish in the GOA must submit an Annual Trawl Catcher/Processor EDR as described at § 679.94 for that calendar year.

(b) *Deadline.* A completed EDR or EDR certification page for:

(1) The Annual Trawl Catcher Vessel EDR or the Annual Shoreside Processor EDR must be submitted to the DCA for each calendar year on or before 1700 hours, A.l.t., June 1 of the following year, or

(2) The Annual Trawl Catcher/Processor EDR must be submitted to NMFS as required at § 679.94(a)(2).

(c) *Information required.* The Annual Trawl Catcher Vessel EDR, Annual Shoreside Processor EDR, and Annual Trawl Catcher/Processor EDR forms are available on the NMFS Alaska Region Web site at *www.alaskafisheries.noaa.gov,* or by contacting NMFS at 1–800–304–4846.

(d) *EDR certification.* Any person required to submit an EDR under paragraph (a) of this section, or the designated representative, if applicable, must submit the EDR certification statement as either:

(1) *Part of the entire EDR.* Persons submitting the applicable EDR form must attest to the accuracy and completion of the EDR by signing and dating the certification portion of the applicable EDR form; or

(2) *EDR certification only.* Persons submitting a completed EDR certification only must attest that they meet the conditions exempting them from submitting the entire EDR as described in the certification portion of the applicable EDR form and sign and date the certification portion of the form.

(e) *Verification of EDR data.* (1) NMFS, the DCA, or the DDCA will conduct verification of information with persons required to submit the

applicable EDR, or if applicable, that person's designated representative.

(2) The persons required to submit the applicable EDR or designated representative, if applicable, must respond to inquiries by NMFS, the designated DCA, or the DDCA within 20 days of the date of issuance of the inquiry.

(3) The persons required to submit the applicable EDR or designated representative, if applicable, must provide copies of additional data to facilitate data verification. NMFS, the DCA, or the DDCA may review and request copies of additional data provided by the persons required to submit the applicable EDR form or designated representative, if applicable, including but not limited to, previously audited or reviewed financial statements, worksheets, tax returns, invoices, receipts, and other original documents substantiating the data submitted in an EDR form.

(f) *DCA authorization.* Except for EDR data submitted as required under 679.94(a), the DCA is authorized to release unaggregated EDR data to authorized data users in blind data format only.

[FR Doc. 2014–18675 Filed 8–8–14; 8:45 am]

BILLING CODE 3510–22–P

Notices

Federal Register

Vol. 79, No. 154

Monday, August 11, 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

Animal and Plant Health Inspection Service

[Docket No. APHIS–2014–0057]

Notice of Request for Extension of Approval of an Information Collection; Introduction of Organisms and Products Altered or Produced Through Genetic Engineering

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Extension of approval of an information collection; comment request.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Animal and Plant Health Inspection Service's intention to request an extension of approval of an information collection associated with the regulations for the introduction of organisms and products altered or produced through genetic engineering.

DATES: We will consider all comments that we receive on or before October 10, 2014.

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

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov/#!docket Detail;D=APHIS-2014-0057.*
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2014–0057, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road Unit 118, Riverdale, MD 20737–1238.

Supporting documents and any comments we receive on this docket may be viewed at *http://www.regulations.gov/#!docketDetail;D=APHIS-2014-0057* or in our reading room, which is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

FOR FURTHER INFORMATION CONTACT: For information regarding the regulations for the introduction of organisms and products altered or produced through genetic engineering, contact Ms. Cindy Eck, Document Control Officer, Policy Coordination Programs, BRS, APHIS, 4700 River Road Unit 146, Riverdale, MD 20737; (301) 851–3892. For copies of more detailed information on the information collection, contact Mrs. Celeste Sickles, APHIS' Information Collection Coordinator, at (301) 851–2908.

SUPPLEMENTARY INFORMATION:

Title: 7 CFR Part 340; Introduction of Organisms and Products Altered or Produced Through Genetic Engineering.

OMB Control Number: 0579–0085.

Type of Request: Extension of approval of an information collection.

Abstract: Under the Plant Protection Act (PPA, 7 U.S.C. 7701 *et seq.*), the Secretary of Agriculture is authorized to prohibit or restrict the importation, entry, or movement in interstate commerce of any plant, plant product, biological control organism, noxious weed, article, or means of conveyance, if the Secretary determines that the prohibition or restriction is necessary to prevent the introduction or the dissemination of a plant pest into the United States.

Under the authority, the U.S. Department of Agriculture's Animal and Plant Health Inspection Service (APHIS) has established regulations in 7 CFR part 340, ''Introduction of Organisms and Products Altered or Produced Through Genetic Engineering Which Are Plant Pests or Which There is Reason to Believe Are Plant Pests.'' The regulations govern the introduction (importation, interstate movement, or release into the environment) of covered genetically engineered organisms and products (''regulated articles''). A permit must be obtained or a notification acknowledged before a regulated article may be introduced.

The regulations set forth the permit application requirements and the notification procedures for the introduction of a regulated article and necessitate certain information and recordkeeping requirements, including APHIS-issued permits, applicants' filed testing records, and the submission of protocols to ensure compliance.

We are asking the Office of Management and Budget (OMB) to approve our use of these information collection activities for an additional 3 years.

The purpose of this notice is to solicit comments from the public (as well as affected agencies) concerning our information collection. These comments will help us:

(1) Evaluate whether the collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of our estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, through use, as appropriate, of automated, electronic, mechanical, and other collection technologies; e.g., permitting electronic submission of responses.

Estimate of burden: The public reporting burden for this collection of information is estimated to average 0.9451 hours per response.

Respondents: Applicants from agricultural companies.

Estimated annual number of respondents: 121.

Estimated annual number of responses per respondent: 28.93.

Estimated annual number of responses: 3,500.

Estimated total annual burden on respondents: 3,308 hours. (Due to averaging, the total annual burden hours may not equal the product of the annual number of responses multiplied by the reporting burden per response.)

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Done in Washington, DC, this 4th day of August 2014.

Kevin Shea,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2014–18922 Filed 8–8–14; 8:45 am]

BILLING CODE 3410–34–P

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the South Dakota 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 briefing meeting of the South Dakota Advisory Committee to the Commission will convene at 10:00 a.m. (CDT) on Wednesday, August 27, 2014, at the United Tribes Technical College-Rapid City Campus, Freedom Hall, 321 Kansas City Street, Rapid City, SD 57701. The purpose of the briefing is to hear from government officials, law enforcement experts, and advocates regarding civil rights issues in South Dakota, specifically to the administration of criminal justice in Rapid City. The briefing will include testimony from invited presenters as well as members of the public. The South Dakota Advisory Committee will hear about experiences, initiatives, programs and concerns with criminal justice in Rapid City.

Members of the public are entitled to submit written comments. The comments must be received in the regional office by Monday, September 29, 2014. Comments may be mailed to the Rocky Mountain Regional Office, U.S. Commission on Civil Rights, 999 18th Street, Suite 1380 South, Denver, CO 80202, faxed to (303) 866–1050, or emailed to Evelyn Bohor at *ebohor@usccr.gov*. Persons who desire additional information may contact the Rocky Mountain Regional Office at 303–866–1040.

Persons needing accessibility services should contact the Rocky Mountain 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 Rocky Mountain 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 Rocky Mountain Regional Office at the above phone number, email or street address.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission and FACA.

Dated August 5, 2014.

David Mussatt,

Chief, Regional Programs Coordination Unit.

[FR Doc. 2014–18843 Filed 8–8–14; 8:45 am]

BILLING CODE 6335–01–P

DEPARTMENT OF COMMERCE

Economic Development Administration

Notice of Petitions by Firms for Determination of Eligibility To Apply for Trade Adjustment Assistance

AGENCY: Economic Development Administration, Department of Commerce.

ACTION: Notice and Opportunity for Public Comment.

Pursuant to Section 251 of the Trade Act 1974, as amended (19 U.S.C. 2341 et seq.), the Economic Development Administration (EDA) has received petitions for certification of eligibility to apply for Trade Adjustment Assistance from the firms listed below. Accordingly, EDA has initiated investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each of these firms contributed importantly to the total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of each petitioning firm.

LIST OF PETITIONS RECEIVED BY EDA FOR CERTIFICATION ELIGIBILITY TO APPLY FOR TRADE ADJUSTMENT ASSISTANCE

[07/25/2014 through 08/05/2014]

Firm name	Firm address	Date accepted for investigation	Product(s)
GVM, Inc.	224 East King Street, East Berlin, PA 17316.	7/31/2014	The firm manufacturer's heavy machinery for the agriculture and government markets.
Venture Company (dba Venture Snowboards).	5 Mears Avenue, Silverton, CO 81433.	8/1/2014	The firm manufacturers split boards and snowboards.
PVD Products, Inc.	35 Upton Drive, Suite 200, Wilmington, MA 01887.	8/1/2014	The firm manufactures designs and manufacturers thin film deposition systems, reel-to-reel deposition equipment for the coated-conductor market.

Any party having a substantial interest in these proceedings may request a public hearing on the matter. A written request for a hearing must be submitted to the Trade Adjustment Assistance for Firms Division, Room 71030, Economic Development Administration, U.S. Department of Commerce, Washington, DC 20230, no later than ten (10) calendar days following publication of this notice.

Please follow the requirements set forth in EDA's regulations at 13 CFR 315.9 for procedures to request a public hearing. The Catalog of Federal Domestic Assistance official number and title for the program under which these petitions are submitted is 11.313, Trade Adjustment Assistance for Firms.

Dated: August 5, 2014.

Michael DeVillo,

Eligibility Examiner.

[FR Doc. 2014–18924 Filed 8–8–14; 8:45 am]

BILLING CODE 3510–WH–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–580–837]

Cut-to-Length Carbon-Quality Steel Plate From the Republic of Korea: Final Results of Countervailing Duty Administrative Review; 2012

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (the Department) completed the administrative review of the countervailing duty (CVD) order on cut-

to-length carbon-quality steel plate (CTL Plate) from the Republic of Korea for the January 1, 2012, through December 31, 2012, period of review (POR) in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act). This review covers multiple exporters/producers, one of which is being individually examined as a mandatory respondent. We determine that Dongkuk Steel Mill Co., Ltd. (DSM) received a *de minimis* net subsidy rate during the POR. We have used DSM's total net subsidy rate as the rate for the remaining five companies subject to review. Additionally, the Department has rescinded the review of five companies that timely certified that they had no shipments of subject merchandise to the United States during the POR. Our analysis of comments received is contained in the Decision Memorandum accompanying this **Federal Register** notice.[1] The final net subsidy rates are listed below in the ''Final Results of Review'' section. These subsidy rates are unchanged from the *Preliminary Results.*[2]

DATES: *Effective Date:* August 11, 2014.

FOR FURTHER INFORMATION CONTACT: John Conniff at 202–482–1009, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Background

On February 10, 2000, the Department published in the **Federal Register** the *CTL Plate Order.*[3] On February 1, 2013, the Department published a notice of opportunity to request an administrative review of this CVD order.[4] On March 25, 2014, the Department published its preliminary results of review of the CVD order on CTL Plate from the Republic of Korea for the POR.[5]

The Department received one case brief from Samsung C&T Corp (Samsung) regarding its decision not to rescind Samsung from the administrative review.

Scope of the Order

The products covered by the order are certain hot-rolled carbon-quality steel: (1) Universal mill plates (*i.e.,* flat-rolled products rolled on four faces or in a closed box pass, of a width exceeding 150 mm but not exceeding 1250 mm, and of a nominal or actual thickness of not less than 4 mm, which are cut-to-length (not in coils) and without patterns in relief), of iron or non-alloy-quality steel; and (2) flat-rolled products, hot-rolled, of a nominal or actual thickness of 4.75 mm or more and of a width which exceeds 150 mm and measures at least twice the thickness, and which are cut-to-length (not in coils).

The merchandise subject to the order is currently classifiable in the HTSUS under subheadings: 7208.40.3030, 7208.40.3060, 7208.51.0030, 7208.51.0045, 7208.51.0060, 7208.52.0000, 7208.53.0000, 7208.90.0000, 7210.70.3000, 7210.90.9000, 7211.13.0000, 7211.14.0030, 7211.14.0045, 7211.90.0000, 7212.40.1000, 7212.40.5000, 7212.50.0000, 7225.40.3050, 7225.40.7000, 7225.50.6000, 7225.99.0090, 7226.91.5000, 7226.91.7000, 7226.91.8000, 7226.99.0000.

Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise covered by the order is dispositive.[6]

Methodology

The Department conducted this review in accordance with section 751(a)(1)(A) of the Act. For each of the subsidy programs found countervailable during the POR, we determine that there is a subsidy, *i.e.,* a government-provided financial contribution that confers a benefit to the recipient, and that the subsidy is specific. *See* sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E) of the Act regarding benefit; and section 771(5A) of the Act regarding specificity. For a complete description of the methodology, see the Decision Memorandum.

Analysis of Comments Received

All issues raised in Samsung's case brief, the only case brief submitted in this proceeding, are addressed in the Decision Memorandum. A list of the issues which Samsung raised, and to which we responded in the Decision Memorandum, is attached to this notice as Appendix I. The Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (IA ACCESS). IA ACCESS is available to registered users at *http://iaaccess.trade.gov,* and is available to all parties in the Central Records Unit, room 7046 of the main Commerce building. In addition, a complete version of the Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/index.html.* The signed Decision Memorandum and the electronic versions of the Decision Memorandum are identical in content.

Rescission of Administrative Review

Between April 10 and May 23, 2013, we received timely-filed no shipment certifications from Daewoo International Corp. (Daewoo), Dongbu Steel Co., Ltd. (Dongbu), GS Global Corp. (GS Global), Hyosung Corporation (Hyosung), and Hyundai Steel Co. (Hyundai). Because these companies timely filed no shipment certifications and there is no evidence on the record to indicate that these companies had sales of subject merchandise during the POR, pursuant to 19 CFR 351.213(d)(3), the Department is rescinding the review with respect to Daewoo, Dongbu, GS Global, Hyosung, and Hyundai.

Final Results of Review

In accordance with 19 CFR 351.221(b)(4)(i), we calculated an individual subsidy rate for the mandatory respondent, DSM. Because DSM is the sole, mandatory respondent, we assigned to those companies not selected for individual review, the rate calculated for DSM. As a result of this review, we determine the listed net subsidy rates for 2012:

Company	2012 *Ad valorem* rate
Dongkuk Steel Mill Co., Ltd.	0.11% *de minimis.*
Edgen Murray Corporation.	*de minimis.*
Kyoungil Col., Ltd.	*de minimis.*
Samsung C&T Corporation.	*de minimis.*

[1] *See* ''Decision Memorandum for the Final Results of 2012 Countervailing Duty Administrative Review: Cut-to-length Carbon-Quality Steel Plate from the Republic of Korea,'' from Gary Taverman, Senior Advisor for Antidumping and Countervailing Duty Operations, to Paul Piquado, Assistant Secretary for Enforcement and Compliance (Decision Memorandum), dated concurrently and hereby adopted by this notice.

[2] *See Certain Cut-to-Length Carbon-Quality Steel Plate from the Republic of Korea: Preliminary Results of Countervailing Duty Administrative Review; 2012,* 79 FR 16283 (March 25, 2014) (*Preliminary Results*), and accompanying Issues and Decision Memorandum, dated March 18, 2014 (Preliminary Decision Memorandum).

[3] *See Notice of Amended Final Determination: Certain Cut-to-Length Carbon-Quality Steel Plate From India and the Republic of Korea; and Notice of Countervailing Duty Orders: Certain Cut-to-Length Carbon-Quality Steel Plate from France, India, Indonesia, Italy, and the Republic of Korea,* 65 FR 6587 (February 10, 2000) (*CTL Plate Order*).

[4] *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review,* 78 FR 7397 (February 1, 2013).

[5] *See Preliminary Results,* 79 FR 16283 and Preliminary Decision Memorandum.

[6] *See* Decision Memorandum for a complete description of the scope of the order.

Company	2012 *Ad valorem* rate
Samwoo EMC Co., Ltd. ..	*de minimis.*
TCC Steel Corp.	*de minimis.*

Assessment Rates/Cash Deposits

In accordance with 19 CFR 351.212(b)(2), the Department intends to issue assessment instructions to U.S. Customs and Border Protection (CBP) 15 days after the date of publication of these final results of review to liquidate shipments of subject merchandise by respondents entered, or withdrawn from warehouse, for consumption on or after January 1, 2012, through December 31, 2012, without regard to CVDs because a *de minimis* subsidy rate was calculated for each company as the *ad valorem* assessment rate listed above. We will also instruct CBP to continue to suspend liquidation but to collect no cash deposits of estimated CVDs on shipments of the subject merchandise by the companies listed above entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of review.

For the companies for which this review is rescinded, countervailing duties shall be assessed at rates equal to the cash deposit of estimated countervailing duties required at the time of entry, or withdrawal from warehouse, for consumption, during the period January 1, 2012, through December 31, 2012, in accordance with 19 CFR 351.2129(c)(1)(i).

For all non-reviewed companies, we will instruct CBP to continue to collect cash deposits at the most recent company-specific or country-wide rate applicable to the company. Accordingly, the cash deposit rates that will be applied to companies covered by this order, but not examined in this review, are those established in the most recently completed administrative proceeding for each company. The cash deposit rates for all companies not covered by this review are not changed by the results of this review, and remain in effect until further notice.

Return or Destruction of Proprietary Information

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

We are issuing and publishing these final results in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: August 5, 2014.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

Appendix

I. Summary
II. Period of Review
III. Scope of the Order
IV. Rescission of Administrative Review With Respect to Certain Companies
V. Non-Selected Rate
VI. Attribution of Subsidies
VII. Analysis of Programs
VIII. Analysis of Comments
Comment 1: Whether It Is Appropriate to Assign Samsung a Non-Selected Respondent Rate
IX. Recommendation

[FR Doc. 2014–18950 Filed 8–8–14; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–427–602]

Brass Sheet and Strip From France: Notice of Rescission of Antidumping Duty Administrative Review; 2013–2014

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (the Department) is rescinding the administrative review of the antidumping duty order on brass sheet and strip from France. The period of review is March 1, 2013, through February 28, 2014.

DATES: *Effective Date:* August 11, 2014.

FOR FURTHER INFORMATION CONTACT: Steve Bezirganian, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–1131.

SUPPLEMENTARY INFORMATION:

Background

On March 3, 2014, the Department of Commerce (the Department) published in the **Federal Register** a notice of ''Opportunity to Request Administrative Review'' of the antidumping duty order on brass sheet and strip from France for the period of review (POR) of March 1, 2013, through February 28, 2014.[1] The Department received a timely request from GBC Metals, LLC, of Global Brass and Copper, Inc., dba Olin Brass, Heyco Metals, Inc., Aurubis Buffalo, Inc., PMX Industries, Inc., and Revere Copper Products, Inc. (the Petitioners) for an administrative review of the antidumping duty order on brass sheet and strip from France with respect to two companies, Griset SA and KME France.[2] On April 30, 2014, the Department published a notice of initiation of an administrative review of the antidumping duty order on brass sheet and strip from France with respect to Griset SA and KME France.[3]

The Department stated in its initiation of this review that it intended to rely on U.S. Customs and Border Protection (CBP) data to select respondents.[4] However, our review of the CBP database, with respect to the companies for which this review was requested, showed no entries of subject merchandise during the POR. On May 20, 2014, we released the results of our CBP data query, and invited interested parties to comment on the results of that query.[5] We received no comments on the results of that query. On July 14, 2014, the Petitioners submitted a letter withdrawing their request for review of the aforementioned companies.[6]

Rescission of Review

Section 351.213(d)(1) of the Department's regulations stipulates that the Secretary will rescind an administrative review under this section, in whole or in part, if a party that requested a review withdraws the request within 90 days of the date of publication of notice of initiation of the requested review. As the only parties that requested a review (the Petitioners) withdrew the request within 90 days of the date of publication of notice of initiation of the requested review, we are rescinding this review of the antidumping duty order on brass sheet

[1] *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review,* 79 FR 11757 (March 3, 2014).

[2] *See* letter from the Petitioners' to the Secretary of Commerce entitled ''Brass Sheet and Strip from France,'' dated March 31, 2014.

[3] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews and Request for Revocation in Part,* 79 FR 24398 (April 30, 2014).

[4] *Id.*

[5] *See* Memorandum from Mark Flessner to the File entitled, ''Brass Sheet and Strip from France: Placement on the Record of Results of Inquiry to U.S. Customs and Border Protection for 2013–2014 Period of Review,'' dated May 20, 2014.

[6] *See* letter from the Petitioners to the Secretary of Commerce entitled, ''Brass Sheet and Strip from France,'' dated July 14, 2014.

and strip from France pursuant to 19 CFR 351.213(d)(1).

Assessment

The Department will instruct U.S. Customs and Border Protection (CBP) to assess antidumping duties on all appropriate entries. Antidumping duties shall be assessed at rates equal to the cash deposit of estimated antidumping duties required at the time of entry or withdrawal from warehouse, for consumption, in accordance with 19 CFR 351.212(c)(1)(i). The Department intends to issue appropriate assessment instructions directly to CBP 15 days after publication of this notice.

Notifications

This notice serves as a final reminder to importers for whom this review is being rescinded of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of the antidumping duties occurred and the subsequent assessment of double antidumping duties.

This notice also serves as a reminder to parties subject to administrative protective orders (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305, which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

This notice is issued and published in accordance with section 751(a)(1) of the Tariff Act of 1930, as amended, and 19 CFR 351.213(d)(4).

Dated: August 1, 2014.

Christian Marsh,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2014–18956 Filed 8–8–14; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Application(s) for Duty-Free Entry of Scientific Instruments

Pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, as amended by Pub. L. 106–36; 80 Stat. 897; 15 CFR part 301), we invite comments on the question of whether instruments of equivalent scientific value, for the purposes for which the instruments shown below are intended to be used, are being manufactured in the United States.

Comments must comply with 15 CFR 301.5(a)(3) and (4) of the regulations and be postmarked on or before September 2, 2014. Address written comments to Statutory Import Programs Staff, Room 3720, U.S. Department of Commerce, Washington, DC 20230. Applications may be examined between 8:30 a.m. and 5:00 p.m. at the U.S. Department of Commerce in Room 3720.

Docket Number: 14–013. Applicant: Howard Hughes Medical University, 4000 Jones Bridge Road, Chevy Chase, MD 20815. Instrument: Vitrobot Vitrification Robot for Cryopreservation. Manufacturer: FEI, Czech Republic. Intended Use: The instrument is used to produce high-quality frozen-hydrated biological specimens for observation in cryo-TEM, to determine the structure of macromolecular biological complexes. It is equipped with an environmental chamber and fully automated control of blotting and plunge-freezing conditions. The computerized control of the humidity/temperature environment specimen chamber and blotting/freezing conditions is essential to reproducibly obtaining high quality samples for TEM, free of freezing artifacts. Justification for Duty-Free Entry: There are no instruments of the same general category manufactured in the United States. Application accepted by Commissioner of Customs: June 26, 2014.

Docket Number: 14–015. Applicant: South Dakota State University, Room 214 Daktronics Engineering Hall, South Dakota State University, Brookings, SD 57007. Instrument: SUNALE R–150 Atomic Layer Deposition Reactor. Manufacturer: Picosun, Finland. Intended Use: The instrument will be used to obtain ultrathin dielectric films with full coverage of semiconductor device surface to prevent electric leakage, and fabricate amorphous metal thin films, by depositing oxide films onto metal layer surfaces and studying the effect of the diode, in order to study film uniformity, adhesion, dielectric constant, and optical constants. Unique features of the instrument include a dual vacuum chamber, which allows different reaction chambers to be fit into the same vacuum chamber, allowing easy scale up to batch process and deposition on different substrates, source lines that are pre-heated before entering the reactor chamber, improving the deposition quality, and the option of ultra-high vacuum system by using metal seal flanges. Another unique feature is the hot-wall reaction chamber, which allows a metal-metal sealing surface and pressure control that keeps all process gases inside the reaction chamber with no condensation occurring in the vacuum chamber walls. The reaction chamber walls are at the same temperature as the substrate which prevents secondary reaction routes inside the reaction chamber that would result in the loss of self-limited growth mechanism of ALD, ensures no corrosion occurs on the vacuum chamber walls, and ensures the best particle performance and long maintenance cycles, and a maximum deposition temperature of 500 degrees Celsius. Justification for Duty-Free Entry: There are no instruments of the same general category manufactured in the United States. Application accepted by Commissioner of Customs: July 1, 2014.

Docket Number: 14–019. Applicant: New Mexico Institute of Mining and Technology, 801 Leroy Place, Socorro, NM 87801. Instrument: Tip-Tilt/Narrow-field Acquisition System (FTT/NSA). Manufacturer: University of Cambridge—Cavendish Labs, United Kingdom. Intended Use: The instrument will be used to acquire the astronomical target by sensing its location in a moderate field of view image and using the position of the target relative to a pre-determined location in the sensor field of view to provide signals used to adjust the pointing of the telescope, and thereafter to detect and eliminate rapid tip-tilt (i.e. angle of arrival) fluctuations in the incoming light beam due to atmospheric turbulence—sensing these again by measuring the position of the target relative to a pre-determined location in the sensor field and using these measurements to send high frequency control signals to the active secondary mirror of the telescope and low frequency pointing corrections to the telescope mount. The unique features of the instrument are the interferometer system which is designed to fulfill the Science Reference Mission, including a focus on model-independent imaging as opposed to

astrometric or precision phase or visibility measurement, which implies the ability to relocate the telescope, in particular the provision of a close-packed array configuration with shortest inter-telescope separations of 7.8 m. Another unique feature is the ability to reach limiting magnitudes of H = 14 for group delay fringe tracking and V = 16 for tip-tilt sensing to allow observations of extragalactic targets (in particular AGN, which have red colors). Other unique features include a dual role as a tip-tilt (angle of arrival) correction system and target acquisition system, for which a 60'' field of view is required, a level of opto-mechanical stability such that the change in the effective tip-tilt zero point is less than 0.015'' on the sky for a 5 degree Celsius change in ambient temperature, which implies sub-micron stability of the components of the system over the course of a night, a limiting sensitivity of 16th magnitude at visual wavelengths (limiting magnitude V = 16 for target acquisition and residual tilt in fast tip-tilt mode < 0.060'' at V = 16), and the ability to maintain the surface temperature of FTT/MSA components close to the light beam path within 2 degrees Celsius of ambient, which, coupled with the wide operating temperature range, requires the camera to be housed in a special environmentally-controlled enclosure. Justification for Duty-Free Entry: There are no instruments of the same general category manufactured in the United States. Application accepted by Commissioner of Customs: July 3, 2014.

Dated: August 4, 2014.

Gregory W. Campbell,

Director of Subsidies Enforcement, Enforcement and Compliance.

[FR Doc. 2014–18953 Filed 8–8–14; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Genome in a Bottle Consortium—Progress and Planning Workshop

AGENCY: National Institute of Standards & Technology (NIST), Commerce.

ACTION: Notice of public workshop.

SUMMARY: NIST announces the Genome in a Bottle Consortium meeting to be held on Thursday and Friday, August 14 and 15, 2014. The Genome in a Bottle Consortium is developing the reference materials, reference methods, and reference data needed to assess confidence in human whole genome variant calls. A principal motivation for this consortium is to enable performance assessment of sequencing and science-based regulatory oversight of clinical sequencing. The purpose of this meeting is to update participants about progress of the consortium work, continue to get broad input from individual stakeholders to update or refine the consortium work plan, continue to broadly solicit consortium membership from interested stakeholders, and invite members to participate in work plan implementation. Topics of discussion at this meeting will include examples of laboratories using the pilot candidate NIST Reference Material, progress on the next set of NIST Reference Materials, structural variants, and potential Reference Materials for cancer genomics.

DATES: The Genome in a Bottle Consortium meeting will be held on Thursday, August 14, 2014 from 9:00 a.m. to 5:30 p.m. Eastern Time and Friday, August 15, 2014 from 9:00 a.m. to 12:45 p.m. Eastern Time. Attendees must register by 5:00 p.m. Eastern Time on Monday, August 11, 2014.

ADDRESSES: The meeting will be held at the National Institute of Standards and Technology, 100 Bureau Drive, Gaithersburg, MD 20899 in Room C103–C106, Building 215. Please note admittance instructions under the **SUPPLEMENTARY INFORMATION** section of this notice.

FOR FURTHER INFORMATION CONTACT: For further information contact Justin Zook by email at *jzook@nist.gov* or by phone at (301) 975–4133 or Marc Salit by email at *salit@nist.gov* or by phone at (650) 350–2338. To register, go to: *https://www-s.nist.gov/CRS/conf_disclosure.cfm?conf_id=7372*

SUPPLEMENTARY INFORMATION: Clinical application of ultra high throughput sequencing (UHTS) for hereditary genetic diseases and oncology is rapidly growing. At present, there are no widely accepted genomic standards or quantitative performance metrics for confidence in variant calling. These standards and quantitative performance metrics are needed to achieve the confidence in measurement results expected for sound, reproducible research and regulated applications in the clinic. On April 13, 2012, NIST convened the workshop ''Genome in a Bottle'' to initiate a consortium to develop the reference materials, reference methods, and reference data needed to assess confidence in human whole genome variant calls (*www.genomeinabottle.org*). On August 16–17, 2012, NIST hosted the first large public meeting of the Genome in a Bottle Consortium, with about 100 participants from government, academic, and industry. This meeting was announced in the **Federal Register** (77 FR 43237) on July 24, 2012. A principal motivation for this consortium is to enable science-based regulatory oversight of clinical sequencing.

At the August 2012 meeting, the consortium established work plans for four technical working groups with the following responsibilities:

(1) Reference Material (RM) Selection and Design: Select appropriate sources for whole genome RMs and identify or design synthetic DNA constructs that could be spiked-in to samples for measurement assurance.

(2) Measurements for Reference Material Characterization: Design and carry out experiments to characterize the RMs using multiple sequencing methods, other methods, and validation of selected variants using orthogonal technologies.

(3) Bioinformatics, Data Integration, and Data Representation: Develop methods to analyze and integrate the data for each RM, as well as select appropriate formats to represent the data.

(4) Performance Metrics and Figures of Merit: Develop useful performance metrics and figures of merit that can be obtained through measurement of the RMs.

The products of these technical working groups will be a set of well-characterized whole genome and synthetic DNA RMs along with the methods (documentary standards) and reference data necessary for use of the RMs. These products will be designed to help enable translation of whole genome sequencing to regulated clinical applications. The consortium meets in workshops two times per year, in January at Stanford University in Palo Alto, CA, and in August at the National Institute of Standards and Technology in Gaithersburg, MD. At these workshops, including the last meeting at NIST in August 2013, participants in the consortium have discussed progress developing well-characterized genomes for NIST Reference Materials and planned future experiments and analysis of these genomes (see *https://federalregister.gov/a/2012-18064* and *https://federalregister.gov/a/2013-18934* for past workshops at NIST). The August 2013 meeting, which included meetings of each of the four working groups, was announced in the **Federal Register** (78 FR 47674) on August 6, 2013, and the meeting is summarized at *http://genomeinabottle.org/blog-entry/giab-workshop-summary-august-15-16-2013.*

There is no cost for participating in the consortium. No proprietary information will be shared as part of the consortium, and all research results will be in the public domain.

All visitors to the NIST site are required to pre-register to be admitted and present appropriate government-issued photo ID to gain entry to NIST. Anyone wishing to attend this meeting must pre-register at *https://www-s.nist.gov/CRS/conf_disclosure.cfm?conf_id=7372* by 5:00 p.m. Eastern Time on Monday, August 11, 2014, in order to attend.

Dated: August 5, 2014.

Willie E. May,

Associate Director of Laboratory Programs.

[FR Doc. 2014–18841 Filed 8–8–14; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF EDUCATION

Applications for New Awards; Technical Assistance on State Data Collection—IDEA Fiscal Data Center

AGENCY: Office of Special Education and Rehabilitative Services, Department of Education.

ACTION: Notice.

Overview Information:

Technical Assistance on State Data Collection—IDEA Fiscal Data Center.

Notice inviting applications for new awards for fiscal year (FY) 2014.

Catalog of Federal Domestic Assistance (CFDA) Number: 84.373F.

DATES: *Application Available:* August 11, 2014.

Deadline for Transmittal of Applications: September 10, 2014.

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The purpose of the Technical Assistance on State Data Collection program is to improve the capacity of States to meet their Individuals with Disabilities Education Act (IDEA) data collection and reporting requirements under sections 616 and 618 of IDEA. Funding for the program is authorized under section 611(c)(1) of IDEA, which gives the Secretary the authority to reserve funds appropriated under Part B of IDEA to provide technical assistance (TA) activities authorized under section 616(i).[1] Section 616(i) requires the Secretary to review the data collection and analysis capacity of States to ensure that data and information determined necessary for implementation of section 616 are collected, analyzed, and accurately reported. It also requires the Secretary to provide TA, where needed, to improve the capacity of States to meet the data collection requirements under IDEA. The Consolidated Appropriations Act of 2014 gives the Secretary the authority to use FY 2014 funds reserved under section 611(c) to assist the Secretary in administering and carrying out other services and activities to improve data collection, coordination, quality, and use under Parts B and C of IDEA (Pub. L. 113–76).

Priority: This priority is from the notice of final priority for this program, published elsewhere in this issue of the **Federal Register**.

Absolute Priority: For FY 2014 and any subsequent year in which we make awards from the list of unfunded applicants from this competition, this priority is an absolute priority. Under 34 CFR 75.105(c)(3), we consider only applications that meet this priority.

This priority is:

IDEA Fiscal Data Center.

The purpose of this priority is to fund a cooperative agreement to establish and operate a Center to achieve, at a minimum, the following expected outcomes: (a) Improve the capacity of State staff to collect and report accurate fiscal data to meet the data collection requirements related to the IDEA Part B local educational agency (LEA) Maintenance of Effort (MOE) Reduction and Coordinated Early Intervening Services (CEIS) [LEA MOE/CEIS] and State Maintenance of Financial Support (State MFS); and (b) increase States' knowledge of the underlying fiscal requirements and the calculations necessary to submit valid and reliable data on LEA MOE/CEIS and State MFS.

Project Activities. To meet the requirements of this priority, the Center, at a minimum, must conduct the following activities:

Knowledge Development Activities.

(a) To ensure that States have the capacity to collect and report accurate LEA MOE/CEIS and State MFS fiscal data, survey all 60 IDEA Part B programs in the first year to:

(1) Assess their capacity to collect and report high-quality LEA MOE/CEIS and State MFS fiscal data required under data collections authorized under section 618 and identify the policies and practices that facilitate or hinder the collection of accurate data consistent with IDEA fiscal requirements; and

(2) Analyze and catalogue how States make available State financial support for special education and related services in order to develop templates that increase the capacity of States to collect and report accurate data;

(b) In the first year, analyze the LEA MOE/CEIS data submissions and data notes to determine common data collection and submission errors and to identify States in need of intensive or targeted TA.

Technical Assistance and Dissemination Activities.

(a) Provide intensive TA to a minimum of 10 State educational agencies (SEAs) per year, which may include continued TA for some SEAs for longer than one year, to improve States' collection and submission of IDEA fiscal data consistent with the following two data collection requirements authorized under section 618 of IDEA: (1) Section V of the Annual State Application under Part B of IDEA (Part B Annual Application); and (2) the LEA MOE/CEIS Data Collection, which was formerly referred to as the Report on Maintenance of Effort Reduction and Coordinated Early Intervening Services (Table 8). Preference should be given to those States with the greatest need, including States with a demonstrated failure to accurately report MFS or LEA MOE/CEIS data, and States requesting TA. When working with States on LEA MOE/CEIS data, the TA should develop the capacity of SEAs to train LEAS to accurately report the required data;

(b) Provide a range of targeted and general TA products and services related to fiscal data to the 60 SEAs that have IDEA Part B programs to improve State capacity to collect and report valid and reliable data, including the dissemination of Office of Special Education Programs (OSEP) guidance on IDEA fiscal requirements and the development and dissemination of TA products on IDEA fiscal data collection and reporting requirements, and improve the capacity of SEAs to train LEAs to accurately report the required data; and

(c) Develop templates to assist States in collecting valid and reliable State MFS and LEA MOE/CEIS data so those data can be accurately reported to OSEP. These templates should be designed to accommodate variances in State school financing systems (insofar as possible) and remind users of the applicable required components of the calculation.

Coordination Activities.

(a) Communicate and coordinate, on an ongoing basis, with other Department-funded projects, including those providing data-related support to States, such as the National Technical Assistance Center to Improve State Capacity to Accurately Collect and Report IDEA Data; and

[1] All references to a statute in this priority are to sections of IDEA unless otherwise noted.

(b) Maintain ongoing communication with the OSEP project officer.

Administrative Requirements.

To be considered for funding under this priority, applicants must meet the application and administrative requirements in this priority. OSEP encourages innovative approaches to meet these requirements, which are:

(a) Demonstrate, in the narrative section of the application under ''Significance of the Project,'' how the proposed project will address States' capacity to: (1) Understand IDEA's statutory and regulatory basis for the fiscal reporting requirements; (2) collect valid and reliable fiscal data; (3) conduct required calculations consistent with IDEA requirements; and (4) report valid and reliable fiscal data; and

(b) Demonstrate knowledge of IDEA fiscal data collections, including the underlying statutory and regulatory requirements, current fiscal guidance, and State school funding systems;

(c) Demonstrate, in the narrative section of the application under ''Quality of the Project Services,'' how the proposed project will—

(1) Achieve its goals, objectives, and intended outcomes. To meet this requirement, the applicant must provide—

(i) Measurable intended project outcomes; and

(ii) The logic model by which the proposed project will achieve its intended outcomes;

(2) Use a conceptual framework to develop project plans and activities, describing any underlying concepts, assumptions, expectations, beliefs, or theories, as well as the presumed relationships or linkages among these variables, and any empirical support for this framework;

(3) Base the design of the TA on current research and make use of evidence-based practices. To meet this requirement, the applicant must describe—

(i) The current research about adult learning principles and implementation science that will inform the proposed TA; and

(ii) How the proposed project will incorporate current research and evidence-based practices in the development and delivery of its products and services;

(4) Develop products and provide services that are of high quality and sufficient intensity and duration to achieve the intended outcomes of the proposed project. To address this requirement, the applicant must describe—

(i) How it proposes to identify or develop the knowledge base for IDEA fiscal data collection and reporting requirements;

(ii) How it proposes to conduct the survey of all 60 IDEA Part B Programs administered by SEAs;

(iii) How it proposes to conduct universal, general TA [2] for the 60 SEAs that have IDEA Part B programs;

(iv) How it proposes to provide targeted, specialized TA,[3] which must identify—

(A) The intended recipients of the products and services under this approach;

(B) How it proposes to measure the readiness of potential TA recipients to work with the project, assessing, at a minimum, their current infrastructure, available resources, and ability to build capacity at the LEA level; and

(C) Appropriate staff with the requisite responsibilities to receive the TA in these areas.

(v) How it proposes to provide intensive, sustained TA to the selected 10 SEAs,[4] which must identify—

(A) How it proposes to select and recruit SEAs to work with the proposed project, considering the SEAs' need for the initiative, current infrastructure, available resources, and ability to build capacity at the LEA level;

(B) How it proposes to assist SEAs in building training systems that include professional development based on adult learning principles and coaching; and

(C) How it proposes to involve and work with other regional TA providers to assist SEAs with communication between each level of the education system (e.g., districts, schools, families);

(5) Develop products and implement services to maximize the project's efficiency. To address this requirement, the applicant must describe—

(i) How the proposed project will use technology to achieve the intended project outcomes;

(ii) With whom the proposed project will collaborate and the intended outcomes of this collaboration; and

(iii) How the proposed project will use non-project resources to achieve the intended project outcomes.

(d) Demonstrate, in the narrative section of the application under ''Quality of the Evaluation Plan,'' how—

(1) The proposed project will collect and analyze data on specific and measurable goals, objectives, and intended outcomes of the project. To address this requirement, the applicant must describe its—

(i) Proposed evaluation methodologies, including instruments, data collection methods, and analyses; and

(ii) Proposed standards or targets for determining effectiveness;

(2) The proposed project will use the evaluation results to examine the effectiveness of its implementation and its progress toward achieving intended outcomes; and

(3) The proposed methods of evaluation will produce quantitative and qualitative data that demonstrate whether the project achieved the intended outcomes.

(e) Demonstrate, in the narrative section of the application under ''Adequacy of Project Resources,'' how—

(1) The proposed project will encourage applications for employment from persons who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability, as appropriate;

(2) The proposed key project personnel, consultants, and subcontractors have the qualifications and experience to carry out the proposed activities and achieve the project's intended outcomes, including experience working with State and district fiscal systems;

(3) The applicant and any key partners have adequate resources to carry out the proposed activities; and

(4) The proposed costs are reasonable in relation to the anticipated results and benefits.

(f) Demonstrate, in the narrative section of the application under ''Quality of the Management Plan,'' how—

[2] ''Universal, general TA'' means TA and information provided to independent users through their own initiative, resulting in minimal interaction with TA center staff and including one-time, invited or offered conference presentations by TA center staff. This category of TA also includes information or products, such as newsletters, guidebooks, or research syntheses, downloaded from the TA center's Web site by independent users. Brief communications by TA center staff with recipients, either by telephone or email, are also considered universal, general TA.

[3] ''Targeted, specialized TA'' means TA service based on needs common to multiple recipients and not extensively individualized. A relationship is established between the TA recipient and one or more TA center staff. This category of TA includes one-time, labor-intensive events, such as facilitating strategic planning or hosting regional or national conferences. It can also include episodic, less labor-intensive events that extend over a period of time, such as facilitating a series of conference calls on single or multiple topics that are designed around the needs of the recipients. Facilitating communities of practice can also be considered targeted, specialized TA.

[4] ''Intensive, sustained TA'' means TA services often provided on-site and requiring a stable, ongoing relationship between the TA center staff and the TA recipient. ''TA services'' are defined as negotiated series of activities designed to reach a valued outcome. This category of TA should result in changes to policy, program, practice, or operations that support increased recipient capacity or improved outcomes at one or more systems levels.

(1) The proposed management plan will ensure that the project's intended outcomes will be achieved on time and within budget. To address this requirement, the applicant must describe—

(i) Clearly defined responsibilities for key project personnel, consultants, and subcontractors, as applicable; and

(ii) Timelines and milestones for accomplishing the project tasks;

(2) Key project personnel and any consultants and subcontractors will be allocated to the project and how these allocations are appropriate and adequate to achieve the project's intended outcomes;

(3) The proposed management plan will ensure that the products and services provided are of high quality; and

(4) The proposed project will obtain a diversity of perspectives, including those of State and local personnel, TA providers, researchers, and policy makers, among others, in the development and operation of its plan.

(g) Address the following application requirements:

(1) Include in Appendix A a logic model that depicts, at a minimum, the goals, activities, outputs, and outcomes of the proposed project. A logic model communicates how a project will achieve its intended outcomes and provides a framework for both the formative and summative evaluations of the project.

Note: The following Web sites provide more information on logic models: *www.researchutilization.org/matrix/logicmodel_resource3c.html* and *www.tadnet.org/pages/589;*

(2) Include in Appendix A a conceptual framework for the project;

(3) Include in Appendix A person-loading charts and timelines, as applicable, to illustrate the management plan described in the narrative;

(4) Include in the budget the costs for attending the following events:

(i) A one and one-half day kick-off meeting in Washington, DC, after receipt of the award, and an annual planning meeting in Washington, DC, with the OSEP project officer and other relevant staff during each subsequent year of the project period.

Note: Within 30 days of receipt of the award, a post-award teleconference must be held between the OSEP project officer and the grantee's project director or other authorized representative;

(ii) A two and one-half day project directors' meeting in Washington, DC, to occur every other year beginning with the meeting scheduled for Summer 2016;

(iii) A two-day trip annually for Department briefings, Department-sponsored conferences, and other meetings, as requested by OSEP; and

(iv) A one-day intensive review meeting in Washington, DC, during the last half of the second year of the project period;

(5) Include in the budget a line item for an annual set-aside of five percent of the grant amount to support emerging needs that are consistent with the proposed project's intended outcomes, as those needs are identified in consultation with OSEP;

Note: With approval from the OSEP project officer, the grantee must reallocate any remaining funds from this annual set-aside no later than the end of the third quarter of each budget period; and

(6) Maintain a Web site that meets government or industry-recognized standards for accessibility.

Fourth and Fifth Years of the Project:

In deciding whether to continue funding the project for the fourth and fifth years, the Secretary will consider the requirements of 34 CFR 75.253(a), and in addition—

(a) The recommendation of a review team consisting of experts selected by the Secretary. This review will be conducted during a one-day intensive meeting in Washington, DC, that will be held during the last half of the second year of the project period;

(b) The timeliness and effectiveness with which all requirements of the negotiated cooperative agreement have been or are being met by the project; and

(c) The quality, relevance, and usefulness of the project's activities and products and the degree to which the project's activities and products have contributed to changed practice and improved State capacity to collect and report high-quality data required under sections 616 and 618 of the IDEA.

Program Authority: 20 U.S.C. 1411(c), 1416(i), and 1418(c); Consolidated Appropriations Act, 2014 (Pub. L. 113–76).

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 81, 82, 84, 86, 97, 98, and 99. (b) The Education Department debarment and suspension regulations in 2 CFR part 3485. (c) The regulations for this program in 34 CFR 300.702. (d) The notice of final priority for this competition, published elsewhere in this issue of the **Federal Register**.

Note: The regulations in 34 CFR part 79 apply to all applicants except federally recognized Indian tribes.

Note: The regulations in 34 CFR part 86 apply to institutions of higher education (IHEs) only.

II. Award Information

Type of Award: Cooperative agreement.

Estimated Available Funds: $3,200,000.

Contingent upon the availability of funds and the quality of applications, we may make additional awards in FY 2015 from the list of unfunded applicants from this competition.

Maximum Award: We will reject any application that proposes a budget exceeding $3,200,000 for a single budget period of 12 months. The Assistant Secretary for Special Education and Rehabilitation Services may change the maximum amount through a notice published in the **Federal Register**.

Estimated Number of Awards: 1.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 36 months with an optional additional 24 months based on performance. Applications must include plans for both the 36-month award and the 24-month extension.

III. Eligibility Information

1. *Eligible Applicants:* SEAs; LEAs, including public charter schools that are considered LEAs under State law; IDEA Part C State lead agencies; IHEs; other public agencies; private nonprofit organizations; outlying areas; freely associated States; Indian tribes or tribal organizations; and for-profit organizations.

2. *Cost Sharing or Matching:* This competition does not require cost sharing or matching.

3. *Other General Requirements:*

(a) Recipients of funding under this competition must make positive efforts to employ and advance in employment qualified individuals with disabilities (see section 606 of IDEA).

(b) Each applicant for, and recipient of, funding under this program must involve individuals with disabilities, or parents of individuals with disabilities ages birth through 26, in planning, implementing, and evaluating the project (see section 682(a)(1)(A) of IDEA).

IV. Application and Submission Information

1. *Address to Request Application Package:* You can obtain an application package via the Internet or from the Education Publications Center (ED Pubs). To obtain a copy via the Internet, use the following address: *www.ed.gov/fund/grant/apply/grantapps/index.html.*

To obtain a copy from ED Pubs, write, fax, or call the following: ED Pubs, U.S. Department of Education, P.O. Box 22207, Alexandria, VA 22304. Telephone, toll free: 1–877–433–7827. FAX: (703) 605–6794. If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call, toll free: 1–877–576–7734.

You can contact ED Pubs at its Web site, also: *www.EDPubs.gov* or at its email address: *edpubs@inet.ed.gov*.

If you request an application package from ED Pubs, be sure to identify this competition as follows: CFDA number 84.373F.

Individuals with disabilities can obtain a copy of the application package in an accessible format (e.g., braille, large print, audiotape, or compact disc) by contacting the person or team listed under *Accessible Format* in section VIII of this notice.

2. *Content and Form of Application Submission:* Requirements concerning the content of an application, together with the forms you must submit, are in the application package for this competition. Page Limit: The application narrative (Part III of the application) is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. You must limit Part III to the equivalent of no more than 70 pages, using the following standards:

- A ''page'' is 8.5″ x 11″, on one side only, with 1″ margins at the top, bottom, and both sides.
- Double space (no more than three lines per vertical inch) all text in the application narrative, including titles, headings, footnotes, quotations, reference citations, and captions, as well as all text in charts, tables, figures, graphs, and screen shots.
- Use a font that is either 12 point or larger.
- Use one of the following fonts: Times New Roman, Courier, Courier New, or Arial. An application submitted in any other font (including Times Roman or Arial Narrow) will not be accepted.

The page limit and double-spacing requirement does not apply to Part I, the cover sheet; Part II, the budget section, including the narrative budget justification; Part IV, the assurances and certifications; or the abstract (follow the guidance provided in the application package for completing the abstract), the table of contents, the list of priority requirements, the resumes, the reference list, the letters of support, or the appendices. However, the page limit and double-spacing requirement does apply to the application narrative (Part III), including all text in charts, tables, figures, graphs, and screen shots.

We will reject your application if you exceed the page limit in the application narrative section; or if you apply standards other than those specified in this notice and the application package.

3. *Submission Dates and Times:*

Applications Available: August 11, 2014.

Deadline for Transmittal of Applications: September 10, 2014.

Applications for grants under this competition must be submitted electronically using the Grants.gov Apply site (Grants.gov). For information (including dates and times) about how to submit your application electronically, or in paper format by mail or hand delivery if you qualify for an exception to the electronic submission requirement, please refer to section IV.7. Other Submission Requirements of this notice.

We do not consider an application that does not comply with the deadline requirements.

Individuals with disabilities who need an accommodation or auxiliary aid in connection with the application process should contact the person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice. If the Department provides an accommodation or auxiliary aid to an individual with a disability in connection with the application process, the individual's application remains subject to all other requirements and limitations in this notice.

4. *Intergovernmental Review:* This competition is subject to Executive Order 12372 and the regulations in 34 CFR part 79. However, under 34 CFR 79.8(a), we waive intergovernmental review in order to make an award by the end of FY 2014.

5. *Funding Restrictions:* We reference regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

6. *Data Universal Numbering System Number, Taxpayer Identification Number, and System for Award Management:* To do business with the Department of Education, you must—

a. Have a Data Universal Numbering System (DUNS) number and a Taxpayer Identification Number (TIN);

b. Register both your DUNS number and TIN with the System for Award Management (SAM) (formerly the Central Contractor Registry (CCR)), the Government's primary registrant database;

c. Provide your DUNS number and TIN on your application; and

d. Maintain an active SAM registration with current information while your application is under review by the Department and, if you are awarded a grant, during the project period.

You can obtain a DUNS number from Dun and Bradstreet. A DUNS number can be created within one to two business days.

If you are a corporate entity, agency, institution, or organization, you can obtain a TIN from the Internal Revenue Service. If you are an individual, you can obtain a TIN from the Internal Revenue Service or the Social Security Administration. If you need a new TIN, please allow 2–5 weeks for your TIN to become active.

The SAM registration process can take approximately seven business days, but may take upwards of several weeks, depending on the completeness and accuracy of the data entered into the SAM database by an entity. Thus, if you think you might want to apply for Federal financial assistance under a program administered by the Department, please allow sufficient time to obtain and register your DUNS number and TIN. We strongly recommend that you register early.

Note: Once your SAM registration is active, you will need to allow 24 to 48 hours for the information to be available in Grants.gov and before you can submit an application through Grants.gov.

If you are currently registered with SAM, you may not need to make any changes. However, please make certain that the TIN associated with your DUNS number is correct. Also note that you will need to update your registration annually. This may take three or more business days.

Information about SAM is available at *www.SAM.gov*. To further assist you with obtaining and registering your DUNS number and TIN in SAM or updating your existing SAM account, we have prepared a SAM.gov Tip Sheet, which you can find at: *http://www2.ed.gov/fund/grant/apply/sam-faqs.html*.

In addition, if you are submitting your application via Grants.gov, you must (1) be designated by your organization as an Authorized Organization Representative (AOR); and (2) register yourself with Grants.gov as an AOR. Details on these steps are outlined at the following Grants.gov Web page: *www.grants.gov/web/grants/register.html*.

7. *Other Submission Requirements:* Applications for grants under this program must be submitted electronically unless you qualify for an exception to this requirement in

accordance with the instructions in this section.

a. *Electronic Submission of Applications.*

Applications for grants under the IDEA Fiscal Data Center competition, CFDA number 84.373F, must be submitted electronically using the Governmentwide Grants.gov Apply site at *www.Grants.gov.* Through this site, you will be able to download a copy of the application package, complete it offline, and then upload and submit your application. You may not email an electronic copy of a grant application to us.

We will reject your application if you submit it in paper format unless, as described elsewhere in this section, you qualify for one of the exceptions to the electronic submission requirement *and* submit, no later than two weeks before the application deadline date, a written statement to the Department that you qualify for one of these exceptions. Further information regarding calculation of the date that is two weeks before the application deadline date is provided later in this section under *Exception to Electronic Submission Requirement.*

You may access the electronic grant application for the IDEA Fiscal Data Center competition at *www.Grants.gov.* You must search for the downloadable application package for this competition by the CFDA number. Do not include the CFDA number's alpha suffix in your search (e.g., search for 84.373, not 84.373F).

Please note the following:

- When you enter the Grants.gov site, you will find information about submitting an application electronically through the site, as well as the hours of operation.
- Applications received by Grants.gov are date and time stamped. Your application must be fully uploaded and submitted and must be date and time stamped by the Grants.gov system no later than 4:30:00 p.m., Washington, DC time, on the application deadline date. Except as otherwise noted in this section, we will not accept your application if it is received—that is, date and time stamped by the Grants.gov system—after 4:30:00 p.m., Washington, DC time, on the application deadline date. We do not consider an application that does not comply with the deadline requirements. When we retrieve your application from Grants.gov, we will notify you if we are rejecting your application because it was date and time stamped by the Grants.gov system after 4:30:00 p.m., Washington, DC time, on the application deadline date.
- The amount of time it can take to upload an application will vary depending on a variety of factors, including the size of the application and the speed of your Internet connection. Therefore, we strongly recommend that you do not wait until the application deadline date to begin the submission process through Grants.gov.
- You should review and follow the Education Submission Procedures for submitting an application through Grants.gov that are included in the application package for this competition to ensure that you submit your application in a timely manner to the Grants.gov system. You can also find the Education Submission Procedures pertaining to Grants.gov under News and Events on the Department's G5 system home page at *www.G5.gov.*
- You will not receive additional point value because you submit your application in electronic format, nor will we penalize you if you qualify for an exception to the electronic submission requirement, as described elsewhere in this section, and submit your application in paper format.
- You must submit all documents electronically, including all information you typically provide on the following forms: The Application for Federal Assistance (SF 424), the Department of Education Supplemental Information for SF 424, Budget Information—Non-Construction Programs (ED 524), and all necessary assurances and certifications.
- You must upload any narrative sections and all other attachments to your application as files in a PDF (Portable Document) read-only, non-modifiable format. Do not upload an interactive or fillable PDF file. If you upload a file type other than a read-only, non-modifiable PDF or submit a password-protected file, we will not review that material.
- Your electronic application must comply with any page-limit requirements described in this notice.
- After you electronically submit your application, you will receive from Grants.gov an automatic notification of receipt that contains a Grants.gov tracking number. (This notification indicates receipt by Grants.gov only, not receipt by the Department.) The Department then will retrieve your application from Grants.gov and send a second notification to you by email. This second notification indicates that the Department has received your application and has assigned your application a PR/Award number (a Department-specified identifying number unique to your application).
- We may request that you provide us original signatures on forms at a later date.

Application Deadline Date Extension in Case of Technical Issues with the Grants.gov System: If you are experiencing problems submitting your application through Grants.gov, please contact the Grants.gov Support Desk, toll free, at 1–800–518–4726. You must obtain a Grants.gov Support Desk Case Number and must keep a record of it.

If you are prevented from electronically submitting your application on the application deadline date because of technical problems with the Grants.gov system, we will grant you an extension until 4:30:00 p.m., Washington, DC time, the following business day to enable you to transmit your application electronically or by hand delivery. You also may mail your application by following the mailing instructions described elsewhere in this notice.

If you submit an application after 4:30:00 p.m., Washington, DC time, on the application deadline date, please contact the person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice and provide an explanation of the technical problem you experienced with Grants.gov, along with the Grants.gov Support Desk Case Number. We will accept your application if we can confirm that a technical problem occurred with the Grants.gov system and that that problem affected your ability to submit your application by 4:30:00 p.m., Washington, DC time, on the application deadline date. The Department will contact you after a determination is made on whether your application will be accepted.

Note: The extensions to which we refer in this section apply only to the unavailability of, or technical problems with, the Grants.gov system. We will not grant you an extension if you failed to fully register to submit your application to Grants.gov before the application deadline date and time or if the technical problem you experienced is unrelated to the Grants.gov system.

Exception to Electronic Submission Requirement: You qualify for an exception to the electronic submission requirement, and may submit your application in paper format, if you are unable to submit an application through the Grants.gov system because—

- You do not have access to the Internet; or
- You do not have the capacity to upload large documents to the Grants.gov system; and
- No later than two weeks before the application deadline date (14 calendar days or, if the fourteenth calendar day

before the application deadline date falls on a Federal holiday, the next business day following the Federal holiday), you mail or fax a written statement to the Department, explaining which of the two grounds for an exception prevents you from using the Internet to submit your application.

If you mail your written statement to the Department, it must be postmarked no later than two weeks before the application deadline date. If you fax your written statement to the Department, we must receive the faxed statement no later than two weeks before the application deadline date.

Address and mail or fax your statement to: Matthew Schneer, U.S. Department of Education, 400 Maryland Avenue SW., Room 4169, Potomac Center Plaza (PCP), Washington, DC 20202–2600. FAX: (202) 245–7614.

Your paper application must be submitted in accordance with the mail or hand delivery instructions described in this notice.

b. *Submission of Paper Applications by Mail.*

If you qualify for an exception to the electronic submission requirement, you may mail (through the U.S. Postal Service or a commercial carrier) your application to the Department. You must mail the original and two copies of your application, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.373F), LBJ Basement Level 1, 400 Maryland Avenue SW., Washington, DC 20202–4260.

You must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary of the U.S. Department of Education.

If you mail your application through the U.S. Postal Service, we do not accept either of the following as proof of mailing:

(1) A private metered postmark.

(2) A mail receipt that is not dated by the U.S. Postal Service.

If your application is postmarked after the application deadline date, we will not consider your application.

Note: The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, you should check with your local post office.

c. *Submission of Paper Applications by Hand Delivery.*

If you qualify for an exception to the electronic submission requirement, you (or a courier service) may deliver your paper application to the Department by hand. You must deliver the original and two copies of your application by hand, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.373F), 550 12th Street SW., Room 7039, Potomac Center Plaza, Washington, DC 20202–4260.

The Application Control Center accepts hand deliveries daily between 8:00 a.m. and 4:30:00 p.m., Washington, DC time, except Saturdays, Sundays, and Federal holidays.

Note for Mail or Hand Delivery of Paper Applications: If you mail or hand deliver your application to the Department—

(1) You must indicate on the envelope and—if not provided by the Department—in Item 11 of the SF 424 the CFDA number, including suffix letter, if any, of the competition under which you are submitting your application; and

(2) The Application Control Center will mail to you a notification of receipt of your grant application. If you do not receive this notification within 15 business days from the application deadline date, you should call the U.S. Department of Education Application Control Center at (202) 245–6288.

V. Application Review Information

1. *Selection Criteria:* The selection criteria for this competition are from 34 CFR 75.210 and are listed in the application package.

2. *Review and Selection Process:* We remind potential applicants that in reviewing applications in any discretionary grant competition, the Secretary may consider, under 34 CFR 75.217(d)(3), the past performance of the applicant in carrying out a previous award, such as the applicant's use of funds, achievement of project objectives, and compliance with grant conditions. The Secretary may also consider whether the applicant failed to submit a timely performance report or submitted a report of unacceptable quality.

In addition, in making a competitive grant award, the Secretary also requires various assurances including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department of Education (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

3. *Additional Review and Selection Process Factors:* In the past, the Department has had difficulty finding peer reviewers for certain competitions because so many individuals who are eligible to serve as peer reviewers have conflicts of interest. The standing panel requirements under section 682(b) of IDEA also have placed additional constraints on the availability of reviewers. Therefore, the Department has determined that, for some discretionary grant competitions, applications may be separated into two or more groups and ranked and selected for funding within specific groups. This procedure will make it easier for the Department to find peer reviewers, by ensuring that greater numbers of individuals who are eligible to serve as reviewers for any particular group of applicants will not have conflicts of interest. It also will increase the quality, independence, and fairness of the review process, while permitting panel members to review applications under discretionary grant competitions for which they also have submitted applications. However, if the Department decides to select an equal number of applications in each group for funding, this may result in different cut-off points for fundable applications in each group.

4. *Special Conditions:* Under 34 CFR 74.14 and 80.12, the Secretary may impose special conditions on a grant if the applicant or grantee is not financially stable; has a history of unsatisfactory performance; has a financial or other management system that does not meet the standards in 34 CFR part 74 or 80, as applicable; has not fulfilled the conditions of a prior grant; or is otherwise not responsible.

VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN); or we may send you an email containing a link to access an electronic version of your GAN. We may notify you informally, also.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The

GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Reporting:* (a) If you apply for a grant under this competition, you must ensure that you have in place the necessary processes and systems to comply with the reporting requirements in 2 CFR part 170 should you receive funding under the competition. This does not apply if you have an exception under 2 CFR 170.110(b).

(b) At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multi-year award, you must submit an APR that provides the most current performance and financial expenditure information as directed by the Secretary under 34 CFR 75.118. The Secretary may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to *www.ed.gov/fund/grant/apply/appforms/appforms.html.*

4. *Performance Measures:* The goal of the IDEA Fiscal Data Center is to provide TA that will improve the capacity of States to meet IDEA data collection and reporting requirements. Under the Government Performance and Results Act of 1993 (GPRA), the Department has established a set of performance measures, including long-term measures, that are designed to yield information on the effectiveness and quality of the Technical Assistance and Dissemination to Improve Services and Results for Children with Disabilities program. We will use the measures established for the Technical Assistance and Dissemination to Improve Services and Results for Children with Disabilities program to assess the performance of the Technical Assistance on State Data Collection program. See *www2.ed.gov/fund/grant/apply/osep/funding.html.* The Department will use these measures to assess the extent to which this program provides high-quality products and services, the relevance of project products and services to educational and early intervention policy and practice, and the usefulness of products and services to improve State data capacity to collect and report IDEA data. Grantees will be required to report information on their project's performance in annual reports to the Department (34 CFR 75.590).

5. *Continuation Awards:* In making a continuation award, the Secretary may consider, under 34 CFR 75.253, the extent to which a grantee has made ''substantial progress toward meeting the objectives in its approved application.'' This consideration includes the review of a grantee's progress in meeting the targets and projected outcomes in its approved application, and whether the grantee has expended funds in a manner that is consistent with its approved application and budget. In making a continuation grant, the Secretary also considers whether the grantee is operating in compliance with the assurances in its approved application, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

VII. Agency Contact

FOR FURTHER INFORMATION CONTACT: Matthew Schneer, U.S. Department of Education, 400 Maryland Avenue SW., Room 4169, PCP, Washington, DC 20202–2600. Telephone: (202) 245–6755 or by email: *matthew.schneer@ed.gov.*

If you use a TDD or a TTY, call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

VIII. Other Information

Accessible Format: Individuals with disabilities can obtain this document and a copy of the application package in an accessible format (e.g., braille, large print, audiotape, or compact disc) by contacting the Grants and Contracts Services Team, U.S. Department of Education, 400 Maryland Avenue SW., Room 5075, PCP, Washington, DC 20202–2550. Telephone: (202) 245–7363. If you use a TDD or a TTY, call the FRS, toll free, at 1–800–877–8339.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at: *www.gpo.gov/fdsys.* At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at: *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Dated: August 6, 2014.

Michael K. Yudin,

Acting Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 2014–18967 Filed 8–8–14; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RD14–11–000]

Proposed Agency Information Collection

AGENCY: Federal Energy Regulatory Commission, Energy.

ACTION: Notice and Request for Comments.

SUMMARY: The Federal Energy Regulatory Commission (Commission) invites public comment in Docket No. RD14–11–000 on a proposed change to a collection of information that the Commission is developing for submission to the Office of Management and Budget (OMB) pursuant to the Paperwork Reduction Act of 1995. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Comments regarding this proposed information collection must be received on or before October 10, 2014.

ADDRESSES: Comments, identified by docket number, may be filed in the following ways:

- Electronic Filing through *http://www.ferc.gov.* Documents created electronically using word processing software should be filed in native applications or print-to-PDF format and not in a scanned format.
- *Mail/Hand Delivery:* Those unable to file electronically may mail or hand-deliver an original of their comments to: Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE., Washington, DC 20426.

FOR FURTHER INFORMATION CONTACT: Ellen Brown may be reached by email at *DataClearance@FERC.gov,* telephone at (202) 502–8663, and fax at (202) 273–0873.

SUPPLEMENTARY INFORMATION: The proposed information collection changes in Docket No. RD14–11–000 relate to the proposed Reliability Standards VAR–001–4 (Voltage and Reactive Control) and VAR–002–3 (Generator Operation for Maintaining Network Voltage Schedules), developed by the North American Electric Reliability Corporation (NERC), and submitted to the Commission for approval. The Commission received NERC's petition to approve the proposed Reliability Standards on June 9, 2014.

NERC summarizes the VAR group of standards as follows:

> The Voltage and Reactive (''VAR'') group of Reliability Standards, which consists of two continent-wide Reliability Standards, VAR–001–3 and VAR–002–2b, is designed to maintain voltage stability on the Bulk-Power System, protect transmission, generation, distribution, and customer equipment, and support the reliable operation of the Bulk-Power System.[1]

In its petition, NERC also summarizes the proposed Reliability Standards' applicability and requirements:

> In general, proposed Reliability Standard VAR–001–4 sets forth the requirements applicable to Transmission Operators for scheduling, monitoring, and controlling Reactive Power resources in the Real-time Operations, Same-day Operations, and Operational Planning time horizons to regulate voltage and Reactive Power flows for the reliable operation of the Bulk-Power System. Proposed Reliability Standard VAR–002–3 sets forth the requirements applicable to Generator Operators and Generator Owners for providing the necessary reactive support and voltage control necessary to maintain reliable operations. Generators are the largest and most reliable Reactive Power resource and play an integral role in maintaining voltage stability on the Bulk-Power System. Collectively, the proposed Reliability Standards are designed to prevent voltage instability and voltage collapse on the Bulk-Power System.[2]

Finally, NERC also states that the proposed Reliability Standards improve reliability, clarify requirement language and eliminate redundant or unnecessary requirements.[3]

Burden Statement: Commission staff analyzed the proposed and currently enforced standards and has concluded that while information collection requirements have been deleted, added, and/or changed, the overall paperwork burden and applicable respondent universe remains unchanged. However, the Commission intends to submit a request for approval to OMB under the Paperwork Reduction Act (PRA) related to the proposed Reliability Standards because there are substantive changes to information collection requirements. For PRA purposes, the information collection requirements in proposed Reliability Standards VAR–001–4 and VAR–002–3 are identified as FERC–725A and OMB Control Number 1902–0244.

Dated: July 31, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–18893 Filed 8–8–14; 8:45 am]

BILLING CODE 6717–01–P

[1] NERC Petition at 3.

[2] *Id.* at 4.

[3] *Id.* at 15.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 13563–003]

Juneau Hydropower, Inc.; Notice of Application Accepted for Filing and Soliciting Motions To Intervene and Protests

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* Major Original License.

b. *Project No.:* 13563–003.

c. *Date filed:* May 29, 2014.

d. *Applicant:* Juneau Hydropower, Inc.

e. *Name of Project:* Sweetheart Lake Hydroelectric Project.

f. *Location:* On Sweetheart Lake and Sweetheart Creek in the City and Borough of Juneau, Alaska. The project will occupy about 2,058 acres of federal lands located in the Tongass National Forest administered by the United States Forest Service.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Duff W. Mitchell, Business Manager, Juneau Hydropower, Inc., P.O. Box 22775, Juneau, AK 99802; (907) 789–2775.

i. *FERC Contact:* John Matkowski at (202) 502–8576, *john.matkowski@ferc.gov.*

j. *Deadline for filing motions to intervene and protests:* 60 days from the issuance date of this notice.

The Commission strongly encourages electronic filing. Please file filing motions to intervene and protests using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov*, (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. The first page of any filing should include docket number P–13563–003.

The Commission's Rules of Practice and Procedures require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. This application has been accepted for filing, but is not ready for environmental analysis at this time.

l. The proposed Sweetheart Lake Project would consist of: (1) The existing Sweetheart Lake with a surface area of 1,702 acres and an active storage capacity of 94,069 acre-feet at normal maximum water elevation; (2) a 280-foot-long, 111-foot-high roller-compacted concrete dam, (3) an intake structure with a fish screen; (4) a 9,621-foot-long, 15-foot-high, 15-foot-wide unlined power tunnel conveying flow from the project intake to the penstock; (5) a 1,056-foot-long, 7- to 9-foot-diameter penstock, the initial 896 feet of which is located in the lower power tunnel; (6) a 160-foot-long, 60-foot-wide powerhouse containing three 6.6-megawatt Francis generating units; (7) a 541-foot-long tailrace that will flow into Sweetheart Creek; (8) a 25-foot-long, 5-foot-wide, 4-foot-deep salmon smolt re-entry pool located adjacent to the powerhouse and tailrace; (9) a switchyard adjacent to the powerhouse; (10) an 8.69-mile-long, 138-kilovolt (kV) transmission line consisting of buried, submarine, and overhead segments; (11) a 2.8-mile-long, 12.47-kV service line; (12) a 4,400-foot-long access road; (13) marine access facilities including a dock, ramp, and landing site; (14) a caretaker facility near the powerhouse; (15) a shelter facility at the dam site; and (16) appurtenant facilities. The proposed Sweetheart Lake Project would have an average annual generation of 116 gigawatt-hours.

m. A copy of the application is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket

number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support. A copy is also available for inspection and reproduction at the address in item h above.

You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

n. Any qualified applicant desiring to file a competing application must submit to the Commission, on or before the specified intervention deadline date, a competing development application, or a notice of intent to file such an application. Submission of a timely notice of intent allows an interested person to file the competing development application no later than 120 days after the specified intervention deadline date. Applications for preliminary permits will not be accepted in response to this notice.

A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit a development application. A notice of intent must be served on the applicant(s) named in this public notice.

Anyone may submit a protest or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, 385.211, and 385.214. In determining the appropriate action to take, the Commission will consider all protests filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any protests or motions to intervene must be received on or before the specified deadline date for the particular application.

When the application is ready for environmental analysis, the Commission will issue a public notice requesting comments, recommendations, terms and conditions, or prescriptions.

All filings must (1) bear in all capital letters the title ''PROTEST'' or ''MOTION TO INTERVENE,'' ''NOTICE OF INTENT TO FILE COMPETING APPLICATION,'' or ''COMPETING APPLICATION;'' (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application.

Dated: July 31, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–18892 Filed 8–8–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 184–244]

El Dorado Irrigation District; Notice of Application Accepted for Filing, Soliciting Motions To Intervene and Protests, Ready for Environmental Analysis, and Soliciting Comments, Recommendations, Terms and Conditions, and Fishway Prescriptions

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Amendment of license.

b. *Project No.:* 184–244.

c. *Date Filed:* June 5, 2014.

d. *Applicant:* El Dorado Irrigation District.

e. *Name of Project:* El Dorado Forebay Dam Modification Project.

f. *Location:* The project is located on the El Dorado Forebay, an off-stream reservoir, within the South Fork American River Basin, near the town of Pollock Pines in El Dorado, Amador and Alpine Counties, California.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a–825r.

h. *Applicant Contact:* Mr. Brian Mueller, P.E., Director of Engineering, El Dorado Irrigation District, 2890 Mosquito Road, Placerville, CA 95667, telephone (530) 622–4513, and email address: *bmueller@eid.org.*

i. *FERC Contact:* CarLisa Linton-Peters, telephone: (202) 502–8416, and email address: *Carlisa.linton-peters@ferc.gov.*

j. Deadline for filing motions to intervene and protests, comments, recommendations, terms and conditions, and fishway prescriptions is 60 days from the issuance date of this notice by the Commission. Reply comments are due 105 days from the issuance date of this notice by the Commission. All documents (original and eight copies) should be filed with: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. Please include the project number (P–184–244) on any comments or motions filed.

k. *Description of Request:* El Dorado Irrigation District (licensee) proposes to remediate the El Dorado Forebay Dam and its associated facilities in order to meet dam safety requirements, as required by the Commission's Division of Dam Safety and Inspections and the California Department of Water Resources, Division of Safety of Dams. The proposed action is a non-capacity license amendment. The proposed action would include: (1) Constructing an earthen stability buttress on the dry side of the El Dorado dam; (2) raising the crest of the dam 10 vertical feet; and (3) upgrading appurtenant facilities. The proposed project would also involve increasing the normal maximum reservoir elevations and optimizing full reservoir operation use to improve the reliability of the existing drinking water system and to minimize impacts to the licensee's ratepayers through increased hydroelectric power revenues.

l. *Locations of the Application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street NE., Room 2A, Washington, DC 20426, or by calling (202) 502–8371. This filing may also be viewed on the Commission's Web site at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1–866–208–3676 or email *FERCOnlineSupport@ferc.gov,* for TTY, call (202) 502–8659. A copy is also available for inspection and reproduction at the address in item (h) above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must

be received on or before the specified comment date for the particular application.

o. *Filing and Service of Responsive Documents:* All filings must (1) bear in all capital letters the title ''PROTEST'', ''MOTION TO INTERVENE'', ''COMMENTS,'' ''REPLY COMMENTS,'' ''RECOMMENDATIONS,'' '' TERMS AND CONDITIONS,'' or ''FISHWAY PRESCRIPTIONS;'' (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, recommendations, terms and conditions or prescriptions must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). All comments, recommendations, terms and conditions or prescriptions should relate to project works which are the subject of the license amendment. Agencies may obtain copies of the application directly from the applicant (see item (h)). A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application. If an intervener files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

p. As provided for in 18 CFR 4.34(b)(5)(i), a license applicant must file, no later than 60 days following the date of issuance of this notice of acceptance and ready for environmental analysis: (1) A copy of the water quality certification; (2) a copy of the request for certification, including proof of the date on which the certifying agency received the request; or (3) evidence of waiver of water quality certification.

q. *e-Filing:* Motions to intervene, protests, comments, recommendations, terms and conditions, and fishway prescriptions may be filed electronically via the Internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site at *http://www.ferc.gov* under the ''e Filing'' link.

Dated: August 4, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–18888 Filed 8–8–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 13806–004]

5440 Hydro Inc.; Notice of Application Tendered for Filing With the Commission and Soliciting Additional Study Requests

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* Exemption from Licensing.

b. *Project No.:* 13806–004.

c. *Date filed:* July 28, 2014.

d. *Applicant:* 5440 Hydro Inc.

e. *Name of Project:* Brooklyn Dam Hydroelectric Project.

f. *Location:* On the Upper Ammonoosuc River, in the Town of Northumberland, Coos County, New Hampshire. The project would not occupy lands of the United States.

g. *Filed Pursuant to:* Public Utility Regulatory Policies Act of 1978, 16 U.S.C. 2705, 2708.

h. *Applicant Contact:* Lutz Loegters, 5440 Hydro Inc., 717 Atlantic Avenue, Suite 1A, Boston, Massachusetts 02111, (416) 643–6615.

i. *FERC Contact:* John Ramer, (202) 502–8969, *john.ramer@ferc.gov.*

j. *Cooperating agencies:* Federal, state, local, and tribal agencies with jurisdiction and/or special expertise with respect to environmental issues that wish to cooperate in the preparation of the environmental document should follow the instructions for filing such requests described in item l below. Cooperating agencies should note the Commission's policy that agencies that cooperate in the preparation of the environmental document cannot also intervene. *See,* 94 FERC ¶ 61,076 (2001).

k. Pursuant to section 4.32(b)(7) of 18 CFR of the Commission's regulations, if any resource agency, Indian Tribe, or person believes that an additional scientific study should be conducted in order to form an adequate factual basis for a complete analysis of the application on its merit, the resource agency, Indian Tribe, or person must file a request for a study with the Commission not later than 60 days from the date of filing of the application, and serve a copy of the request on the applicant.

l. *Deadline for filing additional study requests and requests for cooperating agency status:* September 26, 2014.

The Commission strongly encourages electronic filing. Please file additional study requests and requests for cooperating agency status using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. The first page of any filing should include docket number P–13806–004.

m. The application is not ready for environmental analysis at this time.

n. *The Brooklyn Dam Hydroelectric Project would consist of:* (1) An existing 163-foot-long, 14-foot-high dam with three 49.5-foot-wide trashracks, a 50-foot-long floodgate structure with 5 floodgates, and a 113-foot-long spillway with a crest elevation 878.69 feet National Geodetic Vertical Datum of 1929 (NGVD29) and 2.54-foot-high flashboards; (2) an existing 100-foot-long, 45-foot-wide forebay; (3) an existing 9-foot-wide slide gate located in the forebay; (4) an existing 26-acre impoundment having a gross storage capacity of 52-acre-feet at the top of the flashboards (i.e., elevation 881.23 feet NGVD29); (5) an existing 45-foot-long, 50-foot-wide powerhouse containing two new 300-kilowatt (kW), Kaplan turbine-generating units for a total installed capacity of 600 kW; (6) an existing tailrace; (7) a new transformer and 250-foot-long, 35.4-kilovolt transmission line; and (8) appurtenant facilities. The project would generate approximately 2,800 megawatt-hours annually. The applicant proposes to rehabilitate the powerhouse and tailrace and operate the project in a run-of-river mode.

o. A copy of the application is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support. A copy is also available for inspection and reproduction at the address in item h above.

You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances

related to this or other pending projects. For assistance, contact FERC Online Support.

p. With this notice, we are initiating consultation with the New Hampshire State Historic Preservation Officer (SHPO), as required by section 106 of the National Historic Preservation Act and the regulations of the Advisory Council on Historic Preservation, 36 CFR 800.4.

q. *Procedural schedule:* The application will be processed according to the following preliminary schedule. Revisions to the schedule will be made as appropriate (e.g., if there are no deficiencies and/or scoping is waived, the schedule would be shortened).

Issue Deficiency Letter—September 2014
Issue Notice of Acceptance—November 2014
Issue Scoping Document—December 2014
Issue Notice Ready for Environmental Analysis—February 2015
Issue Notice of the Availability of the EA—July 2015

Dated: August 4, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–18884 Filed 8–8–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. CP14–524–000; CP14–525–000]

Cimarron River Pipeline, LLC; DCP Midstream, LP; Notice of Application

Take notice that on July 18, 2014, Cimarron River Pipeline, LLC (Cimarron) and DCP Midstream, LP (DCP), 370 17th Street, Suite 2500, Denver, Colorado 80202, filed in Docket Nos. CP14–524–000 and CP14–525–000, an application pursuant to sections 7(b) and 7(c) of the Natural Gas Act and Part 157 of the Commission's regulations, requesting authorization for Cimarron to abandon by sale to DCP the 5.5 mile, 12-inch diameter Roberts Ranch Pipeline located in Midland and Ector Counties, Texas.

In addition, DCP request a certificate of public convenience and necessity authorizing DCP to operate and maintain the Roberts Ranch Pipeline for jurisdictional activities; a blanket certificate; and waiver for certain regulatory requirements, all as more fully set forth in the application, which is on file with the Commission and open to public inspection. The filing may also be viewed on the web at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (866) 208–3676 or TTY, (202) 502–8659.

Any questions regarding this application should be directed to Katie Rice, DCP Midstream, LP, 370 17th Street, Suite 2500, Denver, Colorado 80202, phone: (303) 605–2226, email: *kerice@dcpmidstream.com.*

Pursuant to section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice the Commission staff will either: complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the comment date stated below, file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 7 copies of filings made with the Commission and must mail a copy to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commentors will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commentors will not be required to serve copies of filed documents on all other parties. However, the non-party commentors will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy regulatory Commission, 888 First Street NE., Washington, DC 20426.

There is an ''eSubscription'' link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern Time on August 21, 2014.

Dated: July 31, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–18894 Filed 8–8–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2610–009]

Northern States Power Company; Notice of Application Accepted for Filing, Soliciting Comments, Motions To Intervene, and Protests

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Extension of license term.

b. *Project No.:* 2610–009.

c. *Date Filed:* July 18, 2014.

d. *Applicant:* Northern States Power Company.

e. *Name of Project:* Saxon Falls Hydroelectric Project.

f. *Location:* Montreal River in Gogebic County, Michigan.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a–825r.

h. *Applicant Contact:* Mathew Miller, Xcel Energy, 1414 West Hamilton Avenue, P.O. Box 8, Eau Claire, WI 54702–0008, (715) 737–1353.

i. *FERC Contact:* Rebecca Martin, (202) 502–6012, *Rebecca.Martin@ferc.gov.*

j. *Deadline for filing comments, motions to intervene, and protests:* September 3, 2014.

All documents may be filed electronically via the Internet. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* or toll free at 1–866–208–3676, or for TTY, (202) 502–8659. Although the Commission strongly encourages electronic filing, documents may be paper-filed. To paper-file, mail an original and seven copies to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. Please include the project number (P–2610–009) on any comments or motions filed.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person whose name appears on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. *Description of Application:* The licensee requests the Commission extend the term of the license for the Saxon Falls Project for five years from December 31, 2019, to December 31, 2024, to allow the relicense proceedings for the Saxon Falls Project and Northern States Power Company's Superior Falls Project (FERC Project No. 2587) to occur simultaneously.

l. *Locations of the Application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street NE., Room 2A, Washington, DC 20426, or by calling (202) 502–8371. This filing may also be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field (P–2610) to access the document. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. A copy is also available for inspection and reproduction at the address in item (h) above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, and .214, respectively. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Documents:* Any filing must (1) bear in all capital letters the title ''COMMENTS'', ''PROTEST'', or ''MOTION TO INTERVENE'' as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person commenting, protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis. Any filing made by an intervenor must be accompanied by a proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 385.2010.

Dated: August 4, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–18883 Filed 8–8–14; 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: RP14–1143–000.
Applicants: Equitrans, L.P.
Description: Equitrans' Tariff Clean-Up Filing—July 2014 to be effective 9/1/2014.
Filed Date: 7/31/14.
Accession Number: 20140731–5056.
Comments Due: 5 p.m. ET 8/12/14.

Docket Numbers: RP14–1144–000.
Applicants: Southern Star Central Gas Pipeline, Inc.
Description: Misc Tariff Filing July 2014 to be effective 9/1/2014.
Filed Date: 7/31/14.
Accession Number: 20140731–5057.
Comments Due: 5 p.m. ET 8/12/14.

Docket Numbers: RP14–1145–000.
Applicants: Algonquin Gas Transmission, LLC.
Description: Negotiated Rate Release eff 8/1/14 to be effective 8/1/2014.
Filed Date: 7/31/14.
Accession Number: 20140731–5070.
Comments Due: 5 p.m. ET 8/12/14.

Docket Numbers: RP14–1146–000.
Applicants: Gulf South Pipeline Company, LP.
Description: Cap Rel Neg Rate Agmt (Petrohawk 41455 to BP 42816) to be effective 8/1/2014.
Filed Date: 7/31/14.
Accession Number: 20140731–5071.
Comments Due: 5 p.m. ET 8/12/14.

Docket Numbers: RP14–1147–000.
Applicants: Gulf South Pipeline Company, LP.
Description: Cap Rel Neg Rate Agmt (Encana 37663 to texla 42815) to be effective 8/1/2014.

Filed Date: 7/31/14.
Accession Number: 20140731–5072.
Comments Due: 5 p.m. ET 8/12/14.

Docket Numbers: RP14–1148–000.
Applicants: Texas Gas Transmission, LLC.
Description: Amendment to Non-Conforming Agreement (KU 31869) to be effective 8/1/2014.
Filed Date: 7/31/14.
Accession Number: 20140731–5073.
Comments Due: 5 p.m. ET 8/12/14.

Docket Numbers: RP14–1149–000.
Applicants: Dominion Transmission, Inc.
Description: DTI—July 31, 2014 Negotiated Rate Agreement to be effective 8/1/2014.
Filed Date: 7/31/14.
Accession Number: 20140731–5090.
Comments Due: 5 p.m. ET 8/12/14.

Docket Numbers: RP14–1150–000.
Applicants: Great Lakes Gas Transmission Limited Par.
Description: Great Lakes Gas Transmission Semi-Annual Transporter's Use Report.
Filed Date: 7/31/14.
Accession Number: 20140731–5091.
Comments Due: 5 p.m. ET 8/12/14.

Docket Numbers: RP14–1151–000.
Applicants: Questar Overthrust Pipeline Company.
Description: Non-conforming TSAs, Bill Barrett/BP to be effective 8/1/2014.
Filed Date: 7/31/14.
Accession Number: 20140731–5147.
Comments Due: 5 p.m. ET 8/12/14.

Docket Numbers: RP14–1152–000.
Applicants: Millennium Pipeline Company, LLC.
Description: Negotiated Rate & Non-Conforming Agreement—Southwestern to be effective 9/1/2014.
Filed Date: 7/31/14.
Accession Number: 20140731–5167.
Comments Due: 5 p.m. ET 8/12/14.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

Filings in Existing Proceedings

Docket Numbers: RP14–1053–001.
Applicants: Equitrans, L.P.
Description: Re-File Revised Formula-Based Negotiated Rates Effective 3–1–2014 for Priority to be effective 3/1/2014.
Filed Date: 7/31/14.
Accession Number: 20140731–5034.
Comments Due: 5 p.m. ET 8/12/14.

Any person desiring to protest in any of the above proceedings must file in accordance with Rule 211 of the Commission's Regulations (18 CFR 385.211) on or before 5:00 p.m. Eastern time on the specified comment date.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: August 1, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–18934 Filed 8–8–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: PR14–43–000.
Applicants: ETC Katy Pipeline, Ltd.
Description: Tariff filing per 284.123(e) + (g): Statement of Operating Conditions Update to be effective 8/1/2014; TOFC: 1280.
Filed Date: 7/31/14.
Accession Number: 20140731–5117.
Comments Due: 5 p.m. ET 8/21/14.
284.123(g) Protests Due: 5 p.m. ET 9/29/14.

Docket Numbers: PR14–44–000.
Applicants: Energy Transfer Fuel, LP.
Description: Tariff filing per 284.123(e) + (g): Statement of Operating Conditions Update to be effective 8/1/2014; TOFC: 1280.
Filed Date: 7/31/14.
Accession Number: 20140731–5131.
Comments Due: 5 p.m. ET 8/21/14.
284.123(g) Protests Due: 5 p.m. ET 9/29/14.

Docket Numbers: PR14–45–000.
Applicants: Oasis Pipeline, LP.
Description: Tariff filing per 284.123(e) + (g): Statement of Operating Conditions Update to be effective 8/1/2014; TOFC: 1280.
Filed Date: 7/31/14.
Accession Number: 20140731–5144.
Comments Due: 5 p.m. ET 8/21/14.
284.123(g) Protests Due: 5 p.m. ET 9/29/14.

Docket Numbers: PR14–46–000.
Applicants: Houston Pipe Line Company LP.
Description: Tariff filing per 284.123(e) + (g): Statement of Operating Conditions Update to be effective 8/1/2014; TOFC: 1280.
Filed Date: 7/31/14.
Accession Number: 20140731–5194.
Comments Due: 5 p.m. ET 8/21/14.
284.123(g) Protests Due: 5 p.m. ET 9/29/14.

Docket Numbers: RP14–1153–000.
Applicants: Gulf South Pipeline Company, LP.
Description: Cap Rel Neg Rate Agmt (QEP 36601 to Trans LA 42794) to be effective 8/1/2014.
Filed Date: 8/1/14.
Accession Number: 20140801–5047.
Comments Due: 5 p.m. ET 8/13/14.

Docket Numbers: RP14–1154–000.
Applicants: Gas Transmission Northwest LLC.
Description: FSA_Tariff Cleanup to be effective 9/1/2014.
Filed Date: 8/1/14.
Accession Number: 20140801–5056.
Comments Due: 5 p.m. ET 8/13/14.

Docket Numbers: RP14–1155–000.
Applicants: Wyoming Interstate Company, L.L.C.
Description: FL&U Filing to be effective 9/1/14 to be effective 9/1/2014.
Filed Date: 8/1/14.
Accession Number: 20140801–5081.
Comments Due: 5 p.m. ET 8/13/14.

Docket Numbers: RP14–1156–000.
Applicants: Nautilus Pipeline Company, L.L.C.
Description: Clean Up Filing to be effective 9/1/2014.
Filed Date: 8/1/14.
Accession Number: 20140801–5060.
Comments Due: 5 p.m. ET 8/13/14.

Docket Numbers: RP14–1157–000.
Applicants: WBI Energy Transmission, Inc.
Description: Tariff Revisions to be effective 9/1/2014.
Filed Date: 8/1/14.
Accession Number: 20140801–5072.
Comments Due: 5 p.m. ET 8/13/14.

Docket Numbers: RP14–1159–000.
Applicants: TransColorado Gas Transmission Company L.
Description: Pro Forma Update Filing to be effective 8/31/2014.
Filed Date: 8/1/14.
Accession Number: 20140801–5094.
Comments Due: 5 p.m. ET 8/13/14.

Docket Numbers: RP14–1160–000.
Applicants: WBI Energy Transmission, Inc.
Description: Non-conforming Service Agreement—Garden Creek II to be effective 8/1/2014.

Filed Date: 8/1/14.
Accession Number: 20140801–5141.
Comments Due: 5 p.m. ET 8/13/14.

Docket Numbers: RP14–1161–000.
Applicants: Columbia Gas Transmission, LLC.
Description: Negotiated & Non-Conforming Service Agmts—Commonwealth to be effective 9/1/2014.
Filed Date: 8/1/14.
Accession Number: 20140801–5167.
Comments Due: 5 p.m. ET 8/13/14.

Docket Numbers: RP14–1162–000.
Applicants: East Cheyenne Gas Storage, LLC.
Description: East Cheyenne Non-conforming Agreements 8–1–14 to be effective 9/1/2014.
Filed Date: 8/1/14.
Accession Number: 20140801–5207.
Comments Due: 5 p.m. ET 8/13/14.

Docket Numbers: RP14–1163–000.
Applicants: East Cheyenne Gas Storage, LLC.
Description: East Cheyenne Ratchett Tariff Revisions to be effective 9/1/2014.
Filed Date: 8/1/14.
Accession Number: 20140801–5209.
Comments Due: 5 p.m. ET 8/13/14.

Docket Numbers: RP14–1164–000.
Applicants: WBI Energy Transmission, Inc.
Description: Housekeeping Tariff Changes to be effective 9/1/2014.
Filed Date: 8/1/14.
Accession Number: 20140801–5214.
Comments Due: 5 p.m. ET 8/13/14.

Docket Numbers: RP14–1167–000.
Applicants: Sierrita Gas Pipeline LLC.
Description: Non-Conforming Firm Transportation Service Agreement Compliance filing associated with CP13–73, et. al. of Sierrita Gas Pipeline LLC.
Filed Date: 8/1/14.
Accession Number: 20140801–5216.
Comments Due: 5 p.m. ET 8/13/14.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

Filings in Existing Proceedings

Docket Numbers: RP12–455–004.
Applicants: Panhandle Eastern Pipe Line Company, LP.
Description: Compliance with RP12–455 Reservation Charge CR to be effective 10/1/2014.
Filed Date: 8/1/14.
Accession Number: 20140801–5050.
Comments Due: 5 p.m. ET 8/13/14.

Docket Numbers: RP14–393–001.
Applicants: Columbia Gas Transmission, LLC.
Description: Commonwealth Settlement Implementation to be effective 9/1/2014.
Filed Date: 8/1/14.
Accession Number: 20140801–5065.
Comments Due: 5 p.m. ET 8/13/14.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: August 4, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–18935 Filed 8–8–14; 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: ER12–1934–005.
Applicants: Wisconsin Power and Light Company.
Description: Supplement to June 30, 2014 Notice of Non-Material Change in Status of Wisconsin Power and Light Company.
Filed Date: 8/1/14.
Accession Number: 20140801–5219.
Comments Due: 5 p.m. ET 8/22/14.

Docket Numbers: ER13–105–003.
Applicants: NV Energy, Inc.
Description: Order No. 1000 OATT Compliance Filing to be effective 12/31/9998.
Filed Date: 8/1/14.
Accession Number: 20140801–5193.
Comments Due: 5 p.m. ET 8/14/14.

Docket Numbers: ER13–1139–007.
Applicants: Imperial Valley Solar 1, LLC.
Description: Notification of Non-Material Change in Status of Imperial Valley Solar 1, LLC.
Filed Date: 8/1/14.
Accession Number: 20140801–5220.
Comments Due: 5 p.m. ET 8/22/14.

Docket Numbers: ER13–1562–001.
Applicants: Catalina Solar Lessee, LLC.
Description: Catalina Solar Lessee Notice of Non-Material Status Change & Compliance Filing to be effective 8/5/2014.
Filed Date: 8/4/14.
Accession Number: 20140804–5122.
Comments Due: 5 p.m. ET 8/25/14.

Docket Numbers: ER14–2166–001.
Applicants: Alabama Power Company.
Description: Amendment to Attachment S (GPCO) Updated Depreciation Rates Filing 2014 to be effective 1/1/2014.
Filed Date: 8/4/14.
Accession Number: 20140804–5000.
Comments Due: 5 p.m. ET 8/25/14.

Docket Numbers: ER14–2575–000.
Applicants: Pacific Gas and Electric Company.
Description: Order No. 792 Compliance Filing—WDT GIP Amendment to be effective 10/1/2014.
Filed Date: 8/1/14.
Accession Number: 20140801–5182.
Comments Due: 5 p.m. ET 8/22/14.

Docket Numbers: ER14–2576–000.
Applicants: Public Service Company of Colorado.
Description: 2014–8–04_Order 792–Att P–Stnd SGIP 0.1.0–Filing to be effective 8/4/2014.
Filed Date: 8/4/14.
Accession Number: 20140804–5044.
Comments Due: 5 p.m. ET 8/25/14.

Docket Numbers: ER14–2577–000.
Applicants: El Paso Electric Company.
Description: OATT Order No. 792 Compliance Filing to be effective 10/3/2014.
Filed Date: 8/4/14.
Accession Number: 20140804–5052.
Comments Due: 5 p.m. ET 8/25/14.

Docket Numbers: ER14–2578–000.
Applicants: El Paso Electric Company.
Description: OATT Additional Changes to Order No. 792 Compliance Filing to be effective 10/3/2014.
Filed Date: 8/4/14.
Accession Number: 20140804–5072.
Comments Due: 5 p.m. ET 8/25/14.

Docket Numbers: ER14–2579–000.
Applicants: Nalcor Energy Marketing Corporation.
Description: MBR Application to be effective 10/3/2014.
Filed Date: 8/4/14.
Accession Number: 20140804–5080.
Comments Due: 5 p.m. ET 8/25/14.

Docket Numbers: ER14–2580–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: 2014–08–04_SA 2683 GRE–OTP Pelican North Tap T–L IA to be effective 8/5/2014.
Filed Date: 8/4/14.
Accession Number: 20140804–5084.

Comments Due: 5 p.m. ET 8/25/14.

Docket Numbers: ER14–2581–000.

Applicants: California Independent System Operator Corporation.

Description: 2014–08–04_Order792_ Compliance to be effective 11/4/2014.

Filed Date: 8/4/14.

Accession Number: 20140804–5116.

Comments Due: 5 p.m. ET 8/25/14.

Docket Numbers: ER14–2582–000.

Applicants: Southern California Edison Company.

Description: SCE Compliance Filing Order No. 792 to be effective 10/1/2014.

Filed Date: 8/4/14.

Accession Number: 20140804–5121.

Comments Due: 5 p.m. ET 8/25/14.

Docket Numbers: ER14–2583–000.

Applicants: ISO New England Inc.

Description: Schedule 23 Revisions to Comply with Orders 792 and 792–A to be effective 12/31/9998.

Filed Date: 8/4/14.

Accession Number: 20140804–5140.

Comments Due: 5 p.m. ET 8/25/14.

Docket Numbers: ER14–2584–000.

Applicants: San Diego Gas & Electric Company.

Description: SDGE Amendment to SGIA and GIP to be effective 10/3/2014.

Filed Date: 8/4/14.

Accession Number: 20140804–5150.

Comments Due: 5 p.m. ET 8/25/14.

Docket Numbers: ER14–2585–000.

Applicants: ISO New England Inc.

Description: Schedule 23 Revisions to Increase Deposit/fee to be effective 12/31/9998.

Filed Date: 8/4/14.

Accession Number: 20140804–5152.

Comments Due: 5 p.m. ET 8/25/14.

Docket Numbers: ER14–2586–000.

Applicants: California Independent System Operator Corporation.

Description: 2014–08–04_ InterconnectionProcessEnhancements (IPE)_Topics4–5 to be effective 11/4/2014.

Filed Date: 8/4/14.

Accession Number: 20140804–5154.

Comments Due: 5 p.m. ET 8/25/14.

Docket Numbers: ER14–2587–000.

Applicants: Black Hills Power, Inc.

Description: Order No. 792 Compliance Filing to be effective 8/5/2014.

Filed Date: 8/4/14.

Accession Number: 20140804–5159.

Comments Due: 5 p.m. ET 8/25/14.

Docket Numbers: ER14–2588–000.

Applicants: Black Hills/Colorado Electric Utility Company.

Description: Order No. 792 Compliance Filing to be effective 8/5/2014.

Filed Date: 8/4/14.

Accession Number: 20140804–5160.

Comments Due: 5 p.m. ET 8/25/14.

Docket Numbers: ER14–2589–000.

Applicants: Cheyenne Light, Fuel and Power Company.

Description: Order No. 792 Compliance Filing to be effective 8/5/2014.

Filed Date: 8/4/14.

Accession Number: 20140804–5161.

Comments Due: 5 p.m. ET 8/25/14.

Docket Numbers: ER14–2590–000.

Applicants: PJM Interconnection, L.L.C.

Description: Compliance Filing per Order No. 792 to be effective 11/1/2014.

Filed Date: 8/4/14.

Accession Number: 20140804–5164.

Comments Due: 5 p.m. ET 8/25/14.

Docket Numbers: ER14–2591–000.

Applicants: Florida Power & Light Company.

Description: Florida Power & Light Company submits tariff filing per 35: Florida Power & Light Company's Compliance Filing to Order No. 792 and 792–A to be effective 8/4/2014.

Filed Date: 8/4/14.

Accession Number: 20140804–5175.

Comments Due: 5 p.m. ET 8/25/14.

Docket Numbers: ER14–2592–000.

Applicants: Alcoa Power Generating Inc.

Description: Alcoa Power Generating Inc. submits tariff filing per 35: Order No. 792 Compliance Filing to be effective 8/5/2014.

Filed Date: 8/4/14.

Accession Number: 20140804–5188.

Comments Due: 5 p.m. ET 8/25/14.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: August 4, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–18933 Filed 8–8–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL14–86–000]

Attorney General of the Commonwealth of Massachusetts, Connecticut Public Utilities Regulatory Authority, Massachusetts Municipal Wholesale Electric Company, New Hampshire Electric Cooperative, Inc., Massachusetts Department of Public Utilities, New Hampshire Public Utilities Commission, George Jepsen, Attorney General of the State of Connecticut, Connecticut Office of Consumer Counsel, Maine Office of the Public Advocate, New Hampshire Office of the Consumer Advocate, Rhode Island Division of Public Utilities and Carriers, Vermont Department of Public Service, Associated Industries of Massachusetts, The Energy Consortium, Power Options, Inc., Western Massachusetts Industrial Group, Environment Northeast, National Consumer Law Center, Greater Boston Real Estate Board, Industrial Energy Consumer Group v. Bangor Hydro-Electric Company, Central Maine Power Company, New England Power Company d/b/a National Grid New Hampshire Transmission LLC d/b/a NextEra, Northeast Utilities Service Company, on Behalf of Its Operating Company Affiliates: The Connecticut Light and Power Company, Western Massachusetts Electric Company, Public Service Company of New Hampshire, NSTAR Electric Company, The United Illuminating Company, Unitil Energy Systems, Inc., Fitchburg Gas and Electric Light Company, Vermont Transco, LLC; Notice of Complaint

Take notice that on July 31, 2014, pursuant to Rule 206 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR 385.206 and sections 206 and 306 of the Federal Power Act, 16 U.S.C. 824(e) and 825(e), the Attorney General of the Commonwealth of Massachusetts, Connecticut Public Utilities Regulatory Authority, Massachusetts Municipal Wholesale Electric Company, New Hampshire Electric Cooperative, Inc., Massachusetts Department of Public Utilities, New Hampshire Public Utilities Commission, George Jepsen, Attorney General of the State of Connecticut, Connecticut Office of Consumer Counsel, Maine Office of the Public Advocate, New Hampshire Office

of the Consumer Advocate, Rhode Island Division of Public Utilities and Carriers, Vermont Department of Public Service, Associated Industries of Massachusetts, The Energy Consortium, Power Options, Inc., Western Massachusetts Industrial Group, Environment Northeast, National Consumer Law Center, the Greater Boston Real Estate Board, and the Industrial Energy Consumer Group (collectively, Complainants) filed a formal complaint against Bangor Hydro-Electric Company, Central Maine Power Company, New England Power Company d/b/a National Grid, New Hampshire Transmission LLC d/b/a NextEra, NSTAR Electric Company, Northeast Utilities Service Company, on behalf of its operating company affiliates: The Connecticut Light and Power Company, Western Massachusetts Electric Company, and Public Service Company of New Hampshire, The United Illuminating Company, Unitil Energy Systems, Inc., Fitchburg Gas and Electric Light Company, and Vermont Transco, LLC (collectively, Respondents) alleging that, Respondents' return on equity (ROE) currently reflected in ISO New England Inc.'s Open Access Transmission Tariff (ISO–NE OATT) is unjust and unreasonable. Complainants request the Commission issue an order to reduce the ROE used in calculating formula rates for transmission service under the ISO–NE OATT.

The Complainants certifies that copies of the complaint were served on the contacts for the Respondents and the ISO–NE as listed in the Commission's list of Corporate Officials and on parties and the regulatory agencies the Complainants reasonably expect to be affected by this complaint.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. The Respondent's answer and all interventions, or protests must be filed on or before the comment date. The Respondent's answer, motions to intervene, and protests must be served on the Complainants.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern Time on August 21, 2014.

Dated: August 1, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–18890 Filed 8–8–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL14–87–000]

Sierra Green Energy, LLC v. Pacific Gas and Electric Company; Notice of Complaint

Take notice that on August 4, 2014, pursuant to Rule 218 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR 385.218, Sierra Green Energy, LLC (SGE or Complainant), filed a formal complaint against Pacific Gas and Electric Company (PG&E or Respondent), alleging that the Respondent breached certain legal and contractual obligations as set forth in the Power Purchase Agreement and Small Generator Interconnection Agreement, as more fully explained in the complaint.

The Complainant states that a copy of the complaint has been served on the Respondent.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. The Respondent's answer and all interventions, or protests must be filed on or before the comment date. The Respondent's answer, motions to intervene, and protests must be served on the Complainants.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern Time on August 25, 2014.

Dated: August 5, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–18949 Filed 8–8–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL14–85–000]

Eric S. Morris v. Southwest Power Pool, Inc.; Notice of Complaint

Take notice that on July 31, 2014, Eric S. Morris (Complainant) filed a formal complaint against the Southwest Power Pool, Inc. (Respondent) alleging that, Respondent violated Order Nos. 890 and 890–A,[1] potentially failing to properly implement and enforce its FERC Electric Tariff, Sixth Revised Volume No. 1, thereby violating 18 CFR 1c.2.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the

[1] *Preventing Undue Discrimination and Preference in Transmission Service,* Order No. 890, FERC Stats. & Regs. ¶ 31,241, *order on reh'g,* Order No. 890–A, FERC Stats. & Regs. ¶ 31,261 (2007).

appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. The Respondent's answer and all interventions, or protests must be filed on or before the comment date. The Respondent's answer, motions to intervene, and protests must be served on the Complainants.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern Time on August 20, 2014.

Dated: July 31, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–18895 Filed 8–8–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Effectiveness of Exempt Wholesale Generator or Foreign Utility Company Status

	Docket Nos.
CSOLAR IV WEST, LLC	EG14–36–000
Broken Bow Wind II, LLC	EG14–37–000
Duke Energy Miami Fort, LLC.	EG14–38–000
Duke Energy Stuart, LLC	EG14–39–000
Duke Energy Conesville, LLC.	EG14–40–000
Duke Energy Dicks Creek, LLC.	EG14–41–000
Duke Energy Zimmer, LLC	EG14–42–000
Duke Energy Killen, LLC	EG14–43–000
Stephens Ranch Wind Energy, LLC.	EG14–44–000
Grandview Wind Farm, LLC.	EG14–45–000
Badger Creek Limited	EG14–46–000
Panda Sherman Power, LLC.	EG14–47–000
Panda Temple Power, LLC	EG14–48–000
Panda Temple Power II, LLC.	EG14–49–000
SEP II, LLC	EG14–50–000
NRG Solar Dandan LLC	EG14–51–000
Barilla Solar, LLC	EG14–52–000
Rising Tree Wind Farm LLC.	EG14–53–000
Rising Tree Wind Farm II LLC.	EG14–54–000
Headwaters Wind Farm LLC.	EG14–55–000
GRE 314 East Lyme, LLC	EG14–56–000
West Deptford Energy Associates Urban Renewal, L.P.	EG14–57–000
Shannon Wind, LLC	EG14–58–000
Varna Wind, Inc.	FC14–13–000

Take notice that during the months of June and July 2014, the status of the above-captioned entities as Exempt Wholesale Generators or Foreign Utility Companies became effective by operation of the Commission's regulations. 18 CFR 366.7(a).

Dated: August 4, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–18887 Filed 8–8–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP14–498–000]

Rockies Express Pipeline, LLC; Notice of Intent To Prepare an Environmental Assessment for the Proposed Zone 3 East-To-West Project and Request for Comments on Environmental Issues

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) that will discuss the environmental impacts of the Zone 3 East-to-West Project (Project) involving construction and operation of facilities by Rockies Express Pipeline, LLC (Rockies Express) in Illinois, Indiana, and Ohio. The Commission will use this EA in its decision-making process to determine whether the project is in the public convenience and necessity.

This notice announces the opening of the scoping process the Commission will use to gather input from the public and interested agencies on the Project. Your input will help the Commission staff determine what issues they need to evaluate in the EA. Please note that the scoping period will close on September 4, 2014. Further details on how to submit written comments are in the Public Participation section of this notice.

This notice is being sent to the Commission's current environmental mailing list for this Project. State and local government representatives should notify their constituents of this proposed Project and encourage them to comment on their areas of concern.

If you are a landowner receiving this notice, a pipeline company representative may contact you about the acquisition of an easement to construct, operate, and maintain the proposed facilities. The company would seek to negotiate a mutually acceptable agreement. However, if the Commission approves the Project, that approval conveys with it the right of eminent domain. Therefore, if easement negotiations fail to produce an agreement, the pipeline company could initiate condemnation proceedings where compensation would be determined in accordance with state law.

Rockies Express provided landowners with a fact sheet prepared by the FERC entitled ''An Interstate Natural Gas Facility On My Land? What Do I Need To Know?'' This fact sheet addresses a number of typically-asked questions, including the use of eminent domain and how to participate in the Commission's proceedings. It is also available for viewing on the FERC Web site (*www.ferc.gov*).

Summary of the Proposed Project

The purpose of the Project is to enable bi-directional flow capability within Rockies Express Zone 3, thereby allowing the existing 42'' Rockies Express Pipeline to offer an additional 1,200,000 dekatherms per day (Dth/d) of east-to-west firm transportation of Appalachian Basin gas production to Midwestern gas markets, while maintaining existing firm transportation commitments stations, over pressure protection addition to Zone 3 delivery interconnects, and modifications to four existing delivery interconnects.

Modifications to Existing Compressor Stations

- Station piping to provide bi-directional flow at the existing Chandlersville, Hamilton, and Bainbridge Compressor Stations in Muskingum County and Warren County, Ohio; and Putnam County, Indiana; and
- mainline pressure regulation facilities at the existing Blue Mound

Compressor Station in Christian County, Illinois.

Over Pressure Protection Addition to Zone 3 Delivery Interconnects

- Over pressure protection facilities at the Clarington Hub encompassing three delivery interconnects (Dominion Transmission, Dominion East Ohio, and Texas Eastern Transmission) in Monroe County, Ohio; and
- over pressure protection facilities at the Panhandle Eastern Pipeline Company (PEPL) Putnam delivery interconnect in Putnam County, Indiana.

Modifications to Existing Delivery Interconnects

- Facility modifications at existing delivery interconnect at PEPL Putnam in Putnam County, Indiana; Midwestern Edgar in Edgar County, Illinois; Trunkline Douglas in Douglas County, Illinois; and NGPL Moultrie in Moultrie County, Illinois. The general location of the project facilities is shown in appendix 1.[1]

Land Requirements for Construction

The total land requirement for construction of the Project is about 10.2 acres, of which 6.1 acres would be permanently affected by the facilities operation.

The EA Process

The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental impacts that could result from an action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. The NEPA also requires us[2] to discover and address concerns the public may have about proposals. This process is referred to as ''scoping.'' The main goal of the scoping process is to focus the analysis in the EA on the important environmental issues. By this notice, the Commission requests public comments on the scope of the issues to address in the EA. We will consider all filed comments during the preparation of the EA.

In the EA we will discuss impacts that could occur as a result of the construction and operation of the proposed Project under these general headings:

- Geology and soils;
- land use;
- water bodies, fisheries, and wetlands;
- cultural resources;
- vegetation and wildlife;
- air quality and noise;
- endangered and threatened species; and
- public safety

We will also evaluate reasonable alternatives to the proposed Project or portions of the Project, and make recommendations on how to lessen or avoid impacts on the various resource areas.

The EA will present our independent analysis of the issues. The EA will be available in the public record through eLibrary. Depending on the comments received during the scoping process, we may also publish and distribute the EA to the public for an allotted comment period. We will consider all comments on the EA before making our recommendations to the Commission. To ensure your comments are considered, please carefully follow the instructions in the Public Participation section of this notice.

With this notice, we are asking agencies with jurisdiction and/or special expertise with respect to environmental issues to formally cooperate with us in the preparation of the EA. Agencies that would like to request cooperating agency status should follow the instructions for filing comments provided under the Public Participation section of this notice.

Consultations Under Section 106 of the National Historic Preservation Act

In accordance with the Advisory Council on Historic Preservation's implementing regulations for Section 106 of the National Historic Preservation Act, we are using this notice to initiate consultation with applicable State Historic Preservation Office (s) (SHPO), and to solicit their views and those of other government agencies, interested Indian tribes, and the public on the Project's potential effects on historic properties.[3] We will define the Project-specific Area of Potential Effects (APE) in consultation with the SHPOs as the project develops. On natural gas projects, the APE at a minimum encompasses all areas subject to ground disturbance (examples include construction right-of-way, contractor/pipe storage yards, compressor stations, and access roads). Our EA for this Project will document our findings on the impacts on historic properties and summarize the status on consultations under Section 106.

Public Participation

You can make a difference by providing us with your specific comments or concerns about the Project. Your comments should focus on the potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. The more specific your comments, the more useful they will be. To ensure that your comments are timely and properly recorded, please send in your comments so that they will be received in Washington, DC on or before September 4, 2014.

For your convenience, there are three methods which you can use to submit your comments to the Commission. In all instances please reference the Project docket number (CP14–498–000) with your submission. The Commission encourages electronic filing of comments and has expert eFiling staff available to assist you at (202) 502–8258 or *efiling@ferc.gov*.

(1) You may file your comments electronically by using the *eComment* feature, which is located on the Commission's Web site at *www.ferc.gov* under the link to *Documents and Filings.* An eComment is an easy method for interested persons to submit brief, text-only comments on a project;

(2) You may file your comments electronically by using the *eFiling* feature, which is located on the Commission's Web site at *www.ferc.gov* under the link to *Documents and Filings.* With eFiling you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on ''eRegister.'' You will be asked to select the type of filing you are making. A comment on a particular project is considered a ''Comment on a Filing;'' or

(3) You may file a paper copy of your comments by mailing them to the following address: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Room 1A, Washington, DC 20426.

Environmental Mailing List

The environmental mailing list includes federal, state, and local government representatives and agencies; elected officials; environmental groups and non-

[1] The appendices referenced in this notice will not appear in the **Federal Register**. Copies of appendices were sent to all those receiving this notice in the mail and are available at *www.ferc.gov* using the link called ''eLibrary'' or from the Commission's Public Reference Room, 888 First Street NE., Washington, DC 20426, or call (202) 502–8371. For instructions on connecting to eLibrary, refer to the last page of this notice.

[2] ''We'', ''us'', and ''our'' refer to the environmental staff of the Commission's Office of Energy Projects.

[3] The Advisory Council on Historic Preservation's regulations are at Title 36, Code of Federal Regulations, Part 800. Historic properties are defined in those regulations as any prehistoric or historic district, site, building, structure, or object included in or eligible for inclusion in the National Register for Historic Places.

governmental organizations; interested Indian tribes; other interested parties; and local libraries and newspapers. This list also includes all affected landowners (as defined in the Commission's regulations) who are potential right-of-way grantors, whose property may be used temporarily for Project purposes, or who own homes within certain distances of aboveground facilities, and anyone who submits comments on the Project. We will update the environmental mailing list as the analysis proceeds to ensure that we send the information related to this environmental review to all individuals, organizations, and government entities interested in and/or potentially affected by the proposed project.

If the EA is published for distribution, copies will be sent to the environmental mailing list for public review and comment. If you would prefer to receive a paper copy of the document instead of the compact disc version or would like to remove your name from the mailing list, please return the attached Information Request (appendix 2).

Becoming an Intervenor

In addition to involvement in the EA scoping process, you may want to become an ''intervenor'' which is an official party to the Commission's proceeding. Intervenors play a more formal role in the process and are able to file briefs, appear at hearings, and be heard by the courts if they choose to appeal the Commission's final ruling. An intervenor formally participates in the proceeding by filing a request to intervene. Instructions for becoming an intervenor are included in the User's Guide under the ''e-filing'' link on the Commission's Web site.

Additional Information

Additional information about the Project is available from the Commission's Office of External Affairs, at (866) 208–FERC or on the FERC Web site at *www.ferc.gov* using the ''eLibrary'' link. Click on the eLibrary link, click on ''General Search'' and enter the docket number, excluding the last three digits, in the Docket Number field (i.e., CP14–498). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659. The eLibrary link also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission now offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets.

This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries and direct links to the documents. Go to *http://www.ferc.gov/docs-filing/esubscription.asp.*

Finally, public meetings or site visits will be posted on the Commission's calendar located at *www.ferc.gov/EventCalendar/EventsList.aspx* along with other related information.

Dated: August 5, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–18948 Filed 8–8–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. PF13–4–000]

Gulf LNG Liquefaction Company, LLC, Gulf LNG Energy, LLC, Gulf LNG Pipeline, LLC; Notice of Intent To Prepare an Environmental Impact Statement for the Planned Gulf LNG Liquefaction Project, Request for Comments on Environmental Issues, and Notice of Public Scoping Meeting

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental impact statement (EIS) that will identify and address the environmental impacts that could result from the construction and operation of the Gulf LNG Liquefaction Project (Project) planned by Gulf LNG Liquefaction Company, LLC, Gulf LNG Energy, LLC, and Gulf LNG Pipeline, LLC (collectively GLLC). The Commission will use this EIS in its decision-making process to determine whether the Project is in the public interest.

This notice announces the opening of the scoping process the Commission will use to gather input from the public and interested agencies on the Project. Your input will help the Commission staff determine what issues they need to evaluate in the EIS. Please note that the scoping period will close on September 1, 2014.

You may submit comments in written form or verbally. Further details on how to submit written comments are in the Public Participation section of this notice. In lieu of or in addition to sending written comments, the Commission invites you to attend the public scoping meeting scheduled as follows: FERC Public Scoping Meeting, Gulf LNG Liquefaction Project, August 18, 2014, 6:00–8:00 p.m., Pelican Landing Convention Center, 6217 Mississippi Highway 613, Moss Point, MS 39563, 228–474–1406.

This public meeting is designed to provide you with more detailed information and another opportunity to offer your comments on the Project. GLLC representatives will be present one hour before the meeting (starting at 5:00 p.m.) to describe the Project, present maps, and answer questions. Interested groups and individuals are encouraged to attend the meeting and present comments on the issues they believe should be addressed in the EIS. A transcript of the meeting will be made so that your comments will be accurately recorded.

This notice is being sent to the Commission's current environmental mailing list for this Project. State and local government representatives should notify their constituents of this planned Project and encourage them to comment on their areas of concern.

If you are a landowner receiving this notice, a pipeline company representative may contact you about the acquisition of an easement to construct, operate, and maintain the planned facilities. The company would seek to negotiate a mutually acceptable agreement. However, if the Commission approves the Project, that approval conveys with it the right of eminent domain. Therefore, if easement negotiations fail to produce an agreement, the pipeline company could initiate condemnation proceedings where compensation would be determined in accordance with state law.

A fact sheet prepared by the FERC entitled ''An Interstate Natural Gas Facility On My Land? What Do I Need To Know?'' is available for viewing on the FERC Web site (*www.ferc.gov*). This fact sheet addresses a number of typically-asked questions, including the use of eminent domain and how to participate in the Commission's proceedings.

Summary of the Planned Project

GLLC plans to expand the existing LNG import terminal in Jackson County, Mississippi to enable the terminal to liquefy natural gas (LNG) for export. The planned facility would have an export capacity of approximately 10 million metric tons per year (MTPY). The Project would use both the planned and existing facilities to liquefy domestic natural gas delivered by an existing interstate natural gas pipeline. The LNG

would be stored in the existing import facility LNG storage tanks, and loaded and stored on LNG carriers at the existing marine berthing and LNG transfer facility. The terminal would retain its capability to import, store, regasify, and deliver natural gas into the existing interstate natural gas pipeline system. GLLC is not planning to increase the size or frequency of LNG carriers currently authorized to call on the existing terminal. The Project would require minor modifications to three existing Gulf LNG Interstate Pipeline interconnections and metering stations. The general locations of Project facilities are depicted in the figures included as Appendix 1 to this notice.[1]

The Gulf LNG Liquefaction Project would include construction and operation of the following key facilities:

- Two liquefaction trains, with each train including a feed gas treatment unit, a heavy hydrocarbon removal unit, and a liquefaction unit (with a maximum LNG production capacity of approximately 5 million MTPY each);
- a new natural gas liquids (NGL) and refrigerant storage area;
- a new truck loading/unloading facility to unload refrigerants for transport to the storage area and to load NGLs produced during the gas liquefaction process;
- new in-tank LNG loading pumps in the existing LNG storage tanks to transfer LNG through the existing transfer lines to LNG carriers;
- minor changes to the piping of the marine loading arms to permit bi-directional flow;
- modifications to the existing metering stations at the existing Gulfstream Pipeline Company and Destin Pipeline Company interconnection facilities;
- modifications to the existing interconnection with the pipeline owned by the Transcontinental Gas Pipe Line Company and Florida Gas Transmission Company;
- modification of the existing surge protection sea wall to enclose the expanded terminal;
- additional utility and support facilities; and
- a new dock designed to receive barges transporting large equipment during construction.

GLLC plans to initiate construction of the Project in June 2016 and complete construction and initiate service of the first LNG liquefaction train in the third quarter of 2019. GLLC plans to have the second train constructed and operational by the second quarter of 2020.

Land Requirements for Construction

The Gulf LNG Liquefaction Project would be constructed on and adjacent to (north of) the existing Gulf LNG Terminal. The Project would require about 193 acres for construction, including some land within the existing Gulf LNG Terminal, and the use of previously established offsite storage areas. After construction, GLLC would maintain about 80 acres for operation of the Project, in addition to the land currently occupied by the existing terminal. The remaining 75 acres of construction wareyards would be offsite of the existing terminal and expansion area footprint due to space limitations. These off-site workspace areas would be restored and allowed to revert to their former uses.

The EIS Process

The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental impacts that could result from an action whenever it considers the issuance of a Certificate of Public Convenience and Necessity under section 7(c) of the Natural Gas Act (NGA) for authorization to construct, install, and operate LNG facilities and under Section 3(a) of the NGA to import or export natural gas including LNG. NEPA also requires us[2] to discover and address concerns the public may have about proposals. This process is referred to as ''scoping''. The main goal of the scoping process is to focus our analysis in the EIS on the important environmental issues. By this notice, the Commission requests public comments on the scope of issues to be addressed in the EIS. We will consider all filed comments during the preparation of the EIS.

In the EIS, we will discuss impacts that could occur as a result of the construction and operation of the planned Gulf LNG Liquefaction Project under the following general headings:

- Geology and soils;
- water resources;
- wetlands and vegetation;
- fish and wildlife;
- threatened and endangered species;
- land use, recreation, and visual resources;
- air quality and noise;
- cultural resources;
- socioeconomics;
- reliability and safety;
- engineering and design material; and
- cumulative environmental impacts.

We will also evaluate possible alternatives to the planned Project or portions of the Project in the EIS, and make recommendations on how to lessen or avoid impacts on affected resources.

Although no formal application has been filed by GLLC, we have initiated our NEPA review under the Commission's pre-filing process. The purpose of the pre-filing process is to encourage the early involvement of interested stakeholders and to identify and resolve issues before the FERC receives an application. As part of our pre-filing review, we have begun to contact some federal and state agencies to discuss their involvement in the scoping process and the preparation of the EIS.

The EIS will present our independent analysis of the issues. We will publish and distribute the draft EIS for public comment. After the comment period, we will consider all timely comments and revise the document, as necessary, before issuing a final EIS. To ensure we have the opportunity to consider and address your comments, please carefully follow the instructions in the Public Participation section beginning on page 6.

With this notice, we are asking agencies with jurisdiction by law and/or special expertise with respect to the environmental issues related to this Project to formally cooperate with us in the preparation of the EIS.[3] Agencies that would like to request cooperating agency status should follow the instructions for filing comments provided under the Public Participation section of this notice. Currently, the U.S. Department of Energy, the U.S. Department of Transportation, and the U.S. Coast Guard have agreed to participate as cooperating agencies in the preparation of the EIS to satisfy their NEPA responsibilities related to this Project.

Consultations Under Section 106 of the National Historic Preservation Act

In accordance with the Advisory Council on Historic Preservation's implementing regulations for section 106 of the National Historic Preservation Act, we are using this

[1] The appendices referenced in this notice will not appear in the **Federal Register**. Copies of the appendices were sent to all those receiving this notice in the mail and are available at *www.ferc.gov* using the link called ''eLibrary'' or from the Commission's Public Reference Room, 888 First Street NE., Washington, DC 20426, or call (202) 502–8371. For instructions on connecting to eLibrary, refer to the last page of this notice.

[2] ''We,'' ''us,'' and ''our'' refer to the environmental staff of the Commission's Office of Energy Projects.

[3] The Council on Environmental Quality regulations addressing cooperating agency responsibilities are at Title 40, Code of Federal Regulations, Part 1501.6.

notice to initiate consultation with the Office of the Mississippi Department of Archives and History, which has been given the role of State Historic Preservation Office (SHPO), and to solicit its views and those of other government agencies, interested Indian tribes, and the public on the Project's potential effects on historic properties.[4] We will define the Project-specific Area of Potential Effects in consultation with the SHPO as the Project develops. On natural gas facility projects, the Area of Potential Effects at a minimum encompasses all areas subject to ground disturbance (examples include contractor/pipe storage yards and access roads). Our EIS for the Project will document our findings on the impacts on historic properties and summarize the status of consultations under section 106.

Currently Identified Environmental Issues

We have already identified many issues that we think deserve attention based on a preliminary review of the Project site and facilities and information provided by GLLC. The following preliminary list of key issues is not all inclusive and may be changed based on your comments and our analysis:

- Evaluation of temporary and permanent impacts on wetlands and the development of appropriate mitigation;
- potential impacts to fish and wildlife habitat, including potential impacts to federally and state-listed threatened and endangered species;
- potential visual effects of the aboveground facilities on surrounding areas;
- potential impacts and potential benefits of construction workforce on local housing, infrastructure, public services, transportation, and economy;
- impacts on air quality and noise associated with construction and operation of the Project; and
- public safety and hazards associated with the transport of natural gas and LNG.

Public Participation

You can make a difference by providing us with your specific comments or concerns about the Project. Your comments should focus on the potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. The more specific your comments, the more useful they will be. To ensure that your comments are timely and properly recorded, please send your comments so that the Commission receives them in Washington, DC on or before September 1, 2014. This is not your only public input opportunity; please refer to the Environmental Review Process flow chart in Appendix 2.

For your convenience, there are three methods you can use to submit your comments to the Commission. In all instances, please reference the Project Docket No. (PF13–4–000) with your submission. The Commission encourages electronic filing of comments and has expert staff available to assist you at (202) 502–8258 or *efiling@ferc.gov*.

(1) You can file your comments electronically using the *eComment* feature located on the Commission's Web site (*www.ferc.gov*) under the link to *Documents and Filings*. This is an easy method for interested persons to submit brief, text-only comments on a project;

(2) You can file your comments electronically using the *eFiling* feature located on the Commission's Web site (*www.ferc.gov*) under the link to *Documents and Filings*. With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on *''eRegister.''* You must select the type of filing you are making. If you are filing a comment on a particular project, please select ''Comment on a Filing''; or

(3) You can file a paper copy of your comments by mailing them to the following address: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Room 1A, Washington, DC 20426.

Environmental Mailing List

The environmental mailing list includes federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American Tribes; other interested parties; and local libraries and newspapers. This list also includes all affected landowners (as defined in the Commission's regulations) who are potential right-of-way grantors, whose property may be used temporarily for project purposes, or who own homes within certain distances of aboveground facilities, and anyone who submits comments with a mailing address on the Project. We will update the environmental mailing list as the analysis proceeds to ensure that we send the information related to this environmental review to all individuals, organizations, and government entities interested in and/or potentially affected by the planned Project.

Copies of the completed draft EIS will be sent to the environmental mailing list for public review and comment. If you would prefer to receive a paper copy of the document instead of the CD version or would like to remove your name from the mailing list, please return the attached Information Request (Appendix 3).

Becoming an Intervenor

Once GLLC files its application with the Commission, you may want to become an ''intervenor,'' which is an official party to the Commission's proceeding. Intervenors play a more formal role in the process and are able to file briefs, appear at hearings, and be heard by the courts if they choose to appeal the Commission's final ruling. An intervenor formally participates in the proceeding by filing a request to intervene. Instructions for becoming an intervenor are in the User's Guide under the ''e-filing'' link on the Commission's Web site. Please note that the Commission will not accept requests for intervenor status at this time. You must wait until the Commission receives a formal application for the planned Project.

Additional Information

Additional information about the Project is available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC Web site (*www.ferc.gov*) using the eLibrary link. Click on the eLibrary link, click on ''General Search'' and enter the docket number, excluding the last three digits in the docket no. field (i.e., enter PF13–4). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659. The eLibrary link also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. Go to *www.ferc.gov/docs-filing/esubscription.asp*.

[4] The Advisory Council on Historic Preservation regulations are at Title 36, Code of Federal Regulations, Part 800. Those regulations define historic properties as any prehistoric or historic district, site, building, structure, or object included in or eligible for inclusion in the National Register for Historic Places.

Public meetings or site visits will be posted on the Commission's calendar located at *www.ferc.gov/EventCalendar/EventsList.aspx* along with other related information.

In addition, GLLC has also created a Project-specific Internet Web site at *http://GulfLNG.kindermorgan.com.* This Web site contains a description of the Project, information for landowners, Project updates, and other types of useful information. This Web site will be updated as the review of the Project proceeds. You can also request additional information or provide comments directly to GLLC at 1–800–622–4481 or email *glenn_sheffield@kindermorgan.com.*

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–18897 Filed 8–8–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 13563–003]

Juneau Hydropower, Inc.; Notice of Environmental Site Review

On Tuesday, August 26, 2014, and Wednesday, August 27, 2014, at 8 a.m. Alaska Time Zone, Commission staff will be participating in an environmental site review (site review) for the Sweetheart Lake Hydroelectric Project in the City and Borough of Juneau, Alaska. The site review will consist of both a boat and aerial tour of the project site. All interested individuals, organizations, and agencies are invited to attend. Anyone with questions about the site review should contact Duff Mitchell of Juneau Hydropower, Inc. at 907–789–2775. Those individuals planning to participate in the site review should notify Mr. Mitchell of their intent no later than August 18, 2014.

Dated: August 5, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–18947 Filed 8–8–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. PL03–3–000]

Price Discovery in Natural Gas and Electric Markets; Notice of Filing

Take notice that on June 10, 2014, Canadian Enerdata Ltd. filed a request for the Federal Energy Regulatory Commission (Commission) to determine that its North American natural gas price reporting and index methodology and code of conduct meets all or substantially all of the requirements set forth in the Commission's *Policy Statement on Natural Gas and Electric Price Indices* (Policy Statement) [1] and establishes minimum criteria for liquidity for particular index points for the indices to qualify for use in jurisdictional tariffs.

Any person desiring to intervene or to protest these filings must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern Time on August 22, 2014.

Dated: August 1, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–18891 Filed 8–8–14; 8:45 am]

BILLING CODE 6717–01–P

[1] *Policy Statement on Natural Gas and Electric Price Indices,* 104 FERC ¶ 61,121, at P 33 (2003) (*Policy Statement*).

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project Nos. 14276–001; AD13–9–000]

Free Flow Power Project 92, LLC; Notice of Intent To File License Application, Filing of Pre-Application Document, and Approving Use of the Two-Year Licensing Process

a. *Type of Filing:* Notice of Intent to File License Application and Request to Use the Two-Year Licensing Process.

b. *Project No.:* 14276–001.

c. *Date Filed:* May 5, 2014.

d. *Submitted By:* Free Flow Power Project 92, LLC (FFP).

e. *Name of Project:* Kentucky River Lock & Dam No. 11 Hydroelectric Project.

f. *Location:* On the Kentucky River, in Estill and Madison Counties, Kentucky. No federal lands are occupied by the project works or located within the project boundary.

g. *Filed Pursuant to:* 18 CFR part 5 of the Commission's regulations and Hydropower Regulatory Efficiency Act of 2013.

h. *Potential Applicant Contact:* Dan Lissner, Free Flow Power Corporation, 239 Causeway Street, Suite 300, Boston, MA 02114; (978) 252–7111; email—*dlissner@free-flow-power.com.*

i. *FERC Contact:* Sarah Salazar at (202) 502–6863; or email at *sarah.salazar@ferc.gov.*

j. On May 5, 2014, FFP filed a notice of intent to file an original license application, a pre-application document, and a request to be selected as a pilot project to test a two-year licensing process, pursuant to the requirements identified in the Commission's January 6, 2014 Notice. The Commission provided public notice of the request on June 5, 2014. In a letter dated August 4, 2014, the Director of the Office of Energy Projects approved FFP's request to use the proposed two-year licensing process.

k. *Cooperating agencies:* Federal, state, local, and tribal agencies with jurisdiction and/or special expertise with respect to environmental issues

that wish to cooperate in the preparation of the environmental document should file a request to do so by September 3, 2014. The Commission strongly encourages electronic filing. Please file your request using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. Your filing must include on the first page, the project name (Kentucky River Lock & Dam No. 11 Hydroelectric Project) and number (P–14276–001), and bear the heading: ''Request to be a Cooperating Agency.''

Cooperating agencies should note the Commission's policy that agencies that cooperate in the preparation of the environmental document cannot also intervene. *See* 94 FERC ¶ 61,076 (2001).

l. With this notice, we are initiating informal consultation with the U.S. Fish and Wildlife Service and/or NOAA Fisheries under section 7 of the Endangered Species Act and the joint agency regulations thereunder at 50 CFR, part 402; and NOAA Fisheries under section 305(b) of the Magnuson-Stevens Fishery Conservation and Management Act and implementing regulations at 50 CFR 600.920. We are also initiating consultation with the Kentucky State Historic Preservation Officer, as required by section 106, National Historical Preservation Act, and the implementing regulations of the Advisory Council on Historic Preservation at 36 CFR 800.2.

m. With this notice, we are designating FFP as the Commission's non-federal representative for carrying out informal consultation pursuant to section 7 of the Endangered Species Act and section 305(b) of the Magnuson-Stevens Fishery Conservation and Management Act; and consultation pursuant to section 106 of the National Historic Preservation Act.

n. Register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filing and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

Dated: August 4, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–18885 Filed 8–8–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Commissioner and Staff Attendance at North American Electric Reliability Corporation Meetings

The Federal Energy Regulatory Commission (Commission) hereby gives notice that members of the Commission and/or Commission staff may attend the following meetings:

North American Electric Reliability Corporation
Member Representatives Committee and Board of Trustees Meetings
Board of Trustees Corporate Governance and Human Resources Committee, Finance and Audit Committee, Compliance Committee, and Standards Oversight and Technology Committee Meetings
The Westin Bayshore, 1601 Bayshore Drive, Vancouver, BC V6G 2V4 Canada

August 13 (7:30 a.m.–5:00 p.m.) and August 14 (8:30 a.m.–12:00 p.m.), 2014

Further information regarding these meetings may be found at: *http://www.nerc.com/Pages/Calendar.aspx.*

The discussions at the meetings, which are open to the public, may address matters at issue in the following Commission proceedings:

Docket No. RD14–4, North American Electric Reliability Corporation
Docket No. RR13–9, North American Electric Reliability Corporation
Docket No. RR14–5, North American Electric Reliability Corporation

For further information, please contact Jonathan First, 202–502–8529, or *jonathan.first@ferc.gov.*

Dated: July 31, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–18896 Filed 8–8–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 14591–000]

Wister Lake Power, LLC; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

On February 28, 2014, Wister Lake Power, LLC filed an application for a preliminary permit, pursuant to section 4(f) of the Federal Power Act (FPA), proposing to study the feasibility of a hydropower project to be located at the U.S. Army Corps of Engineers' (Corps) Wister Lake, on the Poteau River near the town of Poteau in LeFlore County, Oklahoma. The sole purpose of a preliminary permit, if issued, is to grant the permit holder priority to file a license application during the permit term. A preliminary permit does not authorize the permit holder to perform any land-disturbing activities or otherwise enter upon lands or waters owned by others without the owners' express permission.

The proposed project would consist of the following: (1) Five 48 inch-diameter, 300-foot-long steel penstocks; (2) five inline generation units with a total capacity of 6-megawatts; (3) a switchyard on the south bank adjacent to the dam; (4) a 1-mile-long, 15kV transmission line.

The project would have an average annual generation of 16,000 megawatt-hours and operate utilizing surplus water from the Wister Lake, as directed by the Corps.

Applicant Contact: Mr. Magnús Jóhannesson, Wister Power, LLC, 46 Peninsula Center, Suite E, Rolling Hills Estates, CA 90274. (310) 699–6400.

FERC Contact: Christiane Casey, *christiane.casey@ferc.gov,* (202) 502–8577.

Deadline for filing comments, motions to intervene, competing applications (without notices of intent), or notices of intent to file competing applications: 60 days from the issuance of this notice. Competing applications and notices of intent must meet the requirements of 18 CFR 4.36. Comments, motions to intervene, notices of intent, and competing applications may be filed electronically via the Internet. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll free at 1–866–208–3676, or for TTY, (202) 502–8659. Although the Commission strongly encourages electronic filing, documents may also be paper-filed. To paper-file, mail an original and five copies to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

More information about this project, including a copy of the application, can be viewed or printed on the ''eLibrary'' link of Commission's Web site at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number (P–14591) in the docket number field to access the document. For assistance, contact FERC Online Support.

Dated: August 4, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–18889 Filed 8–8–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP14–526–000]

WBI Energy Transmission, Inc.; Notice of Request Under Blanket Authorization

Take notice that on July 24, 2014, WBI Energy Transmission, Inc., (WBI Energy), 1250 West Century Avenue, Bismarck, North Dakota 58503 filed in Docket No. CP14–526–000, a prior notice request pursuant to sections 157.205(b), 157.208(a) and 157.211 (a)(2)of the Commission's regulations under the Natural Gas Act for authorization to construct and operate new delivery point facilities in Stark County, North Dakota. The new lateral will be approximately 11,400 feet of 6-inch diameter pipe and a measurement station delivering up to 7,200 Mcf/day to Red Trail Energy, L.L.C. The delivery point facilities will constitute a bypass of Montana-Dakota Utilities Company, a local distribution company, all as more fully set forth in the application which is on file with the Commission and open to public inspection. The filing may also be viewed on the web at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (866) 208–3676 or TTY, (202) 502–8659.

Any questions regarding this Application should be directed to Keith A. Tiggelaar, Director of Regulatory Affairs, WBI Energy Transmission, Inc., 1250 West Century Avenue, Bismarck, North Dakota 58503, or by calling (701) 530–1560, or by email at *keith.tiggelaar@wbienergy.com.*

Any person may, within 60 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention. Any person filing to intervene or the Commission's staff may, pursuant to section 157.205 of the Commission's Regulations under the NGA (18 CFR 157.205) file a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the NGA.

Pursuant to section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice the Commission staff will either: Complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenter's will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with he Commission's environmental review process. Environmental commenter's will not be required to serve copies of filed documents on all other parties. However, the non-party commentary, will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

The Commission strongly encourages electronic filings of comments, protests, and interventions via the internet in lieu of paper. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site (*www.ferc.gov*) under the ''e-Filing'' link. Persons unable to file electronically should submit original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

Dated: August 1, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–18886 Filed 8–8–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Western Area Power Administration

Pick-Sloan Missouri Basin Program—Eastern Division—Rate Order No. WAPA–168

AGENCY: Western Area Power Administration, DOE.

ACTION: Notice of Proposed Extension of Transmission and Ancillary Services Formula Rates.

SUMMARY: The Western Area Power Administration (Western), a power marketing administration within the Department of Energy (DOE), is proposing to extend the existing transmission and ancillary services rates for the Pick-Sloan Missouri Basin Program—Eastern Division (P–SMB—ED) through December 31, 2016. The existing Rate Schedules UGP–NT1, UGP–FPT1, UGP–NFPT1, UGP–AS1, UGP–AS2, UGP–AS3, UGP–AS4, UGP–AS5, UGP–AS6, UGP–AS7, and UGP–TSP1 expire on December 31, 2014. Publication of this **Federal Register** notice begins the formal process for the proposed extension of the formulary rates.

DATES: A consultation and comment period will end on September 10, 2014. Western will accept oral and written comments any time during the consultation and comment period. In accordance with 10 CFR 903.23(a), Western has determined it is not necessary to hold a public information or public comment forum.

ADDRESSES: Send written comments to: Mr. Robert J. Harris, Regional Manager, Upper Great Plains Region, Western Area Power Administration, 2900 4th Avenue North, Billings, Montana 59101–1266; or email: *UGPISRate@wapa.gov.* Written comments may also be faxed to: (406) 255–2900, attention: Linda Cady-Hoffman, Rates Manager. Western will post official comments received via letter, fax, and email to its

Web site at: *http://www.wapa.gov/ugp/rates/default.htm* after the close of the comment period. Western must receive written comments by the end of the consultation period to ensure they are considered in Western's decision process.

FOR FURTHER INFORMATION CONTACT: Ms. Linda Cady-Hoffman, Rates Manager, Upper Great Plains Region, Western Area Power Administration, 2900 4th Avenue North, Billings, Montana 59101–1266; telephone: (406) 255–2920; email: *cady@wapa.gov.*

SUPPLEMENTARY INFORMATION: By Delegation Order No. 00–037.00A, effective October 25, 2013, the Secretary of Energy delegated: (1) The authority to develop power and transmission rates to Western's Administrator; (2) the authority to confirm, approve, and place such rates into effect on an interim basis to the Deputy Secretary of Energy; and (3) the authority to confirm, approve, and place into effect on a final basis, to remand, or to disapprove such rates to the Federal Energy Regulatory Commission.

The existing rate schedules consist of separate rates for firm and non-firm transmission rates and ancillary services rates for the transmission facilities in the P–SMBP—ED, which are integrated with transmission facilities of Basin Electric Power Cooperative and Heartland Consumers Power District such that transmission services are provided over an Integrated System (IS). The rates are sometimes referred to as IS Rates. Rate Schedules UGP–NT1, UGP–FPT1, UGP–NFPT1, UGP–AS1, UGP–AS2, UGP–AS3, UGP–AS4, UGP–AS5, UGP–AS6, UGP–AS7 and UGP–TSP1 were approved under Rate Order Nos. WAPA–144 and WAPA–148 [1] for a 5-year period beginning on January 1, 2010, and ending December 31, 2014.

The existing transmission and ancillary services rates provide adequate revenue to pay all annual costs, including interest expense, and to repay investment within the allowable period. The rates are calculated annually to ensure repayment of the project within the cost recovery criteria set forth in DOE Order RA 6120.2.

Western is proposing no change at this time to the rate formulas. Since no changes are anticipated to the formulas and the existing formulary rates provide sufficient revenue to recover all appropriate costs, Western proposes to extend the current rate schedules through December 31, 2016, pursuant to 10 CFR 903.23(a).

All documents made or kept by Western for developing the proposed extension for the rate schedules are available for inspection and copying at the Upper Great Plains Region, Western Area Power Administration, 2900 4th Avenue North, Billings, MT 59101–1266. These documents are also available on Western's Web site at: *http://www.wapa.gov/ugp/rates/default.htm.*

After review of public comments, Western will take further action on the proposed extension of formulary rates consistent with 10 CFR part 903.

Dated: July 23, 2014.

Mark A. Gabriel,

Administrator.

[FR Doc. 2014–18793 Filed 8–8–14; 8:45 am]

BILLING CODE 6450–01–P

[1] Rate Order Nos. WAPA–144 and WAPA–148, 74 FR 68820, December 29, 2009; 132 FERC ¶ 61,257, FERC Docket No. EF10–3–000, September 23, 2010.

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–9016–4]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 564–7146 or *http://www.epa.gov/compliance/nepa/.*

Weekly receipt of Environmental Impact Statements

Filed 07/28/2014 Through 08/01/2014

Pursuant to 40 CFR 1506.9.

Notice

Section 309(a) of the Clean Air Act requires that EPA make public its comments on EISs issued by other Federal agencies. EPA's comment letters on EISs are available at: *http://www.epa.gov/compliance/nepa/eisdata.html.*

SUPPLEMENTARY INFORMATION: The document listed below was inadvertently omitted from EPA's Notice of Availability of EISs published in the **Federal Register** on Friday, August 8, 2014.

EIS No. 20140220, Draft EIS, APHIS, 00, Determinations of Nonregulated Status for Dicamba-Resistant Soybean and Cotton Varieties, Monsanto Petitions (10–188–01p and 12–185–01p), Comment Period Ends: 09/25/2014, Contact: Sid Abel 301–851–3896.

Dated: August 6, 2014.

Dawn Roberts,

Management Analyst, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 2014–18900 Filed 8–8–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9914–99–OA]

Notification of a Public Teleconference and Meeting of the Science Advisory Board Chemical Assessment Advisory Committee Augmented for the Ethylene Oxide Review

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) Science Advisory Board (SAB) Staff Office announces two meetings of the Chemical Assessment Advisory Committee Augmented for the Ethylene Oxide Review (Augmented CAAC for EtO). A public teleconference will be held to learn about the development of the agency's draft *Evaluation of the Inhalation Carcinogenicity of Ethylene Oxide (Revised External Review Draft—August 2014)* and to discuss draft charge questions for the peer review of the document. A face-to-face meeting will be held in the Washington, DC metro area to conduct a peer review of the agency's draft *Evaluation of the Inhalation Carcinogenicity of Ethylene Oxide (Revised External Review Draft—August 2014).*

DATES: The public teleconference will be held on Tuesday, September 30, 2014, from 3:00 p.m. to 6:00 p.m. (Eastern Time). The public face-to-face meeting will be held on Tuesday, November 18, 2014, from 9:00 a.m. to 5:30 p.m. Eastern Time; Wednesday, November 19, 2014, from 8:30 a.m. to 5:00 p.m. Eastern Time; and Thursday, November 20, 2014, from 8:30 a.m. to 5:00 p.m. Eastern Time.

Location: The public teleconference will be conducted by telephone only. The public face-to-face meeting will be held in the Washington, DC metro area. The location will be posted on the SAB Web site when available.

FOR FURTHER INFORMATION CONTACT: Any member of the public wishing to obtain information concerning these public meetings may contact Mr. Aaron Yeow, Designated Federal Officer (DFO), via telephone at (202) 564–2050 or at *yeow.aaron@epa.gov.* General information concerning the EPA SAB can be found at *http://www.epa.gov/sab.*

SUPPLEMENTARY INFORMATION: The SAB was established pursuant to the Environmental Research, Development, and Demonstration Authorization Act (ERDDAA), codified at 42 U.S.C. 4365, to provide independent scientific and technical advice to the Administrator on

the technical basis for Agency positions and regulations. The SAB is a Federal Advisory Committee chartered under the Federal Advisory Committee Act (FACA), 5 U.S.C., App. 2. The SAB will comply with the provisions of FACA and all appropriate SAB Staff Office procedural policies. Pursuant to FACA and EPA policy, notice is hereby given that the SAB Augmented CAAC for EtO will hold a public teleconference and a public face-to-face meeting. The purpose of the teleconference is to learn about the development of the agency's draft *Evaluation of the Inhalation Carcinogenicity of Ethylene Oxide (Revised External Review Draft—August 2014)* and to discuss the draft charge questions for the peer review of the document. The purpose of the face-to-face meeting is to conduct a peer review of the agency's draft *Evaluation of the Inhalation Carcinogenicity of Ethylene Oxide (Revised External Review Draft—August 2014).* The Augmented CAAC for EtO will provide advice to the Administrator through the chartered SAB.

Background: EPA's Office of Research and Development requested that the SAB conduct a peer review of the draft *Evaluation of the Inhalation Carcinogenicity of Ethylene Oxide (Revised External Review Draft—August 2014).* The EPA SAB Staff Office augmented the SAB CAAC with subject matter experts to provide advice through the chartered SAB regarding this document.

Technical Contacts: Any technical questions concerning EPA's draft *Evaluation of the Inhalation Carcinogenicity of Ethylene Oxide (Revised External Review Draft—August 2014)* should be directed to Dr. Samantha Jones by telephone at 703–347–8580 or by email at *jones.samantha@epa.gov.*

Availability of Meeting Materials: Prior to the meeting, the review documents, agenda and other materials will be accessible through the calendar link on the blue navigation bar at *http://www.epa.gov/sab/.* Materials may also be accessed at the following SAB Web page *http://yosemite.epa.gov/sab/sabproduct.nsf/fedrgstr_activites/Eto%20Inhalation%20Carcinogenicity?OpenDocument.*

Procedures for Providing Public Input: Public comment for consideration by EPA's federal advisory committees and panels has a different purpose from public comment provided to EPA program offices. Therefore, the process for submitting comments to a federal advisory committee is different from the process used to submit comments to an EPA program office. Federal advisory committees and panels, including scientific advisory committees, provide independent advice to the EPA. Interested members of the public may submit relevant information on the topic of this advisory activity, and/or the group conducting the activity, for the SAB to consider during the advisory process. Input from the public to the SAB will have the most impact if it provides specific scientific or technical information or analysis for SAB committees and panels to consider or if it relates to the clarity or accuracy of the technical information. Members of the public wishing to provide comment should contact the DFO directly. *Oral Statements:* In general, individuals or groups requesting an oral presentation on a public teleconference will be limited to three minutes and an oral presentation at the face-to-face meeting will be limited to five minutes. Interested parties wishing to provide comments should contact Mr. Aaron Yeow (preferably via email) at the contact information noted above by September 23, 2014 to be placed on the list of public speakers for the teleconference and by November 11, 2014 to be placed on the list of public speakers for the face-to-face meeting. *Written Statements:* Written statements will be accepted throughout the advisory process; however, for timely consideration by Committee/Panel members, statements should be supplied to the DFO via email at the contact information noted above by September 23, 2014, for the teleconference and by November 11, 2014, for the face-to-face meeting. Written statements should be supplied in one of the following electronic formats: Adobe Acrobat PDF, MS Word, MS PowerPoint, or Rich Text files in IBM–PC/Windows 98/2000/XP format. It is the SAB Staff Office general policy to post written comments on the Web page for the advisory meeting or teleconference. Submitters are requested to provide an unsigned version of each document because the SAB Staff Office does not publish documents with signatures on its Web sites. Members of the public should be aware that their personal contact information, if included in any written comments, may be posted to the SAB Web site. Copyrighted material will not be posted without explicit permission of the copyright holder.

Accessibility: For information on access or services for individuals with disabilities, please contact Mr. Aaron Yeow at (202) 564–2050 or *yeow.aaron@epa.gov.* To request accommodation of a disability, please contact Mr. Yeow preferably at least ten days prior to the meeting to give EPA as much time as possible to process your request.

Dated: July 31, 2014.

Thomas H. Brennan,

Deputy Director, EPA Science Advisory Board Staff Office.

[FR Doc. 2014–18928 Filed 8–8–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9915–12–OA]

Notice of Meeting of the EPA's Children's Health Protection Advisory Committee (CHPAC)

AGENCY: Environmental Protection Agency.

ACTION: Notice of meeting.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act, Public Law 92–463, notice is hereby given that the next meeting of the Children's Health Protection Advisory Committee (CHPAC) will be held September 9 and 10, 2014 at National Archives Museum (700 Pennsylvania Avenue NW., Washington, DC 20408). The CHPAC was created to advise the Environmental Protection Agency on science, regulations, and other issues relating to children's environmental health.

DATES: The CHPAC will meet September 9 and 10, 2014.

ADDRESSES: 700 Pennsylvania Avenue NW., Washington, DC 20408.

FOR FURTHER INFORMATION CONTACT: Martha Berger, Office of Children's Health Protection, USEPA, MC 1107A, 1200 Pennsylvania Avenue NW., Washington, DC 20460, (202) 564–2191 or *berger.martha@epa.gov.*

SUPPLEMENTARY INFORMATION: The meetings of the CHPAC are open to the public. The CHPAC will meet on September 9 from 9:30 a.m. to 5:00 p.m. and September 10 from 9:00 a.m. to 1 p.m. The Agenda will include discussions regarding the National Ambient Air Quality Standards for lead, the National Children's Study, and the EPA research on children's health. A complete and final agenda will be posted at *epa.gov/children.*

Access and Accommodations: For information on access or services for individuals with disabilities, please contact Martha Berger at 202–564–2191 or *berger.martha@epa.gov.*

Dated: August 3, 2014.

Martha Berger,

Designated Federal Official.

[FR Doc. 2014–18931 Filed 8–8–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OA–2014–0001; FRL–9915–00–OA]

Good Neighbor Environmental Board; Notification of Public Advisory Committee Teleconferences

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Public Advisory Committee Teleconferences.

SUMMARY: Pursuant to the Federal Advisory Committee Act, Public Law 92–463, notice is hereby given that the Good Neighbor Environmental Board (Board) will hold two separate public teleconferences. The first teleconference will take place on Wednesday, September 3, 2014 and the second on Tuesday, September 16, 2014. The teleconference held on September 3 will take place from 1:00–3:00 p.m. Eastern Standard Time. The teleconference being held on September 16 will take place from 11 a.m. to 3 p.m. Eastern Standard Time. Both teleconferences are open to the public. For further information regarding the teleconferences and background materials, please contact Ann-Marie Gantner at the number provided below.

Background: The Good Neighbor Environmental Board is a federal advisory committee chartered under the Federal Advisory Committee Act, Public Law 92–463. By statute, the Board is required to submit an annual report to the President and Congress on environmental and infrastructure issues along the U.S. border with Mexico.

Purpose of Meeting: The purpose of the September 3 call will be to discuss an advice letter on the proposed merger of the Border Environment Cooperation Commission and the North American Development Bank. The purpose of the September 16 teleconference will be to continue discussion on the Board's Sixteenth Report, which focuses on ecological restoration in the U.S.-Mexico border region.

General Information: The agenda and teleconference materials will be available at *http://www.regulations.gov* under Docket ID: EPA–HQ–OA–2014–0001. General information about the Board can be found on its Web site at *http://www2.epa.gov/faca/gneb.*

If you wish to make oral comments or submit written comments to the Board, please contact Ann-Marie Gantner at least five days prior to the teleconference. Written comments should be submitted at *http://www.regulations.gov* under Docket ID: EPA–HQ–OA–2014–0001.

Meeting Access: For information on access or services for individuals with disabilities, please contact Ann-Marie Gantner at (202) 564–4330 or email at *gantner.ann-marie@epa.gov.* To request accommodation of a disability, please contact Ann-Marie Gantner at least 10 days prior to the meeting to give EPA as much time as possible to process your request.

Dated: July 31, 2014.

Mark Joyce,

Acting Designated Federal Officer.

[FR Doc. 2014–18926 Filed 8–8–14; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL ELECTION COMMISSION

Sunshine Act Meetings

AGENCY: Federal Election Commission.

DATE & TIME: Thursday, August 14, 2014 at 10:00 a.m.

PLACE: 999 E Street NW., Washington, DC (Ninth Floor).

STATUS: This meeting will be open to the public.

ITEMS TO BE DISCUSSED:

Correction and Approval of Minutes for July 23, 2014
Draft Advisory Opinion 2014–07: Crowdpac
Draft Advisory Opinion 2014–09: REED Marketing Consultants, Inc.
Draft Advisory Opinion 2014–10: Joan Farr for U.S. Senate
Audit Division Recommendation Memorandum on the Nebraska Democratic Party (Resubmission)
Future Meeting Dates
Management and Administrative Matters

Individuals who plan to attend and require special assistance, such as sign language interpretation or other reasonable accommodations, should contact Shawn Woodhead Werth, Secretary and Clerk, at (202) 694–1040, at least 72 hours prior to the meeting date.

PERSON TO CONTACT FOR INFORMATION: Judith Ingram, Press Officer, Telephone: (202) 694–1220.

Shawn Woodhead Werth,

Secretary and Clerk of the Commission.

[FR Doc. 2014–19082 Filed 8–7–14; 4:15 pm]

BILLING CODE 6715–01–P

FEDERAL HOUSING FINANCE AGENCY

[No. 2014–N–11]

Proposed Collection; Comment Request

AGENCY: Federal Housing Finance Agency.

ACTION: 60-day notice of submission of information collection for approval from the Office of Management and Budget.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Federal Housing Finance Agency (FHFA) is seeking public comments concerning the information collection known as ''Federal Home Loan Bank Directors,'' which has been assigned control number 2590–0006 by the Office of Management and Budget (OMB). FHFA intends to submit the information collection to OMB for review and approval of a three-year extension of the control number, which is due to expire on October 31, 2014.

DATES: Interested persons may submit comments on or before October 10, 2014.

ADDRESSES: Submit comments to FHFA using any one of the following methods:

- *Agency Web site: www.fhfa.gov/open-for-comment-or-input.*
- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments. If you submit your comment to the *Federal eRulemaking Portal,* please also send it by *email* to FHFA at *RegComments@fhfa.gov* to ensure timely receipt by the agency.
- *Mail/Hand Delivery:* Federal Housing Finance Agency, Eighth Floor, 400 Seventh Street SW., Washington, DC 20024, ATTENTION: Public Comments/Proposed Collection; Comment Request: ''Federal Home Loan Bank Directors (No. 2014–N–11).''

We will post all public comments we receive without change, including any personal information you provide, such as your name and address, email address, and telephone number, on the FHFA Web site at *http://www.fhfa.gov.* In addition, copies of all comments received will be available for examination by the public on business days between the hours of 10 a.m. and 3 p.m., at the Federal Housing Finance Agency, Eighth Floor, 400 Seventh Street SW., Washington, DC 20024. To make an appointment to inspect comments, please call the Office of General Counsel at (202) 649–3804.

FOR FURTHER INFORMATION CONTACT: Patricia Sweeney, Management Analyst, Division of Bank Regulation, by email at

Patricia.Sweeney@fhfa.gov or by telephone at (202) 649–3311or Eric Raudenbush, Assistant General Counsel, by email at *Eric.Raudenbush@fhfa.gov* or by telephone at (202) 649–3084 (not toll-free numbers); or by regular mail at Federal Housing Finance Agency, Eighth Floor, 400 Seventh Street SW., Washington, DC 20024. The telephone number for the Telecommunications Device for the Hearing Impaired is (800) 877–8339.

SUPPLEMENTARY INFORMATION:

A. Need For and Use of the Information Collection

Section 7 of the Federal Home Loan Bank Act (Bank Act) vests the management of each Federal Home Loan Bank (Bank) in its board of directors.[1] As required by section 7, each Bank's board comprises two types of directors: (1) Member directors, who are drawn from the officers and directors of member institutions located in the Bank's district and who are elected every four years to represent members in a particular state in that district; and (2) independent directors, who are unaffiliated with any of the Bank's member institutions, but who reside in the Bank's district and are elected every four years on an at-large basis.[2] Section 7 and FHFA's implementing regulation, codified at 12 CFR part 1261, establish the eligibility requirements for both types of Bank directors and the required professional qualifications for independent directors, and set forth the procedures for their election.

Part 1261 of the regulations requires each Bank, as part of its responsibility to administer its annual director election process, to determine the eligibility of candidates to serve as member and independent directors on its board. Specifically, each Bank must require each candidate for either type of directorship, including any incumbent that may be a candidate for reelection, to complete and return to the Bank a form that solicits information about the candidate's statutory eligibility to serve and, in the case of independent director candidates, about his or her professional qualifications for the directorship being sought.[3] Member director candidates are required to complete the *Federal Home Loan Bank Member Director Eligibility Certification Form* (*Member Director Eligibility Certification Form*), while independent director candidates must complete the *Federal Home Loan Bank Independent Director Application Form* (*Independent Director Application Form*).

Under part 1261, each Bank must also require each of its incumbent directors to certify annually that he or she continues to meet all of the applicable statutory eligibility requirements.[4] Member directors do this by completing the *Member Director Eligibility Certification Form* again every year, while independent directors complete the abbreviated *Federal Home Loan Bank Independent Director Annual Certification Form* (*Independent Director Annual Certification Form*) to certify their ongoing eligibility.

The OMB control number for the information collection is 2590–0006, which is due to expire on October 31, 2014. The likely respondents are individuals who are prospective and incumbent Bank directors. Copies of each of the forms appear at the end of this notice.

B. Burden Estimate

FHFA estimates the total annual hour burden imposed upon respondents by this information collection is 145 hours. This estimate is based on the following calculations:

1. Member Director Eligibility Certification Form

FHFA estimates the total annual hour burden on all member director candidates and incumbent member directors associated with review and completion of the *Member Director Eligibility Certification Form* is 37 hours. This includes a total annual average of 68 member director candidates, with 1 response per individual taking an average of 15 minutes (.25 hours) (68 respondents × .25 hours = 17 hours). It also includes a total annual average of 80 incumbent member directors, with 1 response per individual taking an average of 15 minutes (.25 hours) (80 individuals × .25 hours = 20 hours).

2. Independent Director Application Form

FHFA estimates the total annual hour burden on all independent director candidates associated with review and completion of the *Independent Director Application Form* is 75 hours. This includes a total annual average of 25 independent director candidates, with 1 response per individual taking an average of 3 hours (25 individuals × 3 hours = 75 hours).

3. Independent Director Annual Certification Form

FHFA estimates the total annual hour burden on all incumbent independent directors associated with review and completion of the *Independent Director Annual Certification Form* is 33 hours. This includes a total annual average of 66 incumbent independent directors, with 1 response per individual taking an average of 30 minutes (.5 hours) (66 individuals × .5 hours = 33 hours).

C. Comment Request

FHFA requests written comments on the following: (1) Whether the collection of information is necessary for the proper performance of FHFA functions, including whether the information has practical utility; (2) the accuracy of FHFA's estimates of the burdens of the collection of information; (3) ways to enhance the quality, utility, and clarity of the information collected; and (4) 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.

Kevin Winkler,

Chief Information Officer, Federal Housing Finance Agency.

[1] *See* 12 U.S.C. 1427(a)(1).

[2] *See* 12 U.S.C. 1427(b) and (d).

[3] *See* 12 CFR 1261.7(c) and (f); 12 CFR 1261.14(b).

[4] *See* 12 CFR 1261.12.

FEDERAL HOME LOAN BANK MEMBER DIRECTOR ELIGIBILITY CERTIFICATION FORM

1. Print or type your full name:

_____

2. Are you a citizen of the United States? **Yes** ☐ **No** ☐

3. Provide the address of your principal residence:

Street	City	State	Zip code

4. Provide the following information about the institution you serve as an officer or director that is a member of your Federal Home Loan Bank:

Name of member	**Your title or position**

Telephone number	**Fax number**	**E-mail address**

Street	**City**	**State**	**Zip code**

Mailing address (if different)	**City**	**State**	**Zip code**

5. Provide the name and location of any other institution you serve as an officer or a director that is a member of any Federal Home Loan Bank:

Name of member	**City**	**State**	**Your title or position**
Name of member	**City**	**State**	**Your title or position**

Expires 10/31/2014
OMB No. 2590-0006

FEDERAL HOME LOAN BANK MEMBER DIRECTOR ELIGIBILITY CERTIFICATION FORM

6. Does each member listed in LINE 4 and LINE 5 comply with all of its applicable minimum capital requirements established by its appropriate federal or state regulator?

Yes ☐ **No** ☐

If you answered **No**, identify the non-compliant institution and note the Bank of which it is a member.

_____	_____
Name of member	**Bank District**
_____	_____
Name of member	**Bank District**

I HEREBY CERTIFY that the information provided on this Federal Home Loan Bank Member Director Eligibility Certification Form is true, correct, and complete to the best of my knowledge.

_____ _____

Signature Date

State of _____)

County of _____)

Signed and sworn to before me this ____ day of _____ of 20___.

_____

Signature of Notary Public

(Notarial Seal)

My commission expires: _____

DIRECTIONS

If you need assistance in completing this Form or have any questions, please contact:

Name:
Federal Home Loan Bank of
Address:
Telephone:
Fax:
E-Mail:

Who Must File and When

The Federal Home Loan Bank (Bank) uses the information you provide on this Form to determine whether you meet the statutory and regulatory eligibility requirements to serve as a member director. You can find these requirements in section 1427 of Title 12 of the United States Code (12 U.S.C. § 1427) and in part 1261 of Title 12 of the Code of Federal Regulations (12 C.F.R. part 1261). A copy of the statutory and regulatory eligibility requirements is enclosed for your reference. Only individuals who satisfy these requirements may run for a member directorship or serve as a member director.

Nominees for a Member Bank Directorship

If you wish to accept a nomination to serve as a member director, you must complete this Form and return it to the Bank on or before _____. If you do not submit this Form to the Bank by the deadline, you will be deemed to have declined the nomination.

Incumbent Member Bank Directors

Every year, each incumbent member director must complete this Form and return it to the Bank on or before March 1st. The Bank will use the information to confirm your continued eligibility to serve as a member director. If you do not submit this form by the March 1st deadline, the Bank may declare that you are no longer eligible to serve as a member director, and may declare vacant the member directorship that you hold. If March 1st falls on a Saturday, Sunday, or federal holiday, you have until the next business day to submit the completed Form.

Individuals Selected to Fill a Vacancy

If the Bank selected you to fill a vacancy on the board of directors, you must complete this Form and return it to the Bank on or before _____. You cannot become a member director unless you complete and return the Form to the Bank.

FEDERAL HOME LOAN BANK MEMBER DIRECTOR ELIGIBILITY CERTIFICATION FORM: DIRECTIONS

Line-by-Line Instructions

LINE 1. Print or type your full name.

LINE 2. You must be a United States citizen in order to serve as a member director. Check the appropriate answer.

LINE 3. Provide the address of your principal residence.

LINE 4. You must be an officer or a director of an institution that is a member of the Bank in order to be a member director of that Bank. In addition, the member must be located in the state within the Bank district that is to be represented by the directorship you wish to hold. In most cases, a member will be deemed to be located where it maintains its home office or its principal place of business. Provide the requested information for the member you serve as an officer or director, as well as your title or position at that institution.

LINE 5. If you are an officer or director of any other institution that is a member of this or any other Bank, provide the name and location of the institution(s), as well as the position that you hold at the institution(s).

LINE 6. In order for you to be eligible to serve as a member director, every institution that you serve as an officer or director that is a member of the Bank in which you wish to hold a directorship must be in compliance with all of its applicable minimum capital requirements established by its appropriate federal or state regulator. The term "appropriate federal regulator" has the same meaning as the term "appropriate Federal banking agency" in section 3(q) of the Federal Deposit Insurance Act (12 U.S.C. § 1813(q)) and, for federally insured credit unions, means the National Credit Union Administration. The term "appropriate state regulator" means any state officer, agency, supervisor, or other entity that has regulatory authority over, or is empowered to institute enforcement action against, a member.

Check the appropriate answer as to whether each institution you listed in LINE 4 and LINE 5 is in compliance with all of the applicable minimum capital requirements established by its appropriate federal or state regulator. If the answer is **No**, you must list each non-compliant institution regardless of the Bank of which it is a member. However, your status as an officer or director of a non-compliant institution will render you ineligible to serve as a Bank director only if that institution is a member of the Bank in which you wish to hold a directorship.

Privacy Act Statement: In accordance with the Privacy Act (5 U.S.C. 552a), the following notice is provided. This information is solicited under authority of 12 U.S.C. 1427(a) and (b); and 12 CFR 1261.5, 1261.7, and 1261.10 to 1261.13. Furnishing the information on this form is voluntary, but failure to do so may result in you not meeting the statutory and regulatory eligibility requirements to serve as a member director. The purpose of this information is to facilitate the timely determination of your eligibility to serve as a member director. Information may be disclosed in accordance with the routine uses identified in FHFA-System of Records Notice FHFA-8 Federal Home Loan Bank Directors, which may be found at http://www.fhfa.gov/webfiles/21534/Notice%20FHFA%20SORs%20(FHFA-7%20to%20FHFA-13)_published%2076%20FR%2033286%20(6-8-11)%20(2).pdf).

Paperwork Reduction Act Statement: 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 Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number.

FEDERAL HOME LOAN BANK INDEPENDENT DIRECTOR APPLICATION FORM

PERSONAL INFORMATION

Full name: _____

Address:

Current employment:

_____ _____
Name of organization Your title or position

_____ _____ _____
Telephone number Fax number E-mail address

_____ _____ _____ _____
Street City State Zip code

_____ _____ _____ _____
Mailing address (if different) City State Zip code

STATUTORY ELIGIBLITY REQUIREMENTS

An individual must satisfy certain statutory requirements in order to be eligible for election as an independent director of a Federal Home Loan Bank (Bank). The requirements relate to citizenship, residency, and, for prospective public interest directors, experience in that field. The statute also prohibits an independent director from serving as an officer, employee, or director of an institution that is a member of, or that receives advances from, the Bank on whose board the director serves. The questions below address these statutory requirements.

1. ***Citizenship.*** Are you a citizen of the United States? **Yes** ☐ **No** ☐

2. ***Residency.*** In order to be an independent director you must be a bona fide resident of a state that is in the geographic district of the Bank on whose board you wish to serve. You will satisfy this requirement if your principal residence is located in that geographic district (A), or if you own or lease a second residence in the district *and* are employed in the district (B). Please indicate the basis you are using to demonstrate bona fide residence.

A. Is your principal residence located in the Bank's geographic district? **Yes** ☐ **No** ☐

B. If you answered No, do you own or lease a second residence in the Bank's district *and* are you employed in the district? **Yes** ☐ **No** ☐

If so, provide the address of your second home, the name of, and identifying information on, your employer, and your title or position, if different from that on page 1 of this Form.

Second home address:

Employer information:

Name of organization	**Your title or position**

Telephone number	**Fax number**	**E-mail address**

Street	**City**	**State**	**Zip code**
Mailing address (if different)	**City**	**State**	**Zip code**

3. ***Public Interest Directors.*** If you are seeking election as a public interest director, you must be able to demonstrate that you have more than four years experience representing consumer or community interests on banking services, credit needs, housing, or consumer financial protections.

If you meet this requirement, provide information on how you have represented such consumer or community interests for more than four years.

4. ***Conflicts of interest.*** Independent directors and their spouses may not serve as an officer of any Bank or as an officer, employee, or director of any member of, or any recipient of advances from, the Bank on whose board the independent director serves. You and your spouse will have to give up any conflicting position before you can become a Bank director.

For purposes of this conflict of interest provision, the terms:

"Member" and "Recipient of advances" include the institution itself and any subsidiary of the institution. If the institution is owned by a holding company, the terms include the holding company if 35 percent or more of the holding company's assets, on a consolidated basis, are attributable to institutions that are members of, or recipients of advances from, the Bank on whose board the independent director serves. Thus, you may not serve as a director, employee, or officer of a holding company if one or more members of, or one or more recipients of advances from, your Bank constitute 35 percent or more of the holding company's assets.

A. Please specify each position you and your spouse have in any member of, or recipient of advances from, the Bank on whose board you would serve.

B. Do you agree to give up positions that are deemed to be conflicting interests before becoming an independent director of that Bank? Yes ☐ No ☐

SELECTION CRITERIA

The Banks are multi-billion dollar financial institutions, the principal business of which is to borrow funds in the capital markets and then provide secured loans to their members. Each Bank is required to have independent directors who possess knowledge or expertise in financial management, derivatives, auditing and accounting, risk management practices, project development, organizational management, or the law.

1. ***Leadership Experience.*** Bank directors should have experience in senior management or policy-making in one or more fields of business, government, education, or community/civic affairs, and should have a record of achievement in their chosen profession or field of business. This experience should provide directors with the ability to understand the business of the Bank, to act independently, and to ask Bank management appropriate questions about how they are conducting Bank business.

A. If you have ever served as the CEO, CFO, COO, or in a similar capacity for a business enterprise, or as a dean or senior faculty member at a prominent college or university, or as a senior official for a federal or state government or prominent nonprofit organization, please provide the details for those positions, including the dates of service and the positions held.

B. If you have other experience dealing with issues such as developing or implementing business strategies, overseeing regulatory compliance, corporate governance, or board operations, or have previously served on the board of a large business enterprise, please describe those experiences.

C. If you have other significant business or professional achievements that demonstrate your ability to lead an organization please describe them.

2. ***Business Knowledge.*** Bank directors must be financially literate, meaning they must be familiar with how financial statements and various financial ratios are used in managing a business enterprise, how basic accounting conventions apply to the Bank, and how internal controls are used to manage risk. They also must have some knowledge about one or more of the areas of the Bank's business, such as mortgage finance, capital markets transactions, accounting/modeling practices, affordable housing, community and economic development, and legal and regulatory compliance.

A. Do you know how to read and understand a financial statement, and do you understand how financial ratios and other indices are used for evaluating the performance of a business enterprise? **Yes** ☐ **No** ☐

If you answered **Yes**, please describe the setting in which you gained that knowledge.

B. Do you have a working familiarity with basic finance and accounting practices, including internal controls and risk management? **Yes** ☐ **No** ☐

If you answered **Yes**, please describe the setting in which you acquired that knowledge.

C. Do you have experience with financial accounting and auditing, particularly with a publicly traded company? **Yes** ☐ **No** ☐

If you answered **Yes**, please describe that experience.

D. Do you have experience in project development or organizational management?
Yes ☐ No ☐

If you answered Yes, please describe that experience.

E. Do you have experience in an organization providing financing for residential mortgages, housing for low or moderate income individuals and families, or real estate development?
Yes ☐ No ☐

If you answered Yes, please describe that experience.

F. Have you served in any position that required an understanding of the legal and other fiduciary obligations associated with being an independent director? Yes ☐ No ☐

If you answered Yes, please describe that experience.

G. The mission of the Banks is to support the housing finance activities of their members, which includes residential mortgage finance and community and economic development lending activities. Please describe any prior experience that is related to the mission of the Banks.

3. ***Commitment to Service.*** In order to serve effectively on the board of a Bank, a director must be able to attend the meetings of the board of directors and subcommittees on which the director serves, and to devote the time necessary to prepare for those meetings.

A. Do you have any other business or professional commitments that would hinder your ability to prepare for and attend board of director and committee meetings? Yes ☐ No ☐

If so, please describe the constraints on your ability to serve.

B. If you serve on any other corporate boards, please provide the name and location of the organization, your role (*e.g.*, chair and committee assignments), and the term of service.

Name of organization	**Your role**	**Term**
Name of organization	**Your role**	**Term**
Name of organization	**Your role**	**Term**

4. ***Personal Integrity.*** Character is an important consideration in evaluating any prospective Bank director. All directors must have high ethical standards and integrity in both their personal and professional dealings. Please indicate whether you ever have been convicted of a felony, been found to have violated any federal or state civil laws relating to the securities, banking, housing or real estate industries, or have had a professional license suspended or revoked.
Yes ☐ No ☐

If you answered Yes, please explain.

5. ***Independence.*** It is essential that an independent director be able to act independently of management in overseeing the policy and operations of a Bank, and not have any relationships that may create actual or apparent conflicts of interest. Please disclose whether you have any familial or business relationships with any members of Bank management or the board of directors of the Bank, and any other relationship(s) that might lead a reasonable person to question your independence. Yes ☐ No ☐

If you answered **Yes**, please explain.

6. ***Other Experience and Education.*** Please provide a copy of your resume if it describes other business, professional, or educational achievements that are not described in the responses to the questions above. Resume attached. Yes ☐ No ☐

BY EXECUTING AND SUBMITTING THIS APPLICATION FORM, YOU ARE CERTIFYING THAT THE INFORMATION YOU PROVIDED IS TRUE, CORRECT, AND COMPLETE TO THE BEST OF YOUR KNOWLEDGE AND THAT YOU AGREE TO SERVE AS A DIRECTOR IF ELECTED.

_____ _____

Signature Date

Privacy Act Statement: In accordance with the Privacy Act (5 U.S.C. 552a), the following notice is provided. This information is solicited under authority of 12 U.S.C. 1427(a) and (b); and 12 CFR 1261.5, 1261.7, and 1261.10 to 1261.13. Furnishing the information on this form is voluntary, but failure to do so may result in you not meeting the statutory and regulatory eligibility requirements to serve as an independent director. The purpose of this information is to facilitate the timely determination of your eligibility to serve as an independent director. Information may be disclosed in accordance with the routine uses identified in FHFA-System of Records Notice FHFA-8 Federal Home Loan Bank Directors, which may be found at http://www.fhfa.gov/webfiles/21534/Notice%20FHFA%20SORs%20(FHFA-7%20to%20FHFA-13)_published%2076%20FR%2033286%20(6-8-11)%20(2).pdf).

Paperwork Reduction Act Statement: 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 Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number.

FEDERAL HOME LOAN BANK INDEPENDENT DIRECTOR ANNUAL CERTIFICATION FORM

Full name: _____

Federal Home Loan Bank of: _____

Every year, each incumbent independent Federal Home Loan Bank (Bank) director must certify that he or she continues to meet all of the following requirements:

- United States citizen
- Bona fide resident of a state in the geographic district of the Bank on whose board you serve
  - your principal residence is located in that geographic district OR
  - you own or lease a second residence in the district *and* are employed in the district
- During your term of office, you and your spouse may not:
  - serve as an officer of any Federal Home Loan Bank
  - serve as an officer, employee, or director of any member or subsidiary of a member of the Bank you serve, or any holding company that controls one or more members of the Bank you serve if the assets of all such members constitute 35 percent or more of the assets of the holding company, on a consolidated basis
  - serve as an officer, employee, or director of any recipient of advances from the Bank you serve, or any holding company that controls one or more recipients of advances from the Bank you serve if the assets of all such recipients constitute 35 percent or more of the assets of the holding company, on a consolidated basis
- To be designated a public interest director, you must have more than four years experience representing consumer or community interests on banking services, credit needs, housing, or consumer financial protections
- If you are not designated as a public interest director, you must have knowledge or experience in one of the following: auditing and accounting, derivatives, financial management, organizational management, project development, risk management practices, or the law.

By executing this form, you are certifying that you continue to meet these requirements and that the director application form you submitted previously, or any amended certification form you submitted previously, is true, correct, and complete to the best of your knowledge.

Please check one box:

☐ **No changes have occurred.**

☐ **Changes have occurred to my responses in these sections of my Form:**

Personal information:

Eligibility information, including conflicts of interest:

Commitment to serve:

Personal integrity:

Independence:

Other changes:

Dated: _____

Signature: _____

Privacy Act Statement: In accordance with the Privacy Act (5 U.S.C. 552a), the following notice is provided. This information is solicited under authority of 12 U.S.C. 1427(a) and (b); and 12 CFR 1261.5, 1261.7, and 1261.10 to 1261.13. Furnishing the information on this form is voluntary, but failure to do so may result in you not meeting the statutory and regulatory eligibility requirements to serve as an independent director. The purpose of this information is to facilitate the timely determination of your eligibility to serve as an independent director. Information may be disclosed in accordance with the routine uses identified in FHFA-System of Records Notice FHFA-8 Federal Home Loan Bank Directors, which may be found at http://www.fhfa.gov/webfiles/21534/Notice%20FHFA%20SORs%20(FHFA-7%20to%20FHFA-13)_published%2076%20FR%2033286%20(6-8-11)%20(2).pdf).

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Expires 10/31/2014
OMB No. 2590-0006

[FR Doc. 2014–18829 Filed 8–8–14; 8:45 am]
BILLING CODE 8070–01–C

FEDERAL HOUSING FINANCE AGENCY

[No. 2014–N–10]

Federal Home Loan Bank Members Selected for Community Support Review 2014–2015 Review Cycle—3rd Round

AGENCY: Federal Housing Finance Agency.

ACTION: Notice.

SUMMARY: The Federal Housing Finance Agency (FHFA) is announcing the Federal Home Loan Bank (Bank) members it has selected for the 2014–2015 Review Cycle—3rd Round under FHFA's community support requirements regulation. This Notice also prescribes the deadline by which Bank members selected for this review cycle must submit Community Support Statements to FHFA.

DATES: Bank members selected for this review cycle must submit Community Support Statements to FHFA on or before September 25, 2014. Comments on members' community support performance must be submitted to FHFA by the same date.

ADDRESSES: Submit completed Community Support Statements to FHFA by electronic mail at *hmgcommunitysupportprogram@fhfa.gov*. A member that does not have electronic mail capability may submit the Community Support Statement by fax to 202–649–4130. Comments on members' community support performance should be submitted to FHFA as provided above.

FOR FURTHER INFORMATION CONTACT: Melissa Allen, Principal Program Analyst, at *hmgcommunitysupportprogram@fhfa.gov* or 202–658–9266, Office of Housing and Regulatory Policy, Division of Housing Mission and Goals, Federal Housing Finance Agency, Ninth Floor, 400 Seventh Street SW., Washington, DC 20024.

SUPPLEMENTARY INFORMATION:

I. Selection for Community Support Review

Section 10(g)(1) of the Federal Home Loan Bank Act (Bank Act) requires FHFA to promulgate regulations establishing standards of community investment or service that Bank members must meet in order to maintain access to long-term Bank advances. *See* 12 U.S.C. 1430(g)(1). The regulations promulgated by FHFA must take into account factors such as the Bank member's performance under the Community Reinvestment Act of 1977 (CRA), 12 U.S.C. 2901 *et seq.,* and the Bank member's record of lending to first-time homebuyers. *See* 12 U.S.C. 1430(g)(2). Pursuant to section 10(g) of the Bank Act, FHFA has promulgated a community support requirements regulation that establishes standards a Bank member must meet in order to maintain access to long-term advances, and establishes review criteria FHFA must apply in evaluating a member's community support performance. *See* 12 CFR part 1290. The regulation includes standards and criteria for the two statutory factors—members' CRA performance and members' record of lending to first-time homebuyers. 12 CFR 1290.3. Only members subject to the CRA must meet the CRA standard. 12 CFR 1290.3(b). All members subject to community support review, including those not subject to the CRA, must meet the first-time homebuyer standard. 12 CFR 1290.3(c). Members that have been certified as community development financial institutions (CDFIs) are deemed to be in compliance with the community support requirements and are not subject to periodic community support review, unless the CDFI member is also an insured depository institution or a CDFI credit union. 12 CFR 1290.2(e).

Under the regulation, FHFA selects approximately one-eighth of the members in each Bank district for community support review each calendar quarter. 12 CFR 1290.2(a). FHFA will not review an institution's community support performance until it has been a Bank member for at least one year. Selection for review is not, nor should it be construed as, any indication of either the financial condition or the community support performance of the member. On or before August 26, 2014, each Bank will notify the members in its district that have been selected for this review cycle that they must complete and submit Community Support Statements to FHFA by the deadline prescribed in this Notice. 12 CFR 1290.2(b)(2)(i). The member's Bank will provide a blank Community Support Statement Form (OMB No. 2590–0005), which also is available on FHFA's Web site: *http://www.fhfa.gov/webfiles/2924/FHFAForm060.pdf*. Upon request, the member's Bank also will provide assistance in completing the Community Support Statement. Each Bank member selected for this review cycle must complete the Community Support Statement and submit it to FHFA by the deadline prescribed in this Notice. 12 CFR 1290.2(b)(1)(ii) and (c).

FHFA has selected the following members for this review cycle:

Federal Home Loan Bank of Boston—District 1

07825	Northwest Community Bank	Winsted	Connecticut.
09261	Bar Harbor Bank and Trust	Bar Harbor	Maine.
03786	First Federal Savings and Loan Association of Bath	Bath	Maine.
09393	Camden National Bank	Camden	Maine.
03995	Aroostook County Federal Savings & Loan Association	Caribou	Maine.
08510	Kennebunk Savings Bank	Kennebunk	Maine.
03844	Kennebec Federal Savings and Loan Association	Waterville	Maine.
08433	First Trade Union Bank	Boston	Massachusetts.
09312	Boston Private Bank & Trust Company	Boston	Massachusetts.
14455	Cambridge Savings Bank	Cambridge	Massachusetts.
08340	Clinton Savings Bank	Clinton	Massachusetts.
08478	Eagle Bank	Everett	Massachusetts.
00544	Foxboro Federal Savings	Foxboro	Massachusetts.
06286	Colonial Co-Operative Bank	Gardner	Massachusetts.
08732	Georgetown Bank	Georgetown	Massachusetts.
08328	Hingham Institution for Savings	Hingham	Massachusetts.
14281	PeoplesBank	Holyoke	Massachusetts.
14252	Northampton Cooperative Bank	Northampton	Massachusetts.
01673	Colonial Federal Savings Bank	Quincy	Massachusetts.
14595	Reading Co-Operative Bank	Reading	Massachusetts.
08076	Saugusbank, A Cooperative Bank	Saugus	Massachusetts.
01452	Middlesex Federal Savings, F.A.	Somerville	Massachusetts.

07953	Spencer Savings Bank	Spencer	Massachusetts.
14803	Mechanics' Co-Operative Bank	Taunton	Massachusetts.
13771	The Savings Bank	Wakefield	Massachusetts.
03997	Federal Savings Bank	Dover	New Hampshire.
08488	Franklin Savings Bank	Franklin	New Hampshire.
08416	Northfield Savings Bank	Northfield	Vermont.

Federal Home Loan Bank of New York—District 2

01098	Audubon Savings Bank	Audubon	New Jersey.
02319	Kearny Federal Savings Bank	Fairfield	New Jersey.
02195	GSL Savings Bank	Guttenberg	New Jersey.
02246	Glen Rock Savings Bank	Hawthorne	New Jersey.
09315	Amboy Bank	Old Bridge	New Jersey.
04612	Roma Bank	Robbinsville	New Jersey.
00940	GCF Bank	Sewell	New Jersey.
01437	OceanFirst Bank	Toms River	New Jersey.
02519	Oritani Bank	Township of Washington	New Jersey.
05322	Century Savings Bank	Vineland	New Jersey.
09221	Canandaigua National Bank and Trust Company	Canandaigua	New York.
10436	Glens Falls National Bank and Trust Company	Glens Falls	New York.
13454	Evans Bank	Hamburg	New York.
01899	Maple City Savings Bank, FSB	Hornell	New York.
14283	Cattaraugus County Bank	Little Valley	New York.
13866	The Lyons National Bank	Lyons	New York.
05323	Massena Savings & Loan	Massena	New York.
05066	Cross County Federal Savings Bank	Middle Village	New York.
05190	Provident Bank	Montebello	New York.
14486	The Berkshire Bank	New York	New York.
02528	Wallkill Valley FS&LA	Wallkill	New York.
14115	Five Star Bank	Warsaw	New York.
07034	Oriental Bank & Trust	San Juan	Puerto Rico.

Federal Home Loan Bank of Pittsburgh—District 3

04776	Reliance Bank	Altoona	Pennsylvania.
08887	The Bryn Mawr Trust Company	Bryn Mawr	Pennsylvania.
09362	Nextier Bank, N.A.	Butler	Pennsylvania.
53110	Clarion County Community Bank	Clarion	Pennsylvania.
07703	Slovenian S&LA of Franklin-Conemaugh	Conemaugh	Pennsylvania.
03218	Polonia Bank	Huntingdon Valley	Pennsylvania.
09252	Mauch Chunk Trust Company	Jim Thorpe	Pennsylvania.
09836	First Citizens National Bank	Mansfield	Pennsylvania.
09066	The First National Bank of Mifflintown	Mifflintown	Pennsylvania.
04395	First Federal Savings Bank	Monessen	Pennsylvania.
14414	Community State Bank of Orbisonia	Orbisonia	Pennsylvania.
04543	Prudential Savings Bank	Philadelphia	Pennsylvania.
09822	Republic Bank	Philadelphia	Pennsylvania.
14407	Beneficial Mutual Savings Bank	Philadelphia	Pennsylvania.
00234	West View Savings Bank	Pittsburgh	Pennsylvania.
00962	Eureka Bank	Pittsburgh	Pennsylvania.
05325	Slovak Savings Bank	Pittsburgh	Pennsylvania.
10483	United-American Savings Bank	Pittsburgh	Pennsylvania.
12884	Hamlin Bank and Trust Company	Smethport	Pennsylvania.
13018	Eagle National Bank	Upper Darby	Pennsylvania.
01067	Northwest Savings Bank	Warren	Pennsylvania.
03586	Washington Financial Bank	Washington	Pennsylvania.
02190	First Federal Savings & Loan Association of Greene County	Waynesburg	Pennsylvania.
09808	Peoples State Bank of Wyalusing	Wyalusing	Pennsylvania.
09875	VIST Bank	Wyomissing	Pennsylvania.
11051	City National Bank of West Virginia	Cross Lanes	West Virginia.
09461	United Bank, Inc.	Parkersburg	West Virginia.

Federal Home Loan Bank of Atlanta—District 4

09285	Exchange Bank of Alabama	Altoona	Alabama.
09282	Central State Bank	Calera	Alabama.
12388	Camden National Bank	Camden	Alabama.
12700	First National Bank	Hamilton	Alabama.
07228	Security Federal Savings Bank	Jasper	Alabama.
12638	FirstState Bank	Lineville	Alabama.
14558	First Citizens Bank	Luverne	Alabama.
10482	The Slocomb National Bank	Slocomb	Alabama.
14631	Bank of Wedowee	Wedowee	Alabama.
14111	Mercantile Commercebank, National Association	Coral Gables	Florida.
12209	Natbank, N.A.	Hollywood	Florida.
13362	First State Bank of the Florida Keys	Key West	Florida.

06859	Urban Trust Bank	Lake Mary	Florida.
14551	Wauchula State Bank	Wauchula	Florida.
14550	Bank of Alapaha	Alapaha	Georgia.
11925	Bank of Camilla	Camilla	Georgia.
14991	The Claxton Bank	Claxton	Georgia.
03575	Newton Federal Bank	Covington	Georgia.
14607	Bank of Eastman	Eastman	Georgia.
14826	Farmers and Merchants Bank	Eatonton	Georgia.
14472	Capital Bank	Fort Oglethorpe	Georgia.
13480	BankSouth	Greensboro	Georgia.
14287	Farmers State Bank	Lincolnton	Georgia.
14483	Peoples Bank	Lyons	Georgia.
13899	Mount Vernon Bank	Mt. Vernon	Georgia.
10640	Farmers and Merchants Bank	Statesboro	Georgia.
14832	Spivey State Bank	Swainsboro	Georgia.
08190	Severn Savings Bank, FSB	Annapolis	Maryland.
08148	Saint Casimirs Savings Bank	Baltimore	Maryland.
08186	Presidential Bank, FSB	Bethesda	Maryland.
14724	Peoples Bank (The)	Chestertown	Maryland.
14112	Easton Bank and Trust Company	Easton	Maryland.
08183	Eastern Savings Bank, FSB	Hunt Valley	Maryland.
05740	First Shore Federal Savings and Loan Association	Salisbury	Maryland.
10510	High Point Bank & Trust Company	High Point	North Carolina.
09555	RBC Bank	Raleigh	North Carolina.
00007	Piedmont Federal Savings Bank	Winston Salem	North Carolina.
12045	Branch Banking and Trust Company	Winston Salem	North Carolina.
14489	First State Bank	Danville	Virginia.
03993	First Federal Savings Bank of Virginia	Petersburg	Virginia.
14157	The Bank of Charlotte County	Phenix	Virginia.
14686	Valley Bank	Roanoke	Virginia.

Federal Home Loan Bank of Cincinnati—District 5

15905	Kentucky Home Bank, Inc.	Bardstown	Kentucky.
10546	Bank of Edmonson County	Brownsville	Kentucky.
09331	Citizens Bank & Trust Company	Campbellsville	Kentucky.
04069	Carrollton Federal Bank	Carrollton	Kentucky.
09934	First National Bank of Muhlenburg County	Central City	Kentucky.
15829	Bank of Clarkson	Clarkson	Kentucky.
09453	Citizens National Bank	Lebanon	Kentucky.
06586	Home Federal Bank Corporation	Middlesboro	Kentucky.
06902	First Federal Savings & Loan Association of Morehead	Morehead	Kentucky.
06591	Commonwealth Bank	Mt. Sterling	Kentucky.
10648	Traditional Bank, Inc.	Mt. Sterling	Kentucky.
14495	Citizens Bank	Mt. Vernon	Kentucky.
01411	Belmont Savings Bank	Bellaire	Ohio.
08897	The Citizens National Bank of Bluffton	Bluffton	Ohio.
02076	The Brookville Building and Savings Association	Brookville	Ohio.
04132	Peoples Savings and Loan Company	Bucyrus	Ohio.
01158	Warsaw Federal Savings and Loan Association of Cincinnati.	Cincinnati	Ohio.
08122	New Foundation Savings Bank	Cincinnati	Ohio.
14762	Ohio Heritage Bank	Coshocton	Ohio.
04192	First Federal Bank of the Midwest	Defiance	Ohio.
00641	Greenville Federal	Greenville	Ohio.
08527	NCB, FSB	Hillsboro	Ohio.
01639	Liberty Federal Savings Bank	Ironton	Ohio.
04984	Hometown Bank	Kent	Ohio.
03681	The Home Savings and Loan Company of Kenton Ohio	Kenton	Ohio.
03536	First Federal Savings and Loan Association of Lakewood	Lakewood	Ohio.
00311	Fairfield Federal Savings and Loan Association of Lancaster	Lancaster	Ohio.
08805	1st National Bank	Lebanon	Ohio.
09224	The Citizens Bank of Logan Ohio	Logan	Ohio.
11091	The Park National Bank	Newark	Ohio.
12609	American Savings Bank, fsb	Portsmouth	Ohio.
10461	The Citizens Banking Company	Sandusky	Ohio.
09776	Sherwood State Bank (The)	Sherwood	Ohio.
01830	Home City Federal Savings Bank	Springfield	Ohio.
03692	Monroe Federal Savings and Loan Association	Tipp City	Ohio.
04893	Home Savings Bank	Wapakoneta	Ohio.
08120	Adams County Building and Loan Company	West Union	Ohio.
15598	North Valley Bank	Zanesville	Ohio.
10508	Bank of Bartlett	Bartlett	Tennessee.
15771	First South Financial Credit Union	Bartlett	Tennessee.
09294	F&M Bank	Clarksville	Tennessee.
09136	The Farmers & Merchants Bank	Dyer	Tennessee.

10429	First Citizens National Bank	Dyersburg	Tennessee.
04307	Elizabethton Federal Savings Bank	Elizabethton	Tennessee.
15743	The Bank of Jackson	Jackson	Tennessee.
03879	Home Federal Bank of Tennessee	Knoxville	Tennessee.
10678	Citizens Bank	New Tazewell	Tennessee.
14045	TNBANK	Oak Ridge	Tennessee.

Federal Home Loan Bank of Indianapolis—District 6

15830	Independent Federal Credit Union	Anderson	Indiana.
04091	Peoples Federal Savings Bank	Auburn	Indiana.
01669	Farmers and Mechanics FS&LA	Bloomfield	Indiana.
09392	The First State Bank	Bourbon	Indiana.
02838	First Federal Savings Bank of Evansville	Evansville	Indiana.
10005	La Porte Savings Bank	La Porte	Indiana.
02578	Security Federal Savings Bank	Logansport	Indiana.
04255	Home Bank, SB	Martinsville	Indiana.
14637	The First National Bank of Monterey	Monterey	Indiana.
00210	Mutual Bank	Muncie	Indiana.
11365	First Merchants Bank, N.A.	Muncie	Indiana.
03589	Peoples Bank SB	Munster	Indiana.
04247	American Savings, FSB	Munster	Indiana.
04817	Mid-Southern Savings Bank, FSB	Salem	Indiana.
08907	Owen County State Bank	Spencer	Indiana.
08814	First Financial Bank	Terre Haute	Indiana.
14515	Bank of Wolcott	Wolcott	Indiana.
13502	Commercial Bank	Alma	Michigan.
06210	First Federal of Northern Michigan	Alpena	Michigan.
	First Federal of Northern Michigan		
14326	Tri-County Bank	Brown City	Michigan.
04194	Eaton Federal Savings Bank	Charlotte	Michigan.
10657	Hastings City Bank	Hastings	Michigan.
13140	Thumb National Bank & Trust	Pigeon	Michigan.
10710	Kalamazoo County State Bank	Schoolcraft	Michigan.
11319	First National Bank of St. Ignace	St. Ignace	Michigan.
05926	Northwestern Bank	Traverse City	Michigan

Federal Home Loan Bank of Chicago—District 7

10320	First Community Bank and Trust	Beecher	Illinois.
02402	BankFinancial, FSB	Olympia Fields	Illinois.
12862	Farmers State Bank of Camp Point	Camp Point	Illinois.
01611	First Federal Savings Bank of Champaign-Urbana	Champaign	Illinois.
00529	Central Federal Savings & Loan Association of Chicago	Chicago	Illinois.
01330	Mutual Federal Bank	Chicago	Illinois.
12269	Washington Federal Bank for Savings	Chicago	Illinois.
14477	Oak Bank	Chicago	Illinois.
14792	Hickory Point Bank & Trust, FSB	Decatur	Illinois.
14726	Community Bank Wheaton/Glen Ellyn	Glen Ellyn	Illinois.
12925	Glenview State Bank	Glenview	Illinois.
14883	The Granville National Bank	Granville	Illinois.
14882	The Bradford National Bank of Greenville	Greenville	Illinois.
13778	The Havana National Bank	Havana	Illinois.
12944	Herrin Security Bank	Herrin	Illinois.
05564	South End Savings, s.b.	Homewood	Illinois.
01520	Eureka Savings Bank	LaSalle	Illinois.
12436	First State Bank of Illinois	LaHarpe	Illinois.
12841	First National Bank of Illinois	Lansing	Illinois.
14902	The First National Bank of Litchfield	Litchfield	Illinois.
14884	West Suburban Bank	Lombard	Illinois.
14074	First Security Bank	Mackinaw	Illinois.
14261	1st State Bank of Mason City	Mason City	Illinois.
12180	First National Bank	Moline	Illinois.
12660	Wheaton Bank & Trust Company	Wheaton	Illinois.
14248	Illini State Bank	Oglesby	Illinois.
13396	Herget Bank, National Association	Pekin	Illinois.
13012	National Bank of Petersburg	Petersburg	Illinois.
12976	The Poplar Grove State Bank	Poplar Grove	Illinois.
14330	Citizens First National Bank	Princeton	Illinois.
15024	Marine Bank	Springfield	Illinois.
14534	The International Bank of Amherst	Amherst	Wisconsin.
10444	Community First Bank	Boscobel	Wisconsin.
14441	Bank of Deerfield	Deerfield	Wisconsin.
03069	Fox Valley Savings Bank	Fond du Lac	Wisconsin.
13009	PremierBank	Fort Atkinson	Wisconsin.
02945	PyraMax Bank, FSB	Greenfield	Wisconsin.

02722	Ladysmith Federal Savings & Loan	Ladysmith	Wisconsin.
04474	AnchorBank, fsb	Madison	Wisconsin.
05042	Home Savings Bank	Madison	Wisconsin.
13003	Markesan State Bank	Markesan	Wisconsin.
09680	The Peoples Community Bank	Mazomanie	Wisconsin.
11964	Fidelity National Bank	Medford	Wisconsin.
14174	Bremer Bank, National Association	Menomonie	Wisconsin.
04783	Merrill Federal Savings and Loan Association	Merrill	Wisconsin.
14437	Middleton Community Bank	Middleton	Wisconsin.
04522	Guaranty Bank, FSB	Milwaukee	Wisconsin.
14582	Baylake Bank	Sturgeon Bay	Wisconsin.
12942	The Farmers State Bank of Waupaca	Waupaca	Wisconsin.
01519	Westbury Bank	West Bend	Wisconsin.
12845	First Citizens State Bank	Whitewater	Wisconsin.

Federal Home Loan Bank of Des Moines—District 8

15842	Community Bank	Alton	Iowa
15907	First National Bank of Ames	Ames	Iowa.
12656	Community State Bank, N.A.	Ankeny	Iowa.
10514	Ashton State Bank	Ashton	Iowa.
12602	Atkins Savings Bank & Trust	Atkins	Iowa.
15545	Farmers & Traders Savings Bank	Bancroft	Iowa.
12824	Chelsea Savings Bank	Belle Plaine	Iowa.
09373	State Central Bank	Bonaparte	Iowa.
12846	Guaranty Bank & Trust Company	Cedar Rapids	Iowa.
12599	First Security Bank & Trust Company	Charles City	Iowa.
14795	Cherokee State Bank	Cherokee	Iowa.
04676	Cornerstone Bank	Clarinda	Iowa.
14540	First Trust and Savings Bank	Coralville	Iowa.
10560	Fidelity Bank & Trust	Dubuque	Iowa.
09324	Community Savings Bank	Edgewood	Iowa.
10470	First American Bank	Fort Dodge	Iowa.
14625	First State Bank	Hawarden	Iowa.
12525	Farmers & Merchants Savings Bank	Iowa City	Iowa.
12718	Keystone Savings Bank	Marengo	Iowa.
12600	Northwestern Bank	Orange City	Iowa.
12611	Citizens Bank	Sac City	Iowa.
12569	Solon State Bank	Solon	Iowa.
08567	Northwest Bank	Spencer	Iowa.
12520	Reliance State Bank	Story City	Iowa.
11637	First State Bank	Sumner	Iowa.
10822	Community State Bank	Tipton	Iowa.
02731	WCF Financial Bank	Webster City	Iowa.
12815	Citizens State Bank	Wyoming	Iowa.
15672	United Farmers State Bank	Adams	Minnesota.
07830	Viking Savings Bank	Alexandria	Minnesota.
15620	State Bank of Bellingham	Bellingham	Minnesota.
09196	First State Bank of Bigfork	Bigfork	Minnesota.
06979	Brainerd Savings & Loan Association, A Federal Association.	Brainerd	Minnesota.
12699	Deerwood Bank	Deerwood	Minnesota.
12721	State Bank of Faribault (The)	Faribault	Minnesota.
09141	Lake Elmo Bank	Lake Elmo	Minnesota.
12948	Prairie Sun Bank	Milan	Minnesota.
09183	Foresight Bank	Plainview	Minnesota.
14673	Minnwest Bank	Redwood Falls	Minnesota.
10527	First Independent Bank	Russell	Minnesota.
09639	Highland Bank	Saint Michael	Minnesota.
10083	First National Bank Minnesota	St. Peter	Minnesota.
14737	Security State Bank of Wanamingo	Wanamingo	Minnesota.
13039	Ozark Mountain Bank	Branson	Missouri.
15529	Horizon State Bank	Cameron	Missouri.
12850	Rockwood Bank	Eureka	Missouri.
03927	North American Savings Bank, FSB	Grandview	Missouri.
05608	F&M Bank and Trust Company	Hannibal	Missouri.
12663	Blue Ridge Bank & Trust Company	Independence	Missouri.
14456	Jonesburg State Bank	Jonesburg	Missouri.
02825	First Federal Bank, F.S.B.	Kansas City	Missouri.
13112	Bank of New Madrid	New Madrid	Missouri.
00508	Home Savings & Loan Association of Norborne, F.A.	Norborne	Missouri.
14406	Ozark Bank	Ozark	Missouri.
05710	Central Federal Savings and Loan Association of Rolla	Rolla	Missouri.
09737	Montgomery Bank, N.A.	Sikeston	Missouri.
02096	Guaranty Bank	Springfield	Missouri.
14898	Lindell Bank and Trust Company	St. Louis	Missouri.

13727	Security Bank of Pulaski County	Waynesville	Missouri.
14653	FMB Bank	Wright City	Missouri.
12769	Starion Financial	Bismarck	North Dakota.
12753	Ramsey National Bank	Devils Lake	North Dakota.
10999	Alerus Financial, N.A.	Grand Forks	North Dakota.
15932	Bank Forward	Hannaford	North Dakota.
12665	National Bank of Harvey (The)	Harvey	North Dakota.
15739	The Goose River Bank	Mayville	North Dakota.
15571	Horizon Financial Bank	Munich	North Dakota.
14159	Bryant State Bank	Bryant	South Dakota.
14820	Quoin Financial Bank	Miller	South Dakota.
15921	American State Bank	Oldham	South Dakota.
01384	TCF National Bank	Sioux Falls	South Dakota.

Federal Home Loan Bank of Dallas—District 9

12867	Southern Bancorp Bank	Arkadelphia	Arkansas.
10113	First National Banking Company	Ash Flat	Arkansas.
10660	First Bank	Camden	Arkansas.
07368	Corning Savings and Loan Association	Corning	Arkansas.
15744	Merchants and Farmers Bank	Dumas	Arkansas.
14448	One Bank & Trust, N.A.	Little Rock	Arkansas.
10472	Farmers Bank & Trust Company	Magnolia	Arkansas.
14755	Diamond Bank	Murfreesboro	Arkansas.
11025	Priority Bank	Ozark	Arkansas.
10322	First National Bank	Paragould	Arkansas.
07756	United Bank	Springdale	Arkansas.
14694	Bank of Star City	Star City	Arkansas.
14432	Citizens Progressive Bank	Columbia	Louisiana.
05195	Beauregard Federal Savings Bank	DeRidder	Louisiana.
00890	Home Bank	Lafayette	Louisiana.
00221	Union Savings and Loan Association	New Orleans	Louisiana.
01355	Fidelity Homestead Savings Bank	New Orleans	Louisiana.
10529	BankFirst Financial Services	Macon	Mississippi.
15938	BNA Bank	New Albany	Mississippi.
05957	First Federal Savings & Loan Association	Pascagoula	Mississippi.
14695	Bank of Yazoo City	Yazoo City	Mississippi.
09740	First American Bank	Artesia	New Mexico
10609	Western Bank of Clovis	Clovis	New Mexico.
14210	Community 1st Bank	Las Vegas	New Mexico.
01441	Century Bank	Santa Fe	New Mexico.
12629	FirstBank Southwest	Amarillo	Texas.
14544	Affiliated Bank	Arlington	Texas.
15325	The First National Bank of Beeville	Beeville	Texas.
11460	Texas Bank	Brownwood	Texas.
10301	The First State Bank	Columbus	Texas.
15889	First Security State Bank	Cranfills Gap	Texas.
01754	TrustTexas Bank, SSB	Cuero	Texas
03101	Dalhart Federal Savings and Loan Association, SSB	Dalhart	Texas.
08287	Southwest Securities, FSB	Dallas	Texas.
10723	Inwood National Bank	Dallas	Texas.
12333	Prosperity Bank	El Campo	Texas.
06809	Colonial Savings, F.A.	Fort Worth	Texas.
13570	First Command Bank	Fort Worth	Texas.
10765	National Bank	Gatesville	Texas.
14291	Happy State Bank	Happy	Texas.
03155	Henderson Federal Savings Bank	Henderson	Texas.
10628	Houston Community Bank, N.A.	Houston	Texas.
07624	Fayette Savings Bank, ssb	La Grange	Texas.
12036	National Bank & Trust	La Grange	Texas.
10794	Commerce Bank	Laredo	Texas.
11402	Texas Bank and Trust Company	Longview	Texas.
14366	East Texas Professional Credit Union	Longview	Texas.
10810	Lubbock National Bank	Lubbock	Texas.
14038	First Bank & Trust Company	Lubbock	Texas.
07743	Angelina Savings Bank, FSB	Lufkin	Texas.
10223	First National Bank of Mount Vernon	Mount Vernon	Texas.
14416	Guaranty Bond Bank	Mt. Pleasant	Texas.
14047	The Morris County National Bank	Naples	Texas.
12616	Gulf Coast Educators Federal Credit Union	Pasadena	Texas.
10531	PointBank	Pilot Point	Texas.
11157	Pilgrim Bank	Pittsburg	Texas.
10383	Alliance Bank	Sulphur Springs	Texas.
13007	The First National Bank of Weatherford	Weatherford	Texas.
10059	American National Bank	Wichita Falls	Texas.

Federal Home Loan Bank of Topeka—District 10

10282	Pikes Peak National Bank	Colorado Springs	Colorado.
11057	Peoples National Bank	Colorado Springs	Colorado.
10478	Vectra Bank Colorado	Denver	Colorado.
05267	Gunnison Savings and Loan Association	Gunnison	Colorado.
10577	Frontier Bank	Lamar	Colorado.
14893	Colorado East Bank & Trust	Lamar	Colorado.
14678	Guaranty State Bank & Trust Company	Beloit	Kansas.
10071	First National Bank in Cimarron	Cimarron	Kansas.
10157	Farmers Bank & Trust, N.A.	Great Bend	Kansas.
10462	Central Bank and Trust Company	Hutchinson	Kansas.
08521	The University National Bank	Lawrence	Kansas.
04492	Mutual Savings Association, FSA	Leavenworth	Kansas.
04846	Citizens Savings and Loan Association, fsb	Leavenworth	Kansas.
13277	First State Bank	Norton	Kansas.
09670	First Option Bank	Osawatomie	Kansas.
14590	The Plains State Bank	Plains	Kansas.
10633	First National Bank of Syracuse	Syracuse	Kansas.
14521	The Bank of Tescott	Tescott	Kansas.
00670	Capitol Federal Savings Bank	Topeka	Kansas.
10532	Silver Lake Bank	Topeka	Kansas.
13030	Kendall State Bank	Valley Falls	Kansas.
14079	Bank of Commerce & Trust Company	Wellington	Kansas.
15556	Impact Bank	Wellington	Kansas.
13071	Western Heritage Credit Union	Alliance	Nebraska.
14700	Community Bank	Alma	Nebraska.
14675	Auburn State Bank	Auburn	Nebraska.
14596	Bruning State Bank	Bruning	Nebraska.
15723	Butte State Bank	Butte	Nebraska.
14677	South Central State Bank	Campbell	Nebraska.
12890	Clarkson Bank	Clarkson	Nebraska.
12519	Nebraska Energy Federal Credit Union	Columbus	Nebraska.
12419	American Interstate Bank	Elkhorn	Nebraska.
13036	Cedar Security Bank	Fordyce	Nebraska.
14871	Genoa Community Bank	Genoa	Nebraska.
12901	Arbor Bank	Nebraska City	Nebraska.
14977	Enterprise Bank, NA	Omaha	Nebraska.
13933	Points West Community Bank	Sidney	Nebraska.
14318	Anadarko Bank and Trust Company	Anadarko	Oklahoma.
14382	Community Bank	Bristow	Oklahoma.
15380	Chickasha Bank and Trust Company	Chickasha	Oklahoma.
15563	First Bank & Trust Company	Clinton	Oklahoma.
14577	American Bank of Oklahoma	Collinsville	Oklahoma.
10667	Citizens Bank of Edmond	Edmond	Oklahoma.
14537	Legacy Bank	Hinton	Oklahoma.
09403	High Plains Bank	Keyes	Oklahoma.
12091	City National Bank & Trust Company	Lawton	Oklahoma.
09532	Republic Bank & Trust	Norman	Oklahoma.
10925	Community National Bank of Okarche	Okarche	Oklahoma.
09550	First National Bank in Okeene	Okeene	Oklahoma.
11705	The Bankers Bank	Oklahoma City	Oklahoma.
12990	First National Bank of Oklahoma	Oklahoma City	Oklahoma.
09250	Lakeside State Bank	Oologah	Oklahoma.
10888	Triad Bank, N.A.	Tulsa	Oklahoma.

Federal Home Loan Bank of San Francisco—District 11

55191	First Credit Union	Chandler	Arizona.
55206	First Scottsdale Bank, N.A.	Scottsdale	Arizona.
15557	National Bank of California	Brentwood	California.
55189	Logix Federal Credit Union	Burbank	California.
07946	Pacific Premier Bank	Costa Mesa	California.
17676	SkyOne Federal Credit Union	Hawthorne	California.
55308	UNCLE Credit Union	Livermore	California.
15210	International City Bank	Long Beach	California.
52988	Pacific Life & Annuity Company	Newport Beach	California.
08804	Metropolitan Bank	Oakland	California.
07276	East West Bank	Pasadena	California.
14872	Community Bank	Pasadena	California.
55269	E-Central Credit Union	Pasadena	California.
12313	North Valley Bank	Redding	California.
17736	The Golden 1 Credit Union	Sacramento	California.
55292	State Compensation Insurance Fund	San Francisco	California.
06896	First Federal Savings & Loan Association of San Rafael	San Rafael	California.
07992	Summit State Bank	Santa Rosa	California.

13441	CTBC Bank	Torrance	California.
16196	First Financial Credit Union	West Covina	California.
Federal Home Loan Bank of Seattle—District 12			
14722	First Security Bank	Bozeman	Montana.
10928	Stockman Bank of Montana	Miles City	Montana.
09184	Pacific Continental Bank	Eugene	Oregon.
03773	First Federal Savings & Loan Association	McMinnville	Oregon.
14711	Albina Community Bank	Portland	Oregon.
09457	Home Savings Bank	Salt Lake City	Utah.
01625	Timberland Bank	Hoquiam	Washington.
01265	Raymond Federal Bank	Raymond	Washington.
02841	First Savings Bank Northwest	Renton	Washington.

II. Public Comments

To encourage the submission of public comments on the community support performance of Bank members, on or before August 26, 2014, each Bank will notify its Advisory Council, nonprofit housing developers, community groups and other interested parties in its district of the members of the Bank selected for this review cycle. 12 CFR 1290.2(b)(2)(ii). In reviewing a member for community support compliance, FHFA will consider any public comments it has received concerning the member. 12 CFR 1290.2(d). To ensure consideration by FHFA, comments concerning the community support performance of members selected for this review cycle must be submitted to FHFA, either by electronic mail to *hmgcommunitysupportprogram@fhfa.gov,* or by fax to 202–649–4130, on or before September 25, 2014.

Dated: August 6, 2014.

Melvin L. Watt,

Director, Federal Housing Finance Agency.

[FR Doc. 2014–18977 Filed 8–8–14; 8:45 am]

BILLING CODE 8070–01–P

GENERAL SERVICES ADMINISTRATION

[Notice: MVA–2014–01; Docket 2014–0002; Sequence 24]

Discontinuance of the Looseleaf Version of the General Services Administration Acquisition Manual (GSAM)

AGENCY: Office of Acquisition Policy, Office of Government-wide Policy, General Services Administration (GSA).

ACTION: Notice.

SUMMARY: As part of GSA's effort to increase efficiency and promote environmental sustainability, the Office of Government-wide Policy (OGP) has determined that it will no longer produce the looseleaf version of the General Services Administration Acquisition Manual (GSAM).

DATES: *Effective:* August 11, 2014.

FOR FURTHER INFORMATION CONTACT: For clarification of content, contact Mr. Nicholas West of the Office of Government-wide Policy at 703–605–2834.

SUPPLEMENTARY INFORMATION:

A. Background

Looseleaf pages of the GSAM were originally made available at a time when it was the only means to view a change to the regulation in comparison with the existing text until the publication of the next volume of Title 48 of the Code of Regulations (48 CFR, Chapter 5) on the following October 1. Patrons who maintained the regulations in looseleaf could purchase subscriptions from the Government Printing Office (GPO) and when any change to the GSAM occurred; they would be sent the new pages. At best, it could be weeks and even months before patrons would receive the latest changes. With the coming of new technology, GSA began producing these pages and sending them to patrons electronically.

Because of today's technologies, those who follow the GSAM can view and print the latest changes on the day the changes are published in the **Federal Register**. Through the years, GSA continued to produce the looseleaf pages for these changes although the need for them has become almost nonexistent. GSA has come to the conclusion that the time that it takes to produce the pages for information already available is not an efficient use of government resources and has decided to discontinue the production of the looseleaf versions of the GSAM immediately. In addition, printing updated pages for those maintaining looseleaf binders of the regulations will no longer be necessary, which supports environmental sustainability.

B. Procedures

The GSAM and related documents can be found at *gsa.gov/gsam.*

Dated: August 6, 2014.

Jeffrey Koses,

Senior Procurement Executive, Office of Acquisition Policy, Office of Government-wide Policy.

[FR Doc. 2014–18918 Filed 8–8–14; 8:45 am]

BILLING CODE 6820–61–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Justification for a Single Source Cooperative Agreement Award for the World Health Organization

AGENCY: Office of the Secretary, Department of Health and Human Services.

ACTION: Notice.

SUMMARY: A natural re-emergence of smallpox is not deemed possible, but if it were to occur as a result of a terrorist or deliberate event, it would be a potentially devastating threat to public health worldwide and would constitute a public health emergency of international concern (PHEIC) under the International Health Regulations (IHR) (2005). A case of smallpox detected by a member state requires notification to World Health Organization (WHO) as soon as possible, and any confirmed smallpox case would generate an immediate global public health response.

WHO must rely on fast and reliable laboratory diagnostic capacity worldwide to be able to identify a re-emergence of smallpox, particularly in countries where systemic orthopoxvirus infections such as monkeypox, vaccinia virus infection or cowpox, and other non-pox viral rash illnesses, such as chicken pox, may cause clinical diagnostic confusion.

Over the past 10 years, clinical virology laboratory diagnostics has been evolving and increasingly rely on

molecular techniques. This is also true with laboratory diagnoses of poxvirus infections. Precise and consistent identification of orthopoxviruses, in particular variola viruses, is now achievable using such molecular techniques as real-time Polymerase Chain Reaction (unlike earlier techniques that may have relied on direct virus isolation and identification).

Additionally, the U.S. Government supports the development of other medical products, including vaccines and drugs, for use within the U.S. upon verification of a smallpox case. The U.S. Government, through the Office of the Assistant Secretary for Preparedness and Response (ASPR), has successfully developed vaccine products, and is actively engaged in the development of several drug candidates for smallpox therapies which require access to the Variola virus to satisfy regulatory requirements for product approvals.

Period of Performance: September 30, 2014 to September 29, 2015.

FOR FURTHER INFORMATION CONTACT: The agency program contact is Julie Schafer, who can be contacted by phone at 202–205–1435or via email at *Julie.Schafer@hhs.gov.*

SUPPLEMENTARY INFORMATION: Pursuant to Sections 42 U.S.C. 241 and 247d–7e (Sections 301 and 319L of the Public Health Service Act); ASPR's Office of Biomedical Advanced Research and Development Authority (BARDA) is the program office for this award.

Justification: WHO is the only eligible applicant; it is the only organization that is allowed by international agreements to address the issues outlined in this proposal. WHO is the directing and coordinating authority for health within the United Nations system. It is responsible for providing leadership on global health matters, shaping the health research agenda, setting norms and standards, articulating evidence-based policy options, providing technical support to countries, and monitoring and assessing health trends. In the 21st century, health is a shared responsibility, involving equitable access to essential care and collective defense against transnational threats. States Parties to the U.N. have agreed to international standards on reporting public health incidents of concern under IHR (2005). Additionally, a majority of States Parties have also agreed to specific work-frames for pathogens such as smallpox under the Biological Weapons Convention.

Since May 1999, when the 52nd World Health Assembly (WHA) resolved to postpone the destruction of the Variola virus to allow for essential research (WHA 52.10), WHO has been charged with convening a group of experts to advise on the need for continuing such research, to review proposals for research involving viable Variola virus, to review the progress of such research, and to report to the WHA each year. The need to support the activities described in this project has not changed. In fact, WHO Member States continue to exert pressure for the WHO Secretariat to carry out this work.

The WHO Advisory Committee on Variola Virus Research (ACVVR) was established in 1999 to determine what essential research, if any, must be carried out with live Variola virus. The ACVVR monitored the research progress in order to reach global consensus on the timing for the destruction of existing Variola virus stocks. In 2007, the WHA requested the ACVVR undertake a thorough review of the approved research program with a report presented in 2010. The results were presented at the 64th WHA meeting in May of 2011. The ACVVR continues to serve a critically important function for global public health, and to oversee research requested specifically by the U.S. to complete its national strategic goals. This includes the development of new antiviral agents, safer vaccines, and better diagnostics, thus strengthening our national security.

Estimated amount of award: up to $662,500 USD.

HHS/ASPR/BARDA: $225,000
DOD: $250,000 (funds pending)
HHS/NIH/NIAID: $50,000
HHS/CDC: $87,500
HHS/OGA: $50,000

Procedures for Providing Public Input: All written comments must be received no later than 15 days after the posting of this announcement. Please submit comments via *asprgrants@hhs.gov.*

Date: August 4, 2014.

Nicole Lurie,

Assistant Secretary for Preparedness and Response.

[FR Doc. 2014–18836 Filed 8–8–14; 8:45 am]

BILLING CODE 4150–37–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–14–14AQA]

Proposed Data Collections Submitted for Public Comment and Recommendations

The Centers for Disease Control and Prevention (CDC), as part of its continuing effort to reduce public burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. To request more information on the below proposed project or to obtain a copy of the information collection plan and instruments, call 404–639–7570 or send comments to Leroy Richardson, 1600 Clifton Road, MS–D74, Atlanta, GA 30333 or send an email to *omb@cdc.gov.*

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget (OMB) approval. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information; and to transmit or otherwise disclose the information. Written comments should be received within 60 days of this notice.

Proposed Project

The Enhanced STD surveillance Network (eSSuN)—New—Division of STD Prevention (DSTDP), National Center for HIV/AIDS, Viral Hepatitis, STD, and TB prevention (NCHHSTP), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The Enhanced STD Surveillance Network (eSSuN) project is an active STD sentinel surveillance network comprised of 10 surveillance sites including Baltimore City Health Department, California Department of Public Health, Florida Department of Health, Massachusetts Department of Public Health, Minnesota Department of Health, Multnomah County Health Department, New York City Department of Health & Mental Hygiene, Philadelphia Department of Public Health, San Francisco Department of Public Health, and Washington State Department of Health.

The enhanced STD Surveillance Network is a sentinel surveillance initiative designed to collect longitudinal data of a magnitude sufficient to detect trends and changes over time in the clinical and demographic characteristics of persons presenting for care in STD and family planning/reproductive health clinical facilities and those being diagnosed and reported with gonorrhea in funded jurisdictions. Data collection activities will be ongoing and continuous and will take five years to complete to establish annual trends, allowing for accretion of a sufficient number of investigated cases or patient visits to detect statistically meaningful differences between population sub groups.

While routine STD surveillance activities are ongoing in all states and jurisdictions through the National Notifiable Disease Surveillance System, these data do not include the patient populations and specific clinical data elements and behavioral data proposed for collection in eSSuN. No other sources of information currently collected by, or available to, CDC answer the specific questions eSSuN is designed to answer.

A similar data collection infrastructure, the STD Surveillance Network (OMB No. 0920–0842), expires on September 30th, 2015. However, funding for this cooperative agreement ended in September 29th, 2013 and the protocols have been retired. The enhanced STD network is not a continuation of SSuN, instead, it is a new initiative to collect different kinds of data in different jurisdictions and to respond to different national objectives.

The objectives of the eSSuN Project are (1) provide a dataset of supplemental information on case reports of STDs of interest; (2) provide geographic information on case reports of STDs of interest for investigating social determinants of STDs; (3) monitor screening coverage for chlamydial infection among young women in sentinel clinical settings; (4) monitor STD screening, incidence, prevalence, epidemiologic and health care access trends in populations of interest such as men-who-have-sex-with men (MSM), young people and persons diagnosed with gonorrhea; (5) monitor STD treatment and prevention services practices; (6) monitor selected adverse health outcomes of STDs; (7) evaluate and enhance local and state STD surveillance capacity; (8) enhance local STD-specific health information technology and epidemiologic capacity, and, (9) establish a core of exemplary state, tribal, territorial, county and/or city health department STD surveillance programs employing innovative approaches to STD surveillance.

This project collects data using two surveillance strategies; (1) enhanced surveillance in participating STD and Family planning/reproductive health clinics and (2) enhanced gonorrhea surveillance on a random sample of persons diagnosed with gonorrhea in participating jurisdictions of these 10 local and state health departments.

For the clinic-based surveillance, participating sites have developed common protocols stipulating which data elements would be collected, including demographic, clinical, risk and sexual behaviors. The specified data elements are abstracted from existing electronic medical records for (1) all patient visits to participating STD clinics and (2) for all female patient visits aged 15–44 years of age to participating family planning/reproductive health clinics. Data are de-identified and recoded by health departments and then are transmitted to CDC through secure file transport mechanisms on an every two month basis. Each eSSuN site will spend 16 hours to transmit the data to CDC every two months. At CDC, data will be aggregated with data from all participating sites in a common language and formatted for analysis.

For the population-based surveillance, a random sample of individuals reported with gonorrhea residing within participating jurisdictions are interviewed using locally designed interview templates.

Enhanced data collection includes detailed information on demographic characteristics, behavioral risk factors and clinical history of persons with gonorrhea. Each of the 10 sites will interview a minimum of 250 persons or 2.5% of total morbidity if annual GC cases exceed 10,000 cases and each interview is expected to take about 10 minutes per person. Data for the population-based component will be collected through telephone-administered or in-person interviews conducted by trained interviewers in the 10 eSSuN sites.

The survey results will be entered into the existing information systems at each health department and sent to CDC through secure file transport mechanisms on an every two month basis.

This information is being collected to (1) enhance and improve STD surveillance data, (2) inform a more comprehensive understanding of tends and determinants of STDs of interest, (3) monitor public health program impact and (4) provide a more robust evidence base for directing public health action in the US.

Participation is voluntary. There is no cost to the respondents other than their time.

ESTIMATE OF ANNUALIZED BURDEN

Type of respondent	Form name	Number of respondents	Number of responses per respondent	Average burden per response (hours)	Total burden hours
Data manager at clinic (Electronic transmittal of clinical variables in clinic databases).	Record Abstraction	33	6	3	594
Data manager at each of the 10 local/state health department.	Record Abstraction	10	12	16	1920
Gonorrhea cases sampled	Telephone/in-person interview.	3,225	1	10/60	538
Total	.....	.....	.....	.....	3,050

LeRoy Richardson,

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2014–18845 Filed 8–8–14; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–14–14ARJ]

Proposed Data Collections Submitted for Public Comment and Recommendations

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Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget (OMB) approval. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information; and to transmit or otherwise disclose the information. Written comments should be received within 60 days of this notice.

Proposed Project

Clinic Context Matters Study–New–National Center for HIV/AIDS, Viral Hepatitis, STD, and TB Prevention (NCHHSTP), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The daily use of specific antiretroviral medications by persons without HIV infection, but at high risk of sexual or injection exposure to HIV, has been shown to be a safe and effective HIV prevention method. The Food and Drug Administration approved the use of Truvada® for preexposure prophylaxis (PrEP) in July 2012 and CDC has issued Public Health Service clinical practice guidelines for its use. Because approximately 50,000 new HIV infections continue to occur each year, with rates of HIV infection increasing most rapidly for young MSM and because severe disparities in HIV infection continue among African-American men and women, incorporation of PrEP into HIV prevention is important. However, as a prevention tool in very early stages of introduction and use, there is much we need to learn about how to implement PrEP in a real-world setting.

CDC is requesting OMB approval to collect data over a 3-year period that will be used to conduct research among clinicians about their knowledge, attitudes, and practices related to a new intervention (PrEP) over the period of its initial introduction in their clinics. The knowledge gained will be used to refine measurement instruments and methods (for example, identify modifications to questions in the current surveys that are unclear to participants), develop training and educational resources and tools for use by CDC/DHAP (Division of HIV/AIDS Prevention)-funded partners, and other organizations supporting delivery of PrEP in clinical settings.

The project will be conducted in clinics in each of four cities (Houston, Newark, Chicago, and Philadelphia) where PrEP has recently become available through a local community health center.

Once per year for 3 years, CDC will conduct an online survey of clinicians at participating clinics to collect data on the demographics of the respondents and their knowledge, attitudes, practices, and organizational factors related to PrEP and its delivery in their clinics. Surveys will be administered through an online survey Web site.

There are no costs to respondents other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Form name	Number of respondents	Number of responses per respondent	Average hours per response	Total response burden hours)
Clinician	Clinician Consent and Interview	175	1	30/60	88
Total					88

Leroy Richardson,

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2014–18940 Filed 8–8–14; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–14–0004]

Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The notice for the proposed information collection is published to obtain comments from the public and affected agencies.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address any of the following: (a) 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; (b) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) Enhance the quality, utility, and clarity of the information to be collected; (d) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses; and (e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639–7570 or send an email to *omb@cdc.gov.* Written comments and/or suggestions regarding the items contained in this notice should be directed to the Attention: CDC Desk Officer, Office of Management and Budget, Washington, DC 20503 or by fax to (202) 395–5806. Written comments should be received within 30 days of this notice.

Proposed Project

National Disease Surveillance Program—II. Disease Summaries (OMB No. 0920–0004, Expires 8/31/2014)—Revision—National Center for Immunization and Respiratory Diseases, Centers for Disease Control and Prevention (CDC).

Background and Brief Description

Surveillance of the incidence and distribution of disease has been an important function of the U.S. Public Health Service (PHS) since 1878. Through the years, PHS/CDC has formulated practical methods of disease control through field investigations. The CDC National Disease Surveillance Program is based on the premise that diseases cannot be diagnosed, prevented, or controlled until existing knowledge is expanded and new ideas developed and implemented. Over the years, the mandate of CDC has broadened to include preventive health activities and the surveillance systems maintained have expanded.

Data on disease and preventable conditions are collected in accordance with jointly approved plans by CDC and the Council of State and Territorial Epidemiologists (CSTE). Changes in the surveillance program and in reporting methods are effected in the same manner. At the beginning of this surveillance program in 1968, CSTE and CDC decided which diseases warranted surveillance. These diseases are reviewed and revised based on variations in the public's health. Surveillance forms are distributed to State and local health department staff, who voluntarily submit these reports to CDC on variable frequencies—weekly, monthly, or quarterly. CDC then calculates and publishes weekly statistics via the *Morbidity and Mortality Weekly Report* (MMWR), providing the states with timely aggregates of their submissions.

The following diseases/conditions are included in this program: Influenza Virus, Caliciviruses, Respiratory and Enteric Viruses, Foodborne Outbreaks, Waterborne Outbreaks, and Enteroviruses. These data are essential on the local, state, and Federal levels for measuring trends in diseases, evaluating the effectiveness of current prevention strategies, and determining the need for modifying current prevention measures.

This request is for revision of the currently approved data collection for three years. The revisions include shifting information collection management responsibilities from the National Center for Emerging and Zoonotic Infectious Diseases (NCEZID) to the National Center for Immunization and Respiratory Diseases (NCIRD) and consolidating various forms to reflect more current technology trends. In addition, to gauge the potential threat to human health, a new Middle East Respiratory Syndrome Coronavirus (MERS-CoV) patient investigation data collection form has been added. A new Adenovirus Typing Report form is also included and will allow for a passive surveillance mechanism which will enhance the adenovirus circulation data that's already collected by the National Respiratory and Enteric Virus Surveillance System (NREVSS). Furthermore, minor changes have been made to the forms related to Human Infection with Novel Influenza A Virus. The Harmful Algal Bloom-related Illness forms are being discontinued.

The methodology for reporting varies depending on the occurrence, modes of transmission, infectious agents, and epidemiologic measures.

There is no cost to respondents other than their time.

The total estimated annual burden hours are 31,836.

ESTIMATE OF ANNUALIZED BURDEN HOURS

Type of respondents—state epidemiologists	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
Form Name			
Foodborne Disease Transmission_Person to Person_Animal Contact CDC 52.13	54	32	20/60
WHO Collaborating Center for Influenza: Influenza Virus Surveillance (Internet; year round) (CDC 55.31)	35	52	10/60
U.S. WHO Collaborating Laboratories Influenza Testing Methods Assessment	87	1	10/60
US Outpatient Influenza-like Illness Surveillance Network (ILINet) Weekly (CDC 55.20)	1,800	52	10/60
US Outpatient Influenza-like Illness Surveillance Network (ILINet) Daily ILINet, Reports of Influenza-Like Illness (ILI)	75	365	10/60
Influenza-Associated Pediatric Mortality Case Report Form	57	2	30/60

ESTIMATE OF ANNUALIZED BURDEN HOURS—Continued

Type of respondents—state epidemiologists	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
Human Infection with Novel Influenza A Virus Case Report Form	57	6	30/60
Human Infection with Novel Influenza A Virus with Suspected Avian Source	57	1	30/60
Human Infection with Novel Influenza A Virus Severe Outcomes	57	1	1.5/60
Novel Influenza A Virus Infection Contact Tracing Form	57	1	30/60
Novel Influenza A Virus Case Status Summary	57	1	15/60
Novel Influenza A Virus Case Screening Form	57	1	15/60
122 CMRS—City health officers or vital statistics registrars Daily Mortality Report	58	365	12/60
122 CMRS—City health officers or vital statistics registrars Weekly Mortality Report	122	52	12/60
Aggregate Hospitalization and Death Reporting Activity Weekly Report Form	56	52	10/60
Antiviral Resistant Influenza Infection Case Report Form	57	3	30/60
National Respiratory & Enteric Virus Surveillance System (NREVSS) (CDC 55.83 Lab Assessment Form, 55.83A, B, D) (electronic)	300	52	15/60
National Enterovirus Surveillance Report: (CDC 55.9) (electronic)	25	12	15/60
Adenovirus Typing Report Form	25	12	15/60
Middle East Respiratory Syndrome Coronavirus (MERS) Patient Under Investigation (PUI) Form	57	3	25/60
Form for Submitting Specimens From Suspected Norovirus Outbreaks	20	5	15/60
Waterborne Disease Transmission CDC 52.12	57	1	20/60
Influenza Virus (Electronic, Year Round), PHLIP_HL7 messaging Data Elements	49	52	5/60
-Influenza virus (electronic, year round) (PHIN–MS)	3	52	5/60

Leroy Richardson,

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2014–18844 Filed 8–8–14; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–14–0910]

Proposed Data Collections Submitted for Public Comment and Recommendations

The Centers for Disease Control and Prevention (CDC), as part of its continuing effort to reduce public burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. To request more information on the below proposed project or to obtain a copy of the information collection plan and instruments, call 404–639–7570 or send comments to Leroy Richardson, 1600 Clifton Road, MS–D74, Atlanta, GA 30333 or send an email to *omb@cdc.gov.*

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget (OMB) approval. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information; and to transmit or otherwise disclose the information. Written comments should be received within 60 days of this notice.

Proposed Project

Message Testing for Tobacco Communication Activities (OMB No. 0920–0910, exp. 1/31/2015)—Revision—National Center for Chronic Disease Prevention and Health Promotion (NCCDPHP), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

In 2012, CDC's Office on Smoking and Health obtained OMB approval of a generic clearance that established a unified information collection framework for the development of tobacco-related health messages, including messages related to CDC's ACA-funded tobacco education campaign (Message Testing for Tobacco Communication Activities (MTTCA), OMB No. 0920–0910, exp. 1/31/2015).

The MTTCA clearance was initially approved with the following estimates: 14,974 annualized responses and 5,775 annualized burden hours. On January 2, 2014, CDC obtained OMB approval to increase the capacity of the MTTCA clearance to 36,847 annualized responses and 7,219 burden hours.

CDC has employed the MTTCA clearance to collect information about adult smokers' and nonsmokers' attitudes and perceptions, and to pre-test draft messages and materials for clarity, salience, appeal, and persuasiveness. A variety of information collection strategies are supported through this mechanism, including in-depth interviews, in-person focus groups, online focus groups, computer-assisted, in-person, or telephone interviews, and online surveys. CDC requests OMB approval for each data collection by submitting a project-

specific request that describes project purpose, use, and methodology.

CDC plans to request OMB approval to extend the MTTCA clearance, with changes, for three years. The Revision information collection request (ICR) will propose further increases in the annualized estimated number of respondents and the annualized estimated burden hours. These increases are needed to support CDC's planned information collections and to accommodate additional needs that CDC may identify during the next three years. For example, the MTTCA generic clearance may be used to facilitate the development of tobacco-related health communications of interest for CDC's collaborative efforts with other federal partners including, but not limited to, the Food and Drug Administration (FDA), the Substance Abuse and Mental Health Services Administration (SAMHSA), the National Institutes of Health (NIH), and the National Cancer Institute (NCI). At this time the MTTCA clearance is expected to be sufficient to test tobacco related messages developed by CDC. However, the MTTCA clearance should not replace the need for additional generic clearance mechanisms HHS and other federal partners may need to test tobacco messages related to their campaigns and initiatives.

CDC's revised MTTCA clearance will also describe expansion of the target audience(s) that may be involved in message testing, such as youth ages 13–17 years. The 2014 Surgeon General's Report concluded that there is already sufficient evidence to caution youth against the use of electronic cigarettes. Tobacco and electronic cigarette advertising and promotional activities can prompt smoking initiation, especially among youth. Recent studies have found that 90.7% of middle school students and 92.9% of high school students have been exposed to pro-tobacco advertisements in stores, magazines and on the internet. Media campaigns have been shown to be effective as part of a comprehensive tobacco control program to decrease the initiation of tobacco use among youths and young adults. A coordinated series of health message testing activities will be required to support future development of effective, audience-specific and channel-specific messages for CDC's ACA-funded campaign.

Finally, there may be a need to test prevention and cessation messages related to products that are not currently regulated, including non-combustible tobacco products (electronic nicotine delivery systems such as electronic cigarettes or e-cigarettes) and some combustible products (such as cigars/little cigars and cigarillos). In the event that the FDA receives authority to regulate these products and decides to do a campaign about them, CDC will work closely with FDA to avoid duplication. Additionally, CDC will share with FDA the findings from any formative work related to the youth audience.

CDC will continue to use the MTTCA clearance to develop and test messages and materials for current and future phases of the ACA-funded media campaign, OSH's ongoing programmatic initiatives including, but not limited to, the Media Campaign Resource Center, reports from the Office of the Surgeon General, and other communication efforts and materials. Participation is voluntary and there are no costs to respondents other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden (in hours)
General Public and Special Populations.	Screening and Recruitment	20,000	1	2/60	667
	In-depth Interviews (In Person, telephone, etc.)	96	1	1	96
	Focus Groups (In Person)	160	1	1.5	240
	Focus Groups (Online)	120	1	1	120
	Short Surveys/information needed to screen individuals being considered for inclusion in campaign ads (Online, Bulletin Board, etc.).	9,800	1	10/60	1,633
	Medium Surveys (Online)	9,940	1	25/60	4,142
	In-depth Surveys (Online)	4,100	1	1	4,100
Total		44,216			10,998

Leroy Richardson,

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2014–18902 Filed 8–8–14; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS–3300–NC]

RIN 0938–ZB15

Medicare Program; Evaluation Criteria and Standards for Quality Improvement Networks Quality Improvement Program Contracts [Base and Task Order(s)]

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Notice with comment period.

SUMMARY: This notice with comment period describes the general criteria we intend to use to evaluate the effectiveness and efficiency of the Quality Innovation Network (QIN) Quality Improvement Organizations (QIOs) that will enter into contracts with CMS under the Quality Innovation Network Quality Improvement Organizations (Solicitation Number: HHSM–500–2014–RFP–QIN–QIO) Statement of Work (SOW) on August 1, 2014. The evaluation of a QIN–QIO's performance related to their SOW will be based on evaluation criteria specified for the tasks and subtasks set forth in

Sections C.5, G.22 and G.29 of the QIN–QIO Base Contract and Attachment J–1(b) of the Base Contract; Attachment J–1 is QIN–QIO Task Order No. 001.

DATES: *Effective Date:* August 1, 2014 to July 31, 2019 for the QIN–QIO contract.

Comment Date: To be assured consideration, comments must be received at one of the addresses provided below, no later than 5 p.m. on September 10, 2014.

ADDRESSES: In commenting, refer to file code CMS–3300–NC. Because of staff and resource limitations, we cannot accept comments by facsimile (FAX) transmission.

You may submit comments in one of four ways (please choose only one of the ways listed):

1. *Electronically.* You may submit electronic comments on this regulation to *http://www.regulations.gov.* Follow the ''Submit a comment'' instructions.

2. *By regular mail.* You may mail written comments to the following address only:

Centers for Medicare & Medicaid Services,
Department of Health and Human Services,
Attention: CMS–3300–NC,
P.O. Box 8010,
Baltimore, MD 21244–1850.

Please allow sufficient time for mailed comments to be received before the close of the comment period.

3. *By express or overnight mail.* You may send written comments to the following address only:

Centers for Medicare & Medicaid Services,
Department of Health and Human Services,
Attention: CMS–3300–NC,
Mail Stop C4–26–05,
7500 Security Boulevard,
Baltimore, MD 21244–1850.

4. *By hand or courier.* Alternatively, you may deliver (by hand or courier) your written comments only to the following addresses:

a. For delivery in Washington, DC—
Centers for Medicare & Medicaid Services,
Department of Health and Human Services,
Room 445–G, Hubert H. Humphrey Building,
200 Independence Avenue SW.,
Washington, DC 20201

(Because access to the interior of the Hubert H. Humphrey Building is not readily available to persons without Federal government identification, commenters are encouraged to leave their comments in the CMS drop slots located in the main lobby of the building. A stamp-in clock is available for persons wishing to retain a proof of filing by stamping in and retaining an extra copy of the comments being filed.)

b. For delivery in Baltimore, MD—
Centers for Medicare & Medicaid Services,
Department of Health and Human Services,
7500 Security Boulevard,
Baltimore, MD 21244–1850.

If you intend to deliver your comments to the Baltimore address, call telephone number (410) 786–9994 in advance to schedule your arrival with one of our staff members. Comments erroneously mailed to the addresses indicated as appropriate for hand or courier delivery may be delayed and received after the comment period.

FOR FURTHER INFORMATION CONTACT: Alfreda Staton, (410) 786–4194.

SUPPLEMENTARY INFORMATION:

Inspection of Public Comments: All comments received before the close of the comment period are available for viewing by the public, including any personally identifiable or confidential business information that is included in a comment. We post all comments received before the close of the comment period on the following Web site as soon as possible after they have been received: *http://www.regulations.gov.* Follow the search instructions on that Web site to view public comments.

Comments received timely will also be available for public inspection as they are received, generally beginning approximately 3 weeks after publication of a document, at the headquarters of the Centers for Medicare & Medicaid Services, 7500 Security Boulevard, Baltimore, Maryland 21244, Monday through Friday of each week from 8:30 a.m. to 4 p.m. To schedule an appointment to view public comments, phone 1–800–743–3951.

I. Background

Section 1153(h)(2) of the Social Security Act (the Act) requires the Secretary of the Department of Health and Human Services (the Secretary) to publish in the **Federal Register** the general criteria and standards that will be used to evaluate the effective and efficient performance of contract obligations by the Quality Improvement Organizations (QIOs), and to provide the opportunity for public comment with respect to these criteria and standards. This notice describes the general criteria that will be used to evaluate performance of the Quality Innovation Network (QIN)—QIOs under the QIN–QIO 11th Statement of Work (SOW) contract beginning August 1, 2014.

II. Provisions of the Notice With Comment Period

The QIN–QIO contract supports our efforts to improve health and healthcare for all Medicare beneficiaries, including those who are eligible for both the Medicare and Medicaid programs, and promote quality of care to ensure the right care at the right time, every time. The QIN–QIO SOW is structured so that QIN–QIOs perform under the base contract and task orders. Task Order 001 outlines several tasks for the QIN–QIOs as well as a mechanism for the proposal and adoption of additional tasks known as ''Special Innovation Projects'' (SIPs). Specifically, SIPs are initiatives, efforts, and programs rooted in the QIN–QIO area. SIPs are recommended to the Centers for Medicare & Medicaid Services (CMS), through the QIN–QIO, by community advocates, organizers, and groups engaged with local health issues. The SIP is intended to either address a health issue the community finds acute but is less visible to high-level federal analytics or to respond to health issues, local or national, that are discovered during the course of the contract. In addition to the SIPs, QIOs are responsible for completing the requirements for the following Tasks as part of Task Order 001:

- Improving Cardiac Health and Reducing Cardiac Healthcare Disparities;
- Reducing Disparities in Diabetes Care;
- Improving Prevention Coordination through Meaningful Use of Health Information Technology (HIT) and Collaborating with Regional Extension Centers (RECs);
- Reducing Healthcare-Associated Infections in Hospitals;
- Reducing Healthcare-Acquired Conditions in Nursing Homes;
- Improving Coordination of Care;
- Quality Improvement through Value-Based Payment, Quality Reporting, and the Physician Feedback Reporting Program; and
- Quality Improvement Initiatives.

(Detailed information for each Task may be found in sections B.1 through E.1 in Attachment J.1 posted on December 5, 2013 of Solicitation Number: HHSM–500–2014–RFP–QIN–QIO, posted at the *http://www.fedbizopps.gov* Web site: *https://www.fbo.gov/index?s=opportunity&mode=form&id=dff522bababb 6b9859bb783 c08db6074.*) References in this Notice to ''Attachments'' are to attachments of the RFP and SOW.

QIN–QIO Tasks

Improving Cardiac Health and Reducing Cardiac Healthcare Disparities (See Section B.1 of Attachment J.1, QIN–QIO Task Order No. 001)

The purpose of this task is for the QIN–QIOs to work with providers and beneficiaries in collaboration with key partners and stakeholders, including RECs, to implement evidence-based practices to improve cardiovascular health, reduce cardiovascular healthcare disparities, and support the Department of Health and Human Services' Million Hearts® initiative's goal to prevent one million heart attacks and strokes. The Million Hearts® Web site is found at *www.millionhearts.hhs.gov.* While the QIN–QIO's work targets Medicare beneficiaries of all races and ethnicities, the QIN–QIO shall also propose the number of clinicians, practitioners, and providers, (as defined in section 1861(u) of the Act (42 U.S.C. 1395)), it will recruit to voluntarily participate in this initiative. Focus will be on those clinicians and provider that provide healthcare services to African American, Hispanic, and other racial and ethnic minority Medicare beneficiaries. Goals and targets will be monitored for improvement in promoting the use of Aspirin therapy when appropriate; Blood pressure (BP) control; Cholesterol management; and Smoking assessment and cessation (ABCS).

Reducing Disparities in Diabetes Care: Everyone With Diabetes Counts (EDC) (See Section B.2 in Attachment J.1, QIN–QIO Task Order No. 001)

The purpose of this Task is to improve the quality of the lives for persons with diabetes, and to prevent or lessen the severity of complications resulting from diabetes. The QIN–QIOs will promote diabetes self-management education (DSME) for empowering Medicare beneficiaries with diabetes to take an active role in controlling their disease and improve clinical outcomes. The QIN–QIOs will work with healthcare providers, practitioners, certified diabetes educators, and community health workers to cultivate the knowledge and skills necessary to improve the quality of the lives for persons with diabetes. The QIN–QIOs will also work with stakeholders on preventing or lessening the severity of complications resulting from diabetes such as kidney failure, amputations, loss of vision, heart failure, and stroke.

Improving Prevention Coordination Through Meaningful Use of HIT and Collaborating With Regional Extension Centers (See Section B.4 in Attachment J.1, QIN–QIO Task Order No. 001)

The purpose of this Task is to support physician and other clinician practices to improve care and outcomes for their population of patients through meaningful use of interoperable health IT in collaboration with RECs. The QIN–QIOs will collaborate with RECs to improve the quality of care and transitions in care through interoperable health IT in connection with the Medicare program. The QIN–QIOs will provide targeted technical assistance to Eligible Professionals (EP), Eligible Hospitals (EH) and Critical Access Hospitals (CAH) that are most challenged to successfully meet the requirements of the Medicare Electronic Health Record (EHR) Incentive Programs and utilizing EHR functionality for quality improvement.

Reducing Healthcare-Associated Infections in Hospitals (See Section C.1 in Attachment J.1 of the QIN–QIO Task Order)

The purpose of this Task is to improve beneficiary safety by reducing the incidence of patient harm in the areas of healthcare-associated infections (HAIs) in hospital settings. The QIN–QIO will use evidence-based strategies and data to decrease and prevent HAIs in the hospital setting to improve patient care. The QIO will work to decrease Central Line-Associated Bloodstream Infection (CLABSI), Catheter-Associated Urinary Tract Infection (CAUTI) and Clostridium Difficile Infection (CDI) Standardized Infection Ratios (SIRs) and improve Urinary Catheter Utilization in hospital acute care settings for Medicare beneficiaries.

Reducing Healthcare-Acquired Conditions in Nursing Homes (See Section C.2 in Attachment J.1, QIN–QIO Task Order No. 001)

The purpose of this Task is to improve beneficiary safety by reducing the incidence of healthcare-acquired conditions in nursing home provider settings. The QIN–QIO will improve the quality of care for Medicare beneficiaries in Nursing Homes by achieving improvement in the Collaborative Quality Measure Composite Score composed of 13 NQF-endorsed quality of care measures as listed in Attachment J.1—Task Order 001, Task C.2. Appendix 4; decrease the percentage of residents who received antipsychotic medications; and improve mobility of long-stay residents. The QIN–QIO will work to support the creation of National Nursing Home Quality Care Collaboratives (NNHQCC) to ''instill quality and performance improvement practices, eliminate healthcare acquired conditions, and improve resident satisfaction.'' The QIN–QIO will work with participating nursing homes, beneficiaries, beneficiary family members and/or beneficiary advocates/representatives, and in collaboration with key partners and stakeholders to accomplish these objectives.

Coordination of Care (See Section C.3 in Attachment J.1,QIN–QIO Task Order No. 001)

The purpose of this Task is to improve hospital admission and/or readmission rates, and adverse drug event rates by improving effective communication and the continuity and coordination of patient care using methods such as interoperable health IT. The QIN–QIO will improve the quality of care for Medicare beneficiaries who transition among care settings including home through a comprehensive community effort. These efforts aim to reduce readmissions following hospitalization and to yield sustainable and replicable strategies to achieve high-value health care, particularly for chronically ill and disabled Medicare beneficiaries. The QIN–QIOs will support the development of community coalitions for improving communication and the coordination of clinical decisions.

Quality Improvement Through Value-Based Payment, Quality Reporting, and the Physician Feedback Reporting Program (See Section D.1 in Attachment J.1, QIN–QIO Task Order No. 001)

The purpose of this Task is to improve quality care to beneficiaries in physician settings by supporting provider use of and participation in the CMS physician value modifier program and coordinating community driven projects that advance efforts to achieve better care at lower costs. The QIN–QIOs will improve healthcare by identifying gaps and opportunities for improvement in quality, efficiency, and care coordination. The QIOs shall be called upon to assist hospitals, PPS-exempt Cancer Hospitals (PCHs), Inpatient Psychiatric Facilities (IPFs), Ambulatory Surgical Centers (ASCs) and physicians (as defined in section 1861(r) of the Act) in improving the quality and efficiency of care through outreach and education about CMS' hospital and physician value based payment programs, quality reporting

programs, Physician Feedback Reporting Program, and the use of the quality and cost measure information contained in the confidential quality and resource use reports.

QIN–QIO-Proposed Projects That Advance Efforts for Better Care at Lower Cost (See Section D.2 in Attachment J.1, QIN–QIO Task Order No. 001)

We will use SIPs to support QIN–QIOs in their respective services areas to work with communities to improve healthcare quality and efficiencies. Specifically, SIPs are initiatives, efforts, and programs rooted in the QIN–QIO area. SIPs are recommended to us, through the QIN–QIO, by community advocates, organizers, and groups engaged with local health issues. The SIP is intended to address health issues that the community finds acute but is less visible at a national-level. Evaluation criteria and standards will be developed for each SIP.

Quality Improvement Initiatives (See Section E.1 in Attachment J.1, QIN–QIO Task Order No. 001)

The purpose of this Task is to improve the quality of health care for Medicare beneficiaries by providing technical assistance to providers and practitioners. The QIN–QIO will improve healthcare quality by assisting providers and/or practitioners in identifying the root cause of a concern, developing a framework in which to address the concern, and improving a process or system based on their analyses. A Quality Improvement Initiative (QII) is any formal activity designed to serve as a catalyst and support for quality improvement that uses proven methodologies to achieve these improvements. The improvements may relate to safety, healthcare, health and value and involve providers, practitioners, beneficiaries, and/or communities. A QII may consist of system-wide and/or non-system-wide changes and may be based on a single, confirmed concern or multiple confirmed concerns. Additionally, the QIN–QIO will collaborate with the Beneficiary and Family Centered Care-QIO to improve Beneficiary (''Patient'') and Family Engagement in healthcare quality improvement efforts and actively supporting projects aimed at shared decision-making with beneficiaries, families, and caregivers and families. QIIs may also be based upon or responsive to referrals made by other contractors in the QIO Program.

III. Evaluation of the Tasks

The QIN–QIO's performance will be evaluated based on achievement associated with the Tasks in each awarded Task Order and as described in Sections C.5, G.22 and G.29 of the QIN–QIO Base Contract and the QIN–QIO Statement of Work (including Attachments J.1 and other Attachments for measures and targets).

If a QIN–QIO is not tasked to work on a specific Task or an area under a Task, the QIN–QIO will not be evaluated under that particular area. Any Special Innovation Project that the QIN–QIO may carry out will be evaluated separately and will not be considered in the overall performance evaluation criteria.

We will conduct monitoring activities throughout the course of the contract and will act upon findings as necessary. We will monitor, at least quarterly, the QIN–QIO's performance relative to contract requirements and targets as well as milestones and progress toward successfully implementing plans and programs for each of the individual states/territories of the QIN–QIO's service area, as well as the aggregate, in the Task Award.

Information used for these monitoring purposes includes but is not limited to:

- Deliverables submitted by the QIN–QIO to CMS in accordance with the Schedule of Deliverables;
- Data for measures indicated in Attachment J.1(b);
- Data from the QIN–QIO's Continuous Internal Quality Improvement Program;
- Other data submitted by QIN–QIOs as required by CMS;
- Additional information gathered by email, telephone, video, or in-person visits.

Plans and programs against which progress will be monitored include but are not limited to:

PLAN & PROGRAM MONITORING

Base contract or task order 001	Section(s)	Brief description
Base Contract	C.6.1.1	Comprehensive Strategic Plan.
Task Order 001	A.1.1	Comprehensive Strategic Plan.
Base Contract	C.6.1.2	Integrated Communications Plan.
Task Order 001	A.1.3	Integrated Communications Plan.
Base Contract	C.6.1.3	Task Order Work Plan.
Base Contract	C.6.4.2	Recruitment.
Base Contract	C.6.4.3	Provider and Practitioner Recruitment.
Base Contract	C.6.4.4	Beneficiary (''Patient'') and Family Engagement.
Base Contract	C.6.4.5	Partner and Stakeholder Recruitment and Collaboration.
Base Contract	C.6.4.6	Sustainability Plan.
Task Order 001	A.1.2	Management Plan.
Task Order 001	A.1.6	Continuous Internal Quality Improvement Program.
All Task Orders from Task 001 forward	All Sections	Task Order 001, Excellence in Operations and Quality Improvement and all subsequent Task Orders as specified.

QIN–QIOs shall cooperate with the Contracting Officer Representative (COR) on all our monitoring processes and address any concerns identified by the COR. We will take appropriate contract action (for example, providing warning for the need for adjustment, instituting a formal correction plan, terminating an activity, or recommending early termination of a contract because of failure to meet contract timelines or performance as specified in the contract). This means that the QIO shall comply with the Base Contract, all Task Orders, Schedules of Deliverables, Evaluation Measures Tables, and any subsequent modifications (including HCQIS Memorandums) issued by CMS.

Additionally, there will be multiple periods of evaluation under this contract. The first evaluation will occur at the end of the 12th month of the contract. Subsequent evaluations will

occur at the end of the 24, 36, 48 and 54th months of the contract. The evaluations will be based on the most recent data available to us. The performance results of the evaluation at each evaluation period (that is, 12, 24, 36, 48 and 54th months) will be used, in addition to ongoing monitoring activities, to determine the QIO's performance on the overall contract.

Annual and 54th Month Evaluation

Annual and the 54th month contract evaluation will determine if the QIN–QIO has met the performance evaluation criteria as specified in the Task areas of the Base Contract. The annual and 54th month evaluation criteria are found in Section J, Attachment J.1(b), Evaluation Measures Table of the QIN–QIO SOW. Attachment J.1(b) includes the following measures, by Task:

- B.1. Improving Cardiac Health
  - Percentage of patients whose blood pressure was adequately controlled.
  - Percentage of patients who are screened about tobacco use at least one time within 24 months.
  - Percentage of patients identified as tobacco users who are provided with cessation counseling intervention.
- B.2. Everyone with Diabetes Counts
  - Percentage of clinical outcome data for Medicare beneficiaries who complete DSME classes through EDC. Clinical outcomes are: HbA1c, Lipids, Eye Exam, Blood Pressure and Weight.
  - Percentage of physician practices recruited to participate in EDC.
  - Percentage of New Beneficiaries Completing DSME.
- B.3. (Reserved)
- B.4. Meaningful Use of HIT and Collaborating With RECs
  - Percentage of recruited EPs, EHs and CAHs using certified EHR technology (CEHRT) with signed agreements within each state or territory.
  - Percentage of recruited EPs, EHs and CAHs using CEHRT receiving technical assistance within each state or territory.
  - Percentage of recruited practitioners/providers attending QIO's educational sessions and the Learning and Action Network.
  - Percentage of recruited EPs, EHs and CAHs that received Technical Assistance (TA) that meet EHR Incentive Programs clinical quality measures reporting requirements post TA within each state or territory.
  - Percentage of recruited practitioners/providers working to establish an electronic connection with beneficiaries/family representative.
- C.1. Reducing Healthcare-Acquired Infections (HAIs) in Hospitals
  - CLABSI Standardized Infection Ratio.
  - CAUTI Standardized Infection Ratio.
  - Urinary Catheter Utilization Rate.
  - CDI Standardized Infection Rate.
  - Recruitment of non-ICU and ICU units in acute care facilities to participate in HAI projects.
- C.2. Reducing Healthcare-Acquired Conditions in Nursing Homes
  - Rate of reduction in percentage of residents who received antipsychotic medications.
  - Percentage of long-stay residents with improved mobility.
  - Percentage of One-Star Category Target Number recruited for Collaborative I.
  - Sum of Percentages of One-Star Category Target Number recruited for Collaboratives I and II.
  - Percentage of Recruitment Target Number recruited for Collaborative I.
  - Sum of percentages of Recruitment Target Number recruited for Collaboratives I and II.
  - NNHQCC Quality Composite Measure Score.
- C.3. Coordination of Care
  - Percentage of interventions implemented (for a minimum of 6 months) that show improvement (for a minimum of 5 interventions across the region annually).
  - Percentage of 30-day readmissions per 1,000 Fee-for-Service (FFS) beneficiaries in region-wide coalition.
  - Percentage of admissions per 1,000 FFS beneficiaries in region-wide coalition.
  - Percentage of region-wide readmissions per 1,000 FFS beneficiaries.
  - Percentage of adverse drug events per 1,000 screened beneficiaries.
  - Increased community tenure in region-wide coalition. ''Community tenure'' is defined as the number of days beneficiaries spend in their home setting.
- D.1. Quality Improvement through Physician Value-Based Modifiers
  - Percentage of eligible physicians/physician groups attending QIO-convened forums related to the Value Modifier (VM) Program.
  - Percentage of eligible physicians/physician groups that demonstrate improvement in quality-of-care measures (per Quality and Resource Use Reports) after receiving TA from QIOs.
  - Percentage of eligible ASCs that demonstrate improvement in quality-of-care measures (per Ambulatory Surgical Center Quality Reporting) after receiving TA from QIOs.
  - Percentage of eligible IPFs that demonstrate improvement in quality-of-care measures (per Inpatient Psychiatric Facility Quality Reporting) after receiving TA from QIOs.
  - Percentage of eligible CAHs that demonstrate improvement in quality-of-care measures (per Inpatient Quality Reporting or Outpatient Quality Reporting (OQR)) after receiving TA from QIOs.
  - Percentage of eligible PCHs that demonstrate improvement in quality-of-care measures (per PPS-Exempt Cancer Hospital Quality Reporting) after receiving TA from QIOs.
  - Performance period median national measure rate on OQR measure as posted on Hospital Compare.
  - Percentage of eligible physicians/physician groups actively participating in VM that require technical assistance for electronic submission (Physician Quality Reporting System) and are successful in subsequent submissions.
  - Percentage of eligible physicians/eligible physician groups receiving payment adjustments through VM.
- E.1. Technical Assistance—Quality Improvement Initiatives (QIIs)
  - Percentage of QIIs initiated within 30 days of the receipt of the applicable referral or request for QII technical assistance.
  - Percentage of QIIs successfully resolved.

Achievement within each of the Tasks for each Task Order will be evaluated on an individual basis for appropriate contract action. Though, in general, evaluation of each Task will relate only to that area, we reserve the right to take appropriate contract action in the event of failure in multiple Task areas.

Overall Contract Evaluation

The results of the annual (12, 24, 36, 48th month) and 54th month evaluation periods, in addition to ongoing monitoring activities, will be used to determine how each QIN–QIO performed on the overall contract. Annual and 54th Month Evaluation Criteria are specifically defined in Attachment J–1(b) of the QIN–QIO SOW; the criteria for evaluating each deliverable under the contract and Task

Order No. 001 are identified in Attachment J.1(a) Schedule of Deliverables of the 11th SOW. Further, as indicated in Sections G.22 and G.29, the Contracting Officer will use the Contractor Performance Assessment Reporting System (CPARS) criteria in performing evaluations: Quality, Schedule/Timeliness, Cost/Price Control, Business Relations, Management, and Small Business. Performance on the evaluation criteria defined in Attachment J–1(b) will be considered for assessment of the Quality sub-factor for the CPARS assessment.

If we choose, we may notify the QIN–QIO of the intention not to renew the QIN–QIO contract, and inform the QIN–QIO of the QIN–QIO's rights under the current statute. Any failure at one or more of the annual or 54th month evaluations for any Task may result in the QIN–QIO receiving an adverse performance evaluation. Further, failure may impact on the QIN–QIO's ability to continue similar work in or eligibility for future QIO Program awards.

We reserve the right at any point, prior to the notification of our intention not to continue the option for a Task and/or to renew the contract, to revise measures or adjust the expected minimum thresholds for satisfactory performance or remove criteria from a Task evaluation protocol for any reason, including, but not limited to, data gathered based on experience with the amount of improvement achieved during the contract cycle or in pilot projects currently in progress, information gathered through evaluation of the QIN–QIO performance overall, or any unforeseen circumstances. Further, in accordance with standard contract procedures, we reserve the right at any time to discontinue all or part of one or more tasks for one or more states or territories in the QIN area or any other part of this contract regardless of QIN–QIO performance on the Task.

Rounding Rules

The rounding of results to assess the minimum performance criteria indicated in Section J, Attachment J.1(b) uses the following rules.

1. Interim Calculations

We will not round the interim results of calculations used to produce results. (For example, we will not round the results from steps used to calculate the criteria or result). For example, we will not first round baseline and re-measurement rates for the calculation of relative improvement.

2. Percentages/Proportions/Rates

Use conventional rounding ''round half up.'' For example, to round from the hundredth to the tenth digit, round using the tie-break rule of ''half-up.'' 5.45 will become 5.5 whereas 5.44 will become 5.4. Apply conventional rounding to one digit beyond that used to specify the criteria (for example, for whole numbers, to the tenths place). For example, for a criterion expressed as 5 percent, 4.46 percent rounds to 4.5 percent and 4.44 percent rounds to 4.4 percent.

3. Integers

For discrete numbers of units required for improvement, round to the more favorable (typically lower) integer with a minimum of one. We note that this method is applied selectively to special cases as indicated in Section J, Attachment J.1(b). This method is more than a rounding rule. We calculate a minimum performance target using the minimum performance criteria and the size of the re-measurement criteria. For example, for a minimum criteria of 95 percent and a re-measurement denominator of 10, $10 \times 0.95 = 9.5$, which is rounded down (the more favorable direction) to 9. For this example, if CMS specified use of the integer rounding rule for this measure, the minimum performance criteria of 95 percent would be met by achieving at least 9 cases given a re-measurement denominator count of size 10. If we do not specifically indicate that the integer rounding rule applied to this measure, the percentage rounding rule would be used.

III. Collection of Information Requirements

This document does not impose information collection and recordkeeping requirements. Consequently, it need not be reviewed by the Office of Management and Budget under the authority of the Paperwork Reduction Act of 1995.

IV. Response to Comments

Because of the large number of public comments we normally receive on **Federal Register** documents, we are not able to acknowledge or respond to them individually. We will consider all comments we receive by the date and time specified in the **DATES** section of this preamble, and, when we proceed with a subsequent document, we will respond to the comments in the preamble to that document.

VI. Regulatory Impact Statement

In accordance with the provisions of Executive Order 12866, this notice was not reviewed by the Office of Management and Budget.

Dated: June 3, 2014.

Marilyn Tavenner,

Administrator, Centers for Medicare & Medicaid Services.

[FR Doc. 2014–18901 Filed 8–8–14; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Comment Request

Proposed Projects:

Title: Annual Report/ACF 204 (State MOE)—1 collection.

OMB No.: 0970–0248.

Description: The Administration for Children and Families (ACF) is requesting a three-year extension of the ACF–204 (Annual MOE Report). The report is used to collect descriptive program characteristics information on the programs operated by States and Territories in association with their Temporary Assistance for Needy Families (TANF) programs. All State and Territory expenditures claimed toward States and Territories MOE requirements must be appropriate, i.e., meet all applicable MOE requirements. The Annual MOE Report provides the ability to learn about and to monitor the nature of State and Territory expenditures used to meet States and Territories MOE requirements, and it is an important source of information about the different ways that States and Territories are using their resources to help families attain and maintain self-sufficiency. In addition, the report is used to obtain State and Territory program characteristics for ACFs annual report to Congress, and the report serves as a useful resource to use in Congressional hearings about how TANF programs are evolving, in assessing State the Territory MOE expenditures, and in assessing the need for legislative changes.

Respondents: The 50 States of the United States, the District of Columbia, Guam, Puerto Rico, and the Virgin Islands.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
ACF–204	54	1	118	6,372

Estimated Total Annual Burden Hours: 6,372

In compliance with the requirements of Section 506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Administration for Children and Families is soliciting public comment on the specific aspects of the information collection described above. Copies of the proposed collection of information can be obtained and comments may be forwarded by writing to the Administration for Children and Families, Office of Planning, Research and Evaluation, 370 L'Enfant Promenade SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer. Email address: *infocollection@acf.hhs.gov.* All requests should be identified by the title of the information collection.

The Department specifically requests comments on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 2014–18903 Filed 8–8–14; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2014–N–1076]

Agency Information Collection Activities; Proposed Collection; Comment Request; Guidance for Industry on Formal Dispute Resolution: Scientific and Technical Issues Related to Pharmaceutical Current Good Manufacturing Practice

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing an opportunity for public comment on the proposed collection of certain information by the Agency. Under the Paperwork Reduction Act of 1995 (the PRA), Federal Agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on the proposed collection of information resulting from the guidance to manufacturers of veterinary and human drugs, including human biological drug products, on how to resolve disputes of scientific and technical issues relating to current good manufacturing practice (CGMP).

DATES: Submit either electronic or written comments on the collection of information by October 10, 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.

Guidance for Industry on Formal Dispute Resolution: Scientific and Technical Issues Related to Pharmaceutical Current Good Manufacturing Practice (OMB Control Number 0910–0563)—Extension

The guidance is intended to provide information to manufacturers of veterinary and human drugs, including human biological drug products, on how to resolve disputes of scientific and technical issues relating to CGMP. Disputes related to scientific and

technical issues may arise during FDA inspections of pharmaceutical manufacturers to determine compliance with CGMP requirements, or during FDA's assessment of corrective actions undertaken as a result of such inspections. The guidance provides procedures that encourage open and prompt discussion of disputes and lead to their resolution. The guidance describes procedures for raising such disputes to the Office of Regulatory Affairs (ORA) and center levels and for requesting review by the dispute resolution (DR) Panel.

When a scientific or technical issue arises during an FDA inspection, the manufacturer should initially attempt to reach agreement on the issue informally with the investigator. Certain scientific or technical issues may be too complex or time consuming to resolve during the inspection. If resolution of a scientific or technical issue is not accomplished through informal mechanisms prior to the issuance of Form FDA 483, the manufacturer can formally request DR and can use the formal two-tiered DR process described in the guidance.

Tier one of the formal DR process involves scientific or technical issues raised by a manufacturer to the ORA and center levels. If a manufacturer disagrees with the tier-one decision, tier two of the formal DR process would then be available for appealing that decision to the DR panel. The written request for formal DR to the appropriate ORA unit should be made within 30 days of the completion of an inspection, and should include all supporting documentation and arguments for review, as described in this document. The written request for formal DR to the DR Panel should be made within 60 days of receipt of the tier-one decision and should include all supporting documentation and arguments, as described in the following paragraphs.

All requests for formal DR should be in writing and include adequate information to explain the nature of the dispute and to allow FDA to act quickly and efficiently. Each request should be sent to the appropriate address listed in the guidance and include the following:

- Cover sheet that clearly identifies the submission as either a request for tier-one DR or a request for tier-two DR;
- name and address of manufacturer inspected (as listed on FDA Form 483);
- date of inspection (as listed on Form FDA 483);
- date Form FDA 483 issued (from Form FDA 483);
- facility Establishment Identifier Number, if available (from Form FDA 483);
- FDA employee names and titles that conducted inspection (from Form FDA 483);
- office responsible for the inspection (e.g., district office, as listed on Form FDA 483);
- application number if the inspection was a preapproval inspection;
- comprehensive statement of each issue to be resolved:
  - Identify the observation in dispute;
  - clearly present the manufacturer's scientific position or rationale concerning the issue under dispute with any supporting data;
  - state the steps that have been taken to resolve the dispute, including any informal DR that may have occurred before the issuance of Form FDA 483;
  - identify possible solutions; and
  - state expected outcome.
- Name, title, telephone and FAX number, and email address (as available) of manufacturer contact.

The guidance was initiated in response to industry's request for a formal DR process to resolve differences related to scientific and technical issues that arise between investigators and pharmaceutical manufacturers during FDA inspections of foreign and domestic manufacturers. In addition to encouraging manufacturers to use currently available DR processes, the guidance describes the formal two-tiered DR process explained previously. The guidance also covers the following topics:

- The suitability of certain issues for the formal DR process, including examples of some issues with a discussion of their appropriateness for the DR process.
- Instructions on how to submit requests for formal DR and a list of the supporting information that should accompany these requests.
- Public availability of decisions reached during the DR process to promote consistent application and interpretation of drug quality-related regulations.

Description of Respondents: Pharmaceutical manufacturers of veterinary and human drug products and human biological drug products.

FDA estimates that approximately two manufacturers will submit approximately two requests annually for a tier-one DR and that there will be one appeal of these requests to the DR Panel (request for tier-two DR). FDA estimates that it will take manufacturers approximately 30 hours to prepare and submit each request for a tier-one DR and approximately 8 hours to prepare and submit each request for a tier-two DR. Table 1 provides an estimate of the annual reporting burden for requests for tier-one and tier-two DRs.

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

Activity	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Requests for Tier-One DR	2	1	2	30	60
Requests for Tier-Two DR	1	1	1	8	8
Total					68

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Dated: August 6, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–18943 Filed 8–8–14; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2014–N–1069]

Agency Information Collection Activities; Proposed Collection; Comment Request; Blood Establishment Registration and Product Listing

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing an opportunity for public comment on the proposed collection of certain information by the Agency. Under the Paperwork Reduction Act of 1995 (the PRA), Federal Agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on the information collection requirements relating to the blood establishment registration and product listing requirements in the Agency's regulations and on Form FDA 2830.

DATES: Submit electronic or written comments on the collection of information by October 10, 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.

Blood Establishment Registration and Product Listing, Form FDA 2830—21 CFR Part 607 (OMB Control Number 0910–0052)—Extension

Under section 510 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360), any person owning or operating an establishment that manufactures, prepares, propagates, compounds, or processes a drug or device must register his or her name, place of business, and all such establishments with the Secretary of Health and Human Services on or before December 31 of each year. He or she must also submit, among other information, a listing of all drug or device products manufactured, prepared, propagated, compounded, or processed by him or her for commercial distribution. In part 607 (21 CFR part 607), FDA has issued regulations implementing these requirements for manufacturers of human blood and blood products.

Section 607.20(a), in brief, requires owners or operators of certain establishments that engage in the manufacture of blood products to register and to submit a list of every blood product in commercial distribution.

Section 607.21, in brief, requires the owners or operators of establishments entering into the manufacturing of blood products to register within 5 days after beginning such operation and to submit a list of every blood product in commercial distribution at the time. If the owner or operator of the establishment has not previously entered into such operation for which a license is required, registration must follow within 5 days after the submission of a biologics license application. In addition, owners or operators of all establishments so engaged must register annually between November 15 and December 31 and update their blood product listing every June and December.

Section 607.22 requires the use of Form FDA 2830, Blood Establishment Registration and Product Listing, for initial registration, for subsequent annual registration, and for blood product listing information.

Section 607.25 sets forth the information required for establishment registration and blood product listing.

Section 607.26, in brief, requires certain changes to be submitted on FDA Form 2830 as an amendment to establishment registration within 5 days of such changes.

Section 607.30(a), in brief, sets forth the information required from owners or operators of establishments when updating their blood product listing information every June and December, or at the discretion of the registrant at the time the change occurs.

Section 607.31 requires that additional blood product listing information be provided upon FDA request.

Section 607.40, in brief, requires certain foreign blood product establishments to comply with the establishment registration and blood product listing information requirements discussed earlier in this document and to provide the name and address of the establishment and the name of the individual responsible for submitting the establishment registration and blood product listing information, as well as the name, address, and phone number of its U.S. agent.

Among other uses, this information assists FDA in its inspections of facilities and is essential to the overall regulatory scheme designed to ensure the safety of the Nation's blood supply. Form FDA 2830 is used to collect this information.

Respondents to this collection of information are human blood and plasma donor centers, blood banks, certain transfusion services, other blood product manufacturers, and independent laboratories that engage in quality control and testing for registered blood product establishments.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

21 CFR section	Form FDA 2830	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
607.20(a), 607.21, 607.22, 607.25, and 607.40.	Initial Registration.	68	1	68	1	68
607.21, 607.22, 607.25, 607.26, 607.31, and 607.40.	Re-registration.	2,615	1	2,615	0.5 (30 minutes).	1,308
607.21, 607.25, 607.30(a), 607.31, and 607.40.	Product Updating List.	166	1	166	0.25 (15 minutes).	42
Total						1,418

[1] There are no capital costs of operating and maintenance costs associated with this collection of information.

FDA estimates the burden of this collection of information based upon information obtained from FDA's Center for Biologics Evaluation and Research's database and FDA experience with the blood establishment registration and product listing requirements.

Dated: August 5, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–18945 Filed 8–8–14; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2014–N–1081]

Agency Information Collection Activities; Proposed Collection; Comment Request; Guidance for Industry on Postmarketing Adverse Event Reporting for Medical Products and Dietary Supplements During an Influenza Pandemic; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing an opportunity for public comment on the proposed collection of certain information by the Agency. Under the Paperwork Reduction Act of 1995 (the PRA), Federal Agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on the guidance which discusses FDA's approach to enforcement of adverse event reporting requirements during an influenza pandemic.

DATES: Submit either electronic or written comments on the collection of information by October 10, 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.

Guidance for Industry on Postmarketing Adverse Event Reporting for Medical Products and Dietary Supplements During an Influenza Pandemic; Availability

(OMB Control Number 0910–0701)—Extension

The guidance includes recommendations for planning, notification, and documentation for firms that report postmarketing adverse events. The guidance recommends that each firm's pandemic influenza continuity of operations plan (COOP) include instructions for reporting adverse events, including a plan for the submission of stored reports that were not submitted within regulatory timeframes. The guidance explains that firms that are unable to fulfill normal adverse event reporting requirements during an influenza pandemic should: (1) Maintain documentation of the conditions that prevent them from meeting normal reporting requirements; (2) notify the appropriate FDA organizational unit responsible for adverse event reporting compliance when the conditions exist and when the reporting process is restored; and (3) maintain records to identify what reports have been stored.

Based on the number of manufacturers that would be covered by the guidance, we estimate that approximately 5,000 firms will add the following to their COOP: (1) Instructions for reporting adverse events; and (2) a plan for submitting stored reports that were not submitted within regulatory timeframes. We estimate that each firm will take approximately 50 hours to prepare the adverse event reporting plan for its COOP.

We estimate that approximately 500 firms will be unable to fulfill normal adverse event reporting requirements because of conditions caused by an influenza pandemic and that these firms will notify the appropriate FDA organizational unit responsible for adverse event reporting compliance when the conditions exist. Although we do not anticipate such pandemic influenza conditions to occur every year, for purposes of the PRA, we estimate that each of these firms will notify FDA approximately once each year, and that each notification will take approximately 8 hours to prepare and submit.

Concerning the recommendation in the guidance that firms unable to fulfill normal adverse event reporting requirements maintain documentation of the conditions that prevent them from meeting these requirements and also maintain records to identify what adverse event reports have been stored and when the reporting process is restored, we estimate that approximately 500 firms will each need approximately 8 hours to maintain the documentation and that approximately 500 firms will each need approximately 8 hours to maintain the records. Therefore, the total recordkeeping burden that would result from the guidance would be 258,000 hours.

The guidance also refers to previously approved collections of information found in FDA's adverse event reporting requirements in 21 CFR 310.305, 314.80, 314.98, 600.80, 606.170, 640.73, 1271.350, and part 803. These regulations contain collections of information that are subject to review by OMB under the PRA (44 U.S.C. 3501–3520) and are approved under OMB control numbers 0910–0116, 0910–0291, 0910–0230, 0910–0308, 0910–0437, and 0910–0543. In addition, the guidance also refers to adverse event reports for nonprescription human drug products marketed without an approved application and dietary supplements required under sections 760 and 761 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379aa and 379aa–1), which include collections of information approved under OMB control numbers 0910–0636 and 0910–0635.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

Type of reporting	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Notify FDA when normal reporting is not feasible	500	1	500	8	4,000

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

TABLE 2—ESTIMATED ANNUAL RECORDKEEPING BURDEN [1]

Type of recordkeeping	Number of recordkeepers	Number of records per recordkeeper	Total annual records	Average burden per recordkeeper	Total hours
Add adverse event reporting plan to COOP	5,000	1	5,000	50	250,000
Maintain documentation of influenza pandemic conditions and resultant high absenteeism	500	1	500	8	4,000
Maintain records to identify what reports have been stored and when the reporting process was restored	500	1	500	8	4,000
					258,000

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Dated: August 5, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–18944 Filed 8–8–14; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Government-Owned Inventions; Availability for Licensing

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: The inventions listed below are owned by an agency of the U.S. Government and are available for licensing in the U.S. in accordance with 35 U.S.C. 209 and 37 CFR part 404 to achieve expeditious commercialization of results of federally-funded research and development. Foreign patent applications are filed on selected inventions to extend market coverage for companies and may also be available for licensing.

FOR FURTHER INFORMATION CONTACT: Licensing information and copies of the U.S. patent applications listed below may be obtained by writing to the indicated licensing contact at the Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, Maryland 20852–3804; telephone: 301–496–7057; fax: 301–402–0220. A signed Confidential Disclosure Agreement will be required to receive copies of the patent applications.

SUPPLEMENTARY INFORMATION: Technology descriptions follow.

Web Application for Managing the Request Process for Order Set Development Within an Electronic Health Record

Description of Technology: Technology to empower clinical staff in requesting and designing order sets can be transformative for hospitals and other health care organizations. This software is proving itself vital in building greater

order set development efficiencies and in communication among key stakeholders responsible for certain aspects of an order set within an organization. By providing end users the necessary tools (e.g., ordering items off of an available ''menu'' of orderable items within an EHR) to build order sets on their own time and under their own accord has been met with critical acclaim. This empowerment to the end user and the deprecation of any manual process has been a primary goal of this software.

With less time spent translating and managing order sets from the conceptual stage to release, organizational staff can now spend more time working through more pressing clinical issues with their customers; and since this software can standardize and manage the process by which order sets are developed, less error-prone and more timely stages of an order set request with clinical and organizational staff become the norm. Most importantly, this software enables all of those end-users targeted communication pathways in which to operate and end users can now gleam a greater picture of the entire order set development needs and direction—bringing concept to release a quicker pathway than what was available for them in the past.

Potential Commercial Applications: Electronic Health Records.

Competitive Advantages

- Web-based Application
- Platform for development of Order Sets
- Customizable for extension to EHR of choice
- Facilitation of workflow process and approval sign-off

Development Stage: Prototype.

Inventors: Christopher Siwy, Josanne Revoir, Jon McKeeby (all of NIHCC).

Intellectual Property: HHS Reference No. E–187–2014/0—Software. Patent protection is not being pursued for this technology.

Licensing Contact: Michael Shmilovich, Esq., CLP; 301–435–5019; *shmilovm@mail.nih.gov*.

Collaborative Research Opportunity: The National Institutes of Health Clinical Center is seeking statements of capability or interest from parties interested in collaborative research to further develop, evaluate or commercialize Electronic Health Records. For collaboration opportunities, please contact Eric Cole at *colee@cc.nih.gov* or 301–451–4430.

Implantable Medical Devices With Electric Current Retrieval Assist

Description of Technology: Implantable devices, such as filters and stents, typically include structures that anchor to surrounding tissue. To prevent blood clots from reaching the heart, an IVC filter may be implanted into the patient. While generally effective at preventing movement of post-implantation, traditional anchors present challenges when attempting to remove the device from the subject. In particular, the tissue to which the device is anchored may grow around the anchors making removal difficult. The invention pertains to an implantable device (e.g., an IVC filter) with a plurality of expandable members each having a portion that comes into contact with the tissue of a subject when expanded. A force is then provided to the retrieval portion to collapse the implantable device. An electrical current (approx. 0.2 and 0.55 Amps) is also provided to the portions of the expandable members that come into contact with the tissue of the subject via the retrieval apparatus by way of a conductive snare in one or more of the expandable members.

Potential Commercial Applications

- Blood clot prevention
- Stent removal
- Implantation

Competitive Advantages: Ease of removal from subject tissue.

Development Stage

- Early-stage
- In vitro data available
- In vivo data available (animal)

Inventors: Bradford Wood and Hayet Amalou (NIHCC).

Publication: Amalou H, et al. Electrically conductive catheter inhibits bacterial colonization. J Vasc Interv Radiol. 2014 May;25(5):797–802. [PMID 24745908].

Intellectual Property: HHS Reference No. E–088–2014/0—U.S. Provisional Patent Application 61/968,757 filed March 21, 2014.

Related Technologies: HHS Reference No. E–244–2000/1—U.S. Patent Nos. 6,676,657, issued January 13, 2004, and 7,122,033, issued October 17, 2006 (Endoluminal Radiofrequency Cauterization System).

Licensing Contact: Michael Shmilovich, Esq., CLP; 301–435–5019; *shmilovm@mail.nih.gov*.

Collaborative Research Opportunity: The National Institutes of Health Clinical Center is seeking statements of capability or interest from parties interested in collaborative research to further develop, evaluate or commercialize conduction assisted stent removal. For collaboration opportunities, please contact Ken Rose, Ph.D., JD at *rosek@mail.nih.gov* or 240–276–5509.

Cancer Immunotherapy Using Virus-Like Particle Containing Alphavirus Replicons Coding for Therapeutic Proteins

Description of Technology: One major challenge in development of effective cancer therapies is a lack of universal, cancer specific markers in target cells. Current cancer therapies heavily rely on surgery, chemotherapy, and radiation therapy. Such treatments, although successful in some limited cases, are less effective long term and often result in highly resistant populations of cancer cells that are less susceptible to successive applications of chemotherapy and radiation. Additionally, the systemic application of these therapies and lack of specificity can lead to adverse side effects. Considerable effort has thus been devoted to finding new ways of identifying and specifically targeting extracellular cancer markers using antibody based therapies. However, diminished access to new cancer cell surface markers has limited the development of corresponding antibodies. Investigators at the National Cancer Institute have discovered a novel method employing presentation of intracellular cancer antigens on the cell surface to convert a tumor into induced antigen presenting cells (APCs). The technology utilizes virus-like particle (VLP) mediated RNA delivery of therapeutic proteins, HLA II and CD80, to directly convert cancer cells into APCs to activate helper and cytotoxic T cells against the tumor. This immunotherapy has the potential to induce tumor specific responses with minimal toxicity to neighboring healthy cells.

Potential Commercial Applications

- Cancer immunotherapy
- Cancer vaccine

Competitive Advantages

- Targeted delivery
- Therapy is effective for any cancer antigen, known or unknown
- Simple procedure
- More robust immune response

Development Stage

- In vitro data available
- In vivo data available (animal)
- Prototype

Inventors: Stanislaw J. Kaczmarczyk and Deb K. Chatterjee (NCI/Leidos).

Intellectual Property: HHS Reference No. E–050–2014/0—U.S. Provisional Application No. 61/916,384 filed December 16, 2013.

Related Technology: HHS Reference No. E–264–2011/0—PCT Application No. PCT/US2013/031876 filed March 15, 2013.

Licensing Contact: Vince Contreras, Ph.D.; 301–435–4711; *vince.contreras@nih.gov.*

Collaborative Research Opportunity: The NCI Technology Transfer Center is seeking statements of capability or interest from parties interested in collaborative research to further develop, evaluate, or commercialize Cancer Immunotherapy Using Virus-like Particles. For collaboration opportunities, please contact John D. Hewes, Ph.D. at *hewesj@mail.nih.gov.*

Novel Anti-HIV Compounds (Peptides or Peptide Mimetics)

Description of Technology: The subject invention describes a new class of compounds (such as peptides or mimetics) that target viral RNAs and inhibit viral life cycle through blocking the viral recognition process. More specifically, these compounds are the first against an RNA Target as currently there is no clinical drug against any RNA targets in treatment of any types of human disease. Moreover, in contrast to all market available anti-HIV drugs that are complicated by the development of resistance and substantial side-effect, these compounds would unlikely develop any side effects because of its very high specificity against only viral RNA. In addition, these compounds may be further linked to a detectable label. Thus, these compounds have the potential to be used as a new class of systemic drug for the treatment of HIV infection and to be developed to diagnostic kit/devices.

Potential Commercial Applications

- HIV therapeutics
- Diagnostic

Competitive Advantages

- No current anti-HIV drug targets against the viral nuclear export activity.
- High binding affinity.
- Permeability of cell membrane because they are positively charged.
- No side effects because of its very high specificity only to viral RNAs.

Development Stage

- Early-stage
- In vitro data available
- Prototype

Inventors: Yun-Xing Wang, Liu Yu, Ping Yu, Ina O'Carroll (all of NCI).

Publication: Fang X, et al. An unusual topological structure of the HIV–1 Rev response element. Cell. 2013 Oct 24;155(3):594–605. [PMID 24243017].

Intellectual Property: HHS Reference No. E–019–2014/0—U.S. Provisional Patent Application No. 61/894,849 filed October 23, 2013.

Licensing Contact: Sally H. Hu, Ph.D., M.B.A.; 301–435–5606; *hus@mail.nih.gov.*

A3 Adenosine Receptor Agonists for Treating Chronic Neuropathic Pain

Description of Technology: Chronic neuropathic pain (NP) is a widespread condition that is often associated with diabetes, cancer, injury as well as a variety of other diseases. Current therapies for NP are not always effective and patients suffer from serious side effects, such as liver toxicity and addiction. Opioids, while effective against acute pain, are not the first line of treatment for chronic NP because of their addictive qualities and low efficacy. Thus, there is an unmet need for chronic neuropathic pain treatment that operates on a different mechanism.

The current invention describes selective A3 Adenosine Receptor agonists and their in vivo activity reducing or preventing development of chronic neuropathic pain in an animal model.

Potential Commercial Applications: New treatment for chronic neuropathic pain associated with diabetes, cancer, injury, etc.

Competitive Advantages: The compounds are consistently highly selective and have smaller molecular weight, thus greater oral bioavailability is possible.

Development Stage

- Early-stage
- In vitro data available
- In vivo data available (animal)

Inventors: Dr. Kenneth A. Jacobson (NIDDK), Dr. Dilip K. Tosh (NIDDK), Daniela Salvemini (Saint Louis University).

Intellectual Property: HHS Reference No. E–742–2013/0—U.S. Provisional Patent Application No. 61/909,742 filed November 27, 2013.

Licensing Contact: Betty B. Tong, Ph.D.; 301–594–6565; *tongb@mail.nih.gov.*

Collaborative Research Opportunity: The National Institute of Diabetes and Digestive and Kidney Diseases is seeking statements of capability or interest from parties interested in collaborative research to further develop, evaluate or commercialize small molecules for neuropathic pain. For collaboration opportunities, please contact Marguerite J. Miller at *Marguerite.Miller@nih.gov* or 301–496–9003.

AAV-Vectors for Treatment of Glycogen Storage Disorders

Description of Technology: Adeno-Associated Virus Vectors for the treatment of glycogen storage disease, particularly glycogen storage disease type Ia, are disclosed. Glycogen storage disease type Ia (GSD-Ia or von Gierke disease) is caused by a deficiency in glucose-6-phosphatase-α (G6Pase-α or G6PC). Patients affected by GSD-Ia are unable to maintain glucose homeostasis and present with fasting hypoglycemia, growth retardation, hepatomegaly, nephromegaly, hyperlipidemia, hyperuricemia, and lactic academia. There is currently no cure for GSD-Ia deficiency disorder. NIH investigators have constructed a novel gene therapy vector by placing the G6PC gene in a novel virus-based vector, named ssAAV-G6PC-GPE. The expression of G6Pase-α in ssAAV-G6PC-GPE is directed by the human *G6PC* promoter/enhancer at nucleotides -2864 to -1 (GPE) and this vector also contains an intron. The G6pc−/− mice treated with ssAAV-G6PC-GPE vector exhibited normal levels of blood glucose, blood metabolites, hepatic glycogen, and hepatic fat. This vector was compared with a dsAAV-G6Pase vector which differed from the NIH vector that it is double stranded and contained much smaller G6PC promoter. The results showed that the ssAAV-G6PC-GPE vector directed significantly higher expression of G6Pase-alpha and achieved greater reduction in hepatic glycogen storage while better tolerating fasting conditions. The results also showed that the enhancer elements upstream the human *G6PC* minimal promoter contained within the ssAAV-G6PC-GPE vector are responsible for the increased efficacy in treating GSD-Ia mice.

Potential Commercial Applications: Gene therapy for glycogen storage disorders, specifically caused by the deficiency of G6Pase-α.

Competitive Advantages: Comparative studies showed that the ssAAV-G6Pase-GPE vector is more efficacious than other candidate therapy vectors.

Development Stage

- In vitro data available
- In vivo data available (animal)

Inventors: Drs. Janice Y. Chou (NICHD) and Barry J. Byrne (Univ. of Florida).

Publication: Lee YM, et al. The upstream enhancer elements of the G6PC promoter are critical for optimal

G6PC expression in murine glycogen storage disease type Ia. Mol Genet Metab. 2013;110(3):275–80. [PMID 23856420].

Intellectual Property: HHS Reference No. E–552–2013/0—U.S. Provisional Patent Application No. 61/908,861 filed November 26, 2013.

Licensing Contact: Suryanarayana Vepa, Ph.D., J.D.; 301–435–5020; *vepas@mail.nih.gov.*

Novel Epstein-Barr Virus Vaccines

Description of Technology: Epstein-Barr Virus (EBV) is the causative agent of infectious mononucleosis and is associated with certain types of cancers, such as Hodgkin's lymphoma, Burkitt's lymphoma, gastric carcinoma, and nasopharyngeal carcinoma. There are currently no vaccines against EBV on the market and there is only supportive treatment available for EBV infection.

The subject technologies are novel vaccine candidates against EBV that employ fusion proteins consisting of immunogenic portions of the EBV envelope glycoproteins (i.e. gp350, gH/gL, etc.) that are found on the surface of the virus fused with a self-assembling protein such as ferritin. The fusion proteins multimerize and the resulting nanoparticles serve as the antigens in the vaccine. In mice, these vaccine candidates were able to elicit neutralizing antibodies that were significantly higher than vaccination with only soluble forms of the EBV envelope glycoproteins lacking the self-assembly domains. In some cases, the fusion protein vaccine candidates were able to elicit neutralizing antibodies while vaccination with the corresponding soluble versions elicited primarily non-neutralizing antibodies. These neutralizing antibody titers in immunized mice were substantially higher than those seen in humans naturally infected with EBV.

Potential Commercial Applications: Vaccines against EBV.

Competitive Advantages: The subject technologies are novel vaccine candidates against EBV that were able to elicit significantly higher levels of neutralizing antibodies than vaccines based solely on soluble forms of the EBV envelope glycoproteins lacking self-assembly domains.

Development Stage

- Early-stage
- In vitro data available
- In vivo data available (animal)

Inventors: Masaru Kanekiyo, Wei Bu, Jeffrey Cohen (all of NIAID).

Intellectual Property

- HHS Reference No. E–531–2013/0–US–01—U.S. Provisional Patent Application No. 61/889,840 filed 11 Oct 2013
- HHS Reference No. E–531–2013/1–US–01—U.S. Provisional Patent Application No. 61/921,284 filed 27 Dec. 2013

Licensing Contact: Kevin W. Chang, Ph.D.; 301–435–5018; *changke@mail.nih.gov.*

Lentiviral Vectors To Modulate p53 Function in Human Stem Cells

Description of Technology: The tumor suppressor protein p53 regulates the self-renewal and pluripotency of normal and cancer stems cells, as well as the efficiency of reprogramming normal cells into induced pluripotent stem cells (iPSC). Natural human p53 isoforms delta133p53 and p53beta are the physiological inhibitor and enhancer, respectively. Researchers at the National Cancer Institute, NIH, have discovered that human embryonic stem cells (hESC) express delta133p53 protein much more abundantly than normal human fibroblasts or cancer cell lines.

Available for licensing are lentiviral vectors for constitutive over-expression of the p53 isoforms delta133p53 and p53beta, inducible over-expression of delta133p53, and inducible shRNA knock-down of delta133p53.

Potential Commercial Applications

- Stem cell-based regenerative medicine for the treatment of age-related degenerative diseases.
- Targeting of cancer stem cells for treatment of cancer.
- Development of compounds that mimic the effects of the p53 isoforms on hESC and iPSC.
- Development of compounds that act in p53 isoform-dependent manners to regulate self-renewing vs. asymmetric cell divisions in cancer stem cells.

Competitive Advantages

- Enhanced expression of delta133p53 for efficient hESC self-renewal and pluripotency without genome instability.
- Enhanced expression of delta133p53 for efficient reprogramming to iPSC without genome instability.
- Enhanced expression of p53beta and/or knockdown of delta133p53 for efficient induction of hESC/iPSC differentiation without unwanted cell death.

Development Stage: In vitro data available.

Inventors: Curtis C. Harris, et al. (NCI).

Publication: Fujita K, et al. Positive feedback between p53 and TRF2 during telomere-damage signalling and cellular senescence. Nat Cell Biol. 2010 Dec;12(12):1205–12. [PMID 21057505].

Intellectual Property: HHS Reference No. E–137–2010/0—Research Tool. Patent protection is not being pursued for this technology.

Related Technology: HHS Reference No. E–239–2010/0—Retroviral and Lentiviral Vectors to Increase Efficiency of Inducible Pluripotent Stem Cell (iPSC) Production.

Licensing Contact: Patrick P. McCue, Ph.D.; 301–435–5560; *mccuepat@mail.nih.gov.*

Dated: August 6, 2014.

Richard U. Rodriguez,

Director, Division of Technology Development and Transfer, Office of Technology Transfer, National Institutes of Health.

[FR Doc. 2014–18853 Filed 8–8–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Office of the Director, National Institutes of Health; Notice of Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of a meeting of the Advisory Committee to the Director, National Institutes of Health.

The meeting will be open to the public, the attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

Name of Committee: Advisory Committee to the Director, National Institutes of Health.

Date: September 5, 2014.

Time: 3:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate reports from the HeLa Genome Data Access and the Stem Cell working groups.

Place: National Institutes of Health (Telephone Conference Call), Dial in 800–779–9282, Passcode: ACD Teleconference.

Contact Person: Gretchen Wood, Staff Assistant, National Institutes of Health Office of the Director, One Center Drive, Building 1, Room 126, Bethesda, MD 20892, 301–496–4272, *woodgs@od.nih.gov.*

Any member of the public interested in presenting oral comments to the committee must notify the Contact Person listed on this notice at least 10 days in advance of the meeting. Interested individuals and representatives of organizations must submit a letter of intent, a brief description of the organization represented, and a short

description of the oral presentation. Time permitting, individuals or a single representative of an organization may be allowed to present oral comments. Depending on the number of requests received, the time allotment to each presenter may be limited. Both printed and electronic copies are requested for the record. In addition, any interested person may file written comments with the committee by forwarding their statement to the Contact Person listed on this notice.

The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

Information is also available on the Institute's/Center's home page: *http://acd.od.nih.gov,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.14, Intramural Research Training Award; 93.22, Clinical Research Loan Repayment Program for Individuals from Disadvantaged Backgrounds; 93.232, Loan Repayment Program for Research Generally; 93.39, Academic Research Enhancement Award; 93.936, NIH Acquired Immunodeficiency Syndrome Research Loan Repayment Program; 93.187, Undergraduate Scholarship Program for Individuals from Disadvantaged Backgrounds, National Institutes of Health, HHS).

Dated: August 5, 2014.

Anna Snouffer,

Deputy Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–18846 Filed 8–8–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Synapses.

Date: August 12, 2014.

Time: 12:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Peter B. Guthrie, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4142, MSC 7850, Bethesda, MD 20892, (301) 435–1239, *guthriep@csr.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: AIDS and AIDS Related Research.

Date: August 15, 2014.

Time: 1:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Robert Freund, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5216, MSC 7852, Bethesda, MD 20892, 301–435–1050, *freundr@csr.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS).

Dated: August 1, 2014.

Anna Snouffer,

Deputy Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–18856 Filed 8–8–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Small Grants to Promote Diversity.

Date: September 12, 2014.

Time: 9:00 a.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Elena Sanovich, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 750, 6707 Democracy Boulevard, Bethesda, MD 20892–2542, 301–594–8886, *sanoviche@mail.nih.gov.*

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Biomarkers for Diabetes, Kidney Diseases and Urology (R01) PAR–13–228.

Date: September 25, 2014.

Time: 11:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Najma Begum, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 749, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–8894, *begumn@niddk.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: August 5, 2014.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–18898 Filed 8–8–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Biomedical Imaging and Bioengineering Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and

the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Biomedical Imaging and Bioengineering Special Emphasis Panel; Computer Integrated Systems for Microscopy & Manipulation (2015/01).

Date: November 4, 2014.

Time: 9:00 a.m. to 9:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, Suite 920, 6707 Democracy Boulevard, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: John K. Hayes, Ph.D., Scientific Review Officer, National Institute of Biomedical Imaging and Bioengineering, 6707 Democracy Boulevard, Suite 959, Bethesda, MD 20892, 301–451–3398, *hayesj@mail.nih.gov.*

Name of Committee: National Institute of Biomedical Imaging and Bioengineering Special Emphasis Panel; T32–R25 Training Review Meeting (2015/01).

Date: November 12, 2014.

Time: 9:30 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, Suite 920, 6707 Democracy Boulevard, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: John K. Hayes, Ph.D., Scientific Review Officer, National Institute of Biomedical Imaging and Bioengineering, 6707 Democracy Boulevard, Suite 959, Bethesda, MD 20892, 301–451–3398, *hayesj@mail.nih.gov.*

Dated: August 4, 2014.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–18848 Filed 8–8–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Alcohol Abuse and Alcoholism Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the meeting of the National Advisory Council on Alcohol Abuse and Alcoholism.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

A portion of the meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4), and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Advisory Council on Alcohol Abuse and Alcoholism.

Closed: September 10, 2014.

Time: 5:00 p.m. to 7:30 p.m.

Agenda: To review and evaluation grant applications.

Place: National Institutes of Health, 5635 Fishers Lane, Terrace Level Conference Room, Rockville, MD 20852.

Open: September 11, 2014.

Time: 9:00 a.m. to 2:30 p.m.

Agenda: Presentations and other business of the Council.

Place: National Institutes of Health, 5635 Fishers Lane, Terrace Level Conference Room, Rockville, MD 20852.

Contact Person: Dr. Abraham P. Bautista, Ph.D., Executive Secretary, National Institute on Alcohol Abuse and Alcoholism, National Institutes of Health, 5635 Fishers Lane, Room 2085, Rockville, MD 20852, (301) 443–9737, *bautista@mail.nih.gov.*

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

Information is also available on the Institute's/Center's home page: *http://www.niaaa.nih.gov/AboutNIAAA/AdvisoryCounci/Pages/default.aspx,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.271, Alcohol Research Career Development Awards for Scientists and Clinicians; 93.272, Alcohol National Research Service Awards for Research Training; 93.273, Alcohol Research Programs; 93.891, Alcohol Research Center Grants; 93.701, ARRA Related Biomedical Research and Research Support Awards, National Institutes of Health, HHS)

Dated: August 4, 2014.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–18850 Filed 8–8–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Institute Special Emphasis Panel; Utilizing the PLCO Biospecimens Resource to Bridge Gaps in Cancer Etiology and Early Detection Research.

Date: August 20, 2014.

Time: 10:00 a.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Cancer Institute Shady Grove, Room 1E030, 9609 Medical Center Drive, Rockville, MD 20850 (Telephone Conference Call).

Contact Person: Gerald G. Lovinger, Ph.D., Scientific Review Officer, Research Technology and Contract Review Branch, Division of Extramural Activities, National Cancer Institute, 9609 Medical Center Drive, Room 7W266, Bethesda, MD 20892–8329, 240–276–6385, *lovingeg@mail.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Information is also available on the Institute's/Center's home page: *http://deainfo.nci.nih.gov/advisory/sep/sep.htm,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS).

Dated: August 4, 2014.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–18847 Filed 8–8–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Neurological Disorders and Stroke Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Neurological Disorders and Stroke Special Emphasis Panel; Clinical R25 Review.

Date: August 25, 2014.

Time: 9:00 a.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852, (Telephone Conference Call).

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, 301–496–4056, *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 5, 2014.

Carolyn Baum,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–18852 Filed 8–8–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Institute Special Emphasis Panel; Bridge Between Cancer Mechanism and Population Science.

Date: September 30, 2014.

Time: 1:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Cancer Institute Shady Grove, 9609 Medical Center Drive, Rockville, MD 20850, (Telephone Conference Call).

Contact Person: Ellen K. Schwartz, EDD, Scientific Review Officer, Research Technology and Contract Review Branch, Division of Extramural Activities, National Cancer Institute, 9609 Medical Center Drive, Room 7W264, Bethesda, MD 20892–8329, 240–276–6384, *schwarel@mail.nih.gov.*

Name of Committee: National Cancer Institute Special Emphasis Panel; Omnibus SEP–9.

Date: November 5–6, 2014.

Time: 6:30 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Doubletree Hotel Bethesda, (Formerly Holiday Inn Select), 8120 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Robert Bird, Ph.D., Chief, Resources and Training Review Branch, Division Of Extramural Activities, National Cancer Institute, 9609 Medical Center Drive, Room 7W110, Bethesda, MD 20892–9750, 240–276–6344, *birdr@mail.nih.gov.*

Name of Committee: National Cancer Institute Special Emphasis Panel; Physical Sciences Oncology Centers.

Date: November 12–13, 2014.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Doubletree Hotel Bethesda, (Formerly Holiday Inn Select), 8120 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Donald L. Coppock, Ph.D., Scientific Review Officer, Research Technology and Contract Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, 7W260, Rockville, MD 20850, 240–276–6382, *donald.coppock@nih.gov.*

Information is also available on the Institute's/Center's home page: *http://deainfo.nci.nih.gov/advisory/sep/sep.htm,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: August 4, 2014.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–18851 Filed 8–8–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Conference Grant Review Animal Models.

Date: August 19, 2014.

Time: 11:00 a.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Mushtaq A Khan, DVM, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2176, MSC 7818, Bethesda, MD 20892, 301–435–1778, *khanm@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Bioengineering Sciences and Technologies.

Date: September 3, 2014

Time: 2:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Noni Byrnes, Ph.D., Director, DBIBS, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5130, MSC 7840, Bethesda, MD 20892, (301) 435–1023, *byrnesn@csr.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844,

93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS).

Dated: August 1, 2014.

Anna Snouffer,

Deputy Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–18857 Filed 8–8–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Neurological Disorders and Stroke

Pursuant to section 10(a) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of an Interagency Pain Research Coordinating Committee (IPRCC) meeting.

The meeting will feature invited speakers and discussions of committee business items including strategic planning for Federal pain research and the National Pain Strategy.

The meeting will be open to the public and accessible by live webcast and conference call.

Name of Committee: Interagency Pain Research Coordinating Committee.

Type of meeting: Open Meeting.

Date: September 24, 2014.

Time: 8:30 a.m. to 5:00 p.m. *Eastern Time*—Approximate end time.

Agenda: The meeting will feature invited speakers and discussions of Committee business items including the National Pain Strategy and long term strategic planning for Federal pain research.

Place: National Institutes of Health, Building 31, C Wing, 6th Floor, Conference Room 10, 31 Center Drive, Bethesda, MD 20892.

Call in Teleconference Line (Listen Only): Dial: 888–945–5891, Participant Passcode: 1242293.

Cost: The meeting is free and open to the public.

Webcast Live: http://videocast.nih.gov/.

Deadlines: Notification of intent to present oral comments: Friday, September 12, 2014, by 5:00 p.m. ET.

Submission of written/electronic statement for oral comments: Wednesday, September 17, 2014, by 5:00 p.m. ET.

Submission of written comments: Friday, September 19, 2014, by 5:00 p.m. ET.

Access: Medical Center Metro (Red Line), Visitor Information: *http://www.nih.gov/about/visitor/index.htm.*

Contact Person: Linda L. Porter, Ph.D., Pain Policy Advisor, Office of Pain Policy, Officer of the Director, National Institute of Neurological Disorders and Stroke, NIH, 31 Center Drive, Room 8A03, Bethesda, MD 20892, Phone: (301) 451–4460, Email: *Linda.Porter@nih.gov.*

Please Note: Any member of the public interested in presenting oral comments to the Committee must notify the Contact Person listed on this notice by 5:00 p.m. ET on Friday, September 12, 2014, with their request to present oral comments at the meeting. Interested individuals and representatives of organizations must submit a written/electronic copy of the oral statement/comments including a brief description of the organization represented by 5:00 p.m. ET on Wednesday, September 17, 2014.

Statements submitted will become a part of the public record. Only one representative of an organization will be allowed to present oral comments on behalf of that organization, and presentations will be limited to three to five minutes per speaker, depending on number of speakers to be accommodated within the allotted time. Speakers will be assigned a time to speak in the order of the date and time when their request to speak is received, along with the required submission of the written/electronic statement by the specified deadline. If special accommodations are needed, please email the Contact Person listed above.

In addition, any interested person may submit written comments to the IPRCC prior to the meeting by sending the comments to the Contact Person listed on this notice by 5:00 p.m. ET, Friday, September 19, 2014. The comments should include the name and, when applicable, the business or professional affiliation of the interested person. All written comments received by the deadlines for both oral and written public comments will be provided to the IPRCC for their consideration and will become part of the public record.

The meeting will be open to the public through a conference call phone number and webcast live on the Internet. Members of the public who participate using the conference call phone number will be able to listen to the meeting but will not be heard. If you experience any technical problems with the conference call or webcast, please call Operator Service on (301) 496–4517 for conference call issues and the NIH IT Service Desk at (301) 496–4357, toll free (866) 319–4357, for webcast issues.

Individuals who participate in person or by using these electronic services and who need special assistance, such as captioning of the conference call or other reasonable accommodations, should submit a request to the Contact Person listed on this notice at least seven days prior to the meeting.

As a part of security procedures, attendees should be prepared to present a photo ID during the security process to get on the NIH campus. For a full description, please see: *http://www.nih.gov/about/visitorsecurity.htm.*

Information about the IPRCC is available on the Web site: *http://iprcc.nih.gov/.*

Dated: August 4, 2014.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–18849 Filed 8–8–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Announcement of Requirements and Registration for ''Follow that Cell'' Challenge

Authority: 15 U.S.C. 3719.

SUMMARY: Through the ''Follow that Cell'' Challenge (the ''Challenge''), the Single Cell Analysis Program (SCAP)—*http://commonfund.nih.gov/Singlecell/index,* a component of the National Institutes of Health Common Fund—*http://commonfund.nih.gov/about,* is searching for novel methods for analyzing dynamic states of individual cells that can serve as the basis for predicting alterations in cell behavior and function over time. The goal of the Challenge is to develop new tools and methods that allow time-dependent measurements at the single-cell level in a complex tissue environment in order to assess functional changes, provide information on the health status of a given cell, and help guide diagnosis and therapeutic treatments related to human disease states. Technological breakthroughs in this arena could allow researchers and physicians to identify rare cells in a mixed population, such as individual cells that can transform and become cancerous, cells that are latently infected with a pathogenic virus, or cells that develop resistance to drugs over time.

The NIH Common Fund currently supports SCAP grants, the majority of which are associated with academic institutions. This Challenge, structured in two phases, will strengthen and complement the existing SCAP grant portfolio by reaching out to a more diverse population of innovators and solvers, including not only those who are from academic institutions but also those who are from research and development communities in the private sector and those who are outside biomedical disciplines. The NIH believes this Challenge will stimulate investment from both public and private sectors in single-cell analysis research and product development, which, in

turn, could lead to the development of more sensitive, robust, and cost-effective assay approaches, reagents, tools, and devices for basic research and clinical diagnosis.

DATES:

Phase 1: Effective on August 15, 2014
Phase 1 Submission period ends: December 15, 2014, 11:59 p.m. ET
Phase 1 Judging Period: December 16, 2014, to February 16, 2015
Phase 1 Winners and other Finalists Announced: March 16, 2015
Phase 2 begins: March 17, 2015
Phase 2 Submission period ends: March 30, 2017, 11:59 p.m. ET
Phase 2 Judging Period: March 31, 2017, to June 30, 2017
Phase 2 Winners announced: July 31, 2017

The NIH may shorten the submission period for Phase 2 and adjust dates for judging and winner(s) announcement if the Phase 1 winners' feasibility assessments suggest a shorter Phase 2 submission period is possible. The NIH will announce any changes to the timeline by amending this **Federal Register** notice no later than March 16, 2015. This Challenge will be administered by InnoCentive, Inc., on behalf of the NIH *www.innocentive.com/followthatcell.*

FOR FURTHER INFORMATION CONTACT:

Yong Yao, Ph.D., NIH, 301–443–6102; or Erin Shannon, NIH, 301–443–3959.

SUPPLEMENTARY INFORMATION:

Subject of Challenge

Many biological experiments are performed under the assumption that all cells of a particular ''type'' are identical. However, recent data suggest that individual cells within a single population may differ quite significantly, and these differences can drive the health and function of the entire cell population. Single-cell analysis comprises a broad field that covers advanced optical, electrochemical, mass spectrometry instrumentation, and sensor technology, as well as separation and sequencing techniques. Although the approaches currently in use can offer snapshots of single cells, the methods are often not amenable to longitudinal studies that monitor changes in individual cells *in situ.*

In this Challenge, the NIH is seeking novel robust methods for analysis of individual cells that can detect and assess changes in cell behavior and function over time, either as a result of natural state changes or when perturbed (e.g., by a drug, biological stimulus, infectious agent, pathological lesion, or mechanical forces). It is hoped that such methods will yield creative and new, yet feasible, solutions for following a single cell over time in a complex multicellular environment to detect changing cell properties, preferably using multiple integrated measures.

Solutions submitted to this Challenge should:

- Include measurements or assays that are nondestructive and capable of producing temporal data at the individual cell level starting with eukaryotic cells in a complex/mixed cell population;
- address at least one impactful, biological, or clinical question proposed by the Solver;
- demonstrate robust reproducibility;
- address gaps or deficiencies in current capabilities that may include but are not limited to:
  - Tools that provide significant advances in sensitivity and selectivity in the spatiotemporal resolution of molecules/structures/activities within single cells *in situ* (e.g., high resolution imaging of molecular interactions within single cells, molecular probes that are at least an order of magnitude smaller in size than existing versions of reporter molecules such as fluorescent proteins);
  - Automated and scalable assays to detect meaningful functional changes in single cells in complex tissue environments that improve upon processing time and reduce overall cost; or
  - New combinations of tools and approaches to maximize data generation over several parameters (e.g., proteins, lipids, metabolites, signal secretion/reception/transduction, migratory changes);
- advance what is currently considered the state-of-the-art.

Solutions describing existing, well-established and/or currently supported approaches, especially commonly used strategies are not of interest unless a compelling case is made that significant, quantifiable advances are proposed and/or the methods and measures are used in unique combinations that have not been previously tested together for the analysis of individual cells in complex environments.

We welcome solutions from individuals, teams, and entities from all U.S. sources, including the public sector, private sector, and nonprofit groups.

Eligibility Rules for the Challenge

1. To Participate

This Challenge is open to any ''Solver'' where ''Solver'' is defined as an individual, a group of individuals (i.e., a team), or an entity. Whether singly or as part of a group or entity, each individual participating in the Challenge must be 18 years of age or older.

Eligibility to participate in Phase 2 of the Challenge is conditioned upon participation in Phase 1 of the Challenge and being selected as a ''Phase 1 Finalist.'' Phase 1 Finalists are any and all Phase 1 prize winners and any individual, team, and/or entity whose solution received a meritorious rating based on the judging criteria.

2. To Win

To be eligible to win a prize under this Challenge, the Solver—

1. Shall have registered to participate in the Challenge under the process identified at the InnoCentive Web site *www.innocentive.com/followthatcell.*
2. Shall have complied with all the requirements under this section on Eligibility.
3. In the case of a private entity, shall be incorporated in and maintain a primary place of business in the United States; and in the case of an individual, whether participating singly or in a group, shall be a citizen or permanent resident of the United States. **Note:** Non-U.S. citizens and nonpermanent residents can participate as a member of a team that otherwise satisfies the eligibility criteria but will not be eligible to win a monetary prize (in whole or in part); however, their participation as part of a winning team, if applicable, may be recognized when results are announced.
4. In the case of an individual, he/she may not be an employee of the NIH; an individual involved in formulation of the Challenge and/or serving on the technical evaluation panel; any other individual involved with the design, production, execution, distribution, or evaluation of this Challenge; or members of the individual's immediate family (specifically, a parent, step-parent, spouse, domestic partner, child, sibling, or step-sibling).
5. An individual, team, or entity that is currently on the Excluded Parties List (*https://www.epls.gov/*) will not be selected as a Finalist or prize winner.
6. In the case of an entity, may not be a federal entity; and in the case of an individual, may not be a federal employee acting within the scope of his or her employment.
7. Federal employees otherwise permitted to participate in the Challenge shall not work on their submission during assigned duty hours. **Note:** Federal ethical conduct rules may restrict or prohibit federal employees from engaging in certain outside

activities, so any federal employee not excluded under the prior paragraph seeking to participate in this Challenge outside the scope of employment should consult his/her agency's ethics official prior to developing a submission.

8. Federal grantees may not use federal funds to develop Challenge submissions.

9. Federal contractors may not use federal funds from a contract to develop Challenge submissions or to fund efforts in support of a Challenge submission.

10. An individual shall not be deemed ineligible to win because the individual used federal facilities or consulted with federal employees during the Challenge provided that such facilities and/or employees, as applicable, are made available on an equitable basis to all individuals and teams participating in the Challenge.

All questions regarding the Challenge should be directed to Dr. Yao or Ms. Shannon, identified above, and answers will be posted and updated as necessary at *www.innocentive.com/followthatcell* under Frequently Asked Questions. Questions from Solvers that may reveal proprietary information related to solutions under development may be addressed in the InnoCentive project room, an online secure and confidential communication forum.

Submission Requirements

The Challenge has two phases.

Phase 1 (Theoretical)—Phase 1 of the Challenge requires a written proposed solution which describes a novel method for analyzing dynamic states of individual cells that can serve as the basis for predicting alterations in cell behavior and function over time.

The Phase 1 Submission shall include:

1. A comprehensive description of the proposed solution in 10 pages or less, 8.5 x 11 inch page, 10-point font or greater and one inch margins including:

a. A one-paragraph executive summary that clearly states the biological or clinical question to be solved;

b. Background information supporting the significance of the biological or clinical question(s) and the proposed approach, pitfalls, and validation scheme that addresses efforts to support reproducibility; if possible, citing selected peer-reviewed articles that strengthen the proposed solution. The full citations for articles should be included in the references section;

c. Descriptions of methods and technologies key to implementation; and

d. A ''State-of-the-Art'' Statement that describes approaches currently in use (if any) and clearly explains how the methods and measures proposed advance existing capabilities.

2. A biographical sketch, in no more than four pages, of your experience and relevant expertise required to validate the proposed solution, including publications, if applicable. Team submissions should include a biosketch for each team member.

3. A feasibility assessment and a statement describing your ability to execute the proposed solution in Phase 2 (Reduction to Practice), including the estimated timeframe, supporting precedents, and any special resource(s) you may have or will need. If relevant, the assessment of feasibility should also address Protections for Humans Subjects, compliance with policies related to the use of vertebrate animals, biosafety issues, and use of methods/technologies covered by patents or other intellectual property protection, as applicable.

4. List of essential materials and reagents including their suppliers, if applicable.

5. Appendices describing existing, unpublished experimental data that support your proposed solution may be included. Please note that while a page limit is not placed on appendices, please be concise in your presentation and include only relevant data in support of your solution.

6. References.

All Phase 1 Solvers will agree to allow the executive summaries of their solutions to be posted on the NIH Common Fund Web site.

Phase 2 (Reduction to Practice)—All Phase 1 Finalists will be eligible to participate as Phase 2 Solvers in the second phase of the Challenge to produce proof-of-concept data. Phase 2 Solvers will execute their proposed solution(s) to Phase 1 of the Challenge and submit (in the Phase 2 submission) single cell data addressing significant biological or clinical question(s) by measuring changes in a single cell over time. Phase 2 Solvers are encouraged to incorporate the expert review feedback from Phase 1 and form teams/partnerships to improve the likelihood of successful solution implementation. Detailed submission requirements for Phase 2 of the Challenge will be available to Phase 2 Solvers no later than 30 days after the Phase 1 Finalists are announced.

The Phase 2 submission shall include:

1. Project Description: Detailed description of materials, methods, personnel, resources, and schedule.

2. Execution: Successful generation of time course measurements from a single cell based on the Phase 1 solution, which may also include innovations, essential alterations in the proposed plan, and/or trouble-shooting technical or analytical challenges. Any changes from the original design (Phase 1 solution) should be documented and explained.

3. Data: Quality and significance of the time course data produced; efforts to assess reproducibility.

Registration and Submission Process for Solvers

To register and submit for this Challenge, Solvers may access the registration and submission platform from any of the following:

- Access the *www.challenge.gov* Web site and search for ''Follow that Cell.''
- Access the NIH Single Cell Analysis Web site *https://commonfund.nih.gov/Singlecell/index;* a registration link for the Challenge can be found on the landing page under Challenge Description.
- Access the Innocentive Challenge Web site at *www.innocentive.com/followthatcell.*

Amount of the Prize.

Phase 1: $100,000.

Phase 2: $400,000.

As determined by the judges, up to six prizes may be awarded for Phase 1 solutions from a total prize award pool of $100,000, and up to 2 prizes may be awarded for Phase 2 solutions from a total pool of $400,000.

In addition, any and all Phase 1 Finalists will be acknowledged by the NIH Common Fund Single Cell Analysis Program and invited to attend The 3rd Annual Single Cell Analysis Investigators Meeting near Bethesda, Maryland, U.S.A., on April 20–21, 2015, during which they may be invited to present their theoretical solution. Any funds for travel reimbursements for Phase 1 winners will be counted within the total prize amounts.

Note that in the event a winning team includes individual members who are neither citizens nor permanent residents of the United States, these individuals are welcome to attend the meeting and their names will be listed among the team members, but they cannot be reimbursed for their travel and related expenses.

The NIH reserves the right to cancel, suspend, and/or modify this Challenge at any time through amendment to this **Federal Register** notice. In addition, the NIH reserves the right to not award any prizes if no solutions are deemed worthy. The award approving official for Phase 1 and Phase 2 of this Challenge is the NIH Principal Deputy Director.

Basis Upon Which Winners Will Be Evaluated

Solutions for both phases of the Challenge will be evaluated by a Technical Evaluation Panel using the criteria and rating scales describe below. NIH scientific staff from the various Institutes and Centers (ICs), including the Office of Strategic Coordination, will review highly rated solutions for scientific alignment to the single-cell analysis program, relevance to the NIH mission, and potential overlap with existing projects. The judges, comprising three senior NIH leaders, will use the technical and programmatic evaluations to determine the Phase 1 prize winners, those Solvers in Phase 1 who are deemed meritorious, and the Phase 2 prize winner(s). Prizes will be approved by the NIH Principal Deputy Director.

Phase 1 (Theoretical)—The technical evaluation panel will use the following criteria and rating scales for evaluating proposed solutions with high scores reflecting the mostly highly rated solutions: (Maximum 100 points; plus bonus points)

1. Time Course Measurements—Must permit time course measurements on the same cell over a biologically significant period of time rather than a single, snapshot assessment; provide rationale for the functional measure(s) and chosen duration. (0–25 points)

2. Predictability—Approach must provide technical requirements (sensitivity, selectivity, spatiotemporal resolution, signal-to-noise ratio, etc.) that will adequately support robust prediction of phenotypic changes in cell state that occur naturally or in response to controlled perturbation(s). (0–20 points)

3. Cellular Environment—Must pertain to single cells in a complex multicellular environment with preference for cell types that are phylogenetically closer to human (a–d below ordered from highest to lowest in interest). (0–20 points)

a. Multicellular living organism (15–20 points)
b. Intact tissue (10–15 points)
c. Organoid culture (5–10 points)
d. Cell culture (0–5 points)

4. Significance—Must address a meaningful biological or clinical question with high potential impact if successful; must advance current capabilities and address issues related to reproducibility. (0–20 points)

5. Adaptability—Must describe broad utility and scalability. The approach should lend itself to more than one particular cell type. (0–15 points)

Bonus Points. (Maximum 50 bonus points)

- Feasibility—Should provide sufficient details to support the feasibility that the proposed solution will be reduced to practice in less than two years, including published or unpublished data, scientific basis, technological capability, and resources. (Bonus up to 30 points)
- Throughput—Methods that describe multiplexed analysis to increase throughput and coverage will be rated more favorably. (Bonus up to 10 points)
- Data Content—Methods that promote the collection and integration of multiple types of data (e.g., biochemical, physiologic, morphological, or 'omics-level analyses) on individual cells will be rated more favorably. (Bonus up to 10 points)

Phase 2 (Reduction to Practice)—Phase 2 submissions must provide a clear description of how experiments were conducted (including use of appropriate controls, instrument calibration, etc.) and how the data were collected. Phase 2 submissions must include all requisite scientific and technical details including materials, methods, protocols, and devices to demonstrate successful execution of the proposed solution. It should also document trouble-shooting: What technical or analytical challenges were encountered and how were these resolved? Has reproducibility of the approach been demonstrated? What improvements and/or innovations were implemented above and beyond what was proposed in Phase 1?

The technical evaluation panel will use the following criteria and rating scales for evaluating proposed Phase 2 solutions, with high scores reflecting the mostly highly rated solutions. (Maximum 100 points, plus bonus points)

1. Time Course Measurements—Must provide time course measurement data on the same cell over a biologically significant period of time with adequate time intervals. (0–25 points)

2. Predictability—Approach must provide technical specifications (sensitivity, selectivity, spatiotemporal resolution, signal-to-noise ratio, etc.) that will adequately support robust prediction of phenotypic changes in cell state that occur naturally or in response to controlled perturbation(s). The data should also support robustness, stability, and reproducibility of measurements. (0–20 points)

3. Cellular Environment—Must provide measurement data pertaining to single cells in a complex multicellular environment with preference for cell types that are phylogenetically closer to human; (a–d below ordered from greatest to least in interest). (0–20 points)

a. Multicellular living organism (15–20 points)

b. Intact tissue (10–15 points)

c. Organoid culture (5–10 points)

d. Cell culture (0–5 points)

4. Significance—Must address a meaningful biological or clinical question with high potential impact if successful; must make technical advances and/or improvements to existing methods and approaches. Should provide evidence of reproducibility. (0–20 points)

5. Adaptability—Must describe broad utility and scalability. The approach should lend itself to more than one particular cell type. (0–15 points)

Bonus Points (maximum 20 bonus points)

- Throughput Methods that promote multiplexed analysis to increase throughput and coverage will be rated more favorably. (Bonus up to 10 points)
- Data Content Methods that collect and integrate multiple types of data (e.g., biochemical, physiologic, morphological, or 'omics-level analyses) on individual cells will be rated more favorably. (Bonus up to 10 points)

As part of the evaluation process, the panel may request a demonstration of the technology.

Additional Information

Statutory Authority of the Funding Source

This Challenge is consistent with and advances the mission of the NIH Division of Program Coordination, Planning, and Strategic Initiatives to identify research that represents important areas of emerging scientific opportunities, rising public health challenges, or knowledge gaps that deserve special emphasis, including coordination of the NIH Common Fund. The NIH Common Fund was enacted into law by Congress through the 2006 National Institutes of Health Reform Act to support cross-cutting, trans-NIH programs that require participation by at least two NIH ICs or would otherwise benefit from strategic planning and coordination. The requirements for the NIH Common Fund encourage collaboration across the ICs while providing the NIH with flexibility to determine priorities for Common Fund support. To date, the Common Fund has been used to support a series of short-term, exceptionally high-impact, trans-

NIH programs. *http://commonfund.nih.gov/about.*

Intellectual Property: By submitting the Submission, each Solver warrants that he or she is the sole author and owner of any copyrightable works that the Submission comprises, that the works are wholly original with the Solver (or is an improved version of an existing work that the Solver has sufficient rights to use and improve), and that the Submission does not infringe any copyright or any other rights of any third party of which Solver is aware.

To receive an award, Solvers will not be required to transfer their exclusive intellectual property rights to the NIH. Instead, Solvers will grant to the federal government a nonexclusive license to practice their solutions and use the materials that describe them. To participate in the Challenge, each Solver must warrant that there are no legal obstacles to providing a nonexclusive license of Solver's rights to the federal government. This license will grant to the United States government a nonexclusive, nontransferable, irrevocable, paid-up license to practice or have practiced for or on behalf of the United States throughout the world any invention made by the Solvers that covers the Submission. In addition, the license will grant to the federal government and others acting on its behalf, a paid-up, nonexclusive, irrevocable, worldwide license in any copyrightable works that the Submission comprises, including the right to reproduce, prepare derivative works, distribute copies to the public, and perform publicly and display publicly said copyrightable works.

Liability and Indemnification: By participating in this Challenge, each Solver agrees to assume any and all risks and waive claims against the federal government and its related entities, except in the case of willful misconduct, for any injury, death, damage, or loss of property, revenue, or profits, whether direct, indirect, or consequential, arising from participation in this Challenge, whether the injury, death, damage, or loss arises through negligence or otherwise. By participating in this Challenge, each Solver agrees to indemnify the federal government against third party claims for damages arising from or related to Challenge activities.

Insurance: Based on the subject matter of the Challenge, the type of work that it will possibly require, as well as an analysis of the likelihood of any claims for death, bodily injury, or property damage, or loss potentially resulting from competition participation, Solvers are not required to obtain liability insurance or demonstrate financial responsibility in order to participate in this Challenge.

Privacy, Data Security, Ethics, and Compliance: Solvers are required to identify and address privacy and security issues in their proposed projects and describe specific solutions for meeting them. In addition to complying with appropriate policies, procedures, and protections for data that ensures all privacy requirements and institutional policies are met, use of data should not allow the identification of the individual from whom the data was collected. Solvers are responsible for compliance with all applicable federal, state, local, and institutional laws, regulations, and policies. These may include, but are not limited to, Health Information Portability and Accountability Act (HIPAA) protections, Department of Health and Human Services (HHS) Protection of Human Subjects regulations, and Food and Drug Administration (FDA) regulations. If approvals (e.g., from an Institutional Review Board) will be required to initiate project activities in Phase 2, it is recommended that Solvers apply for approval at or before the Phase 1 submission deadline. The following links are intended as a starting point for addressing regulatory requirements but should not be interpreted as a complete list of resources on these issues:

HIPAA

Main link: *http://www.hhs.gov/ocr/privacy/index.html.*

Summary of the HIPAA Privacy Rule: *http://www.hhs.gov/ocr/privacy/hipaa/understanding/summary/index.html.*

Summary of the HIPAA Security Rule: *http://www.hhs.gov/ocr/privacy/hipaa/understanding/srsummary.html.*

Human Subjects—HHS

Office for Human Research Protections: *http://www.hhs.gov/ohrp/index.html.*

Protection of Human Subjects Regulations: *http://www.hhs.gov/ohrp/humansubjects/guidance/45cfr46.html.*

Policy & Guidance: *http://www.hhs.gov/ohrp/policy/index.html.*

Institutional Review Boards & Assurances: *http://www.hhs.gov/ohrp/assurances/index.html.*

Human Subjects—FDA

Clinical Trials: *http://www.fda.gov/ScienceResearch/SpecialTopics/RunningClinicalTrials/default.htm.*

Office of Good Clinical Practice: *http://www.fda.gov/AboutFDA/CentersOffices/OfficeofMedicalProductsandTobacco/Officeof ScienceandHealthCoordination/ucm2018191.*

Consumer Protection—Federal Trade Commission

Bureau of Consumer Protection: *http://business.ftc.gov/privacy-and-security.*

Challenge Judges

Director, Division of Program Coordination, Planning, and Strategic Initiatives, NIH.

Director, National Institute of Mental Health.

Director, National Institute of Biomedical Imaging and Bioengineering (NIBIB).

Acknowledgements

The National Institutes of Health Single Cell Analysis Program team would like to thank the following Subject Matter Experts for providing guidance to our contractor, InnoCentive, as NIH staff developed this Challenge.

Ronald N. Germain, M.D., Ph.D., NIH, National Institute of Allergy and Infectious Diseases, Laboratory of Systems Biology

Leroy Hood, M.D., Ph.D., President, Institute for Systems Biology

Tom Misteli, Ph.D., NIH, National Cancer Institute, Laboratory of Receptor Biology and Gene Expression

Pamela Gehron Robey, Ph.D., NIH, National Institute of Dental and Craniofacial Research, Craniofacial and Skeletal Diseases Branch

Hari Shroff, Ph.D., NIH, NIBIB, High Resolution Optical Imaging Laboratory

Dated: August 4, 2014.

Lawrence A. Tabak,

Principal Deputy Director, National Institutes of Health.

[FR Doc. 2014–18870 Filed 8–8–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

[Docket No. DHS–2014–0036]

National Infrastructure Advisory Council

AGENCY: National Protection and Programs Directorate, DHS.

ACTION: Committee Management; Notice of an Open Federal Advisory Committee Meeting.

SUMMARY: The National Infrastructure Advisory Council (NIAC) will meet Friday, September 5, 2014, at the Navy

League of the United States Building, 2300 Wilson Boulevard, Suite 100, Arlington, VA 22201. The meeting will be open to the public.

DATES: The NIAC will meet on Friday, September 5, 2014, from 1:30 p.m. to 4:30 p.m. The meeting may close early if the council has completed its business. For additional information, please consult the NIAC Web site, *www.dhs.gov/NIAC,* or contact the NIAC Secretariat by phone at (703) 235–2888 or by email at *NIAC@hq.dhs.gov.*

ADDRESSES: Navy League of the United States Building, 2300 Wilson Boulevard, Suite 100, Arlington, VA 22201. For information on facilities or services for individuals with disabilities, or to request special assistance at the meeting, contact the person listed under **FOR FURTHER INFORMATION CONTACT** below as soon as possible.

To facilitate public participation, we are inviting public comment on the issues to be considered by the Council as listed in the ''Summary'' section below. Comments must be submitted in writing no later than 12:00 p.m. on September 2, 2014, must be identified by ''DHS–2014–0036,'' and may be submitted by any *one* of the following methods:

- *Federal eRulemaking Portal: www.regulations.gov.* Follow the instructions for submitting written comments.
- *Email: NIAC@hq.dhs.gov.* Include the docket number in the subject line of the message.
- *Fax:* (703) 603–5098.
- *Mail:* Nancy Wong, National Protection and Programs Directorate, Department of Homeland Security, 245 Murray Lane SW., Mail Stop 0607, Arlington, VA 20598–0607.

Instructions: All written submissions received must include the words ''Department of Homeland Security'' and the docket number for this action. Written comments received will be posted without alteration at *www.regulations.gov,* including any personal information provided.

Docket: For access to the docket to read background documents or comments received by the NIAC, go to *www.regulations.gov.*

Members of the public will have an opportunity to provide oral comments on the Transportation Resilience Working Group study and on Senior Executive/Chief Executive Officer (CEO) Engagement and Summary of the National Infrastructure Protection Plan 2013: *Partnering for Critical Infrastructure Security and Resilience* (NIPP 2013). We request that comments be limited to the issues listed in the meeting agenda and previous NIAC studies. All previous NIAC studies can be located at *www.dhs.gov/NIAC.* Public comments may be submitted in writing or presented in person for the Council to consider. Comments received by Nancy Wong after 12:00 p.m. on September 2, 2014, will still be accepted and reviewed by the members, but not necessarily by the time of the meeting. In-person presentations will be limited to three minutes per speaker, with no more than 15 minutes for all speakers. Parties interested in making in-person comments should register on the Public Comment Registration list available at the meeting location no later than 15 minutes prior to the beginning of the meeting.

FOR FURTHER INFORMATION CONTACT: Nancy Wong, National Infrastructure Advisory Council Designated Federal Officer, Department of Homeland Security, (703) 235–2888.

SUPPLEMENTARY INFORMATION: Notice of this meeting is given under the Federal Advisory Committee Act, 5 U.S.C. App. (Pub. L. 92–463). The NIAC shall provide the President, through the Secretary of Homeland Security, with advice on the security and resilience of the Nation's critical infrastructure sectors.

The NIAC will meet to discuss issues relevant to critical infrastructure security and resilience as directed by the President. At this meeting, the committee will receive and discuss a presentation from the Transportation Resilience Working Group documenting their work to date on a study reviewing the Transportation Sector's resilience against potentially disruptive events. The committee will also receive a working group update on the development of recommendations for an Executive Summary of the National Infrastructure Plan 2013, targeted for use by Senior Executive Level/CEO critical infrastructure owners and operators and a communication strategy with this target community. Both presentations will be posted no later than one week prior to the meeting on the council's public Web page—*www.dhs.gov/NIAC.* The council will review and discuss the presentations, and determine a path forward on each initiative.

Meeting Agenda

I. Opening of Meeting
II. Roll Call of Members
III. Opening Remarks and Introductions
IV. Approval of Meeting Minutes
V. *Working Group Presentation on Transportation Resilience Study, Path Forward to Execute Study*
VI. *Working Group Presentation on Status, and Refinement of Path Forward of Government Requested Recommendation on Senior Executive/CEO Engagement and Executive Summary of the NIPP 2013*
VII. Public Comment: Topics Limited to Transportation Resilience Study; Senior Executive/CEO Engagement and Executive Summary of NIPP 2013; and Previously Issued NIAC Studies and Recommendations
VIII. *Discussion and Deliberations by Council on Presentations and Paths Forward of Working Groups*
IX. Closing Remarks

Nancy Wong,

Designated Federal Officer for the NIAC.

[FR Doc. 2014–18871 Filed 8–8–14; 8:45 am]

BILLING CODE 9110–9P–P

DEPARTMENT OF HOMELAND SECURITY

Office of the Secretary

[Docket No. DHS–2014–0040]

Privacy Act of 1974; Department of Homeland Security U.S. Citizenship and Immigration Services—011 E-Verify Program System of Records

AGENCY: Privacy Office, Department of Homeland Security.

ACTION: Notice of Privacy Act System of Records.

SUMMARY: In accordance with the Privacy Act of 1974, the Department of Homeland Security proposes to update and reissue a current Department of Homeland Security system of records titled, ''Department of Homeland Security/U.S. Citizenship and Immigration Services—011 E-Verify Program System of Records.'' The U.S. Citizenship and Immigration Services E-Verify program allows employers to electronically verify the employment authorization of newly hired employees. To provide individuals the ability to learn about their work authorization status information, the U.S. Citizenship and Immigration Services also operates a free service called Self-Check. The U.S. Citizenship and Immigration Services is launching enhanced features to the Self Check service that permits individuals who successfully complete a Self Check identification process the opportunity to establish a myE-Verify account. The information collected to register and maintain a myE-Verify account is covered by the ''Department of Homeland Security/ALL—037 E-Authentication System of Records''

published elsewhere in the **Federal Register**. U.S. Citizenship and Immigration Services is updating this System of Records Notice to include the operational data previously covered by ''Department of Homeland Security U.S. Citizenship and Immigration Services—013 Self Check System of Records,'' which is being consolidated into DHS/ALL—037 E-Authentication System of Records and this System of Records Notice. The Self Check query, query results, and Self Lock transaction history will now be maintained by this updated System of Records Notice. The initial launch of myE-Verify will allow access to a feature called ''Self Lock,'' which enables an account holder to prevent the use of his or her Social Security number in E-Verify and Self Check. Additional myE-Verify account features such as Case History, Case Tracker, and Document Expiration Reminders will be made available in future releases. The Department of Homeland Security is updating this Privacy Act System of Records Notice for the E-Verify Program in order to provide notice that E-Verify is updating the ''Category of Individuals,'' ''Category of Records,'' ''Purpose(s),'' and ''Record Source Categories'' to account for additional information necessary to operate myE-Verify account features. E-Verify is updating the ''Category of Individuals'' to include individuals that successfully use the E-Verify Self Check service to check employment eligibility, which was previously covered by the E-Verify Self Check System of Records, and individuals who have locked their Social Security number in E-Verify. E-Verify is also updating the ''Category of Records'' to include Self Check query information, which was previously covered by the E-Verify Self Check System of Records Notice, and Social Security number lock information. E-Verify is updating the ''Purpose(s)'' to include providing employment authorization information to individuals seeking to check employment eligibility under the Immigration and Naturalization Act. This system will also enable individuals to access features concerning the use of their personally identifiable information in E-Verify and Self Check, such as the ability to lock their Social Security number to prevent its use in E-Verify and Self Check.

This updated system will be included in the Department of Homeland Security's inventory of record systems.

DATES: Submit comments on or before September 10, 2014. This updated system will be effective September 10, 2014.

ADDRESSES: You may submit comments, identified by docket number DHS–2014–0040 by one of the following methods:

- Federal e-Rulemaking Portal: *http://www.regulations.gov*. Follow the instructions for submitting comments.
- Fax: (202) 343–4010.
- Mail: Karen Neuman, Chief Privacy Officer, Privacy Office, Department of Homeland Security, Washington, DC 20528.

Instructions: All submissions received must include the agency name and docket number for this rulemaking. All comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided.

Docket: For access to the docket to read background documents or comments received, please visit *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: For general questions, please contact: Donald K. Hawkins, (202) 272–8030, Privacy Officer, U.S. Citizenship and Immigration Services, 20 Massachusetts Avenue NW., 5th Floor, Washington, DC 20529. For privacy questions, please contact: Karen Neuman, (202) 343–1717, Chief Privacy Officer, Privacy Office, Department of Homeland Security, Washington, DC 20528.

SUPPLEMENTARY INFORMATION:

I. Background

In accordance with the Privacy Act of 1974, 5 U.S.C. 552a, the Department of Homeland Security (DHS) U.S. Citizenship and Immigration Services (USCIS) proposes to update and reissue a current DHS system of records titled, ''DHS/USCIS–011 E-Verify Program System of Records.'' The USCIS E-Verify Program allows employers to confirm employment eligibility of newly hired employees.

To provide individuals the ability to learn about their work authorization status information, USCIS operates a free service called Self-Check. USCIS is launching enhanced features to the Self Check service that permit individuals who successfully complete a Self Check case to establish a myE-Verify account. The information collected to register and maintain a myE-Verify account, including information collected for E-authentication purposes, is covered by the ''DHS/ALL–037 E-Authentication System of Records'' published elsewhere in the **Federal Register**. DHS/ALL–037 E-Authentication System of Records and this System of Records Notice consolidate the previously issued ''Department of Homeland Security U.S. Citizenship and Immigration Services-013 Self Check System of Records.'' As a result of this consolidation, by this notice, DHS intends to remove DHS/USCIS–013 from its inventory of systems of records.

The initial launch of myE-Verify will allow access to a feature called ''Self Lock,'' which will enable an account holder to prevent the use of his or her Social Security number (SSN) in E-Verify and Self Check. Additional myE-Verify account features such as Case History, Case Tracker, and Document Expiration Reminders will be made available in future releases. DHS is updating this Privacy Act System of Records Notice for the E-Verify Program to provide notice that E-Verify is updating the ''Category of Individuals,'' ''Category of Records,'' ''Purpose(s),'' and ''Record Source Categories'' to account for the additional information collection necessary to operate myE-Verify account features. E-Verify is updating the ''Category of Individuals'' to include (1) individuals that successfully use the E-Verify Self Check service to check employment eligibility, which was previously covered by the E-Verify Self Check System of Records, and (2) individuals who have locked their SSN in E-Verify. E-Verify is also updating the ''Category of Records'' to include (1) Self Check query information, which was previously covered by the E-Verify Self Check System of Records Notice, and (2) SSN lock information. E-Verify is updating ''Purpose(s)'' to include providing employment authorization information to individuals seeking to check employment eligibility under the Immigration and Naturalization Act. This system will also enable individuals to access features concerning the use of their personally identifiable information in E-Verify and Self Check such as the ability to lock their SSN to prevent its use in E-Verify and Self Check.

This updated system will be included in DHS's inventory of record systems.

II. Privacy Act

The Privacy Act embodies fair information practice principles in a statutory framework governing the means by which Federal Government agencies collect, maintain, use, and disseminate individuals' records. The Privacy Act applies to information that is maintained in a ''system of records.'' A ''system of records'' is a group of any records under the control of an agency from which information is retrieved by the name of an individual or by some identifying number, symbol, or other identifying particular assigned to the individual. In the Privacy Act, an individual is defined to encompass U.S.

citizens and lawful permanent residents. As a matter of policy, DHS extends administrative Privacy Act protections to all individuals when systems of records maintain information on U.S. citizens, lawful permanent residents, and visitors.

Below is the description of the DHS/USCIS–011 E-Verify Program System of Records.

In accordance with 5 U.S.C. 552a(r), DHS has provided a report of this system of records to the Office of Management and Budget and to Congress.

System of Records

Department of Homeland Security (DHS)/U.S. Citizenship and Immigration Services (USCIS)–011.

SYSTEM NAME:

DHS/USCIS–011 E-Verify Program.

SECURITY CLASSIFICATION:

Unclassified, for official use only.

SYSTEM LOCATION:

Records are maintained at USCIS Headquarters in Washington, DC, field offices, and at the DHS Stennis Data Center (DC1).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of individuals covered by the E-Verify program include: Employees, both U.S. Citizens and non-U.S. Citizens, whose employers have submitted to E-Verify their identification and contact information; employers that enroll in E-Verify; designated agents who enroll in E-Verify; individuals employed or retained by employers or designated agents who have accounts to use E-Verify; individuals who contact E-Verify with information on the use of E-Verify; individuals who provide their names and contact information to E-Verify for notification or contact purposes; individuals seeking to check employment eligibility under the Immigration and Naturalization Act (INA); and individuals who have created a myE-Verify account and locked their SSNs in E-Verify to prevent them from being used in E-Verify and Self Check.

CATEGORIES OF RECORDS IN THE SYSTEM:

A. Information about the employee to be verified:

- Name (last, first, middle initial, other names used, if any);
- Date of Birth;
- SSN;
- Contact information such as email address and telephone number;
- Date of Hire;
- Claimed Citizenship Status;
- Acceptable Form I–9 document type;
- Expiration Date of Acceptable Form I–9 Document;
- State or jurisdiction of issuance of identity document when that document is a driver's license, driver's permit, or state-issued identification (ID) card;
- Passport Number and Country of Issuance;
- Driver's license number, driver's permit number, or state-issued ID number if issued by a state or jurisdiction participating in the Records and Information from Departments of Motor Vehicles for E-Verify (RIDE) program and when a Memorandum of Agreement (MOA) exists between the state or jurisdiction and DHS USCIS to verify the information about the document;
- Receipt Number;
- Visa Number;
- A-Number;
- I–94 Number;
- Employment Authorization Document (Form I–766) Number; and
- Permanent Residence Card (Form I–551) Number Photographs, if required by secondary verification.

B. Disposition data from the employer. The following codes are entered by the employer based on what the employer does as a result of the employment verification information (the most up-to-date disposition codes can be found in the E-Verify Employer Manual available at *http://www.dhs.gov/E-Verify*):

- The employee continues to work for the employer after receiving an Employment Authorized result: Employer selects this option based on receiving an Employment Authorized response from E-Verify;
- The employee continues to work for the employer after receiving a Final Non-confirmation (FNC) result: Employer selects this option based on the employee getting an FNC despite the employee contesting the Tentative Non-confirmation (TNC) and the employer retains the employee;
- The employee continues to work for the employer after receiving a No Show result: Employer selects this option based on the employee getting a TNC but the employee did not try to resolve the issue with the Social Security Administration (SSA) or DHS and the employer retains the employee;
- The employee continues to work for the employer after choosing not to contest a TNC: Employer selects this option when the employee does not contest the TNC but the employer retains the employee;
- The employee was terminated by the employer for receiving a FNC result: Employer selects this option when employee receives FNC and is terminated;
- The employee was terminated by the employer for receiving a No Show result: Employer selects this option when employee did not take an action to resolve and is terminated;
- The employee was terminated by the employer for choosing not to contest a TNC: Employer selects this option when employee does not contest the TNC and is terminated;
- The employee voluntarily quit working for the employer: Employer selects this option when employee voluntarily quits job without regard to E-Verify;
- The employee was terminated by the employer for reasons other than E-Verify: Employer selects this option when employee is terminated for reasons other than E-Verify;
- The case is invalid because another case with the same data already exists: Employer selects this option when the employer ran an invalid query because the information had already been submitted; and
- The case is invalid because the data entered is incorrect: Employer selects this option when the employer ran an invalid query because the information was incorrect.
- Information related to the expiration of the three day hire rule;
- Whether an individual is awaiting a SSN;
- Technical Problems;
- Audit Revealed New Hire Was Not Run;
- Federal Contractor With E-Verify Clause Verifying Existing Employees;
- Other.

C. Information about the Enrollee, Employer, or Designated Agent:

- Company Name;
- Street Address;
- Employer Identification Number;
- North American Industry Classification System (NAICS) Code;
- Number of Employees;
- Number of Sites;
- Parent Company or Corporate Company;
- Name of Company Point of Contact;
- Phone Number;
- Fax Number; and
- EMail Address.

D. Information about the Individual Employer User of E-Verify: (e.g., Human Resource employee conducting E-Verify queries):

- Last Name;
- First Name;
- Middle Initial;
- Phone Number;
- Fax Number;
- Email Address; and

- User ID.

E. Employment Eligibility Information created by E-Verify:

- Case Verification Number; and
- Verification Information System Response (the most up-to-date codes can be found in the E-Verify Employer Manual available at *http://www.dhs.gov/E-Verify*):
- Employment Authorized,
- DHS Verification in Process,
- SSA TNC,
- DHS TNC,
- Employee Referred to SSA,
- Employee Referred to DHS,
- SSA Case in Continuance (In rare cases SSA needs more than 10 federal government workdays to confirm employment eligibility),
- DHS Case in Continuance (In rare cases DHS needs more than 10 federal government workdays to confirm employment eligibility),
- SSA FNC,
- DHS FNC,
- DHS No Show,
- Case Incomplete,
- Photo Matching Required,
- Review and Update Employee Data, and
- Error: Close Case and Resubmit.

F. Information from state Motor Vehicle Agencies (MVA) used to verify the information from a driver's license, permit, or state issued ID card if the state has established a MOA with DHS USCIS to allow verification of this information. The categories of records from MVAs may include:

- Last Name;
- First Name;
- State or Jurisdiction of Issuance;
- Document Type;
- Document Number;
- Date of Birth;
- Status Text;
- Status Description Text; and
- Expiration Date.

G. Information from federal databases used to verify employment eligibility may contain some or all of the following information about the individual being verified:

- Last Name;
- First Name;
- Middle Name;
- Other Names Used (e.g., Maiden Name);
- Date of Birth;
- Age;
- Country of Birth;
- Country of Citizenship;
- Alien Number;
- SSN;
- Citizenship Number;
- Receipt Number;
- Address;
- Previous Address;
- Phone Number;
- Nationality;
- Gender;
- Photograph;
- Date Entered United States;
- Class of Admission;
- File Control Office Code;
- Form I–94 Number;
- Provision of Law Cited for Employment Authorization;
- Office Code Where the Authorization Was Granted;
- Date Employment Authorization Decision Issued;
- Date Employment Authorization Begins;
- Date Employment Authorization Expires;
- Date Employment Authorization Denied;
- Confirmation of Employment Eligibility;
- TNC of Employment Eligibility and Justification;
- FNC of Employment Eligibility;
- Status of Department of Justice Executive Office Immigration Review System (EOIR) Information, if in Proceedings;
- Date Alien's Status Changed;
- Class of Admission Code;
- Date Admitted Until;
- Port of Entry;
- Departure Date;
- Visa Number;
- Passport Number;
- Passport Information including Country of Issuance (COI);
- Passport Card Number;
- Form Number, for example Form I–551 (Lawful Permanent Resident card) or Form I–766 (Employment Authorization Document);
- Expiration Date;
- Employment Authorization Card Information;
- Lawful Permanent Resident Card Information;
- Petitioner Internal Revenue Service Number;
- Class of Admission;
- Valid To Date;
- Student Status;
- Visa Code;
- Status Code;
- Status Change Date;
- Port of Entry Code;
- Non-Citizen Entry Date;
- Program End Date;
- Naturalization Certificate Number;
- Naturalization Date and Place;
- Naturalization Information and Certificate;
- Naturalization Verification (Citizenship Certificate Identification ID);
- Naturalization Verification (Citizenship Naturalization Date/Time);
- Immigration Status (Immigration Status Code);
- Federal Bureau of Investigation Number;
- Admission Number;
- Petitioner Firm Name;
- Petitioner Tax Number;
- Date of Admission;
- Marital Status;
- Marriage Date and Place;
- Marriage Information and Certificate;
- Visa Control Number;
- Visa Foil Number;
- Class of Admission;
- Case History;
- Alerts;
- Case Summary Comments;
- Case Category;
- Date of Encounter;
- Encounter Information;
- Case Actions & Decisions;
- Bonds;
- Current Status;
- Asylum Applicant Receipt Date;
- Airline and Flight Number;
- Country of Residence;
- City Where Boarded;
- City Where Visa was Issued;
- Date Visa Issued;
- Address While in United States;
- File Number; and
- File Location.

H. Information from individuals that successfully complete an E-Verify query using Self Check:

- Name (last, first, middle initial, and other names used, if any);
- Date of Birth;
- SSN; and
- Document(s) type, associated number, and associated expiration date that demonstrates work authorization. These may include U.S. Passport, employment authorization document, I–495 Lawful Permanent Resident card, or other documents and associated numbers a listed as acceptable Form I–9 verification documents.

I. Information from individuals that establish a lock on their SSN through myE-Verify accounts:

- Name (last, first);
- SSN;
- Date of Birth;
- Lock Receipt Number;
- Lock Date and Expiration Date;
- Email Address; and
- Self-Generated Security Questions and Answers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Authority for having a system for verification of employment eligibility is found in the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), Public Law 104–208, §§ 401–405 (Sept. 30, 1996), codified at 8 U.S.C. 1324a note.

PURPOSE(S):

This system provides employment authorization information to employers

participating in E-Verify and to individuals seeking to check employment eligibility under the INA. This system will also enable individuals to access features concerning the use of their personally identifiable information in E-Verify and Self Check such as the ability to lock their SSN to prevent its use in E-Verify and Self Check. It may also be used to support monitoring and compliance activities for obtaining information in order to prevent the commission of fraud, discrimination, or other misuse or abuse of the E-Verify system, including violation of privacy laws or other illegal activity related to misuse of E-Verify, including:

- Investigating duplicate or incomplete enrollments by employers;
- Inappropriate enrollments by individuals posing as employers;
- Verifications that are not performed within the required time limits; and
- Cases referred by and between E-Verify and the Department of Justice Office of Special Counsel for Immigration-Related Unfair Employment Practices, or other law enforcement entities.

Additionally, the information in E-Verify may be used for program management and analysis, program outreach, customer service, and preventing or deterring further use of stolen identities in E-Verify.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, all or a portion of the records or information contained in this system may be disclosed outside DHS, except as limited by statute, as a routine use pursuant to 5 U.S.C. 552a(b)(3). Any disclosure of information must be made consistent with the official duties of the person making the disclosure. The routine uses are as follows:

A. To the Department of Justice (DOJ), including Offices of the U.S. Attorneys, or other federal agencies conducting litigation or in proceedings before any court, adjudicative, or administrative body, when it is relevant or necessary to the litigation and one of the following is a party to the litigation or has an interest in such litigation:

1. DHS or any component thereof;
2. any employee of DHS in his/her official capacity;
3. any employee of DHS in his/her individual capacity when DOJ or DHS has agreed to represent the employee; or
4. the U.S. or any agency thereof.

B. To a congressional office from the record of an individual in response to an inquiry from that congressional office made at the request of the individual to whom the record pertains.

C. To the National Archives and Records Administration (NARA) or General Services Administration pursuant to records management inspections being conducted under the authority of 44 U.S.C. 2904 and 2906.

D. To an agency or organization for the purpose of performing audit or oversight operations as authorized by law, but only such information as is necessary and relevant to such audit or oversight function.

E. To appropriate agencies, entities, and persons when:

1. DHS suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised;
2. DHS has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by DHS or another agency or entity) or harm to the individual that rely upon the compromised information; and
3. The disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with DHS's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

F. To contractors and their agents, grantees, experts, consultants, and others performing or working on a contract, service, grant, cooperative agreement, or other assignment for DHS, when necessary to accomplish an agency function related to this system of records. Individuals provided information under this routine use are subject to the same Privacy Act requirements and limitations on disclosure as are applicable to DHS officers and employees.

G. To an appropriate federal, state, tribal, local, international, or foreign law enforcement agency or other appropriate authority charged with investigating or prosecuting a violation or enforcing or implementing a law, rule, regulation, or order, when a record, either on its face or in conjunction with other information, indicates a violation or potential violation of the E-Verify program, which includes potential fraud, discrimination, or employment based identity theft and such disclosure is proper and consistent with the official duties of the person making the disclosure.

H. To employers participating in the E-Verify program in order to verify the employment eligibility of their employees working in the United States.

I. To the American Association of Motor Vehicle Administrators Network and participating MVAs for the purpose of validating information for a driver's license, permit, or identification card issued by the Motor Vehicle Agency of states or jurisdictions who have signed a Memorandum of Agreement with DHS under the RIDE program.

J. To the DOJ, Civil Rights Division, for the purpose of responding to matters within the DOJ's jurisdiction of the E-Verify program, especially with respect to discrimination.

K. To the news media and the public, with the approval of the Chief Privacy Officer in consultation with counsel, when there exists a legitimate public interest in the disclosure of the information or when disclosure is necessary to preserve confidence in the integrity of DHS, or is necessary to demonstrate the accountability of DHS's officers, employees, or individuals covered by the system, except to the extent the Chief Privacy Officer determines that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records in this system are stored electronically or on paper in secure facilities in a locked drawer behind a locked door. The records are stored on magnetic disc, tape, digital media, and CD–ROM.

RETRIEVABILITY:

Records may be retrieved by name, verification case number, Alien Number, I–94 Number, Receipt Number, Passport (U.S. or Foreign) Number and COI, Driver's License, Permit, or State-Issued Identification Card Number, or SSN of the employee, employee user, or by the submitting company name.

SAFEGUARDS:

Records in this system are safeguarded in accordance with applicable rules and policies, including all applicable DHS automated systems security and access policies. Strict controls have been imposed to minimize the risk of compromising the information that is being stored. Access to the computer system containing the

records in this system is limited to those individuals who have a need to know the information for the performance of their official duties and who have appropriate clearances or permissions.

RETENTION AND DISPOSAL:

NARA approved the retention and disposal schedule, N1–566–08–007, which covers E-Verify records. E-Verify stores and retains records collected in the process of enrolling in E-Verify and in verifying employment eligibility for ten (10) years from the date of the completion of the last transaction, unless the records are part of an ongoing investigation in which case they may be retained until completion of the investigation. This period is based on the statute of limitations for most types of misuse or fraud possible using E-Verify (under 18 U.S.C. § 3291, the statute of limitations for false statements or misuse regarding passports, citizenship, or naturalization documents).

SYSTEM MANAGER AND ADDRESS:

Chief, Verification Division, USCIS, Washington, DC 20528.

NOTIFICATION PROCEDURE:

Individuals seeking notification of and access to any record contained in this system of records, or seeking to contest its content, may submit a request in writing to the USCIS, Freedom of Information Act (FOIA) Officer, whose contact information can be found at *http://www.dhs.gov/foia* under ''FOIA Contact Information.'' If an individual believes more than one component maintains Privacy Act records concerning himself or herself, the individual may submit the request to the Chief Privacy Officer and Chief Freedom of Information Act Officer, Department of Homeland Security, 245 Murray Drive SW., Building 410, STOP–0655, Washington, DC 20528.

When seeking records about yourself from this system of records or any other Departmental system of records, your request must conform with the Privacy Act regulations set forth in 6 CFR Part 5, Subpart B. You must first verify your identity, meaning that you must provide your full name, current address, and date and place of birth. You must sign your request, and your signature must either be notarized or submitted under 28 U.S.C. § 1746, a law that permits statements to be made under penalty of perjury as a substitute for notarization. While no specific form is required, you may obtain forms for this purpose from the Chief Privacy Officer and Chief Freedom of Information Act Officer, *http://www.dhs.gov* or 1–866–431–0486. In addition you should:

- Explain why you believe the Department would have information on you;
- Identify which component(s) of the Department you believe may have the information about you;
- Specify when you believe the records would have been created; and
- Provide any other information that will help the FOIA staff determine which DHS component agency may have responsive records.

If your request is seeking records pertaining to another living individual, you must include a statement from that individual certifying his/her agreement for you to access his/her records. Without the above information the component(s) may not be able to conduct an effective search, and your request may be denied due to lack of specificity or lack of compliance with applicable regulations.

RECORD ACCESS PROCEDURES:

See ''Notification procedure'' above.

CONTESTING RECORD PROCEDURES:

See ''Notification procedure'' above.

RECORD SOURCE CATEGORIES:

Records are obtained from several sources including:

(A) Information collected from employers about their employees relating to employment eligibility verification;

(B) Information collected from E-Verify users used to provide account access and monitoring;

(C) Information collected from Federal and state databases listed below:

- SSA Numident System,
- Customs and Border Protection (CBP) Arrival and Departure Information System (ADIS),
- CBP Nonimmigrant Information System (NIIS) and Border Crossing Information (BCI),
- Immigration Customs and Enforcement (ICE) Student and Exchange Visitor Identification System (SEVIS),
- ICE ENFORCE Integrated Database (EID) Enforcement Alien Removal, Module (EARM) Alien Number,
- USCIS Aliens Change of Address System (AR–11),
- USCIS Central Index System (CIS),
- USCIS Customer Profile Management System (CPMS),
- USCIS Computer-Linked Application Information Management System Version 3 (CLAIMS 3),
- USCIS Computer-Linked Application Information Management System Version 4 (CLAIMS 4),
- USCIS Citizenship and Immigration Services Centralized Operational Repository (CISCOR),
- USCIS National File Tracking System (NFTS),
- USCIS Microfilm Digitization Application System (MiDAS),
- USCIS Marriage Fraud Amendment System (MFAS),
- USCIS Enterprise Document Management System (EDMS),
- USCIS Refugees, Asylum, and Parole System (RAPS),
- Department of State Consular Consolidated Database (CCD),
- DOJ EOIR Case Access System,
- State Motor Vehicle Administrations, if participating in the E-Verify RIDE initiative,

(D) Information created by E-Verify, and

(E) Information from individuals seeking to check employment eligibility and access to features concerning the use of their information in E-Verify and Self Check.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

Dated: July 31, 2014.

Karen L. Neuman,

Chief Privacy Officer, Department of Homeland Security.

[FR Doc. 2014–18701 Filed 8–8–14; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF HOMELAND SECURITY

Office of the Secretary

[Docket No. DHS–2014–0039]

Privacy Act of 1974; Department of Homeland Security/ALL–037 E-Authentication Records System of Records

AGENCY: Privacy Office, Department of Homeland Security.

ACTION: Notice of Privacy Act System of Records.

SUMMARY: In accordance with the Privacy Act of 1974, the Department of Homeland Security proposes to establish a new system of records titled, Department of Homeland Security/ALL–037 E-Authentication Records System of Records. This system of records allows the Department of Homeland Security to collect, maintain, and retrieve records about individuals, including members of the public, who electronically authenticate their identities. The information in this system of records includes data collected by programs and applications for use when the Department of Homeland Security or a

trusted third-party performs some or all of the functions required to enroll, issue, and maintain a credential on DHS's behalf that can be used by an individual to electronically authenticate his or her identity to DHS systems.

These programs and applications include: The Department of Homeland Security's Homeland Security Information Network, which is a trusted network for homeland security mission operations to share sensitive but unclassified information used by federal, state, local, tribal, territorial, international, and private sector homeland security partners to manage operations, analyze data, and send alerts and notices; the U.S. Citizenship and Immigration Services E-Verify Self Check, which is a free service that allows individuals to learn about their work authorization status information; and the U.S. Citizenship and Immigration Services myE-Verify, which is a free service that allows individuals to create an account and access additional features beyond Self Check concerning the use of their personally identifiable information in E-Verify and Self Check such as the ability to lock a Social Security number to prevent its use in E-Verify and Self Check. Additional Department programs or applications may also use third-party authentication.

In addition, the Department of Homeland Security also proposes to consolidate the E-Verify Self Check System of Records (DHS/USCIS–013), last published in the **Federal Register** on February 16, 2011 (76 FR 9604), into this newly established E-Authentication Records System of Records. As a result of this consolidation, by this notice, DHS intends to remove DHS/USCIS–013 from its inventory of systems of records. The newly established system will be included in the Department of Homeland Security's inventory of record systems.

DATES: Written comments must be submitted on or before September 10, 2014.

ADDRESSES: You may submit comments, identified by Docket Number DHS–2014–0039 by one of the following methods:

- Federal e-Rulemaking Portal: *http://www.regulations.gov.* Follow the instructions for submitting comments.
- Fax: (202) 343–4010.
- Mail: Karen L. Neuman, Chief Privacy Officer, Privacy Office, U.S. Department of Homeland Security, 245 Murray Drive SW., Building 410, STOP–0655, Washington, DC 20528.

Instructions: All submissions received must include the agency name and docket number for this rulemaking. All comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided.

Docket: For access to the docket to read background documents or comments received go to *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: For general and privacy related questions please contact: Karen L. Neuman (202–343–1717), Chief Privacy Officer, Privacy Office, U.S. Department of Homeland Security, 245 Murray Drive SW., Building 410, STOP–0655, Washington, DC 20528.

SUPPLEMENTARY INFORMATION:

I. Background

In accordance with the Privacy Act of 1974, 5 U.S.C. 552a, the Department of Homeland Security (DHS) proposes to establish a new DHS system of records titled, ''DHS/ALL–037 E-Authentication Records System of Records.'' The collection and maintenance of information within this system of records assists DHS in enrolling, issuing, and maintaining credentials (e.g., online accounts) for individuals seeking electronic access to DHS programs, services, and applications, including when DHS uses a trusted third-party identity service provider for these activities. DHS may perform some or all credential management functions (e.g., identity proofing, manage authentication tokens, authenticate users) on its own, choose a single third-party to perform all functions, or use multiple providers for each discrete function. This system of records notice is agnostic as to how DHS applications or systems using electronic authentication wish to engage with third-parties.

DHS has many public-facing programs that provide online access to its services at various levels of assurance, as described in the Office of Management and Budget (OMB) *E-Authentication Guidance for Federal Agencies* (M–04–04). OMB defines four levels of assurance (LOA), Levels 1 to 4, in terms of the consequences resultant from authentication errors or misuse of credentials. Level 1 is the lowest assurance level, and Level 4 is the highest. For example, an authentication error may occur if an individual gains access to sensitive information he or she is not entitled to access. Depending on the context and the sensitivity of the information accessed, the consequences of such an authentication error could pose significant harm to other individuals and/or to the affected agency. As the consequences of an authentication error become more serious, the required LOA increases.

In order to facilitate access, information must be collected to authenticate an individual's identity at the requisite level of assurance for the purpose of obtaining a credential or electronically authorizing access to a DHS program or application. These programs and applications include: DHS's Homeland Security Information Network (HSIN), which is a trusted network for homeland security mission operations to share sensitive but unclassified information used by federal, state, local, tribal, territorial, international, and private sector homeland security partners to manage operations, analyze data, and send alerts and notices; the U.S. Citizenship and Immigration Services (USCIS) E-Verify Self Check, which is a free service that allows individuals to learn about their work authorization status information; and USCIS myE-Verify, which is a free service that allows individuals to create an account and exercise limited control about the use of their information in E-Verify Self Check. HSIN, E-Verify Self Check, and myE-Verify use trusted third-party identity service providers to perform credential management functions.

Identity proofing is the process by which an identity service provider collects and verifies information (e.g., name, date of birth, Social Security number (SSN), address of residence) about a person for the purpose of issuing credentials to that person. Third-party identity service providers use a variety of verification techniques, including knowledge-based authentication, to generate a quiz containing questions that only the individual should be able to answer. When using the knowledge-based authentication process the third-party identity provider generates a quiz based on commercial identity verification information collected by the third-parties from financial institutions, public records, and other service providers. The information accessed by the third-parties includes information such as the individual's commercial transaction history, mortgage payments, addresses, or past addresses. DHS does not have access to the commercial identity verification information, the quiz questions asked of the individual, or the responses provided thereto; therefore this commercial information is not included in this system of records. Rather, DHS receives assertions (e.g., pass/fail) and assertion references (e.g., transaction ID, date/time of the transaction, and error codes) from the

identity service provider to facilitate troubleshooting and system management. DHS maintains attributes (e.g., clearances, location, biometrics, and group memberships) collected for identity proofing only when necessary for the DHS program to manage the credential.

DHS may request verified attributes about an individual from the third-party depending on the program or application's requirements. For any attribute DHS requests from the third-party, DHS will ask the user if he or she wishes to share the requested information with DHS prior to gaining access to the DHS online system or application. The user can select to opt-in, meaning he or she will allow DHS access to his or her attribute information from the third-party in order for him or her to gain access to the DHS system. If the third-party cannot generate a quiz, or if the individual cannot answer the questions provided, the individual may not be able to access program or application.

DHS may share attribute information with trusted third-party identity service providers under contract with DHS or certified by the Federal Identity Management Credential and Access Management (FICAM) initiative for the purpose of authenticating an individual seeking a credential with DHS. More information about FICAM is available at *www.idmanagment.gov.* Attributes provided to the relying party are limited to: (1) Making authorization decisions; (2) dynamically provisioning accounts; and (3) performing audit logging. The transaction may be included in the individual's credit record as a ''soft inquiry'' that does not impact the individual's credit score when the identity service provider is a credit bureau or uses a credit bureau to conduct identity proofing. The ''soft inquiry'' is not viewable by third parties. DHS may also share attribute information with ''relying parties'' approved by the National Information Exchange Federation (NIEF) Trust Framework Provider who provide federated access to systems. More information about NIEF is available at *https://nief.gfipm.net/.*

In accordance with the Privacy Act of 1974, DHS is giving notice that it proposes to issue a new DHS system of records notice titled, DHS/ALL–037 E-Authentication Records System of Records. In addition DHS proposes to consolidate the E-Verify Self Check System of Records (DHS/USCIS–013) into this newly-established system of records. As a result of this consolidation, by this notice, DHS intends to remove DHS/USCIS–013 from its inventory of systems of records. This newly established system will be included in DHS's inventory of record systems.

II. Privacy Act

The Privacy Act embodies fair information principles in a statutory framework governing the means by which the federal government agencies collect, maintain, use, and disseminate individuals' records. The Privacy Act applies to information that is maintained in a ''system of records.'' A ''system of records'' is a group of any records under the control of an agency from which information is retrieved by the name of an individual or by some identifying number, symbol, or other identifying particular assigned to the individual. In the Privacy Act, an individual is defined to encompass United States citizens and lawful permanent residents. As a matter of policy, DHS extends administrative Privacy Act protections to all individuals when systems of records maintain information on U.S. citizens, lawful permanent residents, and visitors. Individuals may request access to their own records that are maintained in a system of records in the possession or under the control of DHS by complying with DHS Privacy Act regulations, 6 CFR part 5.

The Privacy Act requires each agency to publish in the **Federal Register** a description denoting the type and character of each system of records that the agency maintains, and the routine uses that are contained in each system in order to make agency record keeping practices transparent, to notify individuals regarding the uses to which their records are put, and to assist individuals to more easily find such files within the agency. Below is the description of DHS/ALL–037 E-Authentication Records System of Records.

In accordance with 5 U.S.C. 552a(r), DHS has provided a report of this system of records to the Office of Management and Budget and to Congress.

System of Records:

Department of Homeland Security (DHS)/ALL–037.

SYSTEM NAME:

DHS/ALL–037 E-Authentication Records System of Records.

SECURITY CLASSIFICATION:

Sensitive but unclassified.

SYSTEM LOCATION:

Records are maintained at several Headquarters locations and in component offices of DHS, in both Washington, DC, and field locations or by a third-party identity service provider. Records related to identity proofing required for levels of assurance (LOA) 2 and above are also maintained by the third-party identity service provider in accordance with retention requirements identified in the National Institute of Standards and Technology (NIST) *Special Publication 800–63 Electronic Authentication Guideline* for the applicable LOA.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of individuals in this system of records include members of the public, external stakeholders, and federal employees or contractors seeking electronic access to DHS programs and applications. This includes anyone attempting to authenticate his or her identity for the purpose of obtaining a credential to access a DHS program or application electronically, including when the program or application uses a third-party identity service provider to perform some or all credential management functions (e.g., prove identity, manage authentication tokens, authenticate users).

CATEGORIES OF RECORDS IN THE SYSTEM:

- Attributes DHS or a third-party identity service provider collects necessary to perform identity proofing at the required level of assurance. Attributes are only retained in this system of records if it is necessary for the program to manage the credential. Examples of attributes collected for identity proofing information include:
  - Name (last, first, middle, and maiden);
  - Date of birth;
  - Place of birth;
  - Financial or utility account number;
  - Address of residence;
  - Social Security number (SSN)—full or partial (may be optional depending on the application);
  - Telephone number—(may be optional depending on the application); and
  - Country of Citizenship.
- Assertions and assertion references from a third-party identity service provider such as:
  - Transaction ID;
  - Pass/fail indicator;
  - Date/time of the transaction;
  - Codes associated with the transaction;
- Information DHS or third-parties collect necessary to register, issue, and maintain the credential (e.g., to administer multi-factor authentication)

including verified attributes the identity service provider maintains or passes to DHS after a user successfully passes identity proofing such as:

○ Name;
○ Email addresses;
○ User ID;
○ Passwords;
○ Phone numbers (primary, alternate, mobile, home, work, landline);
○ Two-factor authentication preference (SMS text message, email, phone number for interactive voice response);
○ Self-generated security questions and answers;
○ Level of access;

• Credential registration information DHS collects manually that is necessary to perform manual identity verification in cases in which an individual cannot electronically prove his or her identity. Note that some identity proofing information (e.g., copies of government-issued photo identification) is retained in this system of records only if it is necessary for DHS to manage the credential.

• Other program-specific attribute information DHS or the identity service provider collects directly on behalf of DHS may include:

○ Citizenship;
○ Accepted Terms of Service (Y/N);
○ Employment information such as job title, job role, organization;
○ Business and affiliations;
○ Faculty positions held;
○ Home addresses;
○ Business addresses;
○ Justification/nomination for access to DHS computers, networks, or systems;
○ Supervisor/nominator's name, job title, organization, phone numbers, email address;
○ Verification of training requirements or other prerequisite requirements for access to DHS computers, networks, or systems;
○ Government-issued identity document type and expiration date;

• Records on access to DHS computers, networks, online programs, and applications including user ID and passwords;

○ Registration numbers or IDs associated with DHS Information Technology (IT) resources;
○ Date and time of access;
○ Logs of activity interacting with DHS IT resources;
○ Internet Protocol (IP) address of access;
○ Logs of internet activity; and
○ Records on the authentication of the access request, names, phone numbers of other contacts, and positions or business/organizational affiliations and titles of individuals who can verify that the individual seeking access has a need to access the system, as well as other contact information provided to the Department or that is derived from other sources to facilitate authorized access to DHS IT resources.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 3101; EO 9397 (SSN), as amended by EO 13487; 44 U.S.C. 3534; Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), Public Law (Pub. L.) 104–208, September 30, 1996, Note Section 404. Additional programmatic authorities may apply to maintenance of the credential.

PURPOSE(S):

This system collects information in order to authenticate an individual's identity for the purpose of obtaining a credential to electronically access a DHS program or application. This system includes DHS programs or applications that use a third-party identity service provider to provide any of the following credential services: Registration, including identity proofing, issuance, authentication, authorization, and maintenance. This system collects information that allows DHS to track the use of programs and applications for system maintenance and troubleshooting. The system also enables DHS to allow an individual to reuse a credential received when applicable and available.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. § 552a(b) of the Privacy Act, all or a portion of the records or information contained in this system may be disclosed outside DHS as a routine use pursuant to 5 U.S.C. § 552a(b)(3), as follows:

A. To the Department of Justice (DOJ), including Offices of the U.S. Attorneys, or other federal agency conducting litigation or in proceedings before any court, adjudicative, or administrative body, when it is relevant or necessary to the litigation and one of the following is a party to the litigation or has an interest in such litigation:

1. DHS or any component thereof;
2. Any employee or former employee of DHS in his/her official capacity;
3. Any employee or former employee of DHS in his/her individual capacity when DOJ or DHS has agreed to represent the employee; or
4. The U.S. or any agency thereof.

B. To a congressional office from the record of an individual in response to an inquiry from that congressional office made at the request of the individual to whom the record pertains.

C. To the National Archives and Records Administration (NARA) or General Services Administration pursuant to records management inspections being conducted under the authority of 44 U.S.C. 2904 and 2906.

D. To an agency or organization for the purpose of performing audit or oversight operations as authorized by law, but only such information as is necessary and relevant to such audit or oversight function.

E. To appropriate agencies, entities, and persons when:

1. DHS suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised;
2. DHS has determined that as a result of the suspected or confirmed compromise, there is a risk of identity theft or fraud, harm to economic or property interests, harm to an individual, or harm to the security or integrity of this system or other systems or programs (whether maintained by DHS or another agency or entity) that rely upon the compromised information; and
3. The disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with DHS's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

F. To contractors and their agents, grantees, experts, consultants, and others performing or working on a contract, service, grant, cooperative agreement, or other assignment for DHS, when necessary to accomplish an agency function related to this system of records. Individuals provided information under this routine use, are subject to the same Privacy Act requirements and limitations on disclosure as are applicable to DHS officers and employees.

G. To an appropriate federal, state, tribal, local, international, or foreign law enforcement agency or other appropriate authority charged with investigating or prosecuting a violation or enforcing or implementing a law, rule, regulation, or order, when a record, either on its face or in conjunction with other information, indicates a violation or potential violation of law, which includes criminal, civil, or regulatory violations and such disclosure is proper and consistent with the official duties of the person making the disclosure.

H. To sponsors, employers, contractors, facility operators, grantees, experts, and consultants in connection

with establishing, maintaining, or managing an access account for an individual or maintaining appropriate points of contact.

I. To relying parties approved by the National Information Exchange Federation (NIEF) Trust Framework Provider for the purpose of providing federated access to systems when the user has been provided with appropriate notice and the opportunity to consent. Attributes provided to the relying party are limited to: (1) making authorization decisions; (2) dynamically provisioning accounts; and (3) performing audit logging.

J. To international, federal, state and local, tribal, private and/or corporate entities for the purpose of the regular exchange of business contact information in order to facilitate collaboration for official business.

K. To a trusted third-party identity service provider under contract with DHS or certified by the Federal Identity Management Credential and Access Management initiative for the purpose of authenticating an individual seeking a credential with DHS. The information may be included in the individual's credit record as a ''soft inquiry'' that does not impact the individual's credit score when the identity service provider is a credit bureau or uses a credit bureau to conduct identity proofing. The ''soft inquiry'' is not viewable by third parties.

L. To the news media and the public, with the approval of the Chief Privacy Officer in consultation with counsel, when there exists a legitimate public interest in the disclosure of the information, when disclosure is necessary to preserve confidence in the integrity of DHS, or when disclosure is necessary to demonstrate the accountability of DHS's officers, employees, or individuals covered by the system, except to the extent the Chief Privacy Officer determines that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records in this system are on paper or in digital or other electronic form. Digital and other electronic images are stored on a storage area network in a secured environment. Records, whether paper or electronic, are stored at the DHS Headquarters, at the component level, or at the third-party identity service provider's physical or cloud location.

RETRIEVABILITY:

Information is retrieved, sorted, or searched by an identification number assigned by computer, by SSN (if maintained by the program), by facility, by business affiliation, by email address, or by the name of the individual, or other data fields previously identified in this SORN. Note that when DHS uses a third-party identity service provider for identity proofing, data elements collected by the third party on DHS's behalf are not retained by DHS unless specifically required by the program or application.

SAFEGUARDS:

Information in this system is safeguarded in accordance with applicable laws, rules and policies, including the DHS IT Security Program Handbook and DHS Information Security Program Policy and Handbook. DHS uses trusted identity service providers including those certified through the Trust Framework Adoption Process by Federal Identity Credential and Access Management (FICAM). The DHS/ALL–037 E-Authentication Records system of records security protocols also meet multiple NIST Security Standards from Authentication to Certification and Accreditation.

Records in the DHS/ALL–037 E-Authentication Records system of records will be maintained in a secure, password-protected, electronic system that uses security hardware and software including: Multiple firewalls, active intruder detection, and role-based access controls. Additional safeguards vary by component and program. All records are protected from unauthorized access through appropriate administrative, physical, and technical safeguards. These safeguards include restricting access to authorized personnel who have a ''need to know,'' using locks and password protection identification features. Classified information is appropriately stored in accordance with applicable requirements. DHS file areas are locked after normal duty hours and the facilities are protected from the outside by security personnel.

RETENTION AND DISPOSAL:

Records are securely retained and disposed of in accordance with the NARA's General Records Schedule (GRS) 24, section 6, ''User Identification, Profiles, Authorizations, and Password Files.'' Inactive records are destroyed or deleted six years after the user account is terminated or password is altered, or when no longer needed for investigative or security purposes, whichever is later.

In addition, in accordance with NIST SP–800–63–2, a record of the registration, history, and status of each token and credential (including revocation) is maintained by the credential service provider (CSP) or its representative. The record retention period of data for Level 2 and 3 credentials is seven years and six months beyond the expiration or revocation (whichever is later). The minimum record retention period for Level 4 credential data is ten years and six months beyond the expiration or revocations of the credential.

SYSTEM MANAGER AND ADDRESS:

The System Manager is the Chief Information Officer (CIO), Department of Homeland Security, Washington, DC 20528.

NOTIFICATION PROCEDURE:

Individuals seeking notification of and access to any record contained in this system of records, or seeking to contest its content, may submit a request in writing to the Headquarters or component's FOIA Officer, whose contact information can be found at *http://www.dhs.gov/foia* under ''contacts.'' If an individual believes more than one component maintains Privacy Act records concerning him or her, the individual may submit the request to the Chief Privacy Officer and Chief Freedom of Information Act Officer, Privacy Office, Department of Homeland Security, 245 Murray Drive SW., Building 410, STOP–0655, Washington, DC 20528.

When seeking records about yourself from this system of records or any other Departmental system of records, your request must conform with the Privacy Act regulations set forth in 6 CFR Part 5. You must first verify your identity, meaning that you must provide your full name, current address and date and place of birth. You must sign your request, and your signature must either be notarized or submitted under 28 U.S.C. 1746, a law that permits statements to be made under penalty of perjury as a substitute for notarization. While no specific form is required, you may obtain forms for this purpose from the Chief Privacy Officer and Chief Freedom of Information Act Officer, *http://www.dhs.gov* or 1–866–431–0486. In addition you should:

- Explain why you believe the Department would have information on you;

• Identify which component(s) of the Department you believe may have the information about you;

• Specify when you believe the records would have been created; and

• Provide any other information that will help the FOIA staff determine which DHS component agency may have responsive records.

If your request is seeking records pertaining to another living individual, you must include a statement from that individual certifying his/her agreement for you to access his/her records.

Without the above information the component(s) may not be able to conduct an effective search, and your request may be denied due to lack of specificity or lack of compliance with applicable regulations.

RECORD ACCESS PROCEDURES:

See ''Notification procedure'' above.

CONTESTING RECORD PROCEDURES:

See ''Notification procedure'' above.

RECORD SOURCE CATEGORIES:

Information contained in this system is obtained from affected individuals, organizations, facilities, trusted third-party identity service providers (which may use commercial identity verification information not accessed or maintained by DHS to perform knowledge-based authentication), public source data, other government agencies, or information already in other DHS records systems.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

Dated: July 31, 2014.

Karen L. Neuman,

Chief Privacy Officer, Department of Homeland Security.

[FR Doc. 2014–18703 Filed 8–8–14; 8:45 am]

BILLING CODE 9110–9B–P

DEPARTMENT OF HOMELAND SECURITY

Office of the Secretary

[Docket No. DHS–2014–0038]

Privacy Act of 1974; Department of Homeland Security Transportation Security Administration—002 Transportation Security Threat Assessment System System of Records

AGENCY: Privacy Office, Department of Homeland Security.

ACTION: Notice to update an existing Privacy Act System of Records.

SUMMARY: In accordance with the Privacy Act of 1974, the Department of Homeland Security proposes to update and reissue a current Department of Homeland Security system of records titled, ''Department of Homeland Security/Transportation Security Administration—002 Transportation Security Threat Assessment System of Records.'' This system of records allows the Department of Homeland Security/Transportation Security Administration to collect and maintain records related to security threat assessments, employment investigations, and evaluations that the Transportation Security Administration conducts on certain individuals for security purposes. For example, individuals who apply for a Transportation Worker Identification Credential or a Hazardous Materials Endorsement must undergo a security threat assessment, and records associated with the assessment are covered by this system.

TSA is making modifications to the ''Purposes'' section of the system of records to reflect the Department of Homeland Security's use of information to more readily and effectively carry out the Department of Homeland Security's national security, law enforcement, immigration, and benefits missions. Also, two categories of records that were previously listed in the ''Categories of individuals covered by the system'' section are being moved to the ''Categories of records'' section. Finally, this notice includes non-substantive changes to simplify the formatting and text of the previously published notice.

Portions of this system are exempt under 5 U.S.C. 552a(k)(1) and (k)(2) as reflected in the final rule published in the **Federal Register** on June 25, 2004.

This updated system will continue to be included in the Department of Homeland Security's inventory of record systems.

DATES: Submit comments on or before September 10, 2014. This updated system will be effective September 10, 2014.

ADDRESSES: You may submit comments, identified by docket number DHS–2014–0038 by one of the following methods:

• Federal e-Rulemaking Portal: *http://www.regulations.gov.* Follow the instructions for submitting comments.

• Fax: 202–343–4010.

• Mail: Karen L. Neuman, Chief Privacy Officer, Privacy Office, Department of Homeland Security, Washington, DC 20528.

Instructions: All submissions received must include the agency name and docket number for this rulemaking. All comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided.

Docket: For access to the docket to read background documents or comments received, please visit *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: For general questions, please contact: Peter Pietra, Privacy Officer, Transportation Security Administration, TSA–36, 601 South 12th Street, Arlington, VA, 20598–6036, or *TSAprivacy@dhs.gov.* For privacy issues please contact: Karen L. Neuman, (202) 343–1717, Chief Privacy Officer, Privacy Office, Department of Homeland Security, Washington, DC 20528.

SUPPLEMENTARY INFORMATION:

I. Background

In accordance with the Privacy Act of 1974, 5 U.S.C. 552a, the Department of Homeland Security (DHS) Transportation Security Administration (TSA) proposes to update and reissue a current DHS system of records notice titled, ''DHS/TSA—002 Transportation Security Threat Assessment System of Records.''

TSA's mission is to protect the nation's transportation systems to ensure freedom of movement for people and commerce. To achieve this mission, TSA is required to develop and adapt its security programs to respond to evolving threats to transportation security. The Security Threat Assessment System contains records related to security threat assessments, employment investigations, and evaluations DHS/TSA conducts on certain individuals for security purposes. The information is collected to conduct security threat assessments on individuals to ensure they do not pose, and are not suspected of posing, a threat to transportation or national security. For example, individuals who apply for a Transportation Worker Identification Credential or a Hazardous Materials Endorsement must undergo a security threat assessment and are covered by this system.

TSA is making the following modifications:

• TSA is updating the Purpose(s) section to reflect the use of information by DHS to more readily and effectively carry out DHS's national security, law enforcement, immigration, and benefits missions.

• TSA is updating the Categories of Records section to include two categories of records that were previously listed in the ''Categories of individuals covered by the system'' section. These categories are records concerning the following individuals: (i)

Known or suspected terrorists identified in the Terrorist Screening Database (TSDB) of the Federal Bureau of Investigation's (FBI) Terrorist Screening Center (TSC); individuals identified by DHS/TSA to be included in the TSDB because they pose a threat to civil aviation or national security; and individuals in classified and unclassified governmental terrorist, law enforcement, immigration, or intelligence databases, including databases maintained by the Department of Defense, National Counterterrorism Center, or FBI; and (ii) individuals who have been or seek to be distinguished from individuals on a watchlist through a redress process, or other means. This update reflects a conclusion that these categories are more appropriately categories of records used in this system, rather than categories of individuals maintained in this system.

Consistent with DHS's information-sharing mission, information stored in the DHS/TSA—002 Transportation Security Threat Assessment System of Records may be shared with other DHS components that have a need to know the information to carry out their national security, law enforcement, immigration, intelligence, or other homeland security functions. In addition, information may be shared with appropriate federal, state, local, tribal, territorial, or foreign government agencies consistent with the routine uses set forth in this system of records notice.

Portions of this system are exempt under 5 U.S.C. 552a(k)(1) and (k)(2). In addition, to the extent a record contains information from other exempt systems of records, DHS/TSA will rely on the exemptions claimed for those systems as reflected in the final rule published on June 25, 2004, 69 FR 35536.

II. Privacy Act

The Privacy Act embodies fair information principles in a statutory framework governing the means by which Federal Government agencies collect, maintain, use, and disseminate individuals' records. The Privacy Act applies to information that is maintained in a ''system of records.'' A ''system of records'' is a group of any records under the control of an agency from which information is retrieved by the name of an individual or by some identifying number, symbol, or other identifying particular assigned to the individual. The Privacy Act defines ''individual'' as a United States citizen or a lawful permanent resident. As a matter of policy, DHS extends administrative Privacy Act protections to all individuals when systems of records maintain information on U.S. citizens, lawful permanent residents, and visitors. Below is the description of the DHS/TSA—002 Transportation Security Threat Assessment System System of Records.

In accordance with 5 U.S.C. 552a(r), DHS has provided a report of this system of records to the Office of Management and Budget and to Congress.

System of Records

Department of Homeland Security (DHS)/Transportation Security Administration (TSA)—002

SYSTEM NAME:

DHS/TSA—002 Transportation Security Threat Assessment System (T–STAS).

SECURITY CLASSIFICATION:

Classified, Sensitive.

SYSTEM LOCATION:

Records are maintained at the Transportation Security Administration (TSA) Headquarters, 601 South 12th Street, Arlington, VA 20598 and TSA field offices. Records may also be maintained at the offices of TSA contractors.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who undergo a security threat assessment, employment investigation, or other evaluation performed for security purposes or in order to obtain access to the following: Transportation infrastructure or assets, such as terminals, facilities, pipelines, railways, mass transit, vessels, aircraft, or vehicles; restricted airspace; passenger baggage; cargo; shipping venues; or other facilities or critical infrastructure over which DHS exercises authority; Sensitive Security Information or Classified information provided in connection with transportation security matters; or transportation-related instruction or training (such as flight training). This includes, but is not limited to, the following individuals:

(a) Individuals who require or seek access to airports, or maritime or surface transportation facilities, or facilities over which DHS exercises authority.

(b) Individuals who have or are seeking responsibility for screening individuals or carry-on baggage, and those persons serving as immediate supervisors and the next supervisory level to those individuals, other than employees of the DHS/TSA who perform or seek to perform these functions.

(c) Individuals who have or are seeking responsibility for screening checked baggage or cargo, and their immediate supervisors, and the next supervisory level to those individuals, other than employees of the DHS/TSA who perform or seek to perform these functions.

(d) Individuals who have or are seeking the authority to accept checked baggage for transport on behalf of an aircraft operator that is required to screen passengers.

(e) Pilots, copilots, flight engineers, flight navigators, and airline personnel authorized to fly in the cockpit, relief or deadheading crewmembers, cabin crew, and other flight crew for an aircraft operator or foreign air carrier that is required to adopt and carry out a security program.

(f) Flight crews and passengers who request waivers of temporary flight restrictions (TFR) or other restrictions pertaining to airspace.

(g) Other individuals who are connected to the transportation industry for whom DHS/TSA conducts security threat assessments to ensure transportation security.

(h) Individuals who have or are seeking unescorted access to cargo in the transportation system.

(i) Individuals who are owners, officers, or directors of an indirect air carrier or a business seeking to become an indirect air carrier.

(j) Aliens or other individuals designated by DHS/TSA who apply for flight training or recurrent training.

(k) Individuals transported on all-cargo aircraft, including aircraft operator or foreign air carrier employees and their family members and persons transported for the flight.

(l) Individuals seeking to become, or qualified as, known shippers or Certified Cargo Screening Program validators.

(m) Individuals who are owners, operators, or directors of any transportation mode facilities, services, or assets.

CATEGORIES OF RECORDS IN THE SYSTEM:

DHS/TSA's system may contain any, or all, of the following information regarding individuals covered by this system:

(a) Name (including aliases or variations of spelling).

(b) Gender.

(c) Current and historical contact information (including, but not limited to, address information, telephone number, and email).

(d) Government-issued licensing or identification information (including, but not limited to, Social Security

number; pilot certificate information, including number and country of issuance; current and past citizenship information; immigration status; alien registration numbers; visa information; and other licensing information for modes of transportation).

(e) Date and place of birth.

(f) Name and information, including contact information and identifying number (if any) of the airport, aircraft operator, indirect air carrier, maritime or land transportation operator, or other employer or entity that is employing the individual, submitting the individual's information, or sponsoring the individual's background check/threat assessment.

(g) Physical description, fingerprint and/or other biometric identifier, and photograph.

(h) Date, place, and type of flight training or other instruction.

(i) Control number or other unique identification number assigned to an individual or credential.

(j) Information necessary to assist in tracking submissions, payments, and transmission of records.

(k) Results of any analysis performed for security threat assessments and adjudications.

(l) Other data as required by Form FD 258 (fingerprint card) or other standard fingerprint cards used by the Federal Government.

(m) Information provided by individuals covered by this system in support of their application for an appeal or waiver.

(n) Flight information, including crew status on board.

(o) Travel document information (including, but not limited to, passport information, including number and country of issuance; and current and past citizenship information and immigration status, any alien registration numbers, and any visa information).

(p) Criminal history records.

(q) Data gathered from foreign governments or entities that is necessary to address security concerns in the aviation, maritime, or land transportation systems.

(r) Other information provided by federal, state, and local government agencies or private entities.

(s) The individual's level of access at an airport or other transportation facility, including termination or expiration of access.

(t) Military service history.

(u) Suitability testing and results of such testing.

(v) The individual's status as a known or suspected terrorist identified in the Terrorist Screening Database (TSDB) of the Federal Bureau of Investigation's (FBI) Terrorist Screening Center (TSC); an individual identified by DHS/TSA to the TSDB because he or she poses a threat to civil aviation or national security; and an individual in classified and unclassified governmental terrorist, law enforcement, immigration, or intelligence databases, including databases maintained by the Department of Defense, National Counterterrorism Center, or Federal Bureau of Investigation.

(w) The individual who has or seeks to be distinguished from individuals on a watch list through a redress process, or other means.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

49 U.S.C. 114, 5103a, 40103(b)(3), 40113(a), 44903(b), 44936, 44939, and 46105.

PURPOSE(S):

The purposes of this system are:

(a) Performance of security threat assessments, employment investigations, and evaluations performed for security purposes that federal statutes and/or DHS/TSA regulations authorize for the individuals identified in ''Categories of individuals covered by the system,'' above.

(b) To assist in the management and tracking of the status of security threat assessments, employment investigations, and evaluations performed for security purposes.

(c) To permit the retrieval of the results of security threat assessments, employment investigations, and evaluations performed for security purposes; including criminal history records checks and searches in other governmental, commercial, and private data systems, performed on the individuals covered by this system.

(d) To permit the retrieval of information from other terrorist-related, law enforcement, immigration and intelligence databases on the individuals covered by this system.

(e) To track the fees incurred, and payment of those fees, by the airport operators, aircraft operators, maritime and land transportation operators, flight students, and others, when appropriate, for services related to security threat assessments, employment investigations, and evaluations performed for security purposes.

(f) To facilitate the performance of security threat assessments and other investigations that DHS/TSA may conduct.

(g) To enable DHS to carry out DHS's national security, law enforcement, immigration, intelligence, or other homeland security functions.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 522a(b) of the Privacy Act, all or a portion of the records or information contained in this system may be disclosed outside DHS as a routine use pursuant to 5 U.S.C. 522a(b)(3) as follows:

A. To the Department of Justice (DOJ), including offices of U.S. Attorneys, or other federal agency conducting litigation or in proceedings before any court, adjudicative, or administrative body, when it is relevant or necessary to the litigation or proceedings and one of the following is a party to the litigation or proceedings or has an interest in such litigation or proceedings:

1. DHS or any component thereof;

2. Any employee or former employee of DHS in his/her official capacity;

3. Any employee or former employee of DHS in his/her individual capacity when DOJ or DHS has agreed to represent the employee; or

4. The United States or any agency thereof.

B. To a congressional office from the record of an individual in response to an inquiry from that congressional office made at the request of the individual to whom the record pertains.

C. To the National Archives and Records Administration (NARA) or General Services Administration pursuant to records management inspections being conducted under the authority of 44 U.S.C. 2904 and 2906.

D. To an agency or organization for the purpose of performing audit or oversight operations as authorized by law, but only such information as is necessary and relevant to such audit or oversight function.

E. To appropriate agencies, entities, and persons when:

1. DHS suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised;

2. DHS has determined that as a result of the suspected or confirmed compromise, there is a risk of identity theft or fraud, harm to economic or property interests, harm to an individual, or harm to the security or integrity of this system or other systems or programs (whether maintained by DHS or another agency or entity) that rely upon the compromised information; and

3. The disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with DHS's efforts to respond to the suspected or confirmed

compromise and prevent, minimize, or remedy such harm.

F. To contractors and their agents, grantees, experts, consultants, and others performing or working on a contract, service, grant, cooperative agreement, or other assignment for DHS, when necessary to accomplish an agency function related to this system of records. Individuals provided information under this routine use are subject to the same Privacy Act requirements and limitations on disclosure as are applicable to DHS officers and employees.

G. To an appropriate federal, state, tribal, local, territorial, or foreign government law enforcement agency, or other appropriate authority charged with investigating or prosecuting a violation or enforcing or implementing a law, rule, regulation, or order, when a record, either on its face or in conjunction with other information, indicates a violation or potential violation of law, which includes criminal, civil, or regulatory violations and such disclosure is proper and consistent with the official duties of the person making the disclosure.

H. To the U.S. Department of Transportation, its operating administrations, or the appropriate state or local agency, when relevant or necessary to:

1. Ensure safety and security in any mode of transportation;

2. Enforce safety- and security-related regulations and requirements;

3. Assess and distribute intelligence or law enforcement information related to transportation security;

4. Assess and respond to threats to transportation;

5. Oversee the implementation and ensure the adequacy of security measures at airports and other transportation facilities;

6. Plan and coordinate any actions or activities that may affect transportation safety and security or the operations of transportation operators; or

7. Issue, maintain, or renew a license, endorsement, certificate, contract, grant, or other benefit.

I. To an appropriate federal, state, local, tribal, territorial, or foreign agency regarding individuals who pose, or are suspected of posing, a risk to transportation or national security.

J. To a federal, state, local, tribal, territorial, or foreign agency, when such agency has requested information relevant to or necessary for the hiring or retention of an individual; or the issuance of a security clearance, license, endorsement, contract, grant, waiver, credential, or other benefit.

K. To a federal, state, local, tribal, territorial, or foreign agency, if necessary to obtain information relevant to a DHS/TSA decision concerning the initial or recurrent security threat assessment; the hiring or retention of an employee; the issuance of a security clearance, license, endorsement, contract, grant, waiver, credential, or other benefit; and to facilitate any associated payment and accounting.

L. To foreign governmental and international authorities, in accordance with law and formal or informal international agreement.

M. To third parties during the course of a security threat assessment, employment investigation, or adjudication of a waiver or appeal request, to the extent necessary to obtain information pertinent to the assessment, investigation, or adjudication.

N. To airport operators, aircraft operators, maritime and surface transportation operators, indirect air carriers, and other facility operators about individuals who are their employees, job applicants or contractors, or persons to whom they issue identification credentials or grant clearances to secured areas in transportation facilities when relevant to such employment, application, contract, training, or the issuance of such credentials or clearances.

O. To a former employee of DHS, in accordance with applicable regulations, for purposes of responding to an official inquiry by a federal, state, or local government entity or professional licensing authority; or facilitating communications with a former employee that may be necessary for personnel-related or other official purposes when the Department requires information or consultation assistance from the former employee regarding a matter within that person's former area of responsibility.

P. To a court, magistrate, or administrative tribunal when a federal agency is a party to the litigation or administrative proceeding in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal law proceedings.

Q. To the appropriate federal, state, local, tribal, territorial, foreign, or international agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, order, license, or treaty, when DHS/TSA determines that the information would assist in the enforcement of civil or criminal laws.

R. To the news media and the public, with the approval of the Chief Privacy Officer in consultation with counsel, when there exists a legitimate public interest in the disclosure of the information or when disclosure is necessary to preserve confidence in the integrity of DHS or is necessary to demonstrate the accountability of DHS's officers, employees or individuals covered by the system, except to the extent it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

DHS/TSA stores records in this system electronically or on paper in secure facilities in a locked drawer behind a locked door. The records may be stored on magnetic disc, tape or digital media.

RETRIEVABILITY:

DHS/TSA may retrieve records by name, Social Security number, identifying number of the submitting or sponsoring entity, other case number assigned by DHS/TSA or other entity/agency, biometric, or a unique identification number, or any other identifying particular assigned or belonging to the individual.

SAFEGUARDS:

DHS/TSA safeguards records in this system in accordance with applicable rules and policies, including all applicable DHS automated systems security and access policies. Strict controls have been imposed to minimize the risk of compromising the information that is being stored. DHS/TSA limits access to the computer system containing the records in this system to those individuals who have a need to know the information for the performance of their official duties and who have appropriate clearances or permissions.

RETENTION AND DISPOSAL:

In accordance with National Archives and Records Administration approved retention and disposal policy N1–560–06, for individuals who were not identified as possible security threat, records will be destroyed one year after DHS/TSA is notified that access based on security threat assessment is no longer valid; when an individual was

identified as a possible security threat and subsequently cleared, records will be destroyed seven years after completion of the security threat assessment or one year after being notified that access based on the security threat assessment is no longer valid, whichever is longer; and when the individual is an actual match to a watchlist, records will be destroyed 99 years after the security threat assessment or seven years after DHS/TSA is notified the individual is deceased, whichever is shorter.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Director for Compliance, Office of Intelligence & Analysis, TSA–10, Transportation Security Administration, 601 South 12th Street, Arlington, VA 20598.

NOTIFICATION PROCEDURE:

The Secretary of Homeland Security has exempted this system from the notification, access, and amendment procedures of the Privacy Act because it is a law enforcement system. However, DHS/TSA will consider individual requests to determine whether or not information may be released. Thus, individuals seeking notification and access to any record contained in the system of records, or seeking to contest its content, may submit a request in writing to the DHS/TSA's FOIA Officer, whose contact information can be found at *http://www.dhs.gov/foia* under ''Contacts.'' If an individual believes more than one component maintains Privacy Act records concerning him or her, the individual may submit the request to the Chief Privacy Officer and Chief Freedom of Information Act Officer, Department of Homeland Security, 245 Murray Drive SW., Building 410, STOP–0655, Washington, DC 20528.

When seeking records about yourself from this system of records or any other Departmental system of records, your request must conform with the Privacy Act regulations set forth in 6 CFR Part 5. You must first verify your identity, meaning that you must provide your full name, current address, and date and place of birth. You must sign your request, and your signature must either be notarized or submitted under 28 U.S.C. 1746, a law that permits statements to be made under penalty of perjury as a substitute for notarization. While no specific form is required, you may obtain forms for this purpose from the Chief Privacy Officer and Chief Freedom of Information Act Officer, *http://www.dhs.gov,* or by calling 1–866–431–0486. In addition, you should:

- Explain why you believe the Department would have information on you;
- Identify which component(s) of the Department you believe may have the information about you;
- Specify when you believe the records would have been created;
- Provide any other information that will help the FOIA staff determine which DHS component agency may have responsive records; and

If your request is seeking records pertaining to another living individual, you must include a statement from that individual certifying his/her agreement for you to access his/her records.

Without the above information, the component(s) may not be able to conduct an effective search, and your request may be denied due to lack of specificity or lack of compliance with applicable regulations.

RECORD ACCESS PROCEDURE:

See ''Notification Procedure'' above.

CONTESTING RECORD PROCEDURE:

See ''Notification Procedure'' above.

RECORD SOURCE CATEGORIES:

Records are obtained from individuals subject to a security threat assessment, employment investigation, or other security analysis; from aviation, maritime, and land transportation operators, flight schools, or other persons sponsoring the individual; and any other persons, including commercial entities that may have information that is relevant or necessary to the assessment or investigation. Information about individuals is also used or collected from domestic and international intelligence sources and other governmental, private, and public databases. The sources of information in the criminal history records obtained from the Federal Bureau of Investigation are set forth in the Privacy Act system of records notice Department of Justice Federal Bureau of Investigation—009 Fingerprint Identification Records System (64 FR 52347, September 28, 1999).

EXEMPTIONS CLAIMED FOR THE SYSTEM:

The Secretary of Homeland Security, pursuant to 5 U.S.C. 552a(k)(1) and (k)(2), has exempted this system from the following provisions of the Privacy Act: 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (e)(4)(H), (e)(4)(I), and (f). When a record received from another system has been exempted in that source system under 5 U.S.C. 552a(j)(2), DHS will claim the same exemptions for those records that are claimed for the original primary systems of records from which they originated and claims any additional exemptions set forth here.

Dated: July 28, 2014.

Karen L. Neuman,

Chief Privacy Officer, Department of Homeland Security.

[FR Doc. 2014–18699 Filed 8–8–14; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2014–0602]

Notice of Review and Update of the New York/New Jersey Area Contingency Plan

AGENCY: Coast Guard, DHS.

ACTION: Notice; Request for comments.

SUMMARY: The Coast Guard Captain of the Port, New York, as Chair of the New York/New Jersey Area Committee, announces the review of the New York/New Jersey Area Contingency Plan (NY/NJ ACP) and is seeking public comment on the NY/NJ ACP. The NY/NJ ACP is a plan prepared by the New York/New Jersey Area Committee to define roles, responsibilities, resources and procedures necessary to respond to a myriad of spill response evolutions. The New York/New Jersey Area Committee is composed of experienced environmental/response representatives from federal, state and local government agencies with definitive responsibilities for the area's environmental integrity. Other interested stakeholders, such as industry and environmental groups, also compose the NY/NJ Area Committee. The NY/NJ Area Committee is responsible for developing the NY/NJ ACP. This notice solicits comments and suggestions for updating the NY/NJ ACP.

DATES: Comments and related material must either be submitted to our online docket via *http://www.regulations.gov* on or before October 10, 2014 or reach the Docket Management Facility by that date.

ADDRESSES: The current NY/NJ ACP is the ''Port of NY/NJ ACP 2011 Revision'' and is available at *http://homeport.uscg.mil/newyork* in the ''Safety and Security'' block on the lower right of the page. Submit comments using one of the listed methods, and see **SUPPLEMENTARY INFORMATION** for more information on public comments.

- *Online—http://www.regulations.gov* following Web site instructions.
- *Fax*—202–493–2251.

• *Mail* or *hand deliver*—Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001. Hours for hand delivery are 9 a.m. to 5 p.m., Monday through Friday, except Federal holidays (telephone 202–366–9329).

FOR FURTHER INFORMATION CONTACT: For information about this document call or email LT Jeffrey J. Brooks, telephone 718–354–4070, email *Jeffrey.j.brooks@uscg.mil.* For information about viewing or submitting material to the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone 202–366–9826, toll free 1–800–647–5527.

SUPPLEMENTARY INFORMATION: We encourage you to submit comments (or related material) on the NY/NJ ACP. We will consider all submissions and may revise the NY/NJ ACP based on the NY/NJ Area Committee's direction and your comments. Comments should be marked with docket number USCG–2014–0602 and should provide a reason for each suggestion or recommendation. You should provide personal contact information so that we can contact you if we have questions regarding your comments; but please note that all comments will be posted to the online docket without change and that any personal information you include can be searchable online (see the **Federal Register** Privacy Act notice regarding our public dockets, 73 FR 3316, Jan. 17, 2008).

Mailed or hand-delivered comments should be in an unbound 8½ x 11 inch format suitable for reproduction. The Docket Management Facility will acknowledge receipt of mailed comments if you enclose a stamped, self-addressed postcard or envelope with your submission.

Documents mentioned in this notice, and all public comments, are in our online docket at *http://www.regulations.gov* and can be viewed by following the Web site's instructions. You can also view the docket at the Docket Management Facility (see the mailing address under **ADDRESSES**) between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Basis and Purpose

This ACP is required by Title IV, Section 4202 of the Oil Pollution Act of 1990, which amends Subsection (j) of Section 311 of the Federal Water Pollution Control Act (33 U.S.C. 1321 (j)), as amended by the Clean Water Act of 1977 (33 U.S.C. 1251 et. seq.) to address the development of a National Planning and Response System. This ACP is also written in conjunction with the National Oil and Hazardous Substance Pollution Contingency Plan (NCP) (40 CFR 300) and the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. 9601) as amended by the Superfund Amendments and Reauthorization Act of 1986.

Under the National Contingency Plan (NCP) (40 CFR 300), the Coast Guard and Environmental Protection Agency (EPA) provide the leadership of the National Response Team (NRT), the Regional Response Teams (RRT) and local Area Committees to engage the National Response System to verify threats (spill potential), risks (resources that might be harmed in a spill), and establish the strategies necessary to prepare for and respond to a pollution incident or event. Pursuant to Executive Order 12777 of October 22, 1991, the EPA is responsible for the inland zone and the Coast Guard is responsible for the coastal zone. The Coast Guard and EPA are responsible for organizing and overseeing the NY/NJ Area Committee and the NY/NJ Area Committee is responsible for developing the NY/NJ ACP. ACPs are periodically reviewed and revised. The NY/NJ ACP is currently under review.

The coastal zone addressed by the NY/NJ ACP is situated within the boundaries of the RRT for Region 2 (RRT–II). At a meeting on April 9–10, 2014, in Albany, New York, a meeting of the RRT–II discussed response preparations for potential crude oil spills on the Hudson River with members from the NY/NJ Area Committee, numerous federal and state agencies, as well as attendees from private industry, nongovernmental organizations, the media and private citizens. The discussions that occurred at the RRT–II's April 9–10, 2014 meeting will be used in updating the NY/NJ ACP, as well as the results and lessons learned from the National Preparedness for Response Exercise Program (PREP) exercises of the ACP. The most recent full-scale PREP exercise was held on September 17, 2013 and was based upon a spill scenario in western Long Island Sound that impacted both New York and Connecticut.

Request for Comments

The Coast Guard is aware of reports of increased oil transport in the coastal zone covered by the NY/NJ ACP. We are also aware of an increased national trend to move oil via rail through the Coastal Zone. The Coast Guard is, therefore, particularly interested in receiving public comment regarding the transport of oil via rail through the coastal zone covered by the NY/NJ ACP. Public input will be used to assist the Coast Guard in determining response resource needs in updating the NY/NJ ACP.

The Coast Guard and EPA are working with representatives from the State of New York and other federal agencies of the NY/NJ Area Committee to schedule additional public engagement opportunities to obtain public input on the NY/NJ ACP. We will announce the time and place of any meetings by a later notice in the **Federal Register.** In accordance with 40 CFR 1506.6(b)(1), the Coast Guard will inform those persons who may be interested in participating in the NY/NJ Area Committee's update of the NY/NJ ACP. Individual contact information for updates on the NY/NJ ACP or an opportunity to participate in the NY/NJ Area Committee process should be provided to the person listed in the **FOR FURTHER INFORMATION CONTACT** paragraph by October 10, 2014.

This notice is issued under authority of 33 U.S.C. 1321(j) and, 5 U.S.C. 552(a).

Dated: July 17, 2014.

G.A. Loebl,

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

[FR Doc. 2014–18867 Filed 8–8–14; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5752–N–63]

30-Day Notice of Proposed Information Collection: Loan Sales Bidder Qualification Statement

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: HUD has submitted the proposed information collection requirement described below to the Office of Management and Budget (OMB) for review, in accordance with the Paperwork Reduction Act. The purpose of this notice is to allow for an additional 30 days of public comment.

DATES: *Comments Due Date:* September 10, 2014.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington,

DC 20503; fax: 202–395–5806. Email: *OIRA_Submission@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410; email Colette Pollard at *Colette.Pollard@hud.gov* or telephone 202–402–3400. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339. This is not a toll-free number. Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD has submitted to OMB a request for approval of the information collection described in Section A.

The **Federal Register** notice that solicited public comment on the information collection for a period of 60 days was published on April 8, 2014.

A. Overview of Information Collection

Title of Information Collection: HUD Loan Sale Bidder Qualification Statement.

OMB Approval Number: 2502–0576.

Type of Request: Extension of currently approved collection.

Form Number: HUD—90092.

Description of the need for the information and proposed use: The Qualification Statement solicits from Prospective bidders to the HUD Loan Sales the basic qualifications required for bidding including but not limited to, Purchaser Information (Name of Purchaser, Corporate Entity, Address, Tax ID), Business Type, Net Worth, Equity Size, Prior History with HUD Loans and prior sales participation. By executing the Qualification Statement, the purchaser certifies, represents and warrants to HUD that each of the statements included are true and correct as to the purchaser and thereby qualifies them to bid.

Respondents (i.e. affected public): Business.

Estimated Number of Respondents: 542.

Estimated Number of Response: 1264.

Frequency of Response: On occasion.

Average Hours per Response: 0.5 hours.

Total Estimated Burdens: 316.

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: August 4, 2014.

Colette Pollard,

Department Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 2014–18942 Filed 8–8–14; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5752–N–65]

30-Day Notice of Proposed Information Collection for Public Comment: Manufactured Housing Survey

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: HUD has submitted the proposed information collection requirement described below to the Office of Management and Budget (OMB), in accordance with the Paperwork Reduction Act. The purpose of this notice is to allow for an additional 30 days of public comment.

DATES: *Comments Due Date:* September 10, 2014.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202–395–5806. Email: *OIRA_Submission@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410; email Colette Pollard at *Colette.Pollard@hud.gov* or telephone 202–402–3400. This is not a toll-free number. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD has submitted to OMB a request for approval of the information collection described in Section A. The **Federal Register** notice that solicited public comment on proposed changes to the survey for a period of 60 days was published on January 28, 2014, and serves as the required 60 day notice.

A. Overview of Information Collection

Title of Information Collection: Manufactured Housing Survey (formerly known as the Survey of New Manufactured (Mobile) Home Placements).

OMB Control Number: 2528–0029.

Form Number: C–MH–9A.

Type of Review: Regular Submission.

Description of the need for the information and proposed use: This survey is used to collect data on new manufactured homes. The data are collected from manufactured home dealers. The principal user, HUD, uses the statistics to monitor trends in this type of low-cost housing; to formulate policy, draft legislation, and evaluate programs.

Starting in fiscal year 2015, HUD intends to change the way data is collected such that the survey will no longer follow each unit until it is placed on a site. Instead, each dealer receiving a manufactured housing unit selected for the sample is contacted only once to collect information about that unit. This change will substantially reduce the cost of the survey. The new data collection strategy will not be sufficient to produce estimates of dealer's inventory. However, estimates of placements will continue to be produced using a revised methodology.

Members of affected public: Business or other for profit (Manufactured home dealers).

Estimated Number of Respondents: 4,800 yearly (maximum).

Estimated Time per Response: 20 minutes.

Frequency of Response: 1 time.

Estimated Total Annual Burden Hours: 1,600.

Estimated Total Annual Cost: The only cost to respondents is that of their time. The total estimated cost in FY 2015 is $380,000.

Respondent's Obligation: Voluntary.

Legal Authority: The survey is taken under Title 12, United States Code, Section 1701z–1 and Title 12, United States Code, Section 308(e) of Public Law 96–399.

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) The accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Ways to enhance the quality, utility, and clarity of the information to be collected; and (4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions. Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection. Submitted comments will become a matter of public record.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: August 6, 2014.

Colette Pollard,

Department Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 2014–18939 Filed 8–8–14; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5752–N–64]

30-Day Notice of Proposed Information Collection: Performing Loan Servicing for the Home Equity Conversion Mortgage (HECM)

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: HUD has submitted the proposed information collection requirement described below to the Office of Management and Budget (OMB) for review, in accordance with the Paperwork Reduction Act. The purpose of this notice is to allow for an additional 30 days of public comment.

DATES: *Comments Due Date:* September 10, 2014.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202–395–5806. Email: *OIRA_Submission@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410; email Colette Pollard at *Colette.Pollard@hud.gov* or telephone 202–402–3400. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339. This is not a toll-free number. Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD has submitted to OMB a request for approval of the information collection described in Section A.

The **Federal Register** notice that solicited public comment on the information collection for a period of 60 days was published on April 29, 2014.

A. Overview of Information Collection

Title of Information Collection: Performing Loan Servicing for the Home Equity Conversion Mortgage (HECM).

OMB Approval Number: 2502—New.

Type of Request: New collection.

Form Numbers:

HUD 27011—SF Application for Insurance Benefits.

HUD 50002—Request to Exceed Cost and Protection Limits for Preservation.

HUD 50012—Mortgagee's Request for Extension of Time.

HUD 9539—Request for Occupied Conveyance.

Description of the need for the information and proposed use: This information collection request for OMB review seeks to combine the requirements of several existing OMB collections under this comprehensive collection for mortgagees that service Home Equity Conversion Mortgages (HECM) and the mortgagors who are involved with the following activities.

Respondents (i.e. affected public): Not for profit institutions.

Estimated Number of Respondents: 10.

Estimated Number of Response: 33,324,110.

Frequency of Response: On occasion.

Average Hours per Response: 10 minutes to 15 minutes.

Total Estimated Burdens: 3,060,683.

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

C. Authority

Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: August 4, 2014.

Colette Pollard,

Department Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 2014–18941 Filed 8–8–14; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5752–N–62]

30-Day Notice of Proposed Information Collection: HUD Housing Counseling Program—Application for Approval as a Housing Counseling Agency

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: HUD has submitted the proposed information collection requirement described below to the Office of Management and Budget (OMB) for review, in accordance with the Paperwork Reduction Act. The purpose of this notice is to allow for an additional 30 days of public comment.

DATES: *Comments Due Date:* September 10, 2014.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202–395–5806. Email: *OIRA_Submission@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410; email Colette Pollard at *Colette.Pollard@hud.gov* or telephone 202–402–3400. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339. This is not a toll-free number. Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD has submitted to OMB a request for approval of the information collection described in Section A.

The **Federal Register** notice that solicited public comment on the information collection for a period of 60 days was published on April 18, 2014.

A. Overview of Information Collection

Title of Information Collection: HUD Housing Program-Application for Approval as a Housing Counseling Agency.

OMB Approval Number: 2502–0573.

Type of Request: Extension.

Form Number: HUD–9900.

Description of the need for the information and proposed use: The Office of Housing Counseling is responsible for administration of the Department's Housing Counseling Program, authorized by Section 106 of the Housing and Urban Development Act of 1968 (12 U.S.C. The Housing Counseling Program supports the delivery of a wide variety of housing counseling services to homebuyers, homeowners, low- to moderate–income renters, and the homeless. The primary objective of the program is to educate families and individuals in order to help them make smart decisions regarding improving their housing situation and meeting the responsibilities of tenancy and homeownership, including through budget and financial counseling. Counselors also help borrowers avoid predatory lending practices, such as inflated appraisals, unreasonably high interest rates, unaffordable repayment terms, and other conditions that can result in a loss of equity, increased debt, default, and possible foreclosure. Counselors may also provide reverse mortgage counseling to elderly homeowners who seek to convert equity in their homes to pay for home improvements, medical costs, living expenses or other expenses. Additionally, housing counselors may distribute and be a resource for information concerning Fair Housing and Fair Lending. The Housing Counseling Program is instrumental to achievement of HUD's mission. The Program's far-reaching effects support numerous departmental programs, including Federal Housing Administration (FHA) single family housing programs.

Approximately 2,364 HUD-participating agencies provide housing counseling services nation-wide currently. Of these, approximately 970 have been directly approved by HUD. HUD maintains a list of these agencies so that individuals in need of assistance can easily access the nearest HUD-approved housing counseling agency via HUD's Web site, an automated 1–800 Hotline, or a smart phone application. HUD Form 9900, Application for Approval as a Housing Counseling Agency, is necessary to make sure that people who contact a HUD approved agency can have confidence they will receive quality service and these agencies meet HUD requirements for approval.

To participate in HUD's Housing Counseling Program, a housing counseling agency must first be approved by HUD. Approval entails meeting various requirements relating to experience and capacity, including nonprofit status, a minimum of one year of housing counseling experience in the target community, and sufficient resources to implement a housing counseling plan. Eligible organizations include local housing counseling agencies, private or public organizations (including grassroots, faith-based and other community-based organizations) such as nonprofit, state, local or tribal government entities or public housing authorities that meet the Program criteria. HUD uses form HUD–9900 to evaluate whether applying organizations meet minimum requirements to participate in the Housing Counseling Program. The application for approval for HUD–9900 is found at *http://www.hud.gov/offices/hsg/sfh/hcc/hccprof13.cfm.*

HUD is seeking an extension for the Application for Approval as a Housing Counseling Agency, form HUD–9900. There have been no changes in program eligibility requirements. The form will be updated to reflect changes in Offices responsible for processing applications from the Single Family Program Support Division to the Office of Housing Counseling, and require electronic submission of applications through email in place of paper submissions. Based on the most recent information available (as of February 2014).

Respondents (i.e. affected public): Not-for-profit institutions.

Estimated Number of Respondents: 66.

Estimated Number of Response: 66.

Frequency of Response: annually.

Average Hours per Response: 71.

Total Estimated Burdens: 4686.

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35

Dated: August 4, 2014.

Colette Pollard,

Department Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 2014–18946 Filed 8–8–14; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLNVS00560 L58530000 EU0000 241A;14–08807; MO# 4500064615; TAS: 14X5232]

Notice of Realty Action: Competitive Sale of 40 Parcels of Public Land in Clark County, NV

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Realty Action.

SUMMARY: The Bureau of Land Management (BLM) proposes to offer 40 parcels of public land totaling 516.18 acres in the Las Vegas Valley by competitive sale, at not less than the appraised fair market values (FMV). The BLM is proposing to offer the parcels for sale pursuant to the Southern Nevada Public Land Management Act of 1998 (SNPLMA), as amended. The sale will be subject to the applicable provisions of Section 203 of the Federal Land Policy and Management Act of 1976 (FLPMA) and BLM land sale regulations.

DATES: Interested parties may submit written comments regarding the proposed sale until September 25, 2014. The sale by sealed bid and oral public auction will be held on December 2, 2014, at the City of North Las Vegas, 2250 Las Vegas Boulevard North, Council Chambers, North Las Vegas, Nevada 89030 at 10 a.m., Pacific Time. The FMV for the parcels will be available 30 days prior to the sale. The BLM will accept sealed bids beginning November 17, 2014. Sealed bids must be received by the BLM, Las Vegas Field Office (LVFO) no later than 4:30 p.m. Pacific Time, on November 24, 2014. The BLM will open sealed bids on the day of the sale just prior to oral bidding.

ADDRESSES: Mail written comments and submit sealed bids to the BLM–LVFO, Assistant Field Manager, 4701 North Torrey Pines Drive, Las Vegas, NV 89130.

FOR FURTHER INFORMATION CONTACT: Manuela Johnson by email: *manuela_johnson@blm.gov,* or by telephone: 702–515–5224. For general information on previous BLM public land sales, go to: *http://www.blm.gov/nv/st/en/snplma/Land_Auctions.html.* 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, 7 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 BLM proposes to offer 40 parcels of public land in the southwest Las Vegas Valley. The subject public lands are legally described as:

Mount Diablo Meridian, Nevada

N–92824, 2.50 acres:
T. 21 S., R. 63 E.,
Sec. 33, SW¼SE¼NW¼NE¼.

N–92825, 2.50 acres:
T. 22 S., R. 60 E.,
Sec. 12, NE¼NE¼NE¼SW¼.

N–92827, 20.00 acres:
T. 22 S., R. 60 E.,
Sec. 12, W½NW¼SE¼.

N–92828, 5.00 acres:
T. 22 S., R. 60 E.,
Sec. 13, SE¼NE¼NW¼SE¼,
SW¼NW¼NE¼SE¼.

N–92829, 7.50 acres:
T. 22 S., R. 60 E.,
Sec. 14, W½NE¼SE¼SW¼,
NE¼NE¼SE¼SW¼.

N–92830, 2.50 acres:
T. 22 S., R. 60 E.,
Sec. 14, SE¼SE¼SE¼SW¼.

N–92831, 5.00 acres:
T. 22 S., R. 60 E.,
Sec. 14, W½NW¼SW¼SE¼.

N–92832, 2.50 acres:
T. 22 S., R. 60 E.,
Sec. 14, SW¼SW¼SW¼SE¼.

N–92833, 5.00 acres:
T. 22 S., R. 60 E.,
Sec. 14, NE¼SW¼SW¼SE¼,
NW¼SE¼SW¼SE¼.

N–92834, 7.50 acres:
T. 22 S., R. 60 E.,
Sec. 14, N½NW¼SE¼SE¼,
NE¼NE¼SW¼SE¼.

N–92835, 5.00 acres:
T. 22 S., R. 60 E.,
Sec. 14, S½NE¼SE¼SE¼.

N–92836, 15.00 acres:
T. 22 S., R. 60 E.,
Sec. 15, NW¼SE¼NE¼,
E½NE¼SW¼NE¼.

N–92837, 10.00 acres:
T. 22 S., R. 60 E.,
Sec. 16, NW¼SW¼NE¼.

N–92838, 33.92 acres:
T. 22 S., R. 60 E.,
Sec. 19, lots 38, 40, 41 thru 44, 46, 48, 49, 51 thru 54, 56 thru 58.

N–92839, 12.50 acres:
T. 22 S., R. 60 E.,
Sec. 19, NW¼NW¼NE¼SE¼,
N½NE¼NW¼SE¼,
NE¼NW¼NW¼SE¼,
SW¼NE¼NW¼SE¼.

N–92840, 5.00 acres:
T. 22 S., R. 60 E.,
Sec. 19, SE¼NE¼SW¼SE¼,
NE¼SE¼SW¼SE¼.

N–92841, 2.50 acres:
T. 22 S., R. 60 E.,
Sec. 19, SW¼NW¼NW¼SE¼.

N–92842, 7.50 acres:
T. 22 S., R. 60 E.,
Sec. 19, N½SE¼SE¼SE¼,
SE¼SE¼SE¼SE¼.

N–92843, 5.00 acres:
T. 22 S., R. 60 E.,
Sec. 19, S½SW¼SE¼SE¼.

N–92844, 1.25 acres:
T. 22 S., R. 60 E.,
Sec. 22, N½SW¼NW¼SW¼NE¼.

N–92845, 7.50 acres:
T. 22 S., R. 60 E.,
Sec. 24, NE¼SW¼SW¼SE¼,
N½SE¼SW¼SE¼.

N–92846, 2.50 acres:
T. 22 S., R. 60 E.,
Sec. 24, SE¼SE¼NE¼SW¼.

N–92847, 12.50 acres:
T. 22 S., R. 60 E.,
Sec. 24, NE¼NE¼NE¼SE¼,
S½NE¼NE¼SE¼, N½SE¼NE¼SE¼.

N–92848, 5.00 acres:
T. 22 S., R. 60 E.,
Sec. 24, W½NW¼SE¼SE¼.

N–92849, 7.50 acres:
T. 22 S., R. 60 E.,
Sec. 24, W½SW¼NW¼SE¼,
NE¼SW¼NW¼SE¼.

N–92850, 2.50 acres:
T. 22 S., R. 60 E.,
Sec. 24, NE¼NE¼NW¼SE¼.

N–92851, 2.50 acres:
T. 22 S., R. 60 E.,
Sec. 24, NE¼SE¼NW¼SE¼.

N–92852, 2.50 acres:
T. 22 S., R. 60 E.,
Sec. 25, NE¼SE¼SE¼NW¼.

N–92853, 17.50 acres:
T. 22 S., R. 60 E.,
Sec. 25, SW¼SW¼NE¼,
S½NW¼SW¼NE¼,
NE¼NW¼SW¼NE¼.

N–92854, 35.00 acres:
T. 22 S., R. 60 E.,
Sec. 29, W½SE¼NW¼SE¼,
SW¼NW¼SE¼, W½SW¼SE¼.

N–92855, 160.00 acres:
T. 22 S., R. 60 E.,
Sec. 35, SE¼.

N–92856, 20.00 acres:
T. 22 S., R. 61 E.,
Sec. 29, SW¼NW¼SW¼,
NW¼SE¼NW¼SW¼,
W½NE¼NW¼SW¼,
NE¼NW¼NW¼SW¼.

N–92857, 18.75 acres:
T. 22 S., R. 61 E.,
Sec. 30, NW¼NE¼NE¼NE¼,
E½NE¼NW¼NE¼NE¼,
SE¼NW¼NE¼NE¼,
E½SW¼NW¼NE¼NE¼,
E½NW¼SW¼NE¼NE¼,
E½SW¼NE¼NE¼, N½SE¼NE¼NE¼.

N–92858, 1.25 acres:
T. 22 S., R. 61 E.,
Sec. 30, E½NE¼NE¼NE¼NE¼.

N–92859, 8.75 acres:
T. 22 S., R. 61 E.,
Sec. 30, NW¼NE¼SE¼NE¼,
E½NW¼SE¼NE¼,
E½NW¼NW¼SE¼NE¼.

N–92860, 2.50 acres:
T. 22 S., R. 61 E.,
Sec. 30, NE¼NW¼NW¼SE¼.

N–92861, 2.50 acres:
T. 22 S., R. 61 E.,
Sec. 30, SW¼NE¼NW¼SE¼.

N–92862, 7.50 acres:
T. 22 S., R. 61 E.,
Sec. 33, N½SW¼SW¼SE¼,
SE¼SW¼SW¼SE¼.

N–92863, 5.00 acres:
T. 23 S., R. 61 E.,
Sec. 4, S½SE¼NE¼NW¼.

N–92864, 37.26 acres:
T. 23 S., R. 61 E.,
Sec. 6, lot 7.

The areas described contain 516.18 acres.

A sales matrix is available on the BLM Web site at: *http://www.blm.gov/*

snplma. The sales matrix provides information specific to each sale parcel such as legal description, physical location, encumbrances, acreage, and FMV. The FMV for each parcel is available in the sales matrix as soon as approved and no later than 30 days prior to the sale.

This proposed competitive sale is in conformance with the BLM Lqas Vegas Resource Management Plan and decision LD–1, approved by Record of Decision on October 5, 1998, and is in compliance with Section 203 of FLPMA. The sale parcels were analyzed in the Las Vegas Valley Disposal Boundary Environmental Impact Statement and approved by Record of Decision on December 23, 2004. A parcel-specific Determination of National Environmental Policy Act Adequacy document numbered DOI–BLM–NV–S010–2014–0052–DNA was prepared in connection with this Notice of Realty Action.

Submit comments on this sale Notice to the address in the **ADDRESSES** section. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including any personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. The BLM will also publish this Notice once a week for three consecutive weeks in the *Las Vegas Review-Journal.*

Sale procedures: Registration for oral bidding will begin at 8 a.m. Pacific Time and will end at 10 a.m. Pacific Time at the City of North Las Vegas, 2250 Las Vegas Boulevard North, Council Chambers, North Las Vegas, Nevada 89030, on the day of the sale. There will be no prior registration before the sale date. To participate in the competitive sale, all registered bidders must submit a bid guarantee deposit in the amount of $10,000 by certified check, postal money order, bank draft, or cashier's check made payable to the Department of the Interior—Bureau of Land Management on the day of the sale or submit the bid guarantee deposit along with the sealed bids. The public sale auction will be through sealed and oral bids. Sealed bids will be opened and recorded on the day of the sale to determine the high bids among the qualified bids received. Sealed bids above the FMV will set the starting point for oral bidding on a parcel. Parcels that receive no qualified sealed bids will begin at the established FMV. Bidders who are participating and attending the oral auction on the date of the sale are not required to submit a sealed bid, but may choose to do so.

Sealed-bid envelopes must be clearly marked on the lower front left corner with the parcel number and name of the sale, for example: ''N–XXXXX, 40-parcel SNPLMA Sale 2014.'' Sealed bids must include an amount not less than 20 percent of the total amount bid and the $10,000 bid guarantee by certified check, postal money order, bank draft, or cashier's check made payable to the ''Department of the Interior—Bureau of Land Management.'' The bid guarantee and bid deposit may be combined into one form of deposit; the bidder must specify the amounts of the bid deposit and the bid guarantee. The BLM will not accept personal or company checks. The sealed-bid envelope must contain the 20 percent bid deposit, bid guarantee, and a completed and signed ''Certificate of Eligibility'' form stating the name, mailing address, and telephone number of the entity or person submitting the bid. Certificate of Eligibility and registration forms are available at the BLM–LVFO at the address listed in the **ADDRESSES** section and on the BLM Web site at: *http://www.blm.gov/nv/st/en/snplma/Land_Auctions.html.* Pursuant to 43 CFR 2711.3–1(c), if two or more sealed-bid envelopes containing valid bids of the same amount are received, oral bidding will start at the sealed-bid amount. If there are no oral bids on the parcel, the authorized officer will determine the winning bidder. Bids for less than the federally approved FMV will not be qualified. The highest qualifying bid for any parcel will be declared the high bid. The apparent high bidder must submit a deposit of not less than 20 percent of the successful bid by 3:00 p.m. Pacific Time on the day of the sale in the form of a certified check, postal money order, bank draft, or cashier's check made payable in U.S. dollars to the ''Department of the Interior—Bureau of Land Management.'' Funds must be delivered no later than 3:00 p.m. Pacific Time on the day of the sale to the BLM Collection Officers at the City of North Las Vegas, 2250 Las Vegas Boulevard North, Council Chambers, North Las Vegas, Nevada 89030. Funds will not be accepted at the BLM–LVFO. The BLM will send the successful bidder(s) a high-bidder letter with detailed information for full payment.

All funds submitted with unsuccessful bids will be returned to the bidders or their authorized representative upon presentation of acceptable photo identification at the BLM–LVFO or by certified mail. If the apparent high bidder so chooses, the bid guarantee may be applied towards the required deposit. Failure to submit the deposit following the close of the sale under 43 CFR 2711.3–1(d) will result in forfeiture of the bid guarantee. For bidders who offer to purchase more than one parcel, the BLM will retain the bid guarantee, and may cancel the sale of all the parcels to that bidder, if the bidder fails to submit the bid deposit on any single parcel following the sale. If an offer to purchase one parcel results in default, the BLM may retain the bid deposit and cancel the sale to that bidder. If a high bidder is unable to consummate the transaction for any reason, the second highest bid may be considered to purchase the parcel. If there are no acceptable bids, a parcel may remain available for sale at a future date in accordance with competitive sale procedures without further legal notice.

Federal law requires that bidders must be: (1) A citizen of the United States 18 years of age or older; (2) A corporation subject to the laws of any State or of the United States; (3) A State, State instrumentality, or political subdivision authorized to hold property; or (4) An entity legally capable of conveying and holding lands or interests therein under the laws of the State of Nevada.

Evidence of United States citizenship is a birth certificate, passport, or naturalization papers. Failure to submit the above requested documents to the BLM within 30 days from receipt of the high-bidder letter will result in cancellation of the sale and forfeiture of the bid deposit. The successful bidder will be allowed 180 days from the date of the sale to submit the remainder of the full purchase price.

Publication of this Notice in the **Federal Register** segregates the subject lands from all forms of appropriation under the public land laws, including the mining laws. Any subsequent application will not be accepted, will not be considered as filed, and will be returned to the applicant if the Notice segregates from the use applied for in the application. The segregative effect of this Notice terminates upon issuance of a patent or other document of conveyance to such lands, publication in the **Federal Register** of a termination of the segregation, or 2 years after the date of this publication, whichever occurs first. The segregation period may not exceed 2 years unless extended by the BLM State Director, Nevada, in accordance with 43 CFR 2711.1–2(d) prior to the termination date.

Terms and Conditions: All minerals for the sale parcels will be reserved to

the United States. The patents, when issued, will contain a mineral reservation to the United States for all minerals.

The parcels are subject to limitations prescribed by law and regulation, and certain encumbrances in favor of third parties. Prior to patent issuance, a holder of any right-of-way (ROW) within the sale parcels will have the opportunity to amend the ROW for conversion to a new term, including perpetuity, if applicable, or conversion to an easement. The BLM will notify valid existing ROW holders of record of their ability to convert their compliant rights-of-way to perpetual rights-of-way or easement. In accordance with Federal regulations at 43 CFR 2807.15, once notified, each valid holder may apply for the conversion of their current authorization.

The following numbered terms and conditions will appear on the conveyance documents for the sale parcels:

1. All minerals deposits in the lands so patented, and to it, or persons authorized by it, the right to prospect for, mine, and remove such deposits from the same under applicable law and regulations to be established by the Secretary of the Interior are reserved to the United States, together with all necessary access and exit rights;

2. A right-of-way is reserved for ditches and canals constructed by authority of the United States under the Act of August 30, 1890 (43 U.S.C. 945);

3. The parcels are subject to valid existing rights;

4. The parcels are subject to reservations for road, public utilities and flood control purposes, both existing and proposed, in accordance with the local governing entities' transportation plans; and

5. An appropriate indemnification clause protecting the United States from claims arising out of the lessee's/patentee's use, occupancy, or occupations on the leased/patented lands.

Pursuant to the requirements established by Section 120(h) of the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. 9620(h) (CERCLA), as amended, notice is hereby given that the lands have been examined and no evidence was found to indicate that any hazardous substances have been stored for 1 year or more, nor had any hazardous substances been disposed of or released on the subject property.

No warranty of any kind, express or implied, is given by the United States as to the title, whether or to what extent the land may be developed, its physical condition, future uses, or any other circumstance or condition. The conveyance of a parcel will not be on a contingency basis. However, to the extent required by law, the parcel is subject to the requirements of Section 120(h) of the CERCLA.

Unless the BLM authorized officer approved other satisfactory arrangements in advance, conveyance of title will be through the use of escrow. Designation of the escrow agent will be through mutual agreement between the BLM and the prospective patentee, and costs of escrow will be borne by the prospective patentee.

Request for escrow instructions must be received by the BLM–LVFO prior to 30 days before the prospective patentee's scheduled closing date. No exceptions will be made.

All name changes and supporting documentation must be received at the BLM–LVFO 30 days from the date on the high-bidder letter by 4:30 p.m. Pacific Time. There are no exceptions. To submit a name change, the apparent high bidder must submit the name change in writing on the Certificate of Eligibility form to the BLM–LVFO.

The remainder of the full bid price for the parcel must be received no later than 4:30 p.m. Pacific Time, within 180 days following the day of the sale. Payment must be submitted in the form of a certified check, postal money order, bank draft, cashier's check, or made available by electronic fund transfer made payable in U.S. dollars to the ''Department of the Interior—Bureau of Land Management'' to the BLM–LVFO. The BLM will not accept personal or company checks.

Arrangements for electronic fund transfer to the BLM for payment of the balance due must be made a minimum of 2 weeks prior to the payment date. Failure to pay the full bid price prior to the expiration of the 180th day will disqualify the high bidder and cause the entire 20 percent bid deposit to be forfeited to the BLM. Forfeiture of the 20 percent bid deposit is in accordance with 43 CFR 2711.3–1(d). No exceptions will be made. The BLM cannot accept the remainder of the bid price after the 180th day of the sale date.

The BLM will not sign any documents related to 1031 Exchange transactions. The timing for completion of such an exchange is the bidder's responsibility. The BLM cannot be a party to any 1031 Exchange.

In accordance with 43 CFR 2711.3–1(f), within 30 days the BLM may accept or reject any or all offers to purchase, or withdraw any parcel of land or interest therein from sale if, in the opinion of a BLM authorized officer, consummation of the sale would be inconsistent with any law, or for other reasons as may be provided by applicable law or regulations. No contractual or other rights against the United States may accrue until the BLM officially accepts the offer to purchase and the full bid price is paid.

Upon publication of this Notice and until completion of this sale, the BLM is no longer accepting land use applications affecting the parcel identified for sale. However, land use applications may be considered after the sale if the parcel is not sold. The parcel may be subject to land use applications received prior to publication of this Notice if processing the application would have no adverse effect on the marketability of title, or the FMV of the parcel. Information concerning the sale, encumbrances of record, appraisals, reservations, procedures and conditions, CERCLA, and other environmental documents that may appear in the BLM public files for the proposed sale parcels are available for review during business hours, 7:30 a.m. to 4:30 p.m. Pacific Time, Monday through Friday, at the BLM–LVFO, except during Federal holidays.

In order to determine the FMV through appraisal, certain extraordinary assumptions and hypothetical conditions may have been made concerning the attributes and limitations of the lands and potential effects of local regulations and policies on potential future land uses. Through publication of this Notice, the BLM advises that these assumptions may not be endorsed or approved by units of local government.

It is the buyer's responsibility to be aware of all applicable Federal, State, and local government laws, regulations and policies that may affect the subject lands, including any required dedication of lands for public uses. It is also the buyer's responsibility to be aware of existing or prospective uses of nearby properties. When conveyed out of Federal ownership, the lands will be subject to any applicable laws, regulations, and policies of the applicable local government for proposed future uses. It is the responsibility of the purchaser to be aware through due diligence of those laws, regulations, and policies, and to seek any required local approvals for future uses. Buyers should make themselves aware of any Federal or State law or regulation that may impact the future use of the property. Any land lacking access from a public road or highway will be conveyed as such, and future access acquisition will be the responsibility of the buyer.

Any comments regarding the proposed sale will be reviewed by the BLM Nevada State Director or other authorized official of the Department of the Interior, who may sustain, vacate, or modify this realty action in response to such comments. In the absence of any comments, this realty action will become the final determination of the Department of the Interior.

Authority: 43 CFR 2711.1–2.

Vanessa Hice,

Assistant Field Manager, Division of Lands.

[FR Doc. 2014–18854 Filed 8–8–14; 8:45 am]

BILLING CODE 4310–HC–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CACA 048811, LLCAD01500, L51010000.LVRWB13B5340.ER0000]

Notice of Availability of the Record of Decision for the Proposed Right-of-Way Amendment for the Blythe Solar Power Project, Riverside County, CA

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability.

SUMMARY: The Bureau of Land Management (BLM) announces the availability of the Record of Decision (ROD) to amend the Right-of-Way (ROW) for the Blythe Solar Power Project (BSPP), Riverside County, California. The Assistant Secretary—Land and Minerals Management, approved the ROD on August 1, 2014, which constitutes the final decision of the Department of the Interior.

ADDRESSES: Copies of the ROD have been sent to affected Federal, State, and local government agencies and to other stakeholders. Copies of the ROD are available for public inspection at the Palm Springs/South Coast Field Office, 1201 Bird Center Drive, Palm Springs, CA 92262, and the California Desert District Office, 22835 Calle San Juan de Los Lagos, Moreno Valley, CA 92553–9046. Interested persons may also review the ROD on the Internet at: *http://www.blm.gov/ca/st/en/fo/palmsprings/solar_projects/Blythe_Solar_Power_Project.html.*

FOR FURTHER INFORMATION CONTACT: Frank McMenimen, BLM Project Manager, telephone 760–833–7150; address: 1201 Bird Center Drive, Palm Springs, CA 92262; email: *capssolarblythe@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, 7 days a week to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: NextEra Blythe Solar Energy Center, LLC (Grant Holder) requested a variance from the existing approval to amend the ROW grant to convert the BSPP's generation technology and to reduce the project footprint. The project site is located 8 miles west of Blythe and 3 miles north of Interstate 10. The BSPP was permitted and approved in 2010 as a 1,000-megawatt (MW) solar thermal generating plant. The Grant Holder purchased the fully permitted (un-built) project assets in mid-2012 and now proposes to modify the technology to solar photovoltaic (PV) and reduce the size of the project from 6,831 acres to 4,138 acres entirely within the approved BSPP footprint. On August 22, 2012, the BLM approved the assignment of the ROW Grant from the prior holder, Palo Verde Solar I, LLC, to the Grant Holder. In anticipation of the Modified Project, the Grant Holder voluntarily relinquished approximately 35 percent of the previously approved ROW grant area on March 7, 2013.

The Selected Alternative consists of the proposed 485 MW PV solar plant on 4,138 acres of BLM-administered public land, referred to in the ROD as the Modified Project, with authorization for constructing and operating a range of panel types and tracking options so that the Modified Project can take advantage of the rapid improvements in PV technology/efficiency that are anticipated to take place between early permitting and commencing construction. The Modified Project reduces project impacts from the 2010 Approved Project by reducing the project footprint and avoiding bighorn sheep habitat and most of the microphyll woodlands impacted by the 2010 Approved Project. For other impacts, the BLM has included mitigation and monitoring requirements in the ROD. In addition to mitigation and monitoring measures applied to all large ground disturbance projects on BLM-managed land, the following are several of the key mitigation measures included in the ROD:

- Desert Tortoise Translocation Plan and measures to avoid take of desert tortoise;
- Burrowing Owl Mitigation and Monitoring Plan;
- American badger and desert kit fox avoidance and minimization measures;
- Compensatory mitigation for Mojave fringe-toed lizard habitat losses;
- Avian, bat, and golden eagle protection measures;
- Programmatic Agreement with the State Historic Preservation Office to avoid, minimize, and mitigate adverse effects to historic properties, including a Historic Properties Treatment Plan; and
- Measures to integrate visual design elements into project design, building, and structural materials.

A Notice of Availability of the Final EIS for the BSPP published in the **Federal Register** on May 30, 2014 (79 FR 31133). The BLM received four comment letters following the publication of the Final EIS. The BLM's consideration of these letters did not result in changes in the design, location, or timing of the project in a way that would cause significant effects to the human environment outside of the range of effects analyzed in the Final EIS. Similarly, none of the letters identified new significant circumstances or information relevant to environmental concerns that bear on the project and its effects.

The project site is in the California Desert District within the planning boundary of the California Desert Conservation Area (CDCA) Plan, which is the applicable resource management plan for the project site and surrounding areas. The 2010 ROD for the Approved Project also amended the CDCA Plan to allow for the development of the BSPP and ancillary facilities on land managed by the BLM. This Plan Amendment is unaffected by the changes contemplated by the Modified Project since it is entirely within the footprint for the Approved Project. Therefore, the Modified Project does not require a separate CDCA Plan amendment.

Because this decision is approved by the Assistant Secretary—Land and Minerals Management, it is not subject to administrative appeal (43 CFR 4.410(a)(3)).

Authority: 40 CFR 1506.6.

Neil Kornze,

Director, Bureau of Land Management.

[FR Doc. 2014–18973 Filed 8–8–14; 8:45 am]

BILLING CODE 4310–40–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–NER–FIIS–15729; PX.XDESCPP02001]

White-Tailed Deer Management Plan, Draft Environmental Impact Statement, Fire Island National Seashore, New York

AGENCY: National Park Service, Interior.

ACTION: Notice of availability.

SUMMARY: Pursuant to the National Environmental Policy Act of 1969, 42 U.S.C. 4332(2)(C), the National Park Service (NPS) announces the availability of a Draft Environmental Impact Statement (DEIS) for the White-tailed Deer Management Plan (Plan), Fire Island National Seashore, New York. The focus of this plan is to guide and direct deer management strategies that support preservation of the cultural landscape, the protection and natural restoration of native vegetation, and the minimization of human-deer interactions. These strategies include population control of white-tailed deer (lethal and non-lethal) and fencing.

DATES: The National Park Service will accept comments on the DEIS through October 10, 2014, 60 days after the publication in the **Federal Register**. You may check the Web site of Fire Island National Seashore, *www.nps.gov/fiis,* for dates, times, and places of public meetings to be conducted by the National Park Service during the 60-day public comment period, or by calling project contacts below.

ADDRESSES: You may submit comments by the following methods:

You may mail comments to: Fire Island National Seashore, 120 Laurel Street, Patchogue, NY 11772–3596.

The preferred method of comment is via the internet at *http://park planning.nps.gov.* The document will be available for public review and comment online at *http://park planning.nps.gov/fiis,* and can be viewed at the following locations: Patchogue-Medford Library, 54–60 East Main Street, Patchogue, NY 11772–3596.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—might be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

FOR FURTHER INFORMATION CONTACT: Project Manager Morgan Elmer at (303) 969–2317.

SUPPLEMENTARY INFORMATION: Fire Island National Seashore (the Seashore), a unit of the National Park System, is located along the south shore of Long Island in Suffolk County, New York. The Seashore encompasses 19,579 acres of upland, tidal, and submerged lands along a 26-mile stretch of the 32-mile barrier island—part of a much larger system of barrier islands and bluffs stretching from New York City to the very eastern end of Long Island at Montauk Point. An extensive dunes system, centuries-old maritime forests, and solitary beaches are easily accessed on Fire Island. Also on Fire Island, within the boundary of the Seashore, are nearly 1,400 acres of federally designated wilderness and the Fire Island Lighthouse. Nearby on Long Island, also part of the Seashore is the William Floyd Estate, the home of one of New York's signers of the *Declaration of Independence.*

The purpose of this plan is to guide and direct the actions of the NPS in the management of white-tailed deer in Fire Island National Seashore, including the William Floyd Estate on Long Island. The Seashore sustains a white-tailed deer (*Odocoileus virginianus*) population that has expanded since the late 1960s to the extent that impacts from high densities of deer have impacted and continue to impact the Seashore's ecosystem. As a result, the Seashore is preparing this White-tailed Deer Management Plan and Environmental Impact Statement (plan/EIS). The plan/EIS has been prepared in cooperation with the New York State Department of Environmental Conservation (NYS–DEC) and the U.S. Department of Agriculture (USDA) Animal and Plant Health Inspection Services (APHIS).

The NPS has developed the DEIS under section 102(2)(C) of the National Environmental Policy Act of 1969 and consistent with National Park Service law, regulations, and policies. The DEIS describes and analyzes a No Action alternative (Alternative A) and three action alternatives (Alternatives B, C, and D) to guide management actions and strategies for managing white-tailed deer. The alternatives include lethal and non-lethal actions to manage and reduce the impacts of white-tailed deer.

There are three action alternatives for the management of white-tailed deer.

Alternative B of the plan provides a nonlethal deer reduction option to implement nonsurgical reproductive control of female deer (does) when an acceptable reproductive control agent is available that meets NPS established criteria. Large fence exclosures would also protect the Sunken Forest—a globally rare forest type (holly maritime forest) to allow natural restoration of the forest and culturally significant vegetation at the William Floyd Estate.

Alternative C of the Plan provides a lethal deer reduction option with sharpshooting, controlled public hunt, and limited capture and euthanasia to reduce deer populations to the target density and maintain that level. Similar to alternative B, a large fence exclosure would protect the Sunken Forest.

Alternative D of the Plan provides a combined lethal and nonlethal deer reduction option with sharpshooting, a controlled public hunt and limited capture and euthanasia to reduce deer populations to the target deer density. Once the target density has been reached, and an acceptable reproductive control agent is available that meets NPS established criteria, the use of nonsurgical reproductive control of does would be implemented to maintain deer density at the target level. If an acceptable agent is not available, then population maintenance would occur using lethal methods. Similar to alternative B, large fence exclosures would protect the Sunken Forest and culturally significant vegetation at the William Floyd Estate.

The DEIS evaluates potential environmental consequences of implementing these alternatives. Impact topics include the natural, cultural, and socioeconomic environments.

Dated: June 18, 2014.

Michael A. Caldwell,

Regional Director, Northeast Region, National Park Service.

[FR Doc. 2014–18456 Filed 8–8–14; 8:45 am]

BILLING CODE 4310–WV–P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993; Opendaylight Project, Inc.

Notice is hereby given that, on July 11, 2014, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), OpenDaylight Project, Inc. (''OpenDaylight'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Flextronics, Ebene, Mauritius; Extreme Networks, San Jose, CA; and KEMP Technologies, New York, NY, have been added as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and OpenDaylight

intends to file additional written notifications disclosing all changes in membership.

On May 23, 2013, OpenDaylight filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on July 1, 2013 (78 FR 39326).

The last notification was filed with the Department on April 21, 2014. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on May 16, 2014 (79 FR 28555).

Patricia A. Brink,

Director of Civil Enforcement, Antitrust Division.

[FR Doc. 2014–18761 Filed 8–8–14; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993; Odva, Inc.

Notice is hereby given that, on July 15, 2014, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), ODVA, Inc. (''ODVA'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, HB-Softsolution, Kirchberg, Austria; Tolomatic, Inc., Hamel, MN; Lake Cable LLC, Bensenville, IL; Enovation Controls, LLC, Tulsa, OK; Shanghai Huajian Electric Power Equipment Co., Ltd., Shanghai, People's Republic of China; Hauch & Bach ApS, Lynge, Denmark; and ADTEC Plasma Technology Co., Ltd., Hiroshima, Japan, have been added as parties to this venture.

Also, Kalkitech, Bangalore, India; EIM Valve Controls, Missouri City, TX; Welding Technology Corporation, Farmington Hills, MI; B&B Electronics Ltd., Ottawa, IL; SERRA soldadura, S.A.U., Barcelona, Spain; Software Horizons, Inc., N. Billerica, MA; C&M Corporaton, Wauregan, CT; and EXOR Electronic R&D, Cincinatti, OH, have withdrawn as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and ODVA intends to file additional written notifications disclosing all changes in membership.

On June 21, 1995, ODVA filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on February 15, 1996 (61 FR 6039).

The last notification was filed with the Department on April 10, 2014. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on May 8, 2014 (79 FR 26455).

Patricia A. Brink,

Director of Civil Enforcement, Antitrust Division.

[FR Doc. 2014–18763 Filed 8–8–14; 8:45 am]

BILLING CODE P

NATIONAL SCIENCE FOUNDATION

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: National Science Foundation.

ACTION: Notice and request for comments.

SUMMARY: Under the Paperwork Reduction Act of 1995, Pub. L. 104–13 (44 U.S.C. 3501 *et seq.*), and as part of its continuing effort to reduce paperwork and respondent burden, the National Science Foundation (NSF) is inviting the general public or other Federal agencies to comment on this proposed continuing information collection. The NSF will publish periodic summaries of the proposed projects.

Comments: Comments are invited on (a) whether the proposed collection of information is necessary for the proper performance of the functions of the NSF, including whether the information will have practical utility; (b) the accuracy of the NSF's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected, including through the use of automated collection techniques or other forms of information technology; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated collection techniques or other forms of information technology.

DATES: Written comments on this notice must be received by October 10, 2014 to be assured consideration. Comments received after that date will be considered to the extent practicable. Send comments to address below.

FOR FURTHER INFORMATION CONTACT: Suzanne H. Plimpton, Reports Clearance Officer, National Science Foundation, 4201 Wilson Boulevard, Suite 295, Arlington, Virginia 22230; telephone (703) 292–7556; or send email to *splimpto@nsf.gov.* Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339, which is accessible 24 hours a day, 7 days a week, 365 days a year (including Federal holidays).

SUPPLEMENTARY INFORMATION:

Title of Collection: 2015 Survey of Doctorate Recipients.

OMB Approval Number: 3145–0020.

Expiration Date of Approval: November 30, 2014.

Type of Request: Intent to seek approval to reinstate an information collection for three years.

1. *Abstract.* The Survey of Doctorate Recipients (SDR) has been conducted biennially since 1973 and is a longitudinal survey. The 2015 SDR will consist of a sample of individuals less than 76 years of age who have earned a research doctoral degree in a science, engineering or health (SEH) field from a U.S. institution. The purpose of this panel survey is to collect data that will be used to provide national estimates on the doctoral science and engineering workforce and changes in their employment, education and demographic characteristics.

The National Science Foundation Act of 1950, as subsequently amended, includes a statutory charge to ''. . . provide a central clearinghouse for the collection, interpretation, and analysis of data on scientific and engineering resources, and to provide a source of information for policy formulation by other agencies of the Federal Government.'' The SDR is designed to comply with these mandates by providing information on the supply and utilization of the nation's doctoral level scientists and engineers. The NSF uses the information from the SDR to prepare congressionally mandated reports such as *Women, Minorities and Persons with Disabilities in Science and Engineering* and *Science and Engineering Indicators.* The NSF publishes statistics from the SDR in many reports, but primarily in the biennial series, *Characteristics of Doctoral Scientists and Engineers in the United States.* A public release file of collected data, designed to protect respondent confidentiality, also will be made available to researchers on the Internet.

Data will be obtained by web survey, mail questionnaire, and computer-assisted telephone interviews beginning in February 2015. The survey will be collected in conformance with the Confidential Information Protection and Statistical Efficiency Act of 2002 and the individual's response to the survey is voluntary. NSF will ensure that all information collected will be kept strictly confidential and will be used only for statistical purposes.

2. *Potential Sample Expansion.* The U.S. Office of Management and Budget (OMB) has directed that NSF explore options to enhance and expand the sample to measure employment outcomes by the fine field of degree taxonomy used in the Survey of Earned Doctorates. The SDR is a probability sample representing all individuals who received a doctoral degree from a U.S. institution in a SEH field. To provide reliable estimates by fine fields requires sample augmentation given that the current SDR lacks a sufficient sample size to support reliable estimates by fine field by gender, ethnicity, and race. NSF estimates increasing the current 47,000 sample size by no more than 70,000 for a total sample size not to exceed 117,000 SEH doctorate holders.

3. *Expected Respondents.* Including the expansion, a statistical sample of approximately 117,000 individuals with U.S. earned doctorates in science, engineering or health will be contacted in 2015. This sample will include approximately 110,000 individuals residing in the U.S. (national component) and 7,000 residing abroad (international component). NSF expects the overall 2015 SDR response rate to be approximately 80 percent.

4. *Estimate of Burden.* The amount of time to complete the questionnaire may vary depending on an individual's circumstances; however, on average takes approximately 25 minutes. NSF estimates that the annual burden, with the maximum sample expansion, will be 36,666 hours for the national component and 2,333 hours for the international component. Thus, NSF estimates that the total annual burden for both components will be 39,000 hours (=117,000 respondents × 80% response rate × 25 minutes).

Dated: August 5, 2014.

Suzanne H. Plimpton,

Reports Clearance Officer, National Science Foundation.

[FR Doc. 2014–18873 Filed 8–8–14; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 52–027 and 52–028; NRC–2008–0441]

Virgil C. Summer Nuclear Station, Units 2 and 3; South Carolina Electric and Gas; Changes to the Structures and Layout of the Turbine Building

AGENCY: Nuclear Regulatory Commission.

ACTION: Exemption and combined license amendment; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is granting an exemption to allow a departure from the certification information of Tier 1 of the generic design control document (DCD) and issuing License Amendment No. 12 to Combined Licenses (COL) NPF–93 and NPF–94. The COLs were issued to South Carolina Electric and Gas (SCE&G) and South Carolina Public Service Authority (Santee Cooper) (the licensee), for construction and operation of the Virgil C. Summer Nuclear Station (VCSNS), Units 2 and 3 located in Fairfield County, South Carolina. The amendment consists of changes to the updated final safety analysis report (UFSAR) for VCSNS Units 2 and 3 (including the plant-specific Tier 1 Table 3.3–1 and Figure 3.3–11B) and the corresponding Table 3.3–1 and Figure 3.3–11B of Appendix C to the Facility COLs. The granting of the exemption allows the changes to Tier 1 information as specified in the license amendment request (LAR). Because the acceptability of the exemption was determined in part by the acceptability of the amendment, the exemption and amendment are being issued concurrently.

ADDRESSES: Please refer to Docket ID NRC–2008–0441 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document, using any of the following methods:

- Federal Rulemaking Web site: Go to *http://www.regulations.gov* and search for Docket ID NRC–2008–0441. Address questions about NRC dockets to Carol Gallagher; telephone: 301–287–3422; email: *Carol.Gallagher@nrc.gov*. For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- NRC's Agencywide Documents Access and Management System (ADAMS): You may obtain publicly-available documents online in the ADAMS Public Documents Collection at *http://www.nrc.gov/reading-rm/adams.html*. To begin the search, select ''*ADAMS Public Documents*'' and then select ''*Begin Web-based ADAMS Search*.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov*. The ADAMS accession number for each document referenced in this document (if that document is available in ADAMS) is provided the first time that a document is referenced.
- NRC's PDR: You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Denise McGovern, Office of New Reactors, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–0681; email: *Denise.McGovern@nrc.gov*.

SUPPLEMENTARY INFORMATION:

I. Introduction

The NRC is granting an exemption from Paragraph B of Section III, ''Scope and Contents,'' of Appendix D, ''Design Certification Rule for the AP1000 Design,'' to Part 52 of Title 10 of the *Code of Federal Regulations* (10 CFR) and issuing License Amendment No. 12 to COLs, NPF–93 and NPF–94, to the licensee. The request for the amendment and exemption were submitted by letter dated July 30, 2013 (ADAMS Accession No. ML13213A040). The licensee revised this request on August 7, 2013 (ADAMS Accession No. ML13225A445), and September 5, 2013 (ADAMS Accession No. ML13252A186). The exemption is required by Paragraph A.4 of Section VIII, ''Processes for Changes and Departures,'' Appendix D to 10 CFR Part 52 to allow the licensee to depart from Tier 1 information. With the requested amendment, the licensee sought to changing the Turbine Building structures and layout by: (1) Changing the door location on the motor-driven fire pump room in the Turbine Building, (2) clarifying the column line designations for the southwest and southeast walls of the Turbine Building first bay, (3) changing the floor to ceiling heights at three different elevations in the Turbine Building main area, and (4) increasing elevations and wall thickness in certain walls of the Turbine Building first Bay.

Part of the justification for granting the exemption was provided by the review of the amendment. Because the exemption is necessary in order to issue the requested license amendment, the

NRC granted the exemption and issued the amendment concurrently, rather than in sequence. This included issuing a combined safety evaluation containing the NRC staff's review of both the exemption request and the license amendment. The exemption met all applicable regulatory criteria set forth in 10 CFR 50.12, 10 CFR 52.7, and Section VIII.A.4 of Appendix D to 10 CFR Part 52. The license amendment was found to be acceptable as well. The combined safety evaluation is available in ADAMS under Accession No. ML14120A445.

Identical exemption documents (except for referenced unit numbers and license numbers) were issued to the licensee for VCSNS Units 2 and 3 (COLs NPF–93 and NPF–94). These documents can be found in ADAMS under Accession Nos. ML14120A422 and ML14120A426. The exemption is reproduced (with the exception of abbreviated titles and additional citations) in Section II of this document. The amendment documents for COLs NPF–93 and NPF–94 are available in ADAMS under Accession Nos. ML14120A411 and ML14120A416. A summary of the amendment documents is provided in Section III of this document.

II. Exemption

Reproduced below is the exemption document issued to VCSNS Units 2 and 3. It makes reference to the combined safety evaluation that provides the reasoning for the findings made by the NRC (and listed under Item 1) in order to grant the exemption:

1. In a letter dated July 30, 2013 and as revised by the letters dated August 7 and September 5, 2013, South Carolina Electric & Gas Company (licensee) requested from the Nuclear Regulatory Commission (Commission) an exemption from the provisions of Title 10 of the *Code of Federal Regulations* (10 CFR) Part 52, Appendix D, Section III.B, ''Design Certification Rule for the AP1000 Design, Scope, and Contents,'' as part of license amendment request (LAR 13–13), ''Changes to the Structures and Layout of the Turbine Building.''

For the reasons set forth in Section 3.1 of the NRC staff's Safety Evaluation, which can be found at ADAMS Accession No. ML14120A445, the Commission finds that:

A. The exemption is authorized by law;

B. the exemption presents no undue risk to public health and safety;

C. the exemption is consistent with the common defense and security;

D. special circumstances are present in that the application of the rule in this circumstance is not necessary to serve the underlying purpose of the rule;

E. the special circumstances outweigh any decrease in safety that may result from the reduction in standardization caused by the exemption; and

F. the exemption will not result in a significant decrease in the level of safety otherwise provided by the design.

2. Accordingly, the licensee is granted an exemption to the provisions of 10 CFR Part 52, Appendix D, Section III.B, to allow deviations from the certified DCD Tier 1 Table 3.3–1 and Figure 3.3–11B, as described in the licensee's request dated July 30, 2013 and revised on August 7 and September 5, 2013. This exemption is related to, and necessary for the granting of License Amendment No. 12, which is being issued concurrently with this exemption.

3. As explained in Section 5.0 of the NRC staff Safety Evaluation (ADAMS Accession No. ML14120A445), this exemption meets the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(9). Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment needs to be prepared in connection with the issuance of the exemption.

4. This exemption is effective as of May 12, 2014.

III. License Amendment Request

By letter dated July 30, 2013, the licensee requested that the NRC amend the COLs for VCSNS Units 2 and 3, COLs NPF–93 and NPF–94. The licensee revised this application on August 7, and September 5, 2013. The proposed amendment would depart from Tier 2 Material previously incorporated into the UFSAR. Additionally, these Tier 2 changes involve changes to Tier 1 Information in the UFSAR, and the proposed amendment would also revise the associated material that has been included in Appendix C of each of the VCSNS, Units 2 and 3 COLs. The requested amendment will revise the Tier 2 UFSAR information pertaining to the structures and layout of the turbine building, found throughout the UFSAR. These Tier 2 changes require modifications to particular information located in Tier 1 Table 3.3–1 and Figure 3.3–11B.

The Commission has determined for these amendments that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

A notice of consideration of issuance of amendment to facility operating license or combined license, as applicable, proposed no significant hazards consideration determination, and opportunity for a hearing in connection with these actions, was published in the **Federal Register** on October 1, 2013 (78 FR 60321). No comments were received during the 60-day comment period.

The Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments.

IV. Conclusion

Using the reasons set forth in the combined safety evaluation, the staff granted the exemption and issued the amendment that the licensee requested on July 30, 2013 and revised by letter dated, August 7, and September 5, 2013. The exemption and amendment were issued on May 12, 2014 as part of a combined package to the licensee (ADAMS Accession No. ML14120A364).

Dated at Rockville, Maryland, this 1st day of August 2014.

For the Nuclear Regulatory Commission.

Denise L. McGovern,

Senior Project Manager, Licensing Branch 4, Division of New Reactor Licensing, Office of New Reactors.

[FR Doc. 2014–18970 Filed 8–8–14; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–327 and 50–328; NRC–2013–0037]

License Renewal Application for Sequoyah Nuclear Plant, Units 1 and 2

AGENCY: Nuclear Regulatory Commission.

ACTION: Draft supplemental generic environmental impact statement; issuance; public meetings; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing for public comment a draft plant-specific supplement 53 to the Generic Environmental Impact Statement (GEIS) for License Renewal of Nuclear Plants, NUREG–1437, regarding the renewal of operating license DPR–77 and DPR–79 for an additional 20 years of operation

for Sequoyah Nuclear Plant (SQN), Units 1 and 2. SQN is located in Soddy-Daisy, Tennessee. Possible alternatives to the proposed action (license renewal) include no action and reasonable alternative energy sources. The NRC staff plans to hold two public meetings during the public comment period to present an overview of the draft plant-specific supplement to the GEIS and to accept public comments on the document.

DATES: Submit comments by September 29, 2014. Comments received after this date will be considered, if it is practical to do so, but the NRC staff is able to ensure consideration only for comments received on or before this date.

ADDRESSES: You may submit comments by any of the following methods (unless this document describes a different method for submitting comments on a specific subject):

- Federal Rulemaking Web site: Go to *http://www.regulations.gov* and search for Docket ID NRC–2013–0037. Address questions about NRC dockets to Carol Gallagher; telephone: 301–287–3422; email: *Carol.Gallagher@nrc.gov*. For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- Mail comments to: Cindy Bladey, Office of Administration, Mail Stop: 3WFN–06–A44M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: David Drucker, Office of Nuclear Reactor Regulation, telephone: 301–415–6223, email to *David.Drucker@nrc.gov*; U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2013–0037 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document by any of the following methods:

- Federal Rulemaking Web site: Go to *http://www.regulations.gov* and search for Docket ID NRC–2013–0037.
- NRC's Agencywide Documents Access and Management System (ADAMS): You may access publicly available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html*. To begin the search, select ''ADAMS Public Documents'' and then select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov*. The ADAMS accession number for each document referenced in this document (if that document is available in ADAMS) is provided the first time that a document is referenced. The draft plant-specific supplement 53 to the GEIS for License Renewal of Nuclear Plants, NUREG–1437, is available in ADAMS under Accession No. ML14211A454.
- NRC's PDR: You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

B. Submitting Comments

Please include Docket ID NRC–2013–0037 in the subject line of your comment submission, in order to ensure that the NRC is able to make your comment submission available to the public in this docket.

The NRC cautions you not to include identifying or contact information in comment submissions that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at *http://www.regulations.gov* as well as enter the comment submissions into ADAMS, and the NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Discussion

The NRC is issuing for public comment a draft plant-specific supplement 53 to the GEIS for License Renewal of Nuclear Plants, NUREG–1437, regarding the renewal of operating license DPR–77 and DPR–79 for an additional 20 years of operation for SQN. Supplement 53 to the GEIS includes the preliminary analysis that evaluates the environmental impacts of the proposed action and alternatives to the proposed action. The NRC's preliminary recommendation is that the adverse environmental impacts of license renewal for SQN are not great enough to deny the option of license renewal for energy-planning decisionmakers.

III. Public Meetings

The NRC staff will hold public meetings prior to the close of the public comment period to present an overview of the draft plant-specific supplement to the GEIS and to accept public comment on the document. Two meetings will be held at the Soddy-Daisy City Hall, 9835 Dayton Pike, Soddy-Daisy, Tennessee, 37379, on Wednesday, September 17, 2014. The first session will convene at 2:00 p.m. and will continue until 4:00 p.m., as necessary. The second session will convene at 7:00 p.m. and will continue until 9:00 p.m., as necessary. The meetings will be transcribed and will include: (1) A presentation of the contents of the draft plant-specific supplement to the GEIS; and (2) the opportunity for interested government agencies, organizations, and individuals to provide comments on the draft report. Additionally, the NRC staff will host informal discussions one hour prior to the start of each session at the same location. No comments on the draft supplement to the GEIS will be accepted during the informal discussions. To be considered, comments must be provided either at the transcribed public meeting or in writing. Persons may pre-register to attend or present oral comments at the meeting by contacting Mr. David Drucker, the NRC environmental project manager, at 1–800–368–5642, extension 6223, or by email at *David.Drucker@nrc.gov* no later than Wednesday, September 3, 2014. Members of the public may also register to provide oral comments within 15 minutes of the start of each session. Individual oral comments may be limited by the time available, depending on the number of persons who register. If special equipment or accommodations are needed to attend or present information at the public meeting, the need should be brought to Mr. Drucker's attention no later than Wednesday, September 3, 2014, to provide the NRC staff adequate notice to determine whether the request can be accommodated.

Dated at Rockville, Maryland, this 1st day of August, 2014.

For the Nuclear Regulatory Commission.

Brian D. Wittick,

Chief, Projects Branch 2, Division of License Renewal, Office of Nuclear Reactor Regulation.

[FR Doc. 2014–18966 Filed 8–8–14; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2014–0001]

Sunshine Act Meetings

DATE: Weeks of August 11, 18, 25, September 1, 8, 15, 2014.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

Week of August 11, 2014

There are no meetings scheduled for the week of August 11, 2014.

Week of August 18, 2014—Tentative

There are no meetings scheduled for the week of August 18, 2014.

Week of August 25, 2014—Tentative

There are no meetings scheduled for the week of August 25, 2014.

Week of September 1, 2014—Tentative

There are no meetings scheduled for the week of September 1, 2014.

Week of September 8, 2014—Tentative

Tuesday, September 9, 2014

9:30 a.m. Briefing on NRC International Activities (Closed—Ex. 1 & 9)

Wednesday, September 10, 2014

9:30 a.m. Strategic Programmatic Overview of the New Reactors Business Line (Public Meeting) (Contact: Donna Williams, 301–415–1322)

This meeting will be webcast live at the Web address—*http://www.nrc.gov/.*

Week of September 15, 2014—Tentative

Monday, September 15, 2014

1:30 p.m. NRC All Employees Meeting (Public Meeting) Marriott Bethesda North Hotel, 5701 Marinelli Road, Rockville, MD 20852

Tuesday, September 16, 2014

9:30 a.m. Briefing on Project Aim 2020 (Closed—Ex. 2)

10:30 a.m. Discussion of Management and Personnel Issues (Closed—Ex. 2 and 6)

Thursday, September 18, 2014

9:30 a.m. Briefing on Management of Low-Level Waste, High-Level Waste, and Spent Nuclear Fuel (Public Meeting) (Contact: Cinthya I. Román, 301–287–9091)

This meeting will be webcast live at the Web address—*http://www.nrc.gov/.*

* * * * *

The schedule for Commission meetings is subject to change on short notice. To verify the status of meetings, call Rochelle Bavol, 301–415–1651.

* * * * *

The NRC Commission Meeting Schedule can be found on the Internet at: *http://www.nrc.gov/public-involve/public-meetings/schedule.html.*

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The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings, or need this meeting notice or the transcript or other information from the public meetings in another format (e.g. braille, large print), please notify Kimberly Meyer, NRC Disability Program Manager, at 301–287–0727, or by email at *Kimberly.Meyer-Chambers@nrc.gov.* Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

* * * * *

Members of the public may request to receive this information electronically. If you would like to be added to the distribution, please contact the Office of the Secretary, Washington, DC 20555 (301–415–1969), or send an email to *Darlene.Wright@nrc.gov.*

Dated: August 7, 2014.

Rochelle C. Bavol,

Policy Coordinator, Office of the Secretary.

[FR Doc. 2014–19025 Filed 8–7–14; 4:15 pm]

BILLING CODE 7590–01–P

POSTAL REGULATORY COMMISSION

[Docket Nos. CP2014–64; Order No. 2144]

New Postal Product

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing concerning an addition of Global Expedited Package Services 3 to the competitive product list. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* August 12, 2014.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

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I. Introduction
II. Notice of Commission Action
III. Ordering Paragraphs

I. Introduction

On August 4, 2014, the Postal Service filed notice that it has entered into an additional Global Expedited Package Services 3 (GEPS 3) negotiated service agreement (Agreement).[1]

To support its Notice, the Postal Service filed a copy of the Agreement, a copy of the Governors' Decision authorizing the product, a certification of compliance with 39 U.S.C. 3633(a), and an application for non-public treatment of certain materials. It also filed supporting financial workpapers.

II. Notice of Commission Action

The Commission establishes Docket No. CP2014–64 for consideration of matters raised by the Notice.

The Commission invites comments on whether the Postal Service's filing is consistent with 39 U.S.C. 3632, 3633, or 3642, 39 CFR part 3015, and 39 CFR part 3020, subpart B. Comments are due no later than August 12, 2014. The public portions of the filing can be accessed via the Commission's Web site (*http://www.prc.gov*).

The Commission appoints Kenneth R. Moeller to serve as Public Representative in this docket.

III. Ordering Paragraphs

It is ordered:

1. The Commission establishes Docket No. CP2014–64 for consideration of the matters raised by the Postal Service's Notice.

2. Pursuant to 39 U.S.C. 505, Kenneth R. Moeller is appointed to serve as an officer of the Commission to represent the interests of the general public in this proceeding (Public Representative).

3. Comments are due no later than August 12, 2014.

4. The Secretary shall arrange for publication of this order in the **Federal Register**.

[1] Notice of United States Postal Service of Filing a Functionally Equivalent Global Expedited Package Services 3 Negotiated Service Agreement and Application for Non-Public Treatment of Materials Filed Under Seal, August 4, 2014 (Notice).

By the Commission.

Ruth Ann Abrams,

Acting Secretary.

[FR Doc. 2014–18912 Filed 8–8–14; 8:45 am]

BILLING CODE 7710–FW–P

RAILROAD RETIREMENT BOARD

Agency Forms Submitted for OMB Review, Request for Comments

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Railroad Retirement Board (RRB) is forwarding an Information Collection Request (ICR) to the Office of Information and Regulatory Affairs (OIRA), Office of Management and Budget (OMB). Our ICR describes the information we seek to collect from the public. Review and approval by OIRA ensures that we impose appropriate paperwork burdens.

The RRB invites comments on the proposed collection of information to determine (1) The practical utility of the collection; (2) the accuracy of the estimated burden of the collection; (3) ways to enhance the quality, utility, and clarity of the information that is the subject of collection; and (4) ways to minimize the burden of collections on respondents, including the use of automated collection techniques or other forms of information technology. Comments to the RRB or OIRA must contain the OMB control number of the ICR. For proper consideration of your comments, it is best if the RRB and OIRA receive them within 30 days of the publication date.

Title and Purpose of Information Collection: Certification of Termination of Service and Relinquishment of Rights; OMB 3220–0016.

Under Section 2(e)(2) of the Railroad Retirement Act (RRA), an age and service annuity, spouse annuity, or divorced spouse annuity cannot be paid unless the RRB has evidence that the applicant has ceased railroad employment and relinquished rights to return to the service of a railroad employer. The procedure pertaining to the relinquishment of rights by an annuity applicant is prescribed in 20 CFR 216.24. Under Section 2(f)(6) of the RRA, earnings deductions are required each month an annuitant works in certain nonrailroad employment termed Last Pre-Retirement Non-Railroad Employment.

Normally, the employee, spouse, or divorced spouse relinquishes rights and certifies that employment has ended as part of the annuity application process. However, this is not always the case. In limited circumstances, the RRB utilizes Form G–88, *Certification of Termination of Service and Relinquishment of Rights,* to obtain an applicant's report of termination of employment and relinquishment of rights. One response is required of each respondent. Completion is required to obtain or retain benefits.

Previous Requests for Comments: The RRB has already published the initial 60-day notice (79 FR 29821 on May 23, 2014) required by 44 U.S.C. 3506(c)(2). That request elicited no comments.

Information Collection Request (ICR)

Title: Certification of Termination of Service and Relinquishment of Rights.

OMB Control Number: 3220–0016.

Form(s) submitted: G–88.

Type of request: Extension without change of a currently approved collection.

Affected public: Individuals or households.

Abstract: Under Section 2(e)(2) of the Railroad Retirement Act, the Railroad Retirement Board must have evidence that an annuitant for an age and service, spouse, or divorced spouse annuity has ceased railroad employment and relinquished their rights to return to the service of a railroad employer. The collection provides the means for obtaining this evidence.

Changes proposed: The RRB proposes no revisions to Form G–88.

The burden estimate for the ICR is as follows:

Form No.	Annual responses	Time minutes)	Burden (hours)
G–88	3,600	6	360
Total	3,600		360

Additional Information or Comments: Copies of the forms and supporting documents can be obtained from Dana Hickman at (312) 751–4981 or *Dana.Hickman@RRB.GOV.*

Comments regarding the information collection should be addressed to Charles Mierzwa, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois, 60611–2092 or *Charles.Mierzwa@RRB.GOV* and to the OMB Desk Officer for the RRB, Fax: 202–395–6974, Email address: *OIRA_Submission@omb.eop.gov.*

Charles Mierzwa,

Chief of Information Resources Management.

[FR Doc. 2014–18919 Filed 8–8–14; 8:45 am]

BILLING CODE 7905–01–P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 31197; File No. 812–14306]

H&Q Healthcare Investors, et al.; Notice of Application

August 5, 2014.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice of an application under section 6(c) of the Investment Company Act of 1940 (''Act'') for an exemption from section 19(b) of the Act and rule 19b–1 under the Act.

APPLICANTS: H&Q Healthcare Investors (''HQH''), H&Q Life Sciences Investors (''HQL''), Tekla Healthcare Opportunities Fund (the ''New Fund'') and Tekla Capital Management, LLC (''TCM'').

SUMMARY: *Summary of Application:* Applicants request an order to permit certain registered closed-end investment companies to make periodic distributions of long-term capital gains with respect to their outstanding common stock as frequently as twelve times in any one taxable year, and as frequently as distributions are specified by or in accordance with the terms of any outstanding preferred stock that such investment companies may issue. The requested order would supersede a prior order (''Prior Order'').[1]

DATES: *Filing Dates:* The application was filed on May 9, 2014 and amended on July 18, 2014.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the Commission orders

[1] H&Q Healthcare Investors, et al., Investment Company Act Release Nos. 24232 (Jan. 3, 2000) (Notice) and 24273 (Jan. 31, 2000).

a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on August 26, 2014 and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

ADDRESSES: Secretary, U.S. Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090; Applicants, Joseph R. Fleming, Esq., Dechert LLP, One International Place, 40th Floor, 100 Oliver Street, Boston, MA 02110–2605.

FOR FURTHER INFORMATION CONTACT: David Joire, Senior Counsel, at (202) 551–6866, or James M. Curtis, Branch Chief, at (202) 551–6712 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained via the Commission's Web site by searching for the file number, or for an applicant using the Company name box, at *http://www.sec.gov/search/search.htm,* or by calling (202) 551–8090.

Applicants' Representations

1. HQH, HQL, and the New Fund (the ''Current Funds'') are organized as Massachusetts business trusts registered under the Act as closed-end management investment companies.[2] HQH and HQL are diversified closed-end management investment companies and have been in operation since April 22, 1987 and May 8, 1992, respectively. HQH's investment objective is long-term capital appreciation through investment in companies in the healthcare industry. Shares of the common stock of HQH are listed and traded on the New York Stock Exchange (''NYSE''). HQL's investment objective is long-term capital appreciation through investment in companies in the life sciences industry (including biotechnology, pharmaceutical, diagnostics, managed healthcare and medical equipment, hospitals, healthcare information technology and services, devices and supplies), agriculture and environmental management. Shares of HQL's common stock are listed and traded on the NYSE. The New Fund is a newly organized, non-diversified closed-end management investment company with no operating history. The New Fund's investment objective is to seek current income and long-term capital appreciation through investment in equity and debt securities related to the healthcare industry. The New Fund has applied for listing on the NYSE. Each Current Fund currently has no outstanding preferred stock and does not intend to issue any, but may do so in the future. Applicants believe that investors in closed-end funds may prefer an investment vehicle that provides regular current income through fixed distribution policies that would be available through a Distribution Policy (as defined below).

2. TCM, a Delaware limited liability company, is registered under the Investment Advisers Act of 1940 (the ''Advisers Act'') as an investment adviser. TCM provides investment advisory services to the Current Funds. Each Adviser to a Fund will be registered as an investment adviser under the Advisers Act.

3. Pursuant to the Prior Order, HQH and HQL each have established distribution policies with respect to their common stock. To maintain certainty for the distribution policies of HQH and HQL and the distribution policies that other Funds may adopt in the future (each, a ''Distribution Policy''), applicants request an order that would supersede the Prior Order. When the requested order is issued, it will supersede the Prior Order and applicants may rely solely on the order.

4. Applicants state that prior to a Fund's implementing a Distribution Policy in reliance on the order, the board of trustees (the ''Board'') of each Fund, including a majority of the trustees who are not ''interested persons'' of the Fund, as defined in section 2(a)(19) of the Act (the ''Independent Trustees''), will request, and the Adviser will provide, such information as is reasonably necessary to make an informed determination of whether the Board should adopt a proposed Distribution Policy, or, in the case of HQH and HQL, re-approve an existing Distribution Policy. In particular, the Board and the Independent Trustees will review information regarding the purpose and terms of the Distribution Policy; the likely effects of the policy on the Fund's long-term total return (in relation to market price and its net asset value per share of common stock (''NAV'')); the expected relationship between the Fund's distribution rate on its common stock under the policy and the Fund's total return (in relation to NAV); whether the rate of distribution would exceed such Fund's expected total return in relation to its NAV; and any foreseeable material effects of the policy on the Fund's long-term total return (in relation to market price and NAV). The Independent Trustees also will consider what conflicts of interest the Adviser and the affiliated persons of the Adviser and the Fund might have with respect to the adoption or implementation of the Distribution Policy. Applicants state that, only after considering such information will the Board, including the Independent Trustees, of each Fund approve a Distribution Policy and in connection with such approval will determine that the Distribution Policy is consistent with a Fund's investment objectives and in the best interests of the holders of the Fund's common stock.

5. Applicants state that the purpose of a Distribution Policy, generally, would be to permit a Fund to distribute over the course of each year, through periodic distributions in relatively equal amounts (plus any required special distributions), an amount closely approximating the total taxable income of such Fund during such year and, if determined by its Board, all or a portion of returns of capital paid by portfolio companies to such Fund during the year. Under the Distribution Policy of a Fund, such Fund would distribute periodically (as frequently as twelve times in any taxable year) to its respective common stockholders a fixed percentage of the market price of such Fund's common stock at a particular point in time or a fixed percentage of NAV at a particular time or a fixed amount per share of common stock, any of which may be adjusted from time to time. It is anticipated that under a Distribution Policy, the minimum annual distribution rate with respect to such Fund's common stock would be independent of the Fund's performance during any particular period but would be expected to correlate with the Fund's performance over time. Except for

[2] All exiting registered closed-end investment companies that currently intend to rely on the order have been named as applicants. Applicants request that the order also apply to each other registered closed-end investment company advised or to be advised in the future by TCM or by an entity controlling, controlled by, or under common control (within the meaning of section 2(a)(9) of the Act) with TCM (including any successor in interest) (each such entity, including TCM, the ''Adviser'') that in the future seeks to rely on the order (such investment companies, together with the Current Funds, are collectively, the ''Funds'' and individually, a ''Fund''). Any Fund that may rely on the order in the future will comply with the terms and conditions of the application. A successor in interest is limited to entities that result from a reorganization into another jurisdiction or a change in the type of business organization.

extraordinary distributions and potential increases or decreases in the final dividend periods in light of a Fund's performance for the entire calendar year and to enable the Fund to comply with the distribution requirements of Subchapter M of the Internal Revenue Code (''Code'') for the calendar year, each distribution on the Fund's common stock would be at the stated rate then in effect.

6. Applicants state that prior to the implementation of a Distribution Policy for any Fund in reliance on the order, the Board of such Fund will have adopted policies and procedures under rule 38a–1 under the Act that: (i) Are reasonably designed to ensure that all notices required to be sent to the Fund's stockholders pursuant to section 19(a) of the Act, rule 19a–1 thereunder and condition 4 below (each a ''19(a) Notice'') include the disclosure required by rule 19a–1 under the Act and by condition 2(a) below, and that all other written communications by the Fund or its agents regarding distributions under the Distribution Policy include the disclosure required by condition 3(a) below; and (ii) require the Fund to keep records that demonstrate its compliance with all of the conditions of the order and that are necessary for such Fund to form the basis for, or demonstrate the calculation of, the amounts disclosed in its 19(a) Notices.

Applicants' Legal Analysis

1. Section 19(b) of the Act generally makes it unlawful for any registered investment company to make long-term capital gains distributions more than once every twelve months. Rule 19b–1 limits the number of capital gains dividends, as defined in section 852(b)(3)(C) of the Code (''distributions''), that a fund may make with respect to any one taxable year to one, plus a supplemental distribution made pursuant to section 855 of the Code not exceeding 10% of the total amount distributed for the year, plus one additional capital gain dividend made in whole or in part to avoid the excise tax under section 4982 of the Code.

2. Section 6(c) of the Act provides, in relevant part, that the Commission may exempt any person or transaction from any provision of the Act to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

3. Applicants state that one of the concerns leading to the enactment of section 19(b) and adoption of rule 19b–1 was that stockholders might be unable to distinguish between frequent distributions of capital gains and dividends from investment income. Applicants state, however, that rule 19a–1 effectively addresses this concern by requiring that distributions (or the confirmation of the reinvestment thereof) estimated to be sourced in part from capital gains or capital be accompanied by a separate statement showing the sources of the distribution (*e.g.,* estimated net income, net short-term capital gains, net long-term capital gains and/or return of capital). Applicants state that the same information will be included in the Funds' annual reports to stockholders and on the Internal Revenue Service Form 1099 DIV, which will be sent to each common and preferred stockholder who received distributions during a particular year.

4. Applicants further state that each Fund will make the additional disclosures required by the conditions set forth below, and each Fund will adopt compliance policies and procedures in accordance with rule 38a–1 under the Act to ensure that all required 19(a) Notices and disclosures are sent to stockholders. Applicants state that the information required by section 19(a), rule 19a–1, the Distribution Policy, the policies and procedures under rule 38a–1 noted above, and the conditions listed below will help ensure that each Fund's stockholders are provided sufficient information to understand that their periodic distributions are not tied to a Fund's net investment income (which for this purpose is the Fund's taxable income other than from capital gains) and realized capital gains to date, and may not represent yield or investment return. Accordingly, applicants assert that continuing to subject the Funds to section 19(b) and rule 19b–1 would afford stockholders no extra protection.

5. Applicants note that section 19(b) and rule 19b–1 also were intended to prevent certain improper sales practices, including, in particular, the practice of urging an investor to purchase shares of a fund on the basis of an upcoming capital gains dividend (''selling the dividend''), where the dividend would result in an immediate corresponding reduction in NAV and would be in effect a taxable return of the investor's capital. Applicants submit that the ''selling the dividend'' concern should not apply to closed-end investment companies, such as the Funds, which do not continuously distribute shares. According to applicants, if the underlying concern extends to secondary market purchases of shares of closed-end funds that are subject to a large upcoming capital gains dividend, adoption of a periodic distribution plan actually helps minimize the concern by avoiding, through periodic distributions, any buildup of large end-of-the-year distributions.

6. Applicants also note that the common stock of closed-end funds often trades in the marketplace at a discount to its NAV. Applicants believe that this discount may be reduced if the Funds are permitted to pay relatively frequent dividends on their common stock at a consistent rate, whether or not those dividends contain an element of long-term capital gains.

7. Applicants assert that the application of rule 19b–1 to a Distribution Policy actually could have an inappropriate influence on portfolio management decisions. Applicants state that, in the absence of an exemption from rule 19b–1, the adoption of a periodic distribution plan imposes pressure on management (i) not to realize any net long-term capital gains until the point in the year that the fund can pay all of its remaining distributions in accordance with rule 19b–1, and (ii) not to realize any long-term capital gains during any particular year in excess of the amount of the aggregate pay-out for the year (since as a practical matter excess gains must be distributed and accordingly would not be available to satisfy pay-out requirements in following years), notwithstanding that purely investment considerations might favor realization of long-term gains at different times or in different amounts. Applicants assert that by limiting the number of long-term capital gain dividends that a Fund may make with respect to any one year, rule 19b–1 may prevent the normal and efficient operation of a periodic distribution plan whenever that Fund's realized net long-term capital gains in any year exceed the total of the periodic distributions that may include such capital gains under the rule.

8. Applicants also assert that rule 19b–1 may force fixed regular periodic distributions under a periodic distribution plan to be funded with returns of capital [3] (to the extent net investment income and realized short-term capital gains are insufficient to fund the distribution), even though realized net long-term capital gains otherwise would be available. To distribute all of a Fund's long-term capital gains within the limits in rule 19b–1, a Fund may be required to make

[3] Returns of capital as used in the application means return of capital for financial accounting purposes and not for tax accounting purposes.

total distributions in excess of the annual amount called for by its periodic distribution plan, or to retain and pay taxes on the excess amount. Applicants assert that the requested order would minimize these anomalous effects of rule 19b–1 by enabling the Funds to realize long-term capital gains as often as investment considerations dictate without fear of violating rule 19b–1.

9. Applicants state that Revenue Ruling 89–81 under the Code requires that a fund that seeks to qualify as a regulated investment company under the Code and that has both common stock and preferred stock outstanding designate the types of income, e.g., investment income and capital gains, in the same proportion as the total distributions distributed to each class for the tax year. To satisfy the proportionate designation requirements of Revenue Ruling 89–81, whenever a fund has realized a long-term capital gain with respect to a given tax year, the fund must designate the required proportionate share of such capital gain to be included in common and preferred stock dividends. Applicants state that although rule 19b–1 allows a fund some flexibility with respect to the frequency of capital gains distributions, a fund might use all of the exceptions available under the rule for a tax year and still need to distribute additional capital gains allocated to the preferred stock to comply with Revenue Ruling 89–81.

10. Applicants assert that the potential abuses addressed by section 19(b) and rule 19b–1 do not arise with respect to preferred stock issued by a closed-end fund. Applicants assert that such distributions are either fixed or determined in periodic auctions by reference to short-term interest rates rather than by reference to performance of the issuer, and Revenue Ruling 89–81 determines the proportion of such distributions that are comprised of long-term capital gains.

11. Applicants also submit that the ''selling the dividend'' concern is not applicable to preferred stock, which entitles a holder to no more than a specified periodic dividend at a fixed rate or the rate determined by the market, and, like a debt security, is priced based upon its liquidation preference, dividend rate, credit quality, and frequency of payment. Applicants state that investors buy preferred stock for the purpose of receiving payments at the frequency bargained for, and do not expect the liquidation value of their shares to change.

12. Applicants request an order under section 6(c) of the Act granting an exemption from the provisions of section 19(b) of the Act and rule 19b–1 thereunder to permit each Fund to distribute periodic capital gain dividends (as defined in section 852(b)(3)(C) of the Code) as frequently as twelve times in any one taxable year in respect of its common stock and as often as specified by, or determined in accordance with the terms of, any preferred stock issued by the Fund.

Applicants' Conditions

Applicants agree that, with respect to each Fund seeking to rely on the order, the order will be subject to the following conditions:

1. *Compliance Review and Reporting.* The Fund's chief compliance officer will: (a) Report to the Fund's Board, no less frequently than once every three months or at the next regularly scheduled quarterly Board meeting, whether (i) the Fund and its Adviser have complied with the conditions of the order, and (ii) a material compliance matter (as defined in rule 38a–1(e)(2) under the Act) has occurred with respect to such conditions; and (b) review the adequacy of the policies and procedures adopted by the Board no less frequently than annually.

2. *Disclosures to Fund Stockholders.*

(a) Each 19(a) Notice disseminated to the holders of the Fund's common stock, in addition to the information required by section 19(a) and rule 19a–1:

(i) Will provide, in a tabular or graphical format:

(1) The amount of the distribution, on a per share of common stock basis, together with the amounts of such distribution amount, on a per share of common stock basis and as a percentage of such distribution amount, from estimated: (A) Net investment income; (B) net realized short-term capital gains; (C) net realized long-term capital gains; and (D) return of capital or other capital source;

(2) the fiscal year-to-date cumulative amount of distributions, on a per share of common stock basis, together with the amounts of such cumulative amount, on a per share of common stock basis and as a percentage of such cumulative amount of distributions, from estimated: (A) Net investment income; (B) net realized short-term capital gains; (C) net realized long-term capital gains; and (D) return of capital or other capital source;

(3) the average annual total return in relation to the change in NAV for the 5-year period (or, if the Fund's history of operations is less than five years, the time period commencing immediately following the Fund's first public offering) ending on the last day of the month ended immediately prior to the most recent distribution record date compared to the current fiscal period's annualized distribution rate expressed as a percentage of NAV as of the last day of the month prior to the most recent distribution record date; and

(4) the cumulative total return in relation to the change in NAV from the last completed fiscal year to the last day of the month prior to the most recent distribution record date compared to the fiscal year-to-date cumulative distribution rate expressed as a percentage of NAV as of the last day of the month prior to the most recent distribution record date. Such disclosure shall be made in a type size at least as large and as prominent as the estimate of the sources of the current distribution; and

(ii) Will include the following disclosure:

(1) ''You should not draw any conclusions about the Fund's investment performance from the amount of this distribution or from the terms of the Fund's Distribution Policy'';

(2) ''The Fund estimates that it has distributed more than its income and net realized capital gains; therefore, a portion of your distribution may be a return of capital. A return of capital may occur, for example, when some or all of the money that you invested in the Fund is paid back to you. A return of capital distribution does not necessarily reflect the Fund's investment performance and should not be confused with 'yield' or 'income' '' [4]; and

(3) ''The amounts and sources of distributions reported in this 19(a) Notice are only estimates and are not being provided for tax reporting purposes. The actual amounts and sources of the amounts for tax reporting purposes will depend upon the Fund's investment experience during the remainder of its fiscal year and may be subject to changes based on tax regulations. The Fund will send you a Form 1099–DIV for the calendar year that will tell you how to report these distributions for federal income tax purposes.''

Such disclosure shall be made in a type size at least as large as and as prominent as any other information in the 19(a) Notice and placed on the same page in close proximity to the amount and the sources of the distribution.

(b) On the inside front cover of each report to stockholders under rule 30e–1 under the Act, the Fund will:

[4] The disclosure in condition 2(a)(ii)(2) will be included only if the current distribution or the fiscal year-to-date cumulative distributions are estimated to include a return of capital.

(i) Describe the terms of the Distribution Policy (including the fixed amount or fixed percentage of the distributions and the frequency of the distributions);

(ii) include the disclosure required by condition 2(a)(ii)(1) above;

(iii) state, if applicable, that the Distribution Policy provides that the Board may amend or terminate the Distribution Policy at any time without prior notice to Fund stockholders; and

(iv) describe any reasonably foreseeable circumstances that might cause the Fund to terminate the Distribution Policy and any reasonably foreseeable consequences of such termination.

(c) Each report provided to stockholders under rule 30e–1 under the Act and each prospectus filed with the Commission on Form N–2 under the Act, will provide the Fund's total return in relation to changes in NAV in the financial highlights table and in any discussion about the Fund's total return.

3. *Disclosure to Stockholders, Prospective Stockholders and Third Parties.*

(a) The Fund will include the information contained in the relevant 19(a) Notice, including the disclosure required by condition 2(a)(ii) above, in any written communication (other than a communication on Form 1099) about the Distribution Policy or distributions under the Distribution Policy by the Fund, or agents that the Fund has authorized to make such communication on the Fund's behalf, to any Fund stockholder, prospective stockholder or third-party information provider;

(b) The Fund will issue, contemporaneously with the issuance of any 19(a) Notice, a press release containing the information in the 19(a) Notice and will file with the Commission the information contained in such 19(a) Notice, including the disclosure required by condition 2(a)(ii) above, as an exhibit to its next filed Form N–CSR; and

(c) The Fund will post prominently a statement on its (or the Adviser's) Web site containing the information in each 19(a) Notice, including the disclosure required by condition 2(a)(ii) above, and will maintain such information on such Web site for at least 24 months.

4. *Delivery of 19(a) Notices to Beneficial Owners.* If a broker, dealer, bank or other person (''financial intermediary'') holds common stock issued by the Fund in nominee name, or otherwise, on behalf of a beneficial owner, the Fund: (a) Will request that the financial intermediary, or its agent, forward the 19(a) Notice to all beneficial owners of the Fund's stock held through such financial intermediary; (b) will provide, in a timely manner, to the financial intermediary, or its agent, enough copies of the 19(a) Notice assembled in the form and at the place that the financial intermediary, or its agent, reasonably requests to facilitate the financial intermediary's sending of the 19(a) Notice to each beneficial owner of the Fund's stock; and (c) upon the request of any financial intermediary, or its agent, that receives copies of the 19(a) Notice, will pay the financial intermediary, or its agent, the reasonable expenses of sending the 19(a) Notice to such beneficial owners.

5. *Additional Board Determinations for Funds Whose Common Stock Trades at a Premium.*

If:

(a) The Fund's common stock has traded on the stock exchange that they primarily trade on at the time in question at an average premium to NAV equal to or greater than 10%, as determined on the basis of the average of the discount or premium to NAV of the Fund's shares of common stock as of the close of each trading day over a 12-week rolling period (each such 12-week rolling period ending on the last trading day of each week); and

(b) The Fund's annualized distribution rate for such 12-week rolling period, expressed as a percentage of NAV as of the ending date of such 12-week rolling period, is greater than the Fund's average annual total return in relation to the change in NAV over the 2-year period ending on the last day of such 12-week rolling period; then:

(i) At the earlier of the next regularly scheduled meeting or within four months of the last day of such 12-week rolling period, the Board, including a majority of the Independent Trustees:

(1) Will request and evaluate, and the Fund's Adviser will furnish, such information as may be reasonably necessary to make an informed determination of whether the Distribution Policy should be continued or continued after amendment;

(2) will determine whether continuation, or continuation after amendment, of the Distribution Policy is consistent with the Fund's investment objective(s) and policies and is in the best interests of the Fund and its stockholders, after considering the information in condition 5(b)(i)(1) above; including, without limitation:

(A) Whether the Distribution Policy is accomplishing its purpose(s);

(B) the reasonably foreseeable material effects of the Distribution Policy on the Fund's long-term total return in relation to the market price and NAV of the Fund's common stock; and

(C) the Fund's current distribution rate, as described in condition 5(b) above, compared with the Fund's average annual taxable income or total return over the 2-year period, as described in condition 5(b), or such longer period as the Board deems appropriate; and

(3) based upon that determination, will approve or disapprove the continuation, or continuation after amendment, of the Distribution Policy; and

(ii) The Board will record the information considered by it, including its consideration of the factors listed in condition 5(b)(i)(2) above, and the basis for its approval or disapproval of the continuation, or continuation after amendment, of the Distribution Policy in its meeting minutes, which must be made and preserved for a period of not less than six years from the date of such meeting, the first two years in an easily accessible place.

6. *Public Offerings.* The Fund will not make a public offering of the Fund's common stock other than:

(a) A rights offering below NAV to holders of the Fund's common stock;

(b) an offering in connection with a dividend reinvestment plan, merger, consolidation, acquisition, spin-off or reorganization of the Fund; or

(c) an offering other than an offering described in conditions 6(a) and 6(b) above, provided that, with respect to such other offering:

(i) The Fund's annualized distribution rate for the six months ending on the last day of the month ended immediately prior to the most recent distribution record date,[5] expressed as a percentage of NAV as of such date, is no more than 1 percentage point greater than the Fund's average annual total return for the 5-year period ending on such date;[6] and

(ii) the transmittal letter accompanying any registration statement filed with the Commission in connection with such offering discloses that the Fund has received an order under section 19(b) to permit it to make periodic distributions of long-term capital gains with respect to its shares of common stock as frequently as twelve times each year, and as frequently as distributions are specified by or

[5] If the Fund has been in operation fewer than six months, the measured period will begin immediately following the Fund's first public offering.

[6] If the Fund has been in operation fewer than five years, the measured period will begin immediately following the Fund's first public offering.

determined in accordance with the terms of any outstanding shares of preferred stock as such Fund may issue.

7. *Amendments to Rule 19b–1.*

The requested order will expire on the effective date of any amendment to rule 19b–1 that provides relief permitting certain closed-end investment companies to make periodic distributions of long-term capital gains with respect to their outstanding common stock as frequently as twelve times each year.

For the Commission, by the Division of Investment Management, under delegated authority.

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–18882 Filed 8–8–14; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meetings

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Public Law 94–409, that the Securities and Exchange Commission will hold a Closed Meeting on Thursday, August 14, 2014 at 2 p.m.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the Closed Meeting. Certain staff members who have an interest in the matters also may be present.

The General Counsel of the Commission, or her designee, has certified that, in her opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(3), (5), (7), 9(B) and (10) and 17 CFR 200.402(a)(3), (5), (7), 9(ii) and (10), permit consideration of the scheduled matter at the Closed Meeting.

Commissioner Piwowar, as duty officer, voted to consider the items listed for the Closed Meeting in closed session.

The subject matter of the Closed Meeting will be:

Institution and settlement of injunctive actions;

Institution settlement of administrative proceedings; adjudicatory matters; and other matters relating to enforcement proceedings.

At times, changes in Commission priorities require alterations in the scheduling of meeting items.

For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact the Office of the Secretary at (202) 551–5400.

Dated: August 7, 2014.

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–19047 Filed 8–7–14; 4:15 pm]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72763; File No. SR–DTC–2014–08]

Self-Regulatory Organizations; The Depository Trust Company; Order Approving Proposed Rule Change To Transfer NIIDS to a Non-Clearing Agency Affiliate

August 5, 2014.

I. Introduction

On June 5, 2014, The Depository Trust Company (''DTC'') filed with the Securities and Exchange Commission (''Commission'') proposed rule change SR–DTC–2014–08 (''Proposed Rule Change'') pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 [1] (''Act'') and Rule 19b–4 thereunder.[2] The Proposed Rule Change was published for comment in the **Federal Register** on June 25, 2014.[3] The Commission did not receive any comments on the Proposed Rule Change. This order approves the Proposed Rule Change.

II. Description

DTC filed the Proposed Rule Change to amend its Operational Arrangements [4] to transfer its New Issue Information Dissemination Service (''NIIDS'') to a non-clearing agency affiliate (''NIIDS Disseminator'').

The Commission approved DTC's establishment of NIIDS in 2008.[5] NIIDS collects information (''NIIDS Data Elements'') regarding the reporting, comparison, confirmation, and settlement of new issues in municipal securities (''New Issue'') from the lead underwriter or other authorized representative of a New Issue (''Dissemination Agent'') and then makes that information available to information vendors and other users (''Subscribers'') upon authorization by the Dissemination Agent.

Currently, when a Dissemination Agent provides authorization, DTC disseminates the applicable NIIDS Data Elements directly to Subscribers. Under the Proposed Rule Change, the Dissemination Agents will continue to electronically input NIIDS Data Elements into DTC's underwriting system for New Issue Processing but DTC will make NIIDS Data Elements available to the NIIDS Disseminator, which will then deal directly with Subscribers.

Additionally, because DTC will be a conduit of the NIIDS Data Elements and related information, and because DTC does not confirm the validity of the NIIDS Data Elements, the inputting of NIIDS Data Elements and the subsequent use thereof by any party will constitute a waiver of any and all claims (whether direct or indirect) against DTC and its affiliates and an agreement that DTC and its affiliates shall not be liable for any loss or damages in relation to the collection and any subsequent dissemination of NIIDS Data Elements and related information. In addition, any party that inputs NIIDS Data Elements or thereafter uses such data and related information agrees to indemnify and hold DTC and its affiliates harmless from and against any and all losses, damages, liabilities, costs, judgments, charges, and expenses incurred by such party arising out of or relating to the collection and subsequent dissemination of the NIIDS Data Elements.

The date on which DTC will transfer NIIDS to the NIIDS Disseminator will be set forth in a subsequent Important Notice to DTC Participants.

III. Discussion

Section 19(b)(2)(C) of the Act [6] directs the Commission to approve a proposed rule change of a self-regulatory organization if it finds that such proposed rule change is consistent with the requirements of the Act and rules and regulations thereunder applicable to such organization. Section 17A(b)(3)(F) of the Act [7] requires, among other things, that the rules of a clearing agency be designed to promote the prompt and accurate clearance and settlement of securities transactions.

The Commission finds that the Proposed Rule Change is consistent with the requirements of the Act because transferring NIIDS from DTC to the NIIDS Disseminator will promote the prompt and accurate clearance and

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Securities Exchange Act Release No. 72432 (June 19, 2014); 79 FR 36116 (June 25, 2014) (SR–DTC–2014–08).

[4] DTC Operational Arrangements, *available at http://www.dtcc.com/~/media/Files/Downloads/Settlement-Asset-Services/Underwriting/operational-arrangements.pdf.*

[5] Securities Exchange Act Release No. 57768 (May 2, 2008); 73 FR 26181 (May 8, 2008) (SR–DTC–2007–10).

[6] 15 U.S.C. 78s(b)(2)(C).

[7] 15 U.S.C. 78q–1(b)(3)(F).

settlement of securities transactions by providing for a more efficient allocation of DTC's resources.

IV. Conclusion

On the basis of the foregoing, the Commission finds that the Proposed Rule Change is consistent with the requirements of the Act and in particular with the requirements of Section 17A of the Act[8] and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that proposed rule change SR–DTC–2014–08 be, and hereby is, *approved.*[9]

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[10]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–18879 Filed 8–8–14; 8:45 am]

BILLING CODE 8011–01–P

[8] 15 U.S.C. 78q–1.

[9] In approving the Proposed Rule Change, the Commission considered the proposal's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[10] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72766; File No. SR–FINRA–2014–035]

Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Revise the Series 24 Examination Program

August 5, 2014.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'' or ''SEA'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on July 29, 2014, Financial Industry Regulatory Authority, Inc. (''FINRA'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by FINRA. FINRA has designated the proposed rule change as ''constituting a stated policy, practice, or interpretation with respect to the meaning, administration, or enforcement of an existing rule'' under Section 19(b)(3)(A)(i) of the Act[3] and Rule 19b–4(f)(1) thereunder,[4] which renders the proposal effective upon receipt of this filing by the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

FINRA is filing revisions to the content outline and selection specifications for the General Securities Principal (Series 24) examination program.[5] The proposed revisions update the material to reflect changes to the laws, rules and regulations covered by the examination and to incorporate the functions and associated tasks currently performed by a General Securities Principal. In addition, FINRA is proposing to make changes to the format of the content outline. FINRA is not proposing any textual changes to the By-Laws, Schedules to the By-Laws or Rules of FINRA.

The revised content outline is attached. The Series 24 selection specifications have been submitted to the Commission under separate cover with a request for confidential treatment pursuant to SEA Rule 24b–2.[6]

The text of the proposed rule change is available on FINRA's Web site at *http://www.finra.org,* at the principal office of FINRA and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, FINRA included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. FINRA has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(i).

[4] 17 CFR 240.19b–4(f)(1).

[5] FINRA also is proposing corresponding revisions to the Series 24 question bank. Based on instruction from SEC staff, FINRA is submitting this filing for immediate effectiveness pursuant to Section 19(b)(3)(A) of the Act and Rule 19b–4(f)(1) thereunder, and is not filing the question bank for review. *See* Letter to Alden S. Adkins, Senior Vice President and General Counsel, NASD Regulation, from Belinda Blaine, Associate Director, Division of Market Regulation, SEC, dated July 24, 2000. The question bank is available for SEC review.

[6] 17 CFR 240.24b–2. The Commission notes that the content outline is an exhibit to the filing, not to this Notice.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Section 15A(g)(3) of the Act[7] authorizes FINRA to prescribe standards of training, experience, and competence for persons associated with FINRA members. In accordance with that provision, FINRA has developed examinations that are designed to establish that persons associated with FINRA members have attained specified levels of competence and knowledge, consistent with applicable registration requirements under FINRA rules. FINRA periodically reviews the content of the examinations to determine whether revisions are necessary or appropriate in view of changes pertaining to the subject matter covered by the examinations.

NASD Rule 1022(a) (General Securities Principal) requires that a ''principal'' register and qualify as a General Securities Principal,[8] unless the person's activities are so limited as to qualify such person for one or more of the limited categories of principal registration, such as a Financial and Operations Principal, an Introducing Broker-Dealer Financial and Operations Principal, a Registered Options Principal, an Investment Company and Variable Contracts Products Principal, a Direct Participation Programs Principal, a General Securities Sales Supervisor or a Government Securities Principal. The rule does not preclude individuals whose activities are so limited from registering and qualifying as General Securities Principals.

NASD Rule 1022(a) also requires that a member's chief compliance officer (''CCO'') designated on Schedule A of the member's Form BD (Uniform Application for Broker-Dealer Registration) be registered and qualified as a General Securities Principal. If a member's activities are limited to investment company and variable contracts products, direct participation programs or government securities, the member's CCO may instead be registered and qualified as an Investment Company and Variable Contracts Principal, Direct Participation Programs Principal or Government Securities Principal, respectively. In addition, for purposes of the CCO requirement for members of FINRA that are also members of the NYSE, FINRA recognizes the NYSE Compliance

[7] 15 U.S.C. 78*o*–3(g)(3).

[8] The term ''principal'' is defined in NASD Rule 1021(b) (Definition of Principal).

Official (Series 14) examination as an acceptable alternative to the principal examination requirements for General Securities Principal, Investment Company and Variable Contracts Principal or Direct Participation Programs Principal, as applicable.

Pursuant to NASD Rule 1022(a), a General Securities Principal is not qualified to function as a Financial and Operations Principal, an Introducing Broker-Dealer Financial and Operations Principal, a Registered Options Principal, a General Securities Sales Supervisor, a Municipal Securities Principal or a Municipal Fund Securities Limited Principal, unless the General Securities Principal is also registered and qualified in these other categories.

Further, a General Securities Principal is not qualified to supervise the conduct of a Research Analyst or Supervisory Analyst engaged in equity research, unless the General Securities Principal has passed the Regulatory Administration and Best Practices (Series 87) portion of the Research Analyst examination or the Supervisory Analyst (Series 16) examination and is registered as a Research Principal.

A person seeking to register as a General Securities Principal must satisfy the General Securities Representative prerequisite registration or another acceptable prerequisite registration.[9] While registration as a Corporate Securities Representative, Private Securities Offerings Representative or Investment Banking Representative satisfies the prerequisite registration requirement for a General Securities Principal, such a principal will only have limited supervisory authority consistent with his or her representative category. In addition, NASD Rule 1022(a) requires that a General Securities Principal with responsibility over specific investment banking activities satisfy the Investment Banking Representative registration requirements, regardless of any other prerequisite registration. A person registering as a General Securities Principal must also pass the Series 24 qualification examination or an alternative examination.[10]

In consultation with a committee of industry representatives, FINRA recently undertook a review of the Series 24 examination program. As a result of this review, FINRA is proposing to make revisions to the content outline to reflect changes to the laws, rules and regulations covered by the examination and to incorporate the functions and associated tasks currently performed by a General Securities Principal. FINRA also is proposing to make changes to the format of the content outline.

Current Outline

The current content outline is divided into five sections. The following are the five sections and the number of questions associated with each of the sections, denoted Section 1 through Section 5:

1. Supervision of Investment Banking, Underwriting Activities and Research, 33 questions;

2. Supervision of Trading and Market Making Activities, 31 questions;

3. Supervision of Brokerage Office Operations, 29 questions;

4. Sales Supervision and General Supervision of Employees, 43 questions; and

5. Compliance with Financial Responsibility Rules, 14 questions.

Each section also includes the applicable laws, rules and regulations associated with that section. The current outline also includes a preface (addressing, among other things, the purpose, administration and scoring of the examination), sample questions and reference materials.

Proposed Revisions

FINRA is proposing to divide the content outline into five major job functions that are performed by a General Securities Principal. The following are the five major job functions, denoted Function 1 through Function 5, with the associated number of questions:

Function 1: Supervision of Registration of the Broker-Dealer and Personnel Management Activities, 9 questions;

Function 2: Supervision of General Broker-Dealer Activities, 45 questions;

Function 3: Supervision of Retail and Institutional Customer-Related Activities, 32 questions;

Function 4: Supervision of Trading and Market Making Activities, 32 questions; and

Function 5: Supervision of Investment Banking and Research, 32 questions.

FINRA is also proposing to adjust the number of questions assigned to each major job function to ensure that the overall examination better reflects the key tasks performed by a General Securities Principal. The questions on the revised Series 24 examination will place greater emphasis on key tasks such as supervision of registered persons, sales practices and compliance.

Each function also includes specific tasks describing activities associated with performing that function. There are two tasks (1.1–1.2) associated with Function 1; seven tasks (2.1–2.7) associated with Function 2; three tasks (3.1–3.3) associated with Function 3; three tasks (4.1–4.3) associated with Function 4; and three tasks (5.1–5.3) associated with Function 5.[11] By way of example, one such task (Task 2.1) is to develop, implement and update firm's policies, written supervisory procedures (WSP) and controls for applicable rules and regulations; and implement appropriate monitoring and testing.[12] Further, the outline lists the knowledge required to perform each function and associated tasks (*e.g.,* business and regulatory requirements for firm's systems and technologies).[13] In addition, where applicable, the outline lists the laws, rules and regulations a candidate is expected to know to perform each function and associated tasks. These include the applicable FINRA Rules (*e.g.,* FINRA Rule 2090), NASD Rules (*e.g.,* NASD Rule 2510) and SEC rules (*e.g.,* SEA Rule 15c1–7).[14] FINRA conducted a job analysis study of General Securities Principals, which included the use of a survey, in developing each function and associated tasks and updating the required knowledge set forth in the revised outline. The functions and associated tasks, which appear in the revised outline for the first time, reflect the day-to-day activities of a General Securities Principal.

As noted above, FINRA also is proposing to revise the content outline to reflect changes to the laws, rules and regulations covered by the examination.

[9] The other acceptable prerequisite registrations are: United Kingdom Securities Representative; Canada Securities Representative; Investment Banking Representative; Corporate Securities Representative; or Private Securities Offerings Representative. *See* NASD Rule 1022(a)(1)(A); *Regulatory Notice* 09–41 (July 2009); and Securities Exchange Act Release No. 57073 (December 31, 2007), 73 FR 1382 (January 8, 2008) (Notice of Filing and Immediate Effectiveness of File No. SR–FINRA–2007–028).

[10] A person who is registered as a General Securities Sales Supervisor (Series 9/10) and passes the General Securities Principal Sales Supervisor Module (Series 23) examination is also qualified to function as a General Securities Principal. In conjunction with the proposed rule change, FINRA is filing revisions to the content outline and selection specifications for the Series 23 examination program. *See* SR–FINRA–2014–034 (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change to Revise the Series 23 Examination Program).

[11] *See* Exhibit 3a, Outline Pages 6–29. The Commission notes that Exhibit 3a is an exhibit to the filing, not to this Notice.

[12] *See* Exhibit 3a, Outline Page 9.

[13] *See* Exhibit 3a, Outline Page 9.

[14] *See* Exhibit 3a, Outline Page 19.

Among other revisions, FINRA is proposing to revise the content outline to reflect the adoption of rules in the consolidated FINRA rulebook (*e.g.,* NASD Rule 2310 (Recommendations to Customers (Suitability), NASD Rule 2212 (Telemarketing) and NASD Rule 3110 (Books and Records) were adopted as FINRA Rule 2111 (Suitability), FINRA Rule 3230 (Telemarketing) and FINRA Rule 4510 Series (Books and Records Requirements), respectively)).[15]

FINRA is proposing similar changes to the Series 24 selection specifications and question bank.

Finally, FINRA is proposing to make changes to the format of the content outline, including the preface, sample questions and reference materials. Among other changes, FINRA is proposing to: (1) Add a table of contents; [16] (2) provide more details regarding the purpose of the examination; [17] (3) provide more details on the application procedures; [18] (4) provide more details on the development and maintenance of the content outline and examination; [19] (5) explain that the passing scores are established by FINRA staff, in consultation with a committee of industry representatives, using a standard setting procedure and that the scores are an absolute standard independent of the performance of candidates taking the examination; [20] and (6) note that each candidate will receive a score report at the end of the test session, which will indicate a pass or fail status and include a score profile listing the candidate's performance on each major content area covered on the examination.[21]

The number of questions on the Series 24 examination will remain at 150 multiple-choice questions,[22] and candidates will continue to have 3 hours and 45 minutes to complete the examination. Currently, a score of 70 percent is required to pass the examination. The passing score will remain the same.

Availability of Content Outlines

The current Series 24 content outline is available on FINRA's Web site, at *www.finra.org/brokerqualifications/exams.* The revised Series 24 content outline will replace the current content outline on FINRA's Web site.

FINRA is filing the proposed rule change for immediate effectiveness. FINRA proposes to implement the revised Series 24 examination program on October 13, 2014. FINRA will announce the proposed rule change and the implementation date in a *Regulatory Notice.*

2. Statutory Basis

FINRA believes that the proposed revisions to the Series 24 examination program are consistent with the provisions of Section 15A(b)(6) of the Act,[23] which requires, among other things, that FINRA rules must be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest, and Section 15A(g)(3) of the Act,[24] which authorizes FINRA to prescribe standards of training, experience, and competence for persons associated with FINRA members. FINRA believes that the proposed revisions will further these purposes by updating the examination program to reflect changes to the laws, rules and regulations covered by the examination and to incorporate the functions and associated tasks currently performed by a General Securities Principal.

B. Self-Regulatory Organization's Statement on Burden on Competition

FINRA does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The updated examination aligns with the functions and associated tasks currently performed by a General Securities Principal and tests knowledge of the most current laws, rules, regulations and skills relevant to those functions and associated tasks. As such, the proposed revisions would make the examination more efficient and effective.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [25] and paragraph (f)(1) of Rule 19b–4 thereunder.[26] 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 shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–FINRA–2014–035 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–FINRA–2014–035. 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

[15] *See* Rule Conversion Chart, available at *http://www.finra.org/Industry/Regulation/FINRARules/p085560.*

[16] *See* Exhibit 3a, Outline Page 2.

[17] *See* Exhibit 3a, Outline Page 3.

[18] *See* Exhibit 3a, Outline Page 3.

[19] *See* Exhibit 3a, Outline Page 4.

[20] *See* Exhibit 3a, Outline Page 5.

[21] *See* Exhibit 3a, Outline Page 5.

[22] Consistent with FINRA's practice of including ''pre-test'' questions on certain qualification examinations, which is designed to ensure that new examination questions meet acceptable testing standards prior to use for scoring purposes, the examination includes 10 additional, unidentified pre-test questions that do not contribute towards the candidate's score. Therefore, the examination actually consists of 160 questions, 150 of which are scored. The 10 pre-test questions are randomly distributed throughout the examination.

[23] 15 U.S.C. 78*o*–3(b)(6).

[24] 15 U.S.C. 78*o*–3(g)(3).

[25] 15 U.S.C. 78s(b)(3)(A).

[26] 17 CFR 240.19b–4(f)(1).

Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of FINRA. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–FINRA–2014–035 and should be submitted on or before September 2, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[27]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–18881 Filed 8–8–14; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72759; File No. SR–CHX–2014–11]

Self-Regulatory Organizations; Chicago Stock Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Section P of the Fee Schedule Concerning the Market Data Revenue Rebates Program

August 5, 2014.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")[1], and Rule 19b–4[2] thereunder, notice is hereby given that on July 29, 2014, the Chicago Stock Exchange, Inc. ("CHX" or the "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. 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

CHX proposes to amend Section P of its Schedule of Fees and Assessments (the "Fee Schedule") to amend the Market Data Revenue ("MDR") Rebates Program. The text of this proposed rule change is available on the Exchange's Web site at (*www.chx.com*) and in 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 CHX included statements concerning the purpose of and basis for the proposed rule changes 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 CHX 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 Changes

1. Purpose

The Exchange proposes to amend Section P.2 of the Fee Schedule to modify the MDR thresholds for Tape A and C Quotes and Trade Reports. The Exchange does not propose to modify the Tape B thresholds or to otherwise substantively amend how MDR rebates are currently calculated and allocated. The Exchange proposes to make the following proposed amendments operative *October 1, 2014.*

Background

The current MDR Rebates Program calls for 50% of MDR received by the Exchange in any one of six quote or trade reports pools that exceeds the applicable Section P.2 threshold ("Excess MDR") to be shared with Participants in proportion to their respective Eligible Quote Activity[3] or Eligible Trade Activity[4] in that pool from the previous calendar quarter.[5] The MDR rebate calculation is made each quarter, per Participant, and per pool. The determination of how much a Participant will receive pursuant to the MDR Rebates Program requires the Exchange to first calculate Excess MDR and, if Excess MDR exists, attribute quote and/or trade reports credits to eligible Participants.

Current Section P.2 of the Fee Schedule provides the following MDR thresholds:

Source	Tape A	Tape B	Tape C
Quotes	$3,000	$204,000	$12,000
Trade Reports	27,000	36,000	18,000

The dollar values represent the amount of MDR that the Exchange will keep (*i.e.,* not eligible for sharing). Any amounts in excess of the thresholds are considered Excess MDR and 50% of such Excess MDR could be shared pursuant to the MDR Rebates Program. The current values are based on historical data of the actual MDR received by the Exchange in previous calendar quarters.

In determining whether Excess MDR exists in a given pool, the Exchange includes *all* MDR received by the Exchange in a given pool for the given quarter and does not exclude any MDR from the threshold calculation.[6] The

[27] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Section P.1 of the Fee Schedule defines "Eligible Quote Activity" as "a Participants quoting of displayed orders in Tapes A, B and C securities."

[4] Section P.1 of the Fee Schedules defines "Eligible Trade Activity" as "trades resulting from single-sided resting orders submitted by the Participant in Tapes A, B and C securities." By definition, Eligible Trade Activity *excludes* (1) executions resulting from removing liquidity from the CHX book and (2) cross orders.

[5] *See* Securities Exchange Act Release No. 71210 (December 31, 2013), 79 FR 869 (January 7, 2014) (SR–CHX–2013–24) ("Notice of Filing and Immediate Effectiveness of Proposed Rule Change to Amend the Market Data Revenue Rebates Program"); *see also* Securities Exchange Act Release No. 70546 (September 27, 2013), 78 FR 61413 (October 3, 2013) (SR–CHX–2013–18) ("Notice of Filing and Immediate Effectiveness of Proposed Rule Change to Adopt a Market Data Revenue Rebates Program").

[6] The Securities Information Processors ("SIPs") do not distinguish between trades from single-sided

following Example 1 illustrates how Excess MDR is calculated:

Example 1. Assume that the Exchange receives $50,000 of MDR payment in 4Q2014 for 3Q2014 Tape A Trade Reports. Given that current Section P.2 provides that the MDR threshold for Tape A Trade Reports to be $27,000, the result would be $23,000 Excess MDR in the Tape A Trade Reports pool. Pursuant to current Section P.1 [sic], up to $11,500, which is 50% of the $23,000 Excess MDR, could be shared with eligible Participants.

If Excess MDR exists in a pool, the Exchange will then attribute quote credits to each Participant according to their Eligible Quote Activity in that pool.[7] If Excess MDR exists in a Trade Reports pool, the Exchange will attribute trade reports credits to each Participant according to their Eligible Trade Activity in that pool.[8] These quote and trade reports credits are calculated by the Exchange by utilizing a set of calculations similar to calculations currently utilized by the SIPs in attributing Quotes and Trade Reports MDR to SIP Participants. Once all quote and trade reports credits have been allocated in a given pool, each Participant is attributed an MDR rebate from the pool in an amount that is equal to the product of a Participant's portion of the total credits in that pool and 50% of the Excess MDR in that pool. The sum of all attributed MDR rebates in a pool will equal 50% of the Excess MDR in that pool.

If the sum of rebates attributed to a Participant from all six pools in a given quarter satisfies the *de minimis* requirement of current Section P.3, the Participant will receive a payment equal to that amount. However, if the *de minimis* requirement is not satisfied, the Exchange will keep the entire sum that was attributed to the Participant.

Proposed MDR Thresholds

The Exchange now proposes to amend Section P.2 of the Fee Schedule to eliminate the threshold values for Tapes A and C Quotes pools. This will result in all MDR received in those pools to be considered Excess MDR. Consequently, 50% of all MDR received in Tapes A and C Quotes pools will be eligible for sharing with Participants pursuant to the MDR Rebates Program.

The Exchange also proposes to modify the threshold values for Tapes A and C Trade Reports pools from $27,000 and $18,000, respectively, to amounts equal to Trade Reports MDR received by the Exchange that can be attributed by the Exchange to trade reports resulting from cross orders in each pool. Thus, the proposed MDR thresholds for Tapes A and C Trade Reports MDR will be a floating value that will be calculated quarterly and will virtually be equal to the product of the MDR payment received by the Exchange from the SIPs and the percentage of executions (*i.e.,* trade reports) within the CHX Matching System in the relevant quarter resulting from cross orders. Since the SIPs do not distinguish between trades resulting from cross orders and single-sided orders for MDR purposes, the Exchange will be making the quarterly calculation itself.[9] The following Example 2 illustrates how the proposed floating Excess MDR threshold value for Tapes A and C Trade Reports will be calculated:

Example 2. Assume the same as in Example 1, except that the Tape A Trade Reports threshold is equal to the amount of MDR received by the Exchange that can be attributed to cross orders. Assume further that the Exchange calculates that, in 3Q2014, 60% of all executions within the CHX Matching System resulted from cross orders. Thus, the MDR threshold for 3Q2014 Tape A Trade Reports would be $30,000 (*i.e.,* $50,000 × .60 = $30,000). Pursuant to current Section P.1 [sic], up to $10,000, which is 50% of the Excess MDR of $20,000, could be distributed to eligible Participants.

If the Exchange, instead, received $60,000 of Tape A Trade Reports MDR and 60% of the Trade Reports could be attributed to cross orders, the MDR threshold for Tape A Trade Reports would be $36,000. Pursuant to current Section P.1 [sic], $12,000, which is 50% of the Excess MDR of $24,000, could be distributed to eligible Participants.

The Exchange believes that the proposed MDR threshold amendments to Tapes A and C securities is consistent with the purpose of the MDR Rebates Program, which is to increase single-sided trading activity on the CHX by incentivizing Participants with MDR rebates. Specifically, the Exchange believes that the proposed thresholds will increase the probability of higher Excess MDR amounts, which will, in turn, increase the likelihood of larger rebate payments to eligible Participants. Moreover, the proposed floating MDR threshold values for Tapes A and C Trade Reports will provide the Exchange with flexibility in ensuring that the threshold values follow variations in Trade Reports MDR that is attributable to cross orders. For quarters where Trade Reports MDR resulting cross orders is less than previous quarters, this floating value will result in greater Excess MDR that could be available for rebates. Thus, since two-sided cross orders are deemed ineligible trading activity with regard to the MDR Rebates Program, the Exchange hopes that the proposed threshold amendments will encourage more single-sided orders to be submitted to the Matching System. Aside from these proposed MDR threshold amendments, the Exchange does not propose to modify any other part of the current MDR Rebates Program.

The Exchange also submits that the proposed threshold amendments will not materially impact the Exchange's ability to meet its regulatory and surveillance obligations as a self-regulatory organization. Specifically, the proposed elimination of the Tapes A and C Quotes thresholds will result in, at most, the Exchange sharing an additional $7,500 of total MDR from Tapes A and C Quotes pools and an additional few thousand dollars from the Tapes A and C Trade Reports pools. These amounts are immaterial as the sum represents a very small portion of the quarterly MDR payments received by the Exchange, which have historically been approximately $300,000 per quarter. Moreover, the Exchange notes that if the proposed amendments have the intended effect of increased order flow to, and executions within, the Matching System, the Exchange will receive additional MDR from the SIPs, which would offset the proposed threshold amendments.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act[10] in general, and furthers the objectives of Section 6(b)(4) of the Act[11] in particular, in that it provides for the equitable allocation of MDR Rebates among members and other persons using any facility or system which the Exchange operates or controls. The purpose of the MDR Rebates Program is to increase single-sided trading activity on the CHX by incentivizing Participants with MDR rebates. The Exchange believes that the amended MDR thresholds will increase the likelihood of larger Excess MDR amounts and payable rebates to Participants, which will, in turn, promote single-sided order flow to the

orders and from cross orders when attributing Trade Reports MDR to a SIP Participant, such as the CHX. The SIPs make one MDR payment to the Exchange per pool and quarter. Article 1, Rule 2(a)(2) defines "cross order," in pertinent part, as "an order to buy and sell the same security at a specific price better than the best bid and offer displayed in the Matching System and which would not constitute a trade-through under Reg NMS (including all applicable exceptions and exemptions)."

[7] *See supra* note 3.

[8] *See supra* note 4.

[9] *See supra* note 6.

[10] 15 U.S.C. 78f.

[11] 15 U.S.C. 78f(b)(4).

Exchange and order executions within the Matching System. Moreover, since two-sided cross orders are deemed ineligible trading activity with regard to the MDR Rebates Program, the Exchange believes that the proposed floating threshold amendments will result in more MDR that is available for sharing, which will, in turn, encourage more single-sided orders to be submitted to the Matching System. Notwithstanding, the proposed amendments to the Fee Schedule would equitably allocate MDR Rebates among Participants by continuing to pay MDR Rebates in proportion to their Eligible Quote and Trade Activity in Tape A, B and C securities in any given calendar quarter.

B. Self-Regulatory Organization's Statement of Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed amendment will only enhance the effectiveness of the current MDR Rebates Program in promoting display liquidity on, and order flow to, the Exchange. Consequently, the MDR rebates, as amended, will promote competition that is necessary and appropriate in furtherance of the purpose of the Act.

C. Self-Regulatory Organization's Statement on Comments Regarding the Proposed Rule Changes Received From Members, Participants or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Changes and Timing for Commission Action

The foregoing rule change is effective upon filing pursuant to Section 19(b)(3)(A)(ii) of the Act [12] and subparagraph(f)(2) of Rule 19b–4 thereunder [13] because it establishes or changes a due, fee or other charge imposed by the Exchange.

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 shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

[12] 15 U.S.C. 78s(b)(3)(A)(ii).

[13] 17 CFR 240.19b-4(f)(2).

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposal 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 No. SR–CHX–2014–11 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549.

All submissions should refer to File No. SR–CHX–2014–11. 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 changes 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 CHX. 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 No. SR–CHX–2014–11 and should be submitted on or before September 2, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[14]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–18875 Filed 8–8–14; 8:45 am]

BILLING CODE 8011–01–P

[14] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72760; File No. SR–NASDAQ–2014–076]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Utilize a Trade Condition Modifier

August 5, 2014.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on July 28, 2014, The NASDAQ Stock Market LLC (''NASDAQ'' or the ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') a proposed rule change as described in Items I, II and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

NASDAQ proposes a rule change to utilize a trade condition modifier recently adopted by the Joint Self-Regulatory Organization Plan Governing the Collection, Consolidation and Dissemination of Quotation and Transaction Information for Nasdaq-Listed Securities Traded on Exchanges on an Unlisted Trading Privilege Basis (the ''Plan''). NASDAQ will implement the proposed change on or about August 25, 2014.

The text of the proposed rule change is below. Proposed new language is in italics.

* * * * *

4754. NASDAQ Closing Cross

No Change.

(a) Processing of Nasdaq Closing Cross. The Nasdaq Closing Cross will begin at 4:00:00, and post-market hours trading will commence when the Nasdaq Closing Cross concludes.

(1)–(3) No Change.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

(4) All orders executed in the Nasdaq Closing Cross will be executed at the Nasdaq Closing Cross price, trade reported anonymously, and disseminated via the consolidated tape. The Nasdaq Closing Cross price will be the Nasdaq Official Closing Price for stocks that participate in the Nasdaq Closing Cross. *Fifteen minutes after the close of trading, NASDAQ will disseminate via the network processor a trade message setting the NASDAQ Official Closing Price as the official Consolidated Last Sale Price in each NASDAQ-listed security in which one round lot or more is executed in the NASDAQ Closing Cross where the closing price differs from the Consolidated Last Sale Price.*

(5)–(7) No Change.

* * * * *

(b) Not applicable.

(c) Not applicable.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, NASDAQ included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The official closing price of NASDAQ-listed securities is a critical value for millions of investors and the trillions of dollars they invest in equity securities and assets linked to the value of equity securities. For example, mutual fund complexes, exchange traded fund sponsors, and index providers each utilize an official closing price to value their assets under management or license. Broker-dealers, including retail brokerages holding millions of investors' accounts, use official closing prices to display their portfolio values. Internet portals and online content providers do the same for more varied uses.

Currently, industry participants use multiple different values to determine the closing price of a NASDAQ-listed security. Some choose consolidated data, where the closing price is the last, unmodified, regular-way trade of the day in each security. Other participants choose a market-specific closing price, such as the NASDAQ Official Closing Price (''NOCP'') set forth in NASDAQ Rule 4754. Market participants can use the exchange-specific closing price from another exchange, each of which is permitted to disseminate an official closing price via the network processor for NASDAQ-listed securities. An exchange-specific closing price is simple to create and disseminate; markets need only append the ''.M'' modifier to a trade message at or after the close of trading. This multiplicity of choices has benefits but it can create ambiguity as well.

The Operating Committee of the Plan has attempted to reduce this ambiguity by allowing NASDAQ, as the listing market, to create a clearer official consolidated closing price. On May 8, 2013, the Operating Committee voted unanimously to approve the creation of the Corrected Consolidated Close Modifier. According to the written proposal the Operating Committee approved, the Modifier was intended to ''allow the Listing Markets to establish the official Consolidated Last price as needed.'' The Modifier will impact the Consolidated Last Sale and the Consolidated High and Low for each security. It will not impact statistics for individual exchanges, such as the Participant Open, Last, High/Low or Volume. Use of the Modifier will not impact Consolidated Volume because it will be appended to a trade message with a volume of zero shares. For NASDAQ-listed securities it can be disseminated once and only once per day per symbol.

NASDAQ plans to implement its use of the Modifier in a simple, straightforward manner. At fifteen minutes after the close each day, NASDAQ will disseminate to the network processor one trade message with the Modifier appended for each security in which at least one round lot was executed in the NASDAQ Closing Cross at a price that differs from the consolidated closing price reported by the network processor. The network processor will then disseminate the trade messages to market participants via the UTP Trade Data Feed. The trade message for each security will be based on the price of the NOCP and will have a volume of zero shares as required. NASDAQ already disseminates the NOCP on its proprietary data feeds, including NASDAQ Last Sale, NASDAQ Basic and NASDAQ TotalView so no change to those feeds is necessary.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act [3] in general, and furthers the objectives of Section 6(b)(5) of the Act [4] in particular, in that the proposal is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest. The proposal supports these policies in that it establishes more clearly an official consolidated closing price for NASDAQ-listed securities. Clarity regarding this value will benefit investors of different types and strategies, whether long-term or short-term focused, professional or non-professional status, or individual, member or institutional. The official consolidated closing price will be widely disseminated, clearly marked, and available at no additional cost.

B. Self-Regulatory Organization's Statement on Burden on Competition

NASDAQ does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended. To the contrary, NASDAQ's proposal merely implements a unanimous decision of the Operating Committee of the Plan that is designed to benefit investors equally without regard to competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest, it has become effective pursuant to Section 19(b)(3)(A) of the Act [5] and subparagraph (f)(6) of Rule 19b–4 thereunder.[6]

[3] 15 U.S.C. 78f(b).

[4] 15 U.S.C. 78f(b)(5).

[5] 15 U.S.C. 78s(b)(3)(A).

[6] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the

Continued

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 shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NASDAQ–2014–076 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–NASDAQ–2014–076. 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 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal offices of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NASDAQ–2014–076, and should be submitted on or before September 2, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[7]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–18876 Filed 8–8–14; 8:45 am]

BILLING CODE 8011–01–P

Commission. The Exchange has satisfied this requirement.

[7] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72761; File No. SR–ICEEU–2014–12]

Self-Regulatory Organizations; ICE Clear Europe Limited; Notice of Filing of Proposed Rule Change to Liquidity Policies Relating to EMIR

August 5, 2014.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on July 25, 2014, ICE Clear Europe Limited (''ICE Clear Europe'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change described in Items I, II and III below, which Items have been prepared primarily by ICE Clear Europe. 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 principal purpose of the proposed change is to amend and formalize certain ICE Clear Europe liquidity policies and procedures (the ''Liquidity Policy Amendments''), including to facilitate compliance with requirements under the European Market Infrastructure Regulation (including regulations thereunder, ''EMIR'')[3] that will apply to ICE Clear Europe as an authorized central counterparty.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Regulation (EU) No. 648/2012 of the European Parliament and of the Council of 4 July 2012 on OTC derivatives, central counterparties and trade repositories.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, ICE Clear Europe 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. ICE Clear Europe has prepared summaries, set forth in sections A, B and C below, of the most significant aspects of these statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

ICE Clear Europe proposes to amend its existing Liquidity Risk Management Framework (''LRMF'') and to adopt a separate Liquidity Plan that formalizes certain procedures and internal processes relating to liquidity objectives and monitoring, testing and decision-making relating to sufficiency of liquidity resources. In ICE Clear Europe's view, the creation of the Liquidity Plan does not materially change existing procedures and processes but is intended to formalize them, in order to be consistent with requirements under EMIR.

The Liquidity Plan has been drafted in accordance with Article 32 of the Regulatory Technical Standards implementing EMIR.[4] Consistent with Article 32, the stated objectives of the Liquidity Plan are to: (i) Identify sources of liquidity risk; (ii) manage and monitor liquidity needs across a range of stressed market scenarios; (iii) maintain sufficient and distinct financial resources to cover liquidity needs; (iv) assess and value the liquid assets available to the clearing house and its liquidity needs; (v) assess timescales over which liquid financial resources should be available; (vi) manage a liquidity shortfall event; (vi) replace financial resources used in a liquidity shortfall event; and (vii) assess potential liquidity needs stemming from Clearing Members ability to swap cash for non-cash collateral. The Liquidity

[4] Commission Delegated Regulation (EU) No. 153/2013 of 9 December 2012 Supplementing Regulation (EU) No. 648/2012 of the European Parliament and of the Council with regard to Regulatory Technical Standards on Requirements for Central Counterparties (the ''Regulatory Technical Standards'').

Plan also reflects requirements and guidance of the Bank of England.

The Liquidity Plan contains details about ICE Clear Europe's liquidity monitoring, stress testing, reporting and management procedures. With respect to monitoring, various systems and processes are used by ICE Clear Europe to ascertain the status of settlements at the start of the day, intra-day and at the end of day, as well as the status of related investment activity during the day. Any deviation from established tolerance levels will be escalated in accordance with the Liquidity Plan. The Liquidity Plan also uses certain Key Risk & Performance Indicators (''KRPIs'') to ensure the investment policies are respected in light of ICE Clear Europe's credit and liquidity requirements, based on a number of investment categories (such as secured investments, unsecured investments, sovereign investors) and tenor categories.

The Liquidity Plan identifies various sources of liquidity risks, including exposure to settlement banks, custodian banks, liquidity providers, investment counterparties, payment systems, clearing members and other service providers, and provides for regular stress testing based on those risks. The Liquidity Plan also addresses liquidity risk tolerances and appetite limits established by the Board in connection with stress testing. Stress testing is conducted using a range of scenarios, including both historical scenarios and forward-looking scenarios involving extreme but plausible market events and conditions. Both types of scenarios simulate extreme but plausible losses arising from the default of the clearing members with the two largest liquidity exposures, consistent with EMIR requirements. Scenarios also address the required level of liquidity resources in a range of other conditions in the relevant currencies used by ICE Clear Europe, including defaults of investment counterparties, settlement banks, Nostro agents, intraday liquidity providers and other service providers, market infrastructure failures and other systemic events (and combinations thereof). Historical scenarios are run on a single day, and a historical trend is kept. Forward-looking scenarios project these cash flows over the coming eight-day period.

ICE Clear Europe's Liquidity Plan also specifies procedures for liquidity management in cases of potential liquidity stress. ICE Clear Europe has defined a series of liquidity events and stress situations, ordered by severity, which trigger a notification to the relevant level of management and, if further escalation is required, the Board. The Liquidity Plan also outlines actions that may be taken in each situation to address the liquidity event or stress.

The Liquidity Plan provides for daily, weekly and monthly reporting requirements to relevant levels of clearing house management, Board risk committee, the Board and regulators, as appropriate. In addition, the Liquidity Plan establishes a protocol for breaches and liquidity events, which includes reporting and escalation based on the severity of the event, mitigating actions and replenishment of liquidity. The Liquidity Plan also provides for periodic testing of liquidity resources to ensure that they are ''highly reliable'' within the meaning of Article 44 of EMIR.

As part of the specified governance process, the Liquidity Plan will be reviewed by management and must be approved by the Board annually following consultation with the Board risk committee. Deviations and interim changes similarly require Board approval following consultation with the Board risk committee.

ICE Clear Europe has also revised its LRMF to reflect the adoption of the new, separate Liquidity Plan (and the two documents together are intended to reflect the clearing house's approach to liquidity management). Various sections of the LRMF have also been modified to improve clarity and readability. As revised, the LRMF specifies the objectives of liquidity management, and references relevant policies, including investment policies, collateral management and haircut policies, stress testing policies and operational risk management policies. The LRMF also addresses the policies for establishing liquidity risk tolerances and appetites, the range of relevant stress scenarios (which are derived from the CPSS–IOSCO Principles for Financial Market Infrastructures and Regulatory Technical Standards Article 32.4), reverse stress testing requirements in accordance with Regulatory Technical Standards Article 49, and the resources the clearing house will treat as available for liquidity management purposes. The LRMF specifies further procedures concerning liquidity shortfalls and replenishment, complementing the provisions set forth in the Liquidity Plan. The LRMF also specifies procedures for internal review and governance over the liquidity policies, as well as procedures for exceptions and breaches of risk tolerance or risk appetite levels.

2. Statutory Basis

ICE Clear Europe believes that the proposed rule change is consistent with the requirements of Section 17A of the Act[5] and the regulations thereunder applicable to it, including the standards under Rule 17Ad–22.[6] Section 17A(b)(3)(F) of the Act[7] requires, among other things, that the rules of a clearing agency be designed to promote the prompt and accurate clearance and settlement of securities transactions, and to the extent applicable, derivative agreements, contracts and transactions and to comply with the provisions of the Act and the rules and regulations thereunder. The proposed rules are designed to formalize the clearing house's policies and procedures relating to liquidity risk management. In particular, the revised policies address ICE Clear Europe's liquidity resources and procedures for testing the adequacy of those resources in a range of scenarios, including extreme but plausible scenarios involving, among other things, the default of a clearing member, settlement bank, liquidity provider and other service providers. They also provide further clarity as to the steps ICE Clear Europe may take when confronted with a potential liquidity shortfall or similar event. In ICE Clear Europe's view, the amendments thereby enhance the ability of the clearing house to assess potential liquidity events that may impact its ability to conduct settlements for cleared transactions and its ability to avoid or manage such events and continue clearing house operations. As such, ICE Clear Europe believes that the changes will promote the prompt and accurate settlement of securities and derivatives transactions, and therefore are consistent with the requirements of the Act and the rules and regulations thereunder applicable to ICE Clear Europe, in particular, to Section 17(A)(b)(3)(F).

B. Self-Regulatory Organization's Statement on Burden on Competition

ICE Clear Europe does not believe the Liquidity Policy Amendments would have any impact, or impose any burden, on competition not necessary or appropriate in furtherance of the purposes of the Act. The amendments formalize certain liquidity management policies and procedures. ICE Clear Europe does not believe that the revised policies will materially affect the cost of clearing for clearing members or their customers, impose additional requirements on clearing members, or otherwise affect access to clearing. The amendments will promote liquidity risk

[5] 15 U.S.C. 78q–1.

[6] 17 CFR 240.17Ad–22.

[7] 15 U.S.C. 78q–1(b)(3)(F).

management and thereby enhance the stability of the clearing house and its ability to continue to provide clearing services in the case of liquidity stresses.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments relating to the proposed change to the rules have not been solicited or received. ICE Clear Europe will notify the Commission of any written comments received by ICE Clear Europe.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve or disapprove the proposed rule change or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*) or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–ICEEU–2014–12 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–ICEEU–2014–12. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filings also will be available for inspection and copying at the principal office of ICE Clear Europe and on ICE Clear Europe's Web site at *https://www.theice.com/clear-europe/regulation.*

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–ICEEU–2014–12 and should be submitted on or before September 2, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[8]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–18877 Filed 8–8–14; 8:45 am]

BILLING CODE 8011–01–P

[8] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72762; File No. SR–ICC–2014–12]

Self-Regulatory Organizations; ICE Clear Credit LLC; Notice of Filing and Order Granting Accelerated Approval of Proposed Rule Change To Revise the ICC Treasury Policies and Procedures

August 5, 2014.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on July 21, 2014, ICE Clear Credit LLC (''ICC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II and III below, which Items have been prepared primarily by ICC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons and to approve the proposed rule change on an accelerated basis.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The purpose of the proposed rule change is to revise the ICC Treasury Policies and Procedures to correct an error in order to properly describe ICC's policy regarding permitted counterparties to ICC's repurchase agreement transactions (''Repo Transactions'').[3] This revision does not require any changes to the ICC Clearing Rules.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, ICC 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 III below. ICC has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of these statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The proposed revision to ICC's Treasury Policies and Procedures is intended to correct an error in order to properly describe ICC's policy regarding permitted counterparties to ICC's Repo Transactions.

ICC believes such revision will facilitate the prompt and accurate clearance and settlement of securities transactions and derivative agreements, contracts, and transactions for which it is responsible. The proposed revision is described in detail as follows.

Currently, the ICC Treasury Policies and Procedures state that ICC may not enter in Repo Transactions with counterparties that are affiliates of ICC Clearing Participants. This statement contains an error, and does not accurately reflect ICC's policy in regards to prohibited repo counterparties. Such provision in the ICC Treasury Policies and Procedures was intended to prohibit the use of affiliates of ICC as repo counterparties, consistent with the prohibition contained in CFTC Regulation 1.25(d)(3), which states, in

[3] Generally, Repo Transactions are the purchase or sale of U.S. Treasury securities with the simultaneous agreement to sell or buy back the securities with the same counterparty on the next business day.

relevant part, ''A . . . derivatives clearing organization shall not enter into an agreement to repurchase or resell with a counterparty that is an affiliate of the . . . derivatives clearing organization.'' However, ICC's policy language inadvertently included the phrase ''affiliates of ICE Clear Credit Clearing Participants'' rather than the proper language ''affiliates of ICE Clear Credit.'' ICC proposes revising the ICC Treasury Policies and Procedures to accurately reflect ICC's policy in regards to prohibited repo counterparties. ICC proposes amending the policy to clarify that ICC prohibits the use of repo counterparties that are affiliates of ICC, rather than affiliates of ICC Clearing Participants. This revision to the Treasury Policies and Procedures does not require any operational changes.

Section 17A(b)(3)(F) of the Act[4] requires, among other things, that the rules of a clearing agency be designed to promote the prompt and accurate clearance and settlement of securities transactions and, to the extent applicable, derivative agreements, contracts, and transactions and to comply with the provisions of the Act and the rules and regulations thereunder. ICC believes that the proposed revision is consistent with the requirements of the Act and the rules and regulations thereunder applicable to ICC, in particular, to Section 17A(b)(3)(F),[5] because ICC believes that the proposed rule changes will facilitate the prompt and accurate settlement of swaps and contribute to the safeguarding of securities and funds associated with swap transactions which are in the custody or control of ICC or for which it is responsible. The revision to the ICC Treasury Policies and Procedures corrects an error in order to properly describe ICC's policy regarding permitted counterparties to ICC's Repo Transactions. As such, the proposed rule changes will facilitate the prompt and accurate settlement of swaps and contribute to the safeguarding of customer funds and securities within the control of ICC within the meaning of Section 17A(b)(3)(F)[6] of the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

ICC does not believe the proposed revision would have any impact, or impose any burden, on competition. The revision to ICC's Treasury Policies and Procedures to correct an error in order to properly describe ICC's policy regarding permitted counterparties to ICC's Repo Transactions applies uniformly across all CPs. Therefore, ICC does not believe the proposed revision imposes any burden on competition that is inappropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments relating to the proposed rule change have not been solicited or received. ICC will notify the Commission of any written comments received by ICC.

III. 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–ICC–2014–12 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–ICC–2014–12. 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 ICC and on ICC's Web site at *https://www.theice.com/clear-credit/regulation.*

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–ICC–2014–12 and should be submitted on or before September 2, 2014.

IV. Commission's Findings and Order Granting Accelerated Approval of Proposed Rule Change

Section 19(b)(2)(C) of the Act[7] directs the Commission to approve a proposed rule change of a self-regulatory organization if it finds that such proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to such organization. Section 17A(b)(3)(F) of the Act[8] requires, among other things, that the rules of a registered clearing agency be designed to promote the prompt and accurate clearance and settlement of securities transactions and, to the extent applicable, derivative agreements, contracts, and transactions, to assure the safeguarding of securities and funds which are in the custody or control of the clearing agency or for which it is responsible, and, in general, to protect investors and the public interest.

The Commission finds that the proposed revision to ICC's Treasury Policies and Procedures is consistent with the requirements of the Act, in particular the requirements of Section 17A(b)(3)(F) of the Act,[9] and the rules and regulations thereunder applicable to ICC. As currently written, ICC's Treasury Policies and Procedures prohibit ICC from engaging in Repo Transactions, including reverse Repo Transactions, with affiliates of ICC Clearing Participants. The proposed rule change would allow ICC to engage additional repo counterparties and, therefore, expand its capacity to manage its cash deposits pursuant to its cash management program. The Commission finds that the proposed rule change promotes the prompt and accurate clearance and settlement of securities transactions and, to the extent applicable, derivative agreements, contracts, and transactions, and is consistent with the requirement of

[4] 15 U.S.C. 78q–1(b)(3)(F).

[5] Id.

[6] Id.

[7] 15 U.S.C. 78s(b)(2)(C).

[8] 15 U.S.C. 78q–1(b)(3)(F).

[9] Id. In approving the proposed rule change, the Commission considered the proposal's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

safeguarding securities and funds in the custody or control of the clearing agency or for which it is responsible in Section 17A(b)(3)(F) of the Act.

ICC has requested that the Commission approve the proposed rule change on an accelerated basis for good cause shown. ICC states that, as a result of recent contractions in the repo marketplace that have decreased its capacity to engage in reverse Repo Transactions, it has a pressing need to timely engage additional reverse repo counterparties so it has sufficient repo counterparty relationships and transaction capacity to collateralize its cash deposits pursuant to its cash management program. ICC further represented that maintaining sufficient repo counterparty relationships and transaction capacity is critical for risk mitigation purposes, and delaying the effectiveness of this proposed rule change may result in ICC being unable to timely secure additional repo counterparties. The Commission finds good cause, pursuant to Section 19(b)(2)(C)(iii) of the Act,[10] for approving the proposed rule change on an accelerated basis.

V. Conclusion

It is therefore ordered pursuant to Section 19(b)(2) of the Act that the proposed rule change (SR–ICC–2014–12) be, and hereby is, approved on an accelerated basis.

For the Commission by the Division of Trading and Markets, pursuant to delegated authority.[11]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–18878 Filed 8–8–14; 8:45 am]

BILLING CODE 8011–01–P

[10] 15 U.S.C. 78s(b)(2)(C)(iii).

[11] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72765; File No. SR–FINRA–2014–034]

Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Revise the Series 23 Examination Program

August 5, 2014.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'' or ''SEA'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on July 29, 2014, Financial Industry Regulatory Authority, Inc. (''FINRA'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by FINRA. FINRA has designated the proposed rule change as ''constituting a stated policy, practice, or interpretation with respect to the meaning, administration, or enforcement of an existing rule'' under Section 19(b)(3)(A)(i) of the Act[3] and Rule 19b–4(f)(1) thereunder,[4] which renders the proposal effective upon receipt of this filing by the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

FINRA is filing revisions to the content outline and selection specifications for the General Securities Principal Sales Supervisor Module (Series 23) examination program.[5] The proposed revisions update the material to reflect changes to the laws, rules and regulations covered by the examination and to incorporate the functions and associated tasks currently performed by a General Securities Principal. In addition, FINRA is proposing to make changes to the format of the content outline. FINRA is not proposing any textual changes to the By-Laws, Schedules to the By-Laws or Rules of FINRA.

The revised content outline is attached. The Series 23 selection specifications have been submitted to the Commission under separate cover with a request for confidential treatment pursuant to SEA Rule 24b–2.[6]

The text of the proposed rule change is available on FINRA's Web site at *http://www.finra.org,* at the principal office of FINRA and at the Commission's Public Reference Room.

[3] 15 U.S.C. 78s(b)(3)(A)(i).

[4] 17 CFR 240.19b–4(f)(1).

[5] FINRA also is proposing corresponding revisions to the Series 23 question bank. Based on instruction from SEC staff, FINRA is submitting this filing for immediate effectiveness pursuant to Section 19(b)(3)(A) of the Act and Rule 19b–4(f)(1) thereunder, and is not filing the question bank for review. *See* Letter to Alden S. Adkins, Senior Vice President and General Counsel, NASD Regulation, from Belinda Blaine, Associate Director, Division of Market Regulation, SEC, dated July 24, 2000. The question bank is available for SEC review.

[6] 17 CFR 240.24b–2. The Commission notes that the content outline is an exhibit to the filing, not to this Notice.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, FINRA included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. FINRA has prepared summaries, set forth in 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

Section 15A(g)(3) of the Act[7] authorizes FINRA to prescribe standards of training, experience, and competence for persons associated with FINRA members. In accordance with that provision, FINRA has developed examinations that are designed to establish that persons associated with FINRA members have attained specified levels of competence and knowledge, consistent with applicable registration requirements under FINRA rules. FINRA periodically reviews the content of the examinations to determine whether revisions are necessary or appropriate in view of changes pertaining to the subject matter covered by the examinations.

NASD Rule 1022(a) (General Securities Principal) sets forth the registration requirements for a General Securities Principal.[8] Among other requirements, a person registering as a General Securities Principal must pass the General Securities Principal (Series 24) qualification examination or an alternative examination. The Series 23 examination, in combination with the General Securities Sales Supervisor (Series 9/10) examination,[9] is an acceptable qualification alternative to the Series 24 examination for associated persons who are required to register and qualify as General Securities Principals with FINRA. The Series 23 examination tests material from the Series 24

[7] 15 U.S.C. 78*o*–3(g)(3).

[8] *See* SR–FINRA–2014–035 (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change to Revise the Series 24 Examination Program) for a discussion of the requirements for a General Securities Principal.

[9] As a prerequisite to the Series 23 examination, FINRA also recognizes the Series 8 examination, the historical equivalent to the Series 9/10 examination, and the former Series 12 examination, a subset of the Series 9/10 examination omitting questions on options and municipal securities.

examination not otherwise tested on the Series 9/10 examination.

In consultation with a committee of industry representatives, FINRA recently undertook a review of the Series 23 examination program. As a result of this review, FINRA is proposing to make revisions to the content outline to reflect changes to the laws, rules and regulations covered by the examination and to incorporate the functions and associated tasks currently performed by a General Securities Principal. FINRA also is proposing to make changes to the format of the content outline.

Current Outline

The current content outline is divided into five sections. The following are the five sections and the number of questions associated with each of the sections, denoted Section 1 through Section 5:

1. Supervision of Investment Banking, Underwriting Activities and Research, 30 questions;
2. Supervision of Trading and Market Making Activities, 24 questions;
3. Supervision of Brokerage Office Operations, 12 questions;
4. Sales Supervision and General Supervision of Employees, 23 questions; and
5. Compliance with Financial Responsibility Rules, 11 questions.

Each section also includes the applicable laws, rules and regulations associated with that section. The current outline also includes a preface (addressing, among other things, the purpose, administration and scoring of the examination), sample questions and reference materials.

Proposed Revisions

FINRA is proposing to divide the content outline into five major job functions that are performed by a General Securities Principal. The following are the five major job functions, denoted Function 1 through Function 5, with the associated number of questions:

Function 1: Supervision of Registration of the Broker-Dealer and Personnel Management Activities, 6 questions;

Function 2: Supervision of General Broker-Dealer Activities, 26 questions;

Function 3: Supervision of Retail and Institutional Customer-Related Activities, 12 questions;

Function 4: Supervision of Trading and Market Making Activities, 28 questions; and

Function 5: Supervision of Investment Banking and Research, 28 questions.

FINRA is also proposing to adjust the number of questions assigned to each major job function to ensure that the overall examination better reflects the key tasks performed by a General Securities Principal. The questions on the revised Series 23 examination will place greater emphasis on key tasks such as supervision of registered persons, sales practices and compliance.

Each function also includes specific tasks describing activities associated with performing that function. There are two tasks (1.1–1.2) associated with Function 1; seven tasks (2.1–2.7) associated with Function 2; three tasks (3.1–3.3) associated with Function 3; three tasks (4.1–4.3) associated with Function 4; and three tasks (5.1–5.3) associated with Function 5.[10] By way of example, one such task (Task 2.1) is to develop, implement and update firm's policies, written supervisory procedures (WSP) and controls for applicable rules and regulations; and implement appropriate monitoring and testing.[11] Further, the outline lists the knowledge required to perform each function and associated tasks (*e.g.,* business and regulatory requirements for firm's systems and technologies).[12] In addition, where applicable, the outline lists the laws, rules and regulations a candidate is expected to know to perform each function and associated tasks. These include the applicable FINRA Rules (*e.g.,* FINRA Rule 2090), NASD Rules (*e.g.,* NASD Rule 2510) and SEC rules (*e.g.,* SEA Rule 15c1–7).[13] FINRA conducted a job analysis study of General Securities Principals, which included the use of a survey, in developing each function and associated tasks and updating the required knowledge set forth in the revised outline. The functions and associated tasks, which appear in the revised outline for the first time, reflect the day-to-day activities of a General Securities Principal.

As noted above, FINRA also is proposing to revise the content outline to reflect changes to the laws, rules and regulations covered by the examination. Among other revisions, FINRA is proposing to revise the content outline to reflect the adoption of rules in the consolidated FINRA rulebook (*e.g.,* NASD Rule 2310 (Recommendations to Customers (Suitability), NASD Rule 2212 (Telemarketing) and NASD Rule 3110 (Books and Records) were adopted as FINRA Rule 2111 (Suitability), FINRA Rule 3230 (Telemarketing) and FINRA Rule 4510 Series (Books and Records Requirements), respectively)).[14]

FINRA is proposing similar changes to the Series 23 selection specifications and question bank.

Finally, FINRA is proposing to make changes to the format of the content outline, including the preface, sample questions and reference materials. Among other changes, FINRA is proposing to: (1) Add a table of contents;[15] (2) provide more details regarding the purpose of the examination;[16] (3) provide more details on the application procedures;[17] (4) provide more details on the development and maintenance of the content outline and examination;[18] (5) explain that the passing scores are established by FINRA staff, in consultation with a committee of industry representatives, using a standard setting procedure and that the scores are an absolute standard independent of the performance of candidates taking the examination;[19] and (6) note that each candidate will receive a score report at the end of the test session, which will indicate a pass or fail status and include a score profile listing the candidate's performance on each major content area covered on the examination.[20]

The number of questions on the Series 23 examination will remain at 100 multiple-choice questions, and candidates will continue to have 2 hours and 30 minutes to complete the examination. Currently, a score of 70 percent is required to pass the examination. The passing score will remain the same.

Availability of Content Outlines

The current Series 23 content outline is available on FINRA's Web site, at *www.finra.org/brokerqualifications/exams.* The revised Series 23 content outline will replace the current content outline on FINRA's Web site.

FINRA is filing the proposed rule change for immediate effectiveness. FINRA proposes to implement the revised Series 23 examination program on October 13, 2014. FINRA will announce the proposed rule change and the implementation date in a *Regulatory Notice.*

[10] *See* Exhibit 3a, Outline Pages 6–29. The Commission notes that Exhibit 3a is an exhibit to the filing, not to this Notice.

[11] *See* Exhibit 3a, Outline Page 9.

[12] *See* Exhibit 3a, Outline Page 9.

[13] *See* Exhibit 3a, Outline Page 19.

[14] *See* Rule Conversion Chart, available at *http://www.finra.org/Industry/Regulation/FINRA Rules/p085560.*

[15] *See* Exhibit 3a, Outline Page 2.

[16] *See* Exhibit 3a, Outline Page 3.

[17] *See* Exhibit 3a, Outline Page 3.

[18] *See* Exhibit 3a, Outline Page 4.

[19] *See* Exhibit 3a, Outline Page 5.

[20] *See* Exhibit 3a, Outline Page 5.

2. Statutory Basis

FINRA believes that the proposed revisions to the Series 23 examination program are consistent with the provisions of Section 15A(b)(6) of the Act,[21] which requires, among other things, that FINRA rules must be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest, and Section 15A(g)(3) of the Act,[22] which authorizes FINRA to prescribe standards of training, experience, and competence for persons associated with FINRA members. FINRA believes that the proposed revisions will further these purposes by updating the examination program to reflect changes to the laws, rules and regulations covered by the examination and to incorporate the functions and associated tasks currently performed by a General Securities Principal.

B. Self-Regulatory Organization's Statement on Burden on Competition

FINRA does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The updated examination aligns with the functions and associated tasks currently performed by a General Securities Principal and tests knowledge of the most current laws, rules, regulations and skills relevant to those functions and associated tasks. As such, the proposed revisions would make the examination more efficient and effective.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[23] and paragraph (f)(1) of Rule 19b–4 thereunder.[24] 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 shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–FINRA–2014–034 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–FINRA–2014–034. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of FINRA. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–FINRA–2014–034 and should be submitted on or before September 2, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[25]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–18880 Filed 8–8–14; 8:45 am]

BILLING CODE 8011–01–P

[21] 15 U.S.C. 78*o*–3(b)(6).

[22] 15 U.S.C. 78*o*–3(g)(3).

[23] 15 U.S.C. 78s(b)(3)(A).

[24] 17 CFR 240.19b–4(f)(1).

[25] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF STATE

[Public Notice 8820]

List of September 20, 2005, of Participating Countries and Entities in the Kimberley Process Certification Scheme, Known as ''Participants'' for the Purposes of the Clean Diamond Trade Act of 2003 (Pub. L. 108–19) and Section 2 of Executive Order 13312 of July 29, 2003

AGENCY: Department of State.

ACTION: Notice.

SUMMARY: In accordance with Sections 3 and 6 of the Clean Diamond Trade Act of 2003 (Pub. L. 108–19) and Section 2 of Executive Order 13312 of July 29, 2003, the Department of State is updating the list of Participants eligible for trade in rough diamonds under the Act, and their respective Importing and Exporting Authorities, revising the previously published list of February 21, 2013 to reflect the removal of the suspension of Cote D'Ivoire, the incorporation of Croatia into the European Union, the suspension of the Central African Republic, and continued self-suspension of Venezuela.

FOR FURTHER INFORMATION CONTACT: Ashley Orbach, Special Advisor, Bureau of Economic and Business Affairs, Department of State, (202) 647–2856.

SUPPLEMENTARY INFORMATION: Section 4 of the Clean Diamond Trade Act (the ''Act'') requires the President to prohibit the importation into, or the exportation from, the United States of any rough diamond, from whatever source, that has not been controlled through the Kimberley Process Certification Scheme (KPCS). Under Section 3(2) of the Act, ''controlled through the Kimberley Process Certification Scheme'' means an importation from the territory of a Participant or exportation to the territory of a Participant of rough diamonds that is either (i) carried out in accordance with the KPCS, as set forth in regulations promulgated by the President, or (ii) controlled under a system determined by the President to meet substantially the standards, practices, and procedures of the KPCS. The referenced regulations are

contained at 31 CFR part 592 (''Rough Diamond Control Regulations'') (68 FR 45777, August 4, 2003).

Section 6(b) of the Act requires the President to publish in the **Federal Register** a list of all Participants, and all Importing and Exporting Authorities of Participants, and to update the list as necessary. Section 2 of Executive Order 13312 of July 29, 2003 delegates this function to the Secretary of State. Section 3(7) of the Act defines ''Participant'' as a state, customs territory, or regional economic integration organization identified by the Secretary of State. Section 3(3) of the Act defines ''Exporting Authority'' as one or more entities designated by a Participant from whose territory a shipment of rough diamonds is being exported as having the authority to validate a Kimberley Process Certificate. Section 3(4) of the Act defines ''Importing Authority'' as one or more entities designated by a Participant into whose territory a shipment of rough diamonds is imported as having the authority to enforce the laws and regulations of the Participant regarding imports, including the verification of the Kimberley Process Certificate accompanying the shipment.

List of Participants

Pursuant to Sections 3 and 6 of the Act, Section 2 of Executive Order 13312, Department of State Delegation of Authority No. 245–1 (February 13, 2009), and the Delegation of Authority from the Deputy Secretary to the Under Secretary dated October 31, 2011, I hereby identify the following entities as of April 29, 2014, as Participants under section 6(b) of the Act. Included in this List are the Importing and Exporting Authorities for Participants, as required by Section 6(b) of the Act. This list revises the previously published list of February 21 2013 to end Cote D'Ivoire's suspension effective 29 April 2014; to reflect Croatia's incorporation into the European Union effective 1 July 2013; to maintain Venezuela under self-suspension from trade under the Kimberley Process as of 4 November 2010; and to suspend the Central African Republic from trade under the Kimberley Process as of May 2013.

Angola—Ministry of Geology and Mines.
Armenia –- Ministry of Trade and Economic Development.
Australia –- Exporting Authority –- Department of Industry, Tourism and Resources; Importing Authority—Australian Customs Service.
Bangladesh—Ministry of Commerce.
Belarus—Department of Finance.
Botswana—Ministry of Minerals, Energy and Water Resources.
Brazil—Ministry of Mines and Energy.
Canada—Natural Resources Canada.
Cambodia—Ministry of Commerce.
Cameroon—National Permanent Secretariat for the Kimberley Process in Cameroon.
China—General Administration of Quality Supervision, Inspection and Quarantine.
Democratic Republic of the Congo—Ministry of Mines.
Cote D'Ivoire (Ivory Coast)—Ministry of Mines and Energy.
European Union—DG/External Relations/A.2.
Ghana—Precious Minerals and Marketing Company Ltd.
Guinea—Ministry of Mines and Geology.
Guyana—Geology and Mines Commission.
India—The Gem and Jewelry Export Promotion Council.
Indonesia—Directorate General of Foreign Trade of the Ministry of Trade.
Israel—The Diamond Controller.
Japan—Ministry of Economy, Trade and Industry.
Kazakhstan—Ministry of Finance.
Republic of Korea—Ministry of Commerce, Industry and Energy.
Laos—Ministry of Finance.
Lebanon—Ministry of Economy and Trade.
Lesotho—Commissioner of Mines and Geology.
Liberia—Ministry of Lands, Mines and Energy.
Malaysia—Ministry of International Trade and Industry.
Mauritius—Ministry of Commerce.
Namibia—Ministry of Mines and Energy.
Mexico—Economic Secretariat.
New Zealand—Ministry of Foreign Affairs and Trade.
Norway—The Norwegian Goldsmiths' Association.
Panama—National Customs Authority.
Russia—Ministry of Finance.
Sierra Leone—Government Gold and Diamond Office.
Singapore—Singapore Customs.
South Africa—South African Diamond Board.
Sri Lanka—National Gem and Jewellery Authority.
Swaziland—Office of the Commissioner of Mines.
Switzerland—State Secretariat for Economic Affairs.
Chinese Taipei—Bureau of Foreign Trade.
Tanzania—Commissioner for Minerals.
Thailand—Ministry of Commerce.
Togo—Ministry of Mines and Geology.
Turkey—Istanbul Gold Exchange.
Ukraine—State Gemological Centre of Ukraine.
United Arab Emirates—Dubai Metals and Commodities Center.
United States of America—Importing Authority—United States Bureau of Customs and Border Protection; Exporting Authority—Bureau of the Census.
Vietnam—Ministry of Trade.
Zimbabwe—Ministry of Mines and Mining Development.

This notice shall be published in the **Federal Register**.

Catherine A. Novelli,
Under Secretary of State, Department of State.

[FR Doc. 2014–18976 Filed 8–8–14; 8:45 am]
BILLING CODE 4710–07–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2014–0075]

Petition for Waiver of Compliance

In accordance with Part 211 of Title 49 Code of Federal Regulations (CFR), this document provides the public notice that by a document dated July 18, 2014, BNSF Railway Company (BNSF) petitioned the Federal Railroad Administration (FRA) for a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR Part 232, Brake System Safety Standards for Freight and Other Non-Passenger Trains and Equipment; End-of-Train Devices. FRA assigned the petition Docket Number FRA–2014–0075.

Specifically, BNSF seeks a waiver of compliance from 49 CFR 232.15, *Movement of defective equipment.* The current rule provides that ''a railroad car or locomotive with one or more conditions not in compliance with this part may be used or hauled without civil penalty liability under this part only if all of the following conditions are met [including] the location to which the car or locomotive is being taken for repair is the nearest available location where necessary repairs can be performed on the line of the railroad where the car or locomotive was first found to be defective.'' BNSF requests relief to allow it to operate single cars with air brakes cut out and a crew inspection through to the destination or the next inspection point as opposed to the current ''nearest available location where necessary repairs can be performed.''

BNSF states that it firmly believes that granting the requested relief will not

negatively impact safety, and will actually improve the safety and working conditions of BNSF employees who are conducting these setouts on line and making the field repairs. By granting this request, these cars, which do not compromise the safety of the operating train once the air is cut out and they have been evaluated by the crews, will move to locations where BNSF facilities are designated to perform quality repairs and where such repairs are routinely made; thus removing the variability and exposure to risks associated with performing the inspections and repairs in less than ideal field conditions.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at *www.regulations.gov* and in person at the U.S. Department of Transportation's (DOT) Docket Operations Facility, 1200 New Jersey Avenue SE., W12–140, Washington, DC 20590. The Docket Operations Facility is open from 9 a.m. to 5 p.m., Monday through Friday, except Federal Holidays.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted by any of the following methods:

- *Web site: http://www.regulations.gov/.* Follow the online instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., W12–140, Washington, DC 20590.
- *Hand Delivery:* 1200 New Jersey Avenue SE., Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Communications received by September 10, 2014 will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable.

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 comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). See *http://www.regulations.gov/#!privacyNotice* for the privacy notice of regulations.gov or interested parties may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477).

Issued in Washington, DC, on August 5, 2014.

Ron Hynes,

Director, Office of Safety Assurance and Compliance.

[FR Doc. 2014–18908 Filed 8–8–14; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2014–0070]

Petition for Waiver of Compliance

In accordance with Part 211 of Title 49 Code of Federal Regulations (CFR), this document provides the public notice that by a document dated July 18, 2014, BNSF Railway (BNSF) petitioned the Federal Railroad Administration (FRA) for a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR Part 232, Brake System Safety Standards for Freight and Other Non-Passenger Trains and Equipment; End-of-Train Devices. FRA assigned the petition Docket Number FRA–2014–0070.

Specifically, BNSF seeks a temporary waiver of compliance from 49 CFR 232.213(a). The current rule provides that ''a railroad may be permitted to move a train up to, but not exceeding, 1,500 miles between brake tests and inspections if the railroad designates a train as an extended haul train.'' BNSF requests relief to allow it to operate up to 1,800 miles between inspections.

BNSF states that it requires this relief to ensure its continued ability to meet customer expectations for deliveries of coal (critically low stock piles), grain, and other commodities. Many of these commodities move in efficient unit train service, which is the subject of this waiver request. BNSF's operations are continuing to overcome the challenges originating with harsh winter weather, followed by frost heaves, saturated roadbeds, and a range of flooding events and mud boils; and the compounded effect that the prolonged weather conditions have had on BNSF's entire system and its network fluidity. These weather conditions, coupled with significant and sustained increases in volume in the second half of 2013, as well as high levels of seasonal demand late in 2013, have led to congestion across BNSF's network and a backlog on deliveries of critical commodities. Additionally, Amtrak's Empire Builder service across BNSF North lines experienced negative impacts on its on-time performance due to ongoing congestion; BNSF recognizes that FRA and general public is focused on Amtrak performance and continues to work to improve the Empire Builder's on-time service performance.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at *www.regulations.gov* and in person at the U.S. Department of Transportation's Docket Operations Facility, 1200 New Jersey Ave. SE., W12–140, Washington, DC 20590. The Docket Operations Facility is open from 9 a.m. to 5 p.m., Monday through Friday, except Federal Holidays.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted by any of the following methods:

- *Web site: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., W12–140, Washington, DC 20590.
- *Hand Delivery:* 1200 New Jersey Avenue SE., Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Communications received by September 10, 2014 will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable.

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 comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). See *http://www.regulations.gov/#!privacyNotice* for the privacy notice of regulations.gov or interested parties may review DOT's complete Privacy Act Statement in the

Federal Register published on April 11, 2000 (65 FR 19477).

Issued in Washington, DC, on August 5, 2014.

Ron Hynes,

Director, Office of Safety Assurance and Compliance.

[FR Doc. 2014–18907 Filed 8–8–14; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

[Docket ID OCC–2014–0019]

Minority Depository Institutions Advisory Committee

AGENCY: Office of the Comptroller of the Currency (OCC), Department of the Treasury.

ACTION: Notice.

SUMMARY: The Comptroller of the Currency has determined that the renewal of the Charter of the OCC Minority Depository Institutions Advisory Committee (MDIAC) is necessary and in the public interest in order to provide advice and information about the current circumstances and future development of minority depository institutions, in accordance with the goals established by section 308 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (FIRREA).

DATES: The Charter of the OCC MDIAC is renewed for a two-year period that began on July 16, 2014.

FOR FURTHER INFORMATION CONTACT: Beverly Cole, Senior Advisor to the Senior Deputy Comptroller for Midsize and Community Bank Supervision and Designated Federal Officer, (202) 649–5420, Office of the Comptroller of the Currency, 400 7th Street SW., Washington, DC 20219.

SUPPLEMENTARY INFORMATION: Notice of the renewal of the MDIAC charter is hereby given under section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. 2 (1988), and with the approval of the Secretary of the Treasury. The Comptroller of the Currency has determined that the renewal of the MDIAC charter is necessary and in the public interest in order to provide advice and information about the current circumstances and future development of minority depository institutions, in accordance with the goals established by section 308 of FIRREA, Public Law 101–73, Title III, 103 Stat. 353, 12 U.S.C. 1463 note. The goals of section 308 are to preserve the present number of minority depository institutions, preserve the minority character of minority depository institutions in cases involving mergers or acquisitions, provide technical assistance, and encourage the creation of new minority depository institutions.

Dated: August 5, 2014.

By the Office of the Comptroller of the Currency.

Thomas J. Curry,

Comptroller of the Currency.

[FR Doc. 2014–18835 Filed 8–8–14; 8:45 am]

BILLING CODE 4810–33–P

DEPARTMENT OF THE TREASURY

Financial Crimes Enforcement Network

Proposed Collection; Comment Request; Renewal Without Change of the FinCEN Suspicious Activity Reports Electronic Data Fields

AGENCY: Financial Crimes Enforcement Network (''FinCEN''), Treasury.

ACTION: Notice and request for comments.

SUMMARY: FinCEN invites all interested parties to comment on its proposed renewal without change to the collection of information filings by financial institutions required to file such reports under the Bank Secrecy Act (''BSA''). This notice does not propose any new regulatory requirements or changes to the requirements related to suspicious activity reporting. The data fields reflect the filing requirement for all filers of SARs under the BSA. This request for comments covers 31 CFR 1020.320, 1021.320, 1022.320, 1023.320, 1024.320, 1025.320, 1026.320, and 1029.320. This request for comments is being made pursuant to the Paperwork Reduction Act (''PRA'') of 1995, Public Law 104–13, 44 U.S.C. 3506(c)(2)(A).

DATES: Written comments are welcome and must be received on or before October 10, 2014.

ADDRESSES: Written comments should be submitted to: Policy Division, Financial Crimes Enforcement Network, Department of the Treasury, P.O. Box 39, Vienna, Virginia 22183, ''*Attention:* PRA Comments—SAR Database.'' Comments also may be submitted by electronic mail to the following Internet address: *regcomments@fincen.treas.gov,* with the caption, ''Attention: SAR Database'' in the body of the text. Please submit by one method only.

Inspection of comments: Comments may be inspected, between 10 a.m. and 4 p.m., in the FinCEN reading room in Vienna, VA. Persons wishing to inspect the comments submitted must request an appointment with the Disclosure Officer by telephoning (703) 905–5034 (not a toll free call).

FOR FURTHER INFORMATION CONTACT: The FinCEN Resource Center at 800–767–2825.

SUPPLEMENTARY INFORMATION:

Title: FinCEN Suspicious Activity Report by Financial Institutions (see 31 CFR 1020.320, 1021.320, 1022.320, 1023.320, 1024.320, 1025.320, 1026.320, and 1029.320).

OMB Number: 1506–0065.[1]

Form Number: FinCEN 111.

Abstract: The statute generally referred to as the ''Bank Secrecy Act,'' Titles I and II of Public Law 91–508, as amended, codified at 12 U.S.C. 1829b, 12 U.S.C. 1951–1959, and 31 U.S.C. 5311–5332, authorizes the Secretary of the Treasury, among other things, to require financial institutions to keep records and file reports that are determined to have a high degree of usefulness in criminal, tax, and regulatory matters, or in the conduct of intelligence or counter-intelligence activities, to protect against international terrorism, and to implement anti-money laundering programs and compliance procedures.[2] Regulations implementing Title II of the BSA appear at 31 CFR Chapter X. The authority of the Secretary to administer the BSA has been delegated to the Director of FinCEN.[3]

The information collected on the ''report'' is required to be provided pursuant to 31 U.S.C. 5318(g), as implemented by FinCEN regulations found at 31 CFR 1020.320, 1021.320, 1022.320, 1023.320, 1024.320, 1025.320, 1026.320, 1029.320. The information collected under this requirement is made available to appropriate agencies and organizations as disclosed in FinCEN's Privacy Act System of Records Notice relating to BSA Reports.[4]

[1] The SAR reporting requirements are currently covered under the following OMB Control numbers: 1506–0001 (Depository Institutions), 1506–0006 (Casinos and Card Clubs), 1506–0015 (Money Services Business), 1506–0019 (Securities and Futures Industries including Mutual Funds), 1506–0029 (Insurance Companies), and 1506–0061 (Residential Mortgage Lenders and Originators).

[2] Language expanding the scope of the BSA to intelligence or counter-intelligence activities to protect against international terrorism was added by Section 358 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (the USA PATRIOT Act), Public Law 107–56.

[3] Treasury Order 180–01 (Sept. 26, 2002).

[4] Department of the Treasury bureaus such as FinCEN renew their System of Records Notices every three years unless there is cause to amend them more frequently. FinCEN's System of Records

Continued

Current Action: FinCEN is renewing without change the electronic data elements currently supporting the reporting of suspicious financial activities. All filings (discrete, batch, and computer-to-computer) will be accessed through the BSA E-Filing system using current registration and login procedures.

Type of Review: Renewal without change of a currently approved collection.

Affected Public: Businesses or other for-profit and not-for-profit financial institutions.

Frequency: As required.

Estimated Reporting Burden: Average of 60 minutes per report and 60 minutes. recordkeeping per filing. (The reporting burden of the regulations at 31 CFR 1020.320, 1021.320, 1022.320, 1023.320, 1024.320, 1025.320, 1026.320, and 1029.320 is reflected in the burden for the form.)

Estimated Number of Respondents: 84,655 (Broker-Dealers, Casinos and Card Clubs, Depository Institutions, Future Commission Merchants, Introducing brokers in commodities, Insurance Companies, Money Services Businesses, Mutual Funds, and Non-Bank Residential Mortgage Lenders and Originators).

Estimated Total Annual Responses: 1,458,689.[5]

Estimated Total Annual Reporting and Recordkeeping Burden: 2,917,378 hours.

Note: A joint filing will increase the burden to 90 minutes reporting and 60 minutes recordkeeping for a total of 2 and ½ hours per report.[6] 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. Records required to be retained under the BSA must be retained for five years.

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: August 5, 2014.

Jennifer Shasky Calvery,

Director, Financial Crimes Enforcement Network.

[FR Doc. 2014–18859 Filed 8–8–14; 8:45 am]

BILLING CODE 4810–02–P

Notice for BSA Reports System was most recently published at 77 FR 60014–60022 (October 1, 2012).

[5] Numbers are based on actual 2013 filings as reported by the BSA E-Filing system as of 12/31/2013. This number reflects the average total number of SAR filings for the year.

[6] Two separate financial institutions filing a single SAR. This type of filing constitutes less than 1% of total filings.

DEPARTMENT OF VETERANS AFFAIRS

Solicitation of Nominations for Appointment to the Advisory Committee on Cemeteries and Memorials

ACTION: Amended Notice.

SUMMARY: The Department of Veterans Affairs (VA), National Cemetery Administration (NCA), is seeking nominations of qualified candidates to be considered for appointment as a member of the Advisory Committee on Cemeteries and Memorials (herein-after in this section referred to as ''the Committee''). The Committee was established pursuant to 38 U.S.C. 2401 to advise the Secretary of VA with respect to the administration of VA national cemeteries, soldiers' lots and plots, which are the responsibility of the Secretary, the erection of appropriate memorials and the adequacy of Federal burial benefits. Nominations of qualified candidates are being sought to fill upcoming vacancies on the Committee.

DATES: Nominations for membership on the Committee must be received no later than 5:00 p.m. EST on August 29, 2014.

ADDRESSES: All nominations should be mailed to National Cemetery Administration, Department of Veterans Affairs, 810 Vermont Ave. NW (43A2), Washington, DC 20420, or faxed to (202) 632–7910.

FOR FURTHER INFORMATION CONTACT: Mr. Michael Nacincik, National Cemetery Administration, Department of Veterans Affairs, 810 Vermont Ave. NW (43A2), Washington, DC 20420, telephone (202) 632–8013. A copy of Committee charter and list of the current membership can be obtained by contacting Mr. Nacincik or by accessing the Web site managed by NCA at: *http://www.cem.va.gov/cem/about/advisory_committee.asp.*

SUPPLEMENTARY INFORMATION: The Advisory Committee on Cemeteries and Memorials (ACCM) was established pursuant to 38 U.S.C. 2401 to advise the Secretary of VA with respect to the administration of VA national cemeteries, soldiers' lots and plots, which are the responsibility of the Secretary, the erection of appropriate memorials and the adequacy of Federal burial benefits. The Committee responsibilities include:

(1) Advising the Secretary on VA's administration of burial benefits and the selection of cemetery sites, the erection of appropriate memorials, and the adequacy of Federal burial benefits

(2) Providing to the Secretary and Congress periodic reports outlining recommendations, concerns, and observations on VA's delivery of these benefits and services to Veterans.

(3) Meeting with VA officials, Veteran Service Organizations, and other stakeholders to assess the Department's efforts in providing burial benefits and outreach on these benefits to Veterans and their dependents.

NCA is requesting nominations for upcoming vacancies on the Committee. The Committee is currently composed of 11 members, in addition to ex-officio members.

The members of the Committee are appointed by the Secretary of Veteran Affairs from the general public, including but not limited to:

(1) Veterans or other individuals who are recognized authorities in fields pertinent to the needs of Veterans;

(2) Veterans who have experience in a military theater of operations;

(3) Recently separated veterans.

The Secretary shall determine the number, terms of service, and pay and allowances of members of the Committee appointed by the Secretary, except that a term of service of any such member may not exceed four years. The Secretary may reappoint any such member for additional terms of service.

To the extent possible, the Secretary seeks members who have diverse professional and personal qualifications, including but not limited to prior military experience and military deployments, experience working with Veterans and in large and complex organizations, and subject matter expertise in the subject areas described above. We ask that nominations include information of this type so that VA can ensure a balanced Committee membership.

Requirements for Nomination Submission: Nominations should be

typed (one nomination per nominator). Nomination package should include: (1) A letter of nomination that clearly states the name and affiliation of the nominee, the basis for the nomination (i.e. specific attributes which qualify the nominee for service in this capacity), and a statement from the nominee indicating the willingness to serve as a member of the Committee; (2) the nominee's contact information, including name, mailing address, telephone numbers, and email address; (3) the nominee's curriculum vitae; and (4) a summary of the nominee's experience and qualifications relative to the membership considerations described above.

Individuals selected for appointment to the Committee shall be invited to serve a two-year term. Committee members will receive a stipend for attending Committee meetings, including per diem and reimbursement for travel expenses incurred.

The Department makes every effort to ensure that the membership of VA federal advisory committees is fairly balanced in terms of points of view represented and the committee's function. Appointments to this Committee shall be made without discrimination because of a person's race, color, religion, sex, sexual orientation, gender identify, national origin, age, disability, or genetic information. Nominations must state that the nominee is willing to serve as a member of the Committee and appears to have no conflict of interest that would preclude membership. An ethics review is conducted for each selected nominee.

Dated: August 6, 2014.

Jelessa Burney,

Federal Advisory Committee Management Officer.

[FR Doc. 2014–18929 Filed 8–8–14; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

Solicitation of Nominations for Appointment to the Advisory Committee on Homeless Veterans

ACTION: Notice.

SUMMARY: The Department of Veterans Affairs (VA), Veterans Health Administration (VHA) Homeless Programs, is seeking nominations of qualified candidates to be considered for appointment as a member of the Advisory Committee on Homeless Veterans (herein-after in this section referred to as ''the Committee''). In accordance with 38 U.S.C. § 2066, the Committee provides advice to the Secretary, through the Under Secretary for Health, on the provision of benefits and services to homeless Veterans. In providing this advice, the Committee assembles and reviews information relating to the needs of homeless Veterans; provides an ongoing assessment of the effectiveness of the policies, organizational structures, and services of VA in assisting homeless Veterans; and provides ongoing advice on the most appropriate means of providing assistance to homeless Veterans.

DATES: Nominations for membership on the Committee must be received no later than 5:00 p.m. E.S.T. on September 30, 2014.

ADDRESSES: All nominations should be mailed to the VHA Homeless Programs, Department of Veterans Affairs, 810 Vermont Ave. NW (882)., Washington, DC 20420, or Email to *Anthony.love@va.gov.*

FOR FURTHER INFORMATION CONTACT: Mr. Anthony Love, VHA Homeless Programs, Department of Veterans Affairs, 810 Vermont Ave. NW (882)., Washington, DC 20420, Telephone (202) 461–1902. A copy of the Committee charter and list of the current membership can be obtained by contacting Mr. Love or by accessing the Federal Advisory Committee Act Web site: *http://facadatabase.gov/committee/members.aspx?cid=1882.*

SUPPLEMENTARY INFORMATION: The Committee is authorized by statute, 38 United States Code (U.S.C.) § 2066, and operates under the provisions of the Federal Advisory Committee Act, as amended, 5 U.S. C. Appendix 2. The Committee membership consists of representatives from Veterans Service Organizations; advocates on behalf of homeless Veterans and other homeless individuals; community-based providers of services to homeless individuals; previously homeless Veterans; State Veterans affairs officials; experts in the treatment of individuals with mental illness; experts in the treatment of substance use disorders; experts in the development of permanent housing alternatives for lower income populations; experts in vocational rehabilitation; and other such organizations or groups as the Secretary considers appropriate.

The Committee's responsibilities are set forth in § 2066 and include:

(1) Advising the Secretary and Congress on VA's administration of benefits and provision of healthcare, benefits, and services to homeless Veterans.

(2) Providing an Annual report to the Secretary that includes an assessment of the needs of homeless Veterans, a review of programs and activities of VA designed to meet such needs, and such recommendations as the Committee considers appropriate.

(3) Provide ongoing advice on the most appropriate means of providing assistance to homeless Veterans.

Management and support services for the Committee are provided by VHA Homeless Program Office.

Nominations: VHA Homeless Programs is requesting nominations for upcoming vacancies on the Committee. The Committee is currently composed of 12 members and by statute, is limited to 15 members, in addition to ex-officio members. This announcement is seeking nominations for Committee members. The members of the Committee are appointed by the Secretary of Veterans Affairs from the general public, including:

(1) Veterans Service Organizations;

(2) Advocates of homeless Veterans and other homeless individuals

(3) Community-based providers of services to homeless individuals;

(4) Previously homeless Veterans;

(5) State Veterans affairs officials;

(6) Experts in the treatment of individuals with mental illness;

(7) Experts in the treatment of substance use disorders;

(8) Experts in the development of permanent housing alternatives for lower income populations;

(9) Experts in vocational rehabilitation;

(10) Such other organizations or groups as the Secretary considers appropriate.

The Secretary shall determine the terms of service and allowances of the members of the Committee, except that a term of service may not to exceed 3 years. The Secretary may reappoint any member for an additional term of service. Several members may be Regular Government Employees, but the majority of the Committee's membership will be Special Government Employees.

Requirements for Nomination Submission: Nominations should be type written (one nomination per nominator). Nomination package should include: (1) A letter of nomination that clearly states the name and affiliation of the nominee, the basis for the nomination (i.e. specific attributes which qualify the nominee for service in this capacity), and a statement from the nominee indicating a willingness to serve as a member of the Committee; (2) the nominee's contact information, including name, mailing address,

telephone numbers, and email address; (3) the nominee's curriculum vitae, and (4) a summary of the nominee's experience and qualifications relative to the work of the Committee as described above.

Individuals selected for appointment to the Committee shall be invited to serve a three-year term. Committee members will receive a per diem and reimbursement for travel expenses incurred for attending the meeting.

The Department makes every effort to ensure that the membership of VA federal advisory committees is fairly balanced in terms of points of view represented and the committee's function. Every effort is made to ensure that a broad representation of geographic areas, males and females, racial and ethnic minority groups, and the disabled are given consideration for membership on VA federal advisory committees. Appointment to this Committee shall be made without discrimination because of a person's race, color, religion, sex, national origin, age, disability, or genetic information. Nominations must state that the nominee is willing to serve as a member of the Committee and appears to have no conflict of interest that would preclude membership. An ethics review is conducted for each selected nominee.

Dated: August 6, 2014.

Jelessa Burney,

Federal Advisory Committee Management Officer.

[FR Doc. 2014–18932 Filed 8–8–14; 8:45 am]

BILLING CODE 8320–01–P

FEDERAL REGISTER

Vol. 79 Monday,

No. 154 August 11, 2014

Part II

Department of Energy

10 CFR Parts 429 and 431

Energy Conservation Program: Test Procedure for Refrigerated Bottled or Canned Beverage Vending Machines; Proposed Rule

DEPARTMENT OF ENERGY

10 CFR Parts 429 and 431

[Docket No. EERE–2013–BT–TP–0045]

RIN 1904–AD07

Energy Conservation Program: Test Procedure for Refrigerated Bottled or Canned Beverage Vending Machines

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

ACTION: Notice of proposed rulemaking and public meeting.

SUMMARY: The U.S. Department of Energy (DOE) proposes to amend its test procedure for refrigerated bottled or canned beverage vending machines (BVM) in order to update the referenced method of test to ANSI/ASHRAE Standard 32.1–2010, eliminate the requirement to test at the 90 °F ambient test condition, create a provision for testing at the lowest application product temperature, and incorporate provisions to account for the impact of low power modes on measured daily energy consumption (DEC). This notice of proposed rulemaking (NOPR) also proposes several amendments and clarifications to the DOE test procedure to improve the repeatability and remove ambiguity from the current BVM test procedure. DOE will hold a public meeting to receive and discuss comments on this NOPR.

DATES: DOE will accept comments, data, and information regarding this NOPR before and after the public meeting, but no later than October 27, 2014. See section V, ''Public Participation,'' for details.

DOE will hold a public meeting on Tuesday, September 16, 2014, from 9 a.m. to 4 p.m., in Washington, DC. The meeting will also be broadcast as a Webinar. See section V, ''Public Participation,'' for webinar registration information, participant instructions, and information about the capabilities available to webinar participants.

ADDRESSES: The public meeting will be held at the U.S. Department of Energy, Forrestal Building, Room GH–019, 1000 Independence Avenue SW., Washington, DC 20585. To attend, please notify Ms. Brenda Edwards at (202) 586–2945. Persons can attend the public meeting via webinar. For more information, refer to the Public Participation section near the end of this notice.

Comments may be submitted using any of the following methods:

1. *Federal eRulemaking Portal: www.regulations.gov.* Follow the instructions for submitting comments.

2. *Email: BVM2013TP0045@ee.doe.gov.* Include the docket number and/or RIN in the subject line of the message.

3. *Mail:* Ms. Brenda Edwards, U.S. Department of Energy, Building Technologies Program, Mailstop EE–5B, 1000 Independence Avenue SW., Washington, DC 20585–0121. If possible, please submit all items on a CD. It is not necessary to include printed copies.

4. *Hand Delivery/Courier:* Ms. Brenda Edwards, U.S. Department of Energy, Building Technologies Program, 950 L'Enfant Plaza SW., Suite 600, Washington, DC 20024. Telephone: (202) 586–2945. If possible, please submit all items on a CD. It is not necessary to include printed copies.

For detailed instructions on submitting comments and additional information on the rulemaking process, see section V of this document (Public Participation).

Docket: The docket, which includes **Federal Register** notices, public meeting attendee lists and transcripts, comments, and other supporting documents/materials, is available for review at regulations.gov. All documents in the docket are listed in the regulations.gov index. However, some documents listed in the index, such as those containing information that is exempt from public disclosure, may not be publicly available.

A link to the docket Web page can be found at: *http://www1.eere.energy.gov/buildings/appliance_standards/product.aspx/productid/24.* This Web page will contain a link to the docket for this notice on the regulations.gov site. The regulations.gov Web page will contain simple instructions on how to access all documents, including **Federal Register** notices, public meeting attendee lists and transcripts, comments, and other supporting documents/materials. See section V for information on how to submit comments through regulations.gov.

For further information on how to submit a comment, review other public comments and the docket, or participate in the public meeting, contact Ms. Brenda Edwards at (202) 586–2945 or by email: *Brenda.Edwards@ee.doe.gov.*

FOR FURTHER INFORMATION CONTACT: Ms. Ashley Armstrong, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies, EE–5B, 1000 Independence Avenue SW., Washington, DC 20585–0121. Telephone: (202) 586–6590, Email: *refrigerated_beverage_vending_machines@ee.doe.gov.*

In the Office of General Counsel, contact Ms. Sarah Butler, U.S. Department of Energy, Office of General Counsel, GC–71, 1000 Independence Avenue SW., Washington, DC 20585–0121, (202) 586–1777, Email: *Sarah.Butler@hq.doe.gov.*

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I. Authority and Background

A. Authority

Title III, Part B [1] of the Energy Policy and Conservation Act of 1975 (''EPCA'' or ''the Act''), Public Law 94–163 (42 U.S.C. 6291–6309, as codified) established the ''Energy Conservation Program for Consumer Products Other Than Automobiles.'' [2] As part of this program, EPCA directed DOE to prescribe energy conservation standards for refrigerated bottled or canned beverage vending machines (BVMs), which are the subject of today's notice. (42 U.S.C. 6295(v)) [3]

Under EPCA, the energy conservation program consists essentially of four parts: (1) Testing; (2) labeling; (3) Federal energy conservation standards; and (4) certification and enforcement procedures. Subject to certain criteria and conditions, DOE is required to develop test procedures to measure the energy efficiency, energy use, or estimated annual operating cost of each covered equipment type. (42 U.S.C. 6293) Manufacturers of covered equipment must use the prescribed DOE test procedure as the basis for certifying to DOE that their equipment complies with the applicable energy conservation standards adopted under EPCA, and when making representations about the efficiency of the equipment. (42 U.S.C. 6293(c) and 6295(s)) Similarly, DOE must use these test procedures to determine whether the equipment complies with any relevant standards promulgated under EPCA. (42 U.S.C. 6295(s))

General Test Procedure Rulemaking Process

Under 42 U.S.C. 6293, EPCA sets forth the criteria and procedures DOE must follow when prescribing or amending test procedures for covered equipment, including beverage vending machines. EPCA provides in relevant part that any test procedures prescribed or amended under this section shall be reasonably designed to produce test results which measure energy efficiency, energy use, or estimated annual operating cost of a covered unit of equipment during a representative average use cycle or period of use and shall not be unduly burdensome to conduct. (42 U.S.C. 6293(b)(3))

In addition, if DOE determines that a test procedure amendment is warranted, it must publish proposed test procedures and offer the public an opportunity to present oral and written comments on them. (42 U.S.C. 6293(b)(2)) Finally, in any rulemaking to amend a test procedure, DOE must determine to what extent, if any, the proposed test procedure would alter the measured energy efficiency or measured energy use of any covered unit of equipment as determined under the existing test procedure. (42 U.S.C. 6293(e)(1)) If DOE determines that the amended test procedure would alter the measured efficiency or measured energy use of a covered product, DOE must amend the applicable energy conservation standard accordingly. (42 U.S.C. 6293(e)(2))

Under 42 U.S.C. 6293(b)(1), the Secretary of Energy (Secretary) shall review test procedures for all covered products at least once every 7 years and either amend the test procedures (if the Secretary determines that amended test procedures would more accurately or fully comply with the requirements of 42 U.S.C. 6293(b)(3)) or publish a determination in the **Federal Register** not to amend them. (42 U.S.C. 6293(b)(1)(A))

Pursuant to this requirement, DOE has reviewed the BVM test procedure and has determined that the test procedure could be amended to improve testing accuracy of covered refrigerated bottled or canned beverage vending machines. As such, DOE is proposing amendments to its test procedure and presents these amendments in this NOPR.

B. Background

EPCA requires the test procedures for refrigerated bottled or canned beverage vending machines to be based on American National Standards Institute (ANSI)/American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) Standard 32.1–2004 (ANSI/ASHRAE Standard 32.1–2004), ''Methods of Testing for Rating Vending Machines for Bottled, Canned or Other Sealed Beverages.'' (42 U.S.C. 6293(b)(15)) In December 2006, DOE published a final rule establishing a test procedure for beverage vending machines, among other products and equipment (the 2006 BVM test procedure final rule). 71 FR 71340, 71355 (Dec. 8, 2006). In that final rule, consistent with 42 U.S.C. 6293(b)(15), DOE adopted ANSI/ASHRAE Standard 32.1–2004 as the DOE test procedure, with a modification to ANSI/ASHRAE Standard 32.1–2004 to test equipment with dual nameplate voltages at the lower of the two voltages only. 71 FR 71355 (Dec. 8, 2006).

ANSI/ASHRAE Standard 32.1–2004 specifies a method for determining the capacity of vending machines, referred to as ''vendible capacity,'' which essentially consists of the maximum number of standard sealed beverages a vending machine can hold for sale. In the 2006 BVM test procedure final rule, however, DOE adopted the ''refrigerated volume'' measure in section 5.2, ''Refrigerated Volume Calculation,'' of ANSI/Association of Home Appliance Manufacturers (AHAM) HRF–1–2004 (ANSI/AHAM HRF–1–2004) in addition to the ''vendible capacity'' measure, as referred to in ANSI/ASHRAE Standard 32.1–2004. 71 FR 71355 (Dec. 8, 2006). DOE adopted ''refrigerated volume'' as

[1] For editorial reasons, upon codification in the U.S. Code, Part B was redesignated Part A.

[2] All references to EPCA in this document refer to the statute as amended through the American Energy Manufacturing Technical Corrections Act (AEMTCA), Public Law 112–210 (Dec. 18, 2012).

[3] Because Congress included BVMs in Part A of Title III of EPCA, the consumer product provisions of Part A (not the industrial equipment provisions of Part A–1) apply to BVMs. DOE placed the regulatory requirements specific to BVMs in Title 10 of the Code of Federal Regulations (CFR), part 431, ''Energy Efficiency Program for Certain Commercial and Industrial Equipment'' as a matter of administrative convenience based on their type and will refer to BVMs as ''equipment'' throughout this document because of their placement in 10 CFR part 431. Despite the placement of BVMs in 10 CFR part 431, the relevant provisions of Title A of EPCA and 10 CFR part 430, which are applicable to all product types specified in Title A of EPCA, are applicable to BVMs. See 74 FR 44914, 44917 (Aug. 31, 2009). DOE proposes to amend 10 CFR 431.291 to clarify this point by specifying that the regulatory provisions of 10 CFR 430.33 and 430.34 and subparts D and E of 10 CFR part 430 are applicable to BVMs. DOE notes that, because the procedures in Parts 430 and 431 for petitioning the Department for and obtaining a test procedure waiver are substantively the same (79 FR 26591, 26601(May 9, 2014)) the regulations for applying for a test procedure waiver for BVMs are those found at 10 CFR 431.401 rather than those found at 430.27.

the primary measure of capacity for refrigerated bottled or canned beverage vending machines because of the variety of dispensing mechanisms and storage arrangements among similar machines that may lead to potentially different refrigerated volumes for different machines with the same vendible capacity. In addition, EPCA has historically used upper limits on energy use as a function of volume for the purposes of establishing energy conservation standards for refrigeration equipment. *Id.*

In the 2006 BVM test procedure final rule, DOE determined that section 5.2 of ANSI/AHAM HRF–1–2004, which addresses the measurement of refrigerated volume in household freezers, is also applicable to beverage vending machines and is more appropriate than the language for measurement of volume in household refrigerators of section 4.2 of ANSI/AHAM HRF–1–2004. Specifically, section 5.2 of ANSI/ASHRAE Standard 32.1–2004 includes provisions for specific compartments and features that are typically found in refrigerated bottled or canned beverage vending machines, similar to what is found in freezers. Therefore, DOE adopted ''refrigerated volume'' in lieu of ''vendible capacity'' as the dimensional metric for beverage vending machines in the 2006 BVM test procedure final rule. *Id.*

Since the publication of the 2006 BVM test procedure final rule, ASHRAE has published an update to the ANSI/ASHRAE Standard 32.1 test procedure. The most recent version is ANSI/ASHRAE Standard 32.1–2010, which includes changes aligning it with the nomenclature and methodology used in the 2006 BVM test procedure final rule (71 FR 71355 (Dec. 8, 2006)) and the 2009 BVM energy conservation standards final rule (74 FR 44914 (Aug. 31, 2009)). ANSI/ASHRAE Standard 32.1–2010 removes the definitions of ''bottled'' and ''canned'' and includes the portions of ANSI/AHAM HRF–1–2004 that were incorporated by reference in the 2006 BVM test procedure final rule, in a new Appendix C for measuring refrigerated volume. DOE believes that the aforementioned changes are largely editorial and do not affect the method of test or measured energy consumption values of any covered equipment.

AHAM has also updated its HRF–1 test standard since the publication of the 2006 BVM test procedure final rule. The most recent version, AHAM HRF–1–2008, includes changes to the refrigerated volume measurement portion of the standard, reorganizes some sections for simplicity and usability, and combines the sections for the measurement of refrigerated volume of refrigerators and the measurement of the refrigerated volume of freezers.

II. Summary of the Proposed Rule

DOE is proposing to amend its test procedure for refrigerated bottled or canned beverage vending machines to update and clarify the test procedure. Specifically, DOE proposes to (1) Update the referenced method of test to ANSI/ASHRAE Standard 32.1–2010; (2) eliminate the requirement to test at the 90 °F ambient test condition; (3) clarify the test procedure for combination vending machines; (4) clarify the requirements for loading of BVM models under the DOE test procedure; (5) specify the characteristics of a standard test package; (6) clarify the average next-to-vend beverage temperature test condition; (7) provide a definition of ''fully cooled;'' (8) specify placement of thermocouples during the DOE test procedure; (9) establish provisions for testing at the lowest application product temperature; (10) clarify the certification and reporting requirements for covered beverage vending machines; and (11) clarify the treatment of certain accessories during the DOE test procedure. These proposed clarifications and amendments would be effective 30 days after the publication of a final rule amending the BVM test procedure in the **Federal Register**. The clarified BVM test procedure will be placed in a new appendix, Appendix A to subpart Q of 10 CFR part 431. Manufacturers will be required to use Appendix A to demonstrate compliance with existing energy conservation standards for beverage vending machines.

In addition, this test procedure NOPR proposes amendments that are intended to be used with the promulgation of any amended energy conservation standards for refrigerated beverage vending machines and will be included as a new Appendix B to subpart Q of 10 CFR 431. These amendments include incorporating provisions to account for the impact of low power modes.

Manufacturers would be required to use any amended test procedure adopted in Appendix B to be in compliance with DOE's energy conservation standards, as well as for labeling or other representations as to the energy use of any covered equipment, beginning on the compliance date of any final rule establishing amended energy conservation standards for refrigerated bottled or canned beverage vending machines that are set based on the amended test procedure. The ongoing BVM energy conservation standards rulemaking will use any amendments established as part of this test procedure rulemaking in its energy conservation standards analyses and, therefore, use of the test procedures established in Appendix B would be required on the compliance date of the amended energy conservation standards promulgated as a result of that rulemaking (Docket No. EERE–2013–BT–STD–0022). Prior to the compliance date of any such amended standards, manufacturers must continue to use the test procedure found in Appendix A to show compliance with existing DOE energy conservation standards and for representations concerning the energy use of covered equipment. However, manufacturers may elect to use the amended BVM test procedure in Appendix B established as a result of this rulemaking prior to its compliance date to demonstrate compliance with any future, amended standards. Manufacturers who choose to use the amended test procedure early must ensure that their equipment satisfies any applicable amended energy conservation standards. In other words, manufacturers may elect to use the amended test procedure only if they also elect to comply with the amended energy conservation standards prior to the established compliance date.

Finally, DOE is proposing amendments to 10 CFR 429.52(b) with regards to reporting requirements, including a clarifying amendment that the standard for refrigerated bottled or canned beverage vending machines is based on DEC. DOE is also proposing similar clarifying amendments to the energy conservation standards found in 10 CFR 431.296.

III. Discussion

In this NOPR, DOE is proposing several minor amendments to clarify DOE's test procedure for refrigerated bottled or canned beverage vending machines. DOE is also proposing several amendments related to the impact of low power modes. To make clear the applicability of these amendments, DOE is proposing to reorganize the existing DOE test procedure into two new appendices, Appendix A and Appendix B, to 10 CFR 431.294.

Appendix A would contain the provisions established in the 2006 BVM test procedure final rule and any clarifying amendments proposed in this NOPR. Appendix A would be used beginning 30 days after publication of the final rule in the **Federal Register** until the compliance date of any amended standards.

The proposed amendments found in Appendix A are discussed in Section III.A and include provisions in the following areas:

(1) Updating the referenced method of test to ANSI/ASHRAE Standard 32.1–2010;

(2) eliminating testing at the 90 °F ambient test condition;

(3) clarifying the test procedure for combination vending machines;

(4) clarifying the requirements for loading BVM models under the DOE test procedure;

(5) clarifying the specifications of the test package;

(6) clarifying the next-to-vend beverage temperature test condition;

(7) providing a definition for ''fully cooled;''

(8) specifying placement of thermocouples during the DOE test procedure;

(9) establishing testing provisions at the lowest application product temperature;

(10) clarifying certification and reporting requirements; and

(11) clarifying the treatment of certain accessories when conducting the DOE test procedure.

Appendix B would include all of the amendments proposed in Appendix A and, in addition, provisions for testing low power modes. The test procedures found in Appendix B would be used in conjunction with any amended standards set as a result of the ongoing BVM energy conservation standard rulemaking (Docket No. EERE–2013–BT–STD–0022). Section III.B summarizes the proposed revisions to the test procedure that would be included in the amended test procedure in Appendix B.

As part of the current rulemaking on the energy conservation standards for refrigerated beverage vending machines, DOE held a public meeting on June 20, 2013, to present its Framework document (*www.regulations.gov/#!documentDetail;D=EERE–2013–BT–STD–0022–0001*) and to receive comments from interested parties.

In formulating today's NOPR, DOE considered the comments received in response to the Framework document and incorporated recommendations, where appropriate, that applied to the test procedure. Where applicable, comments received in response to the BVM Framework document that addressed DOE's proposed test procedure amendments are presented in sections III.A and III.B, along with DOE's response and justification.

In addition, DOE provides amendments to 10 CFR part 429, ''Certification, Compliance, and Enforcement for Consumer Products and Commercial and Industrial Equipment,'' and part 431, subpart Q, ''Refrigerated Bottled or Canned Beverage Vending Machines.''

A. Minor Clarifications and Amendments to the DOE Test Procedure

DOE held a public meeting on June 20, 2013, to present its Framework document and to receive comments from interested parties. In reviewing these comments and considering revisions to DOE's test procedure for beverage vending machines, DOE determined that there are several provisions of the DOE test procedure that may require clarification. In order to clarify the Department's test procedures, DOE proposes to amend subpart Q of 10 CFR part 431 by moving most of the existing test procedures for refrigerated bottled or canned beverage vending machines from 10 CFR 431.294 to a new Appendix A to subpart Q of 10 CFR part 431. In Appendix A, DOE also proposes to incorporate nine amendments to clarify and update the current DOE test procedure for beverage vending machines. These clarifications and amendments therefore would be effective 30 days after publication of a final rule in the **Federal Register**. This section of the NOPR discusses the specific test procedure provisions that require clarification, DOE's proposed amendments, and the comments received on these topics.

1. Updating the Referenced Method of Test

The current DOE test procedure for refrigerated beverage vending machines incorporates by reference two industry test procedures, ANSI/ASHRAE Standard 32.1–2004 and ANSI/AHAM HRF–1–2004, which established a method of testing for beverage vending machines and a method for determining refrigerated volume, respectively. Each of these industry test procedures has been updated since the publication of the DOE test procedure in 2006. The most current versions are ANSI/ASHRAE Standard 32.1–2010 and AHAM HRF–1–2008.

ANSI/ASHRAE Standard 32.1–2010 was amended from the 2004 version to include new definitions and nomenclature established by DOE in the 2009 BVM final rule. These changes include removing references to specific sealed-bottle package designs such as ''bottled'' or ''canned,'' revising the scope, and incorporating a new Appendix C, ''Measurement of Volume,'' which consists of certain portions of ANSI/AHAM HRF–1–2004 for measuring the refrigerated volume. Specifically, ANSI/ASHRAE Standard 32.1–2004 incorporated the portions of ANSI/AHAM HRF–1–2004 currently referenced in the DOE test procedure, section 5.2 (excluding subsections 5.2.2.2 through 5.2.2.4), which describes the method for determining refrigerated volume for residential freezers, as well as section 5.1, which describes the purpose of the section. These new amendments make the ANSI/ASHRAE Standard 32.1–2010 test procedure identical to the DOE test procedure established in the 2006 BVM test procedure final rule. As the amendments to ANSI/ASHRAE Standard 32.1–2010 are primarily editorial, they do not affect the tested DEC of covered equipment. DOE is proposing to update the industry test method incorporated by reference to ANSI/ASHRAE Standard 32.1–2010 for the measurement of DEC and vendible capacity.

In the 2013 BVM Framework document, DOE requested comment regarding adoption of an updated test procedure for refrigerated bottled or canned beverage vending machines. During the comment period, DOE received no opposing comments to this proposal. Royal Vendors, Inc. (Royal) and the National Automatic Merchandising Association (NAMA) commented in support of updating the DOE test procedure to reference ANSI/ASHRAE Standard 32.1–2010. (Royal, No. 11 at p. 3;[4] NAMA, No. 8 at p. 2) Automated Merchandising Systems, Inc. (AMS) commented that it had no objection to the use of the ANSI/ASHRAE Standard 32.1–2010 standard. (AMS, No. 17 at p. 1) Royal and NAMA commented that the test procedure should use ANSI-approved technical standards because deviations from portions of standards create confusion regarding clarity of test results, create an unfair advantage for underperforming models and manufacturers, and create potential for confusion among consumers attempting to understand and compare the tested performance of different BVM models. (Royal, No. 11 at p. 4; and NAMA, No. 8 at p. 3) Royal also commented that any changes made to the test procedure should be within the confines of the ASHRAE standard because that standard is established

[4] A notation in this form provides a reference for information that is in the docket of DOE's rulemaking to develop test procedures for beverage vending machines (Docket No. EERE–2013–BT–STD–0022, which is maintained at *www.regulations.gov*). This particular notation refers to a comment: (1) Submitted by Royal Vendors, Inc.; (2) appearing in document number 11 of the docket; and (3) appearing on page 3 of that document.

from a consensus process and reliance on it will prevent confusion from varying test standards. (Royal No. 7 at p. 31)

EPCA requires the test procedures for refrigerated bottled or canned beverage vending machines to be based on ANSI/ASHRAE Standard 32.1–2004. (42 U.S.C. 6293(b)(15)) In addition, EPCA requires DOE to develop test procedures that represent an average energy use cycle or period of use. (42 U.S.C. 6293(b)(3)) When an industry test procedure does not adequately represent the energy use of a covered unit of equipment under a representative cycle of use, DOE has the authority to amend the test procedure with respect to that covered equipment type if DOE determines that the amended test procedure would more accurately or fully reflect the representative use of that product, without being unduly burdensome. (42 U.S.C 6293(b)(1)) DOE believes that certain amendments are necessary to adequately characterize the energy use of covered BVM models, as discussed in section III.B.

Since DOE published the 2006 BVM test procedure final rule, AHAM has released a new version of the AHAM HRF–1 test method, which reorganizes and simplifies the test method as presented in ANSI/AHAM HRF–1–2004. The revised AHAM HRF–1 test method, ANSI/AHAM HRF–1–2008, combines sections 4, 5, and 6, which relate to measuring the refrigerated volume of refrigerators and freezers, into one section describing methods for determining the refrigerated volume of refrigerators, refrigerator-freezers, wine chillers, and freezers. This unified and simplified method includes several changes regarding the inclusion or exclusion of certain special features from the determination of refrigerated volume such that DOE believes AHAM HRF–1–2008 has the potential to yield refrigerated volume values that differ slightly from those taken using the method in the current DOE test procedure. DOE considered proposing to adopt AHAM HRF–1–2008 as the method for computing refrigerated volume in the amended test procedure. DOE does not believe, however, that the updated AHAM HRF–1–2008 test procedure has sufficient additional merit compared to the volume calculation method included in ANSI/ASHRAE Standard 32.1–2010 to justify the additional burden on manufacturers. Instead, DOE proposes to adopt Appendix C of ANSI/ASHRAE Standard 32.1–2010 as the volume measurement methodology in its amended test procedure. Adopting Appendix C of ANSI/ASHRAE Standard 32.1–2010 will allow manufacturers to reference a single document containing all information needed to conduct the DOE test procedure. As such, DOE proposes to remove ANSI/AHAM HRF–1–2004 from the documents incorporated by reference in 10 CFR 431.293.

In response to the 2013 BVM Framework document, AMS commented that the AHAM volume calculation is difficult to evaluate for its type of equipment. (AMS, No. 7 at p. 79) DOE understands AMS's comment, but notes that the determination of volume must be consistent for all covered equipment to allow for comparability and consistent application of the standards across equipment. DOE notes that if the method for determining refrigerated volume is inappropriate or impossible for any BVM basic models, the manufacturer of that equipment should request a waiver in accordance with the provisions in subpart V to 10 CFR part 431. Any petitioner for a waiver of a test procedure should note why the volume calculation in the DOE test procedure cannot be applied and include any alternate test procedure known to the petitioner. See section 431.401 of 10 CFR part 431 for the requirements of submitting petitions for waiver of test procedures.[5]

DOE requests comment on the proposal to update its test procedure to incorporate by reference ANSI/ASHRAE Standard 32.1–2010.

DOE requests comment on its proposal to update the referenced method of test for the measurement of refrigerated volume in its test procedure from section 5 of ANSI/AHAM HRF–1–2004 to Appendix C of ANSI/ASHRAE 3.1–2010.

DOE requests comment on whether the methodology in Appendix C of ANSI/ASHRAE Standard 32.1–2010 for the measurement of refrigerated volume is more appropriate for beverage vending machines than the methodology outlined in section 4 of AHAM HRF–1–2008.

2. Eliminating Testing at the 90 °F Ambient Test Condition

Both ANSI/ASHRAE Standard 32.1–2004, the test method incorporated by reference in the current DOE test procedure, and ANSI/ASHRAE Standard 32.1–2010, the test method DOE proposes to incorporate by reference in the amended test procedure as discussed in section III.A.1, specify two tests: one at an ambient condition of 75 °F ± 2 °F temperature and 45 percent ± 5 percent relative humidity (''the 75 °F ambient test condition''), and the other at an ambient condition of 90 °F ± 2 °F temperature and 65 percent ± 5 percent relative humidity (''the 90 °F ambient test condition''). By incorporating by reference ANSI/ASHRAE Standard 32.1–2004, DOE's current test procedure for refrigerated beverage vending machines requires testing at both the 75 °F ambient test condition and 90 °F ambient test condition. In the energy conservation standards rulemaking that culminated in the 2009 BVM final rule, however, DOE determined to use only the 75 °F ambient test condition for the purposes of demonstrating compliance with applicable energy conservation standards. The data taken at the 90 °F ambient test condition are not used for DOE regulatory purposes. 74 FR 44914, 44920 (Aug. 31, 2009).

In the 2013 BVM Framework document, DOE requested comment on eliminating the requirement to test units at the 90 °F ambient test condition. NAMA and Royal agreed with the elimination of the test method using the 90 °F ambient test condition. (NAMA, No. 8 at p. 2; Royal, No. 11 at p. 3) AMS and the Wittern Group, Inc. (Wittern) agreed with the elimination of the requirement to test at 90 °F ambient test condition. (AMS, No. 17 at p. 2; Wittern, No. 16 at p. 2) Wittern added that it did not see any benefit in rating machines at two temperatures and that the change would benefit the consumer by making it easier to compare machines. (Wittern, No. 16 at p. 2)

The California Investor-Owned Utilities (CA IOUs) opposed the complete elimination of the methodology used to measure performance at the 90 °F ambient test condition, stating that the 90 °F ambient test condition better evaluates the performance of equipment installed outdoors and requested that DOE maintain it for Class B equipment.[6] (CA

[5] DOE recently issued a final rule amending its regulations governing petitions for waiver and interim waiver from DOE test procedures for consumer products and commercial and industrial equipment. 79 FR 26591 (May 9, 2014). This final rule carries an effective date of June 9, 2014.

[6] DOE defines a *Class B* refrigerated bottled or canned beverage vending machine to mean any refrigerated bottled or canned beverage vending machine not considered to be Class A, and is not a combination vending machine. DOE defines a *Class A* refrigerated bottled or canned beverage vending machine as any refrigerated bottled or canned beverage vending machine that is fully cooled and is not a combination vending machine. (See 10 CFR 431.292) Class B refrigerated bottled or canned beverage vending machines are, therefore, not fully-cooled machines and are typically referred to in the industry as ''zone-cooled.'' DOE found in its preliminary analysis for the concurrent energy conservation standards rulemaking that class B machines are often installed outside (DOE estimates that about 25% are installed outside), whereas Class A machines are rarely, if ever, installed outside.

IOUs, No. 19 at pp. 4 and 5) The CA IOUs further requested that the Class B equipment MDEC at the 90 °F ambient test condition be included in DOE's Compliance Certification Database because such information would be useful to consumers and purchasers of Class B units to be installed in outdoor settings. (CA IOUs, No. 19 at p. 5) The Joint Comment [7] encouraged DOE to maintain the requirement to test Class B units at 90 °F because the 75 °F ambient test may not adequately reflect the performance of units installed outdoors and noted that performance at high ambient temperatures may become a more significant issue with the increased adoption of alternative refrigerants. (Joint Comment, No. 13 at p. 1) The Joint Comment encouraged DOE to maintain the 90 °F ambient test condition for Class B machines and require the associated MDEC to be reported and included in the Compliance Certification Database for the use of customers purchasing units to be installed outdoors and energy efficiency program managers. (Joint Comment, No. 13 at p. 2)

The CA IOUs also commented that it assumes manufacturers are continuing to test at the 90 °F ambient test condition, which remains in ANSI/ASHRAE Standard 32.1, to satisfy the requirements of the industry-developed test procedure and to understand how their equipment performs at these conditions. Therefore, according to the CA IOUs, there would be little additional test burden created by continuing to require testing at the 90 °F ambient condition in the DOE test procedure because manufacturers will already be testing at 90 °F for industry purposes. (CA IOUs, No. 19 at p. 5) Finally, the CA IOUs submitted to DOE two reports prepared by testing laboratories at Southern California Edison to further DOE's understanding of the effect of ambient temperature on BVM energy use, and further commented that energy use was increased by almost 25 percent for an opaque door machine and almost 50 percent for a transparent door unit tested at a higher ambient temperature. (CA IOUs, No. 19 at p. 5)

DOE is proposing to amend its test procedure to eliminate the requirement to perform a test at the 90 °F ambient test condition as described in ANSI/ASHRAE Standard 32.1–2004 and ANSI/ASHRAE Standard 32.1–2010. DOE understands that the 90 °F test is used primarily to represent and evaluate the performance of some units that may be installed outdoors; however, as mentioned above, the performance of a beverage vending machine at the 90 °F ambient test condition is not currently used for DOE regulatory purposes and is not required to be reported to demonstrate compliance of covered equipment. Therefore, DOE does not see a need to maintain the 90 °F test condition as part of the DOE test procedure.

In response to the Joint Comment's concern regarding increasing use of alternative refrigerants, DOE acknowledges that equipment with carbon dioxide refrigerant, which have recently become available in the U.S. market, may in general have significantly different energy performance characteristics at the 90 °F ambient test condition when compared to machines with hydrofluorocarbon (HFC) refrigerants such as HFC–134a. However, as conditions above 75 °F and conditions below 75 °F are equally representative of conditions encountered by equipment installed in the United States, DOE maintains that the 75 °F ambient test condition is a suitable rating condition and represents the average use cycle of the equipment.

DOE believes removing the 90 °F ambient test condition test requirement will reduce manufacturer burden associated with its test procedure by eliminating testing that does not significantly increase the accuracy or representativeness of the DOE test procedure and is unnecessary for demonstrating compliance with DOE's energy conservation standards.

DOE requests comment on its proposal to eliminate the requirement to conduct testing at the 90 °F ambient test condition.

3. Test Procedure for Combination Vending Machines

In the 2013 BVM Framework document, DOE requested comment regarding the use of the current DOE test procedure to evaluate the energy use of combination vending machines. In response to the Framework document, DOE received several comments regarding the development of a test procedure for combination vending machines. AMS commented that it manufactures combination machines in a variety of different configurations and that testing these configured as Class A machines, if the machine design allows, would result in the highest energy consumption possible for the model. AMS added that, for combination vending machines tested configured as Class A machines, the current DOE test procedure and MDEC for Class A machines can be applied without any loss of program integrity. (AMS, No. 17 at p. 4) NAMA commented that machines currently classified under the regulations as refrigerated can and bottle vending machines are inherently different than combination machines, which, unlike traditional can and bottle vending machines, are in most cases designed to dispense perishable products and food items in countless machine configurations. (NAMA, No. 8 at p. 5) The CA IOUs commented that DOE should consider updates to the test procedure to accurately measure the efficiency of combination machines. (CA IOUs, No. 19 at p. 3) Wittern commented that combination vending machines can be part of Class A if they are tested in the worst case condition, fully cooling the refrigerated compartment, since the machine is not going to consume more energy when it is only partially cooling the compartment. (Wittern, No. 16. at p. 2)

Based on the comments received, DOE has determined that there may be confusion about what constitutes a combination vending machine for the purposes of DOE's energy conservation standards. To clarify, DOE notes that a combination vending machine is defined as a refrigerated bottled or canned beverage vending machine that also has non-refrigerated volumes for the purpose of vending other, non-''sealed beverage'' merchandise. 10 CFR 431.292 Based on this definition, any machine (a) that upon payment dispenses beverages in sealed containers and (b) in which the entire internal storage volume is refrigerated, is not a combination vending machine. For example, a piece of equipment that is designed to vend sealed beverages and other products with an entirely refrigerated internal storage volume, would be a covered Class A refrigerated beverage vending machine and should be tested accordingly. Such equipment would be a covered Class A beverage vending machine even if the portions of the machine that vend sealed beverages and other products are physically separated, provided they are both refrigerated.

Regarding the test procedure for combination vending machines, DOE believes that its current test procedure is appropriate for the evaluation of the refrigerated volume, vendible capacity, and energy use of combination vending machines. Similarly, DOE believes the amendments to the BVM test procedure

[7] Joint Comment refers to the written comment submitted by the Appliance Standards Awareness Project, the Alliance to Save Energy, the American Council for an Energy-Efficient Economy, Natural Resources Defense Council, Northeast Energy Efficiency Partnerships, Northwest Energy Efficiency Alliance, and the Northwest Power and Conservation Council in Docket No. EERE–2013–BT–STD–0022.

proposed in this NOPR are equally applicable to combination vending machines. DOE notes, however, that the application of the BVM test procedure may require clarification as to how it is applied to combination vending machines. For example, in combination vending machines, only the refrigerated compartment would be evaluated in the refrigerated volume calculation, while the vendible capacity would be that of both refrigerated and non-refrigerated compartments. The non-refrigerated compartment would not be accounted for in the refrigerated volume determination. Similarly, standard test packages would be placed in the next-to-vend position only in the refrigerated portion of the refrigerated beverage vending machine and only the refrigerated portion of the combination vending machine would be required to be fully loaded to capacity. However, any lighting or other energy-consuming features in the non-refrigerated compartment would be fully energized during the test procedure and operated in the same manner as any lighting or features in the refrigerated compartment (see section III.A.11.b and III.B.1). Therefore, the total energy use of the machine during the 24-hour test would comprise the DEC, as measured in accordance with ANSI/ASHRAE Standard 32.1–2004 or ANSI/ASHRAE Standard 32.1–2010. DOE proposes to add these clarifications to the DOE test procedure at 10 CFR 431.294 for combination vending machines.

DOE requests comment on the applicability of the existing test procedure, as clarified, to combination vending machines.

4. Loading of BVM Models When Conducting the DOE Test Procedure

In reviewing the current test procedure for refrigerated bottled or canned beverage vending machines and, in particular, in reviewing the comments submitted regarding the applicability of the BVM test procedure to combination vending machines, DOE determined that the loading requirements for Class A and Class B machines are not clearly and unambiguously specified in the current DOE test procedure. Therefore, DOE proposes to add language to the BVM test procedure to clarify the loading requirements for covered Class A and Class B refrigerated bottled or canned beverage vending machines that are offered in a variety of configurations and may be capable of vending other refrigerated merchandise. Specifically, DOE proposes to amend the regulatory text to clarify that any Class A or Class B beverage vending machine that is available with a variety of product storage configurations should be configured, for purposes of testing, to hold the maximum number of sealed beverages that it is capable of accommodating per manufacturer specifications. For example, if some areas of the machine can be configured either to vend sealed beverages or to vend other refrigerated merchandise, the equipment should be configured and loaded with the maximum number of sealed beverages for testing. Tests conducted with other configurations may produce different results because of the decrease in thermal mass in the refrigerated space. The performance at the maximum beverage configuration may be used to represent the performance of other configurations of a basic model of covered equipment which differ in placement and type of shelving only. However, if a manufacturer wishes to make differing representations regarding the energy consumption of a refrigerated bottled or canned beverage vending machine in various shelving configurations, the manufacturer may elect to test and certify each unique shelving configuration as a separate basic model.[8]

DOE proposes to add language to the DOE test procedure in Appendix A and Appendix B to clarify the loading requirements for covered BVM models.

5. Specifying the Characteristics of the Standard Product

When testing a BVM model in accordance with the DOE test procedure, the equipment is to be loaded with the maximum quantity of standard product and with standard test packages in each next-to-be-vended position for each selection, as required by section 7.2.2.1 and 7.2.2.2 of ANSI/ASHRAE Standard 32.1–2004 and 2010. Section 5 of ANSI/ASHRAE Standard 32.1–2004 and 2010 further requires that the standard product shall be 12-ounce cans for machines that are capable of dispensing 12-ounce cans. For all other machines, the standard product shall be the product specified by the manufacturer as the standard product.

The DOE test procedure does not provide any further specificity regarding the characteristics of the standard product when conducting the DOE test procedure, or the manufacture of standard test packages. DOE understands that there may be variability among manufacturers and testing laboratories with regard to the configuration of standard product and standard test packages. DOE believes that such variability may result in minor inconsistencies in test results. As such, DOE proposes to clarify the characteristics of the standard product and standard test package to ensure test results are as consistent and repeatable as possible.

In this NOPR, DOE proposes to add text to the BVM test procedure in Appendix A and Appendix B, that the standard product shall be standard 12-ounce aluminum beverage cans filled with a liquid with a density of 1.0 grams per milliliter (g/mL) ± 0.1 g/mL at 36 °F. For refrigerated bottled or canned beverage vending machines that are not capable of holding 12-ounce cans, but are capable of vending 20-ounce bottles, the standard product shall be 20-ounce plastic bottles filled with a liquid with a density of 1.0 g/mL ± 0.1 g/mL at 36 °F. For refrigerated bottled or canned beverage vending machines that are not capable of holding 12-ounce cans or 20-ounce bottles, the product specified by the manufacturer as the standard product shall continue to be used.

DOE selected a density range of 1.0 g/mL ± 0.1 g/mL as it is inclusive of most test fluids used today. For example, this density range includes water, diet and regular soda, fruit juices, and propylene glycol/water mixtures up to 50/50 percent by volume. In addition, Fischer-Nickel conducted research in 2004 comparing the temperature measurements of standard test packages constructed in the manner specified by ANSI/ASHRAE Standard 32.1, as compared to the test packages described in ASHRAE Standard 117–2002, which are 1-pint plastic test packages filled with a 50/50 mixture of water and propylene glycol, and found little variation in measured temperatures with the different test package materials and fluids.[9]

Section 3 of ASHRAE 32.1–2004 and 2010 defines the standard test package as a beverage container of the size and shape for which the vending machine is designed, altered to include a temperature-measuring instrument at its

[8] For purposes of BVMs, basic model means all units of a refrigerated bottled or canned beverage vending machine(or class thereof) manufactured by one manufacturer, having the same primary energy source, and which have essentially identical electrical, physical, and functional characteristics that affect energy consumption or energy efficiency. *See* 10 CFR 431.292. If differing shelving configurations affect the energy consumption, these differing configurations should be considered different basic models.

[9] Cowen, D. and Zabrowski, D. 2004. ''Application and Evaluation of ASHRAE 117–2002 and ASHRAE 32.1–1997.'' FSTC Report # 5011.04.01. Fischer-Nickel, Inc. Available at: *http://www.fishnick.com/publications/appliancereports/refrigeration/Application_of_ASHRAE_117_and_32.1.pdf.*

center of mass. DOE finds the requirements in ANSI/ASHRAE Standard 32.1–2004 and 2010 to be fairly clear and concise, when paired with the clarification above regarding the standard product. And, as such, DOE is not proposing additional clarifications beyond the proposed clarification that the standard product shall be 12-ounce cans or 20-ounce bottles, for BVM models that are capable of holding cans or bottles, respectively, filled with a liquid with a density of 1.0 g/mL ± 0.1 g/mL at 36 °F.

DOE requests comment on the need to maintain the flexibility of specifying the standard product as that specified by the manufacturer for refrigerated bottled or canned beverage vending machines that are not capable of holding 12-ounce cans or 20-ounce bottles. DOE specifically requests examples of BVM models that might require this flexibility and what type of standard products they are tested with currently.

DOE requests comment on the sufficiency of the existing requirements regarding standard test packages. If the existing language is not sufficiently clear, DOE requests comments and recommendations regarding what additional clarifications might be necessary to ensure consistency and repeatability of test results.

6. Clarifying the Next-to-Vend Beverage Temperature Test Condition

ANSI/ASHRAE Standard 32.1–2004, the test method incorporated by reference in the current DOE test procedure, states, ''the beverage temperature shall be measured in standard test packages in each next-to-be-vended position for each selection.'' ANSI/ASHRAE Standard 32.1–2004 specifies an average next-to-vend temperature of 36 °F ± 1 °F ''throughout test.'' The beverage temperature requirements of the ANSI/ASHRAE Standard 32.1–2010 test method, which DOE proposes to incorporate by reference into its test procedure as part of this NOPR, are identical to those of ANSI/ASHRAE Standard 32.1–2004.

DOE has become aware of a need to clarify whether the next-to-vend temperature specification of 36 °F ± 1 °F ''throughout test'' refers to a condition in which the average next-to-vend temperature is maintained at 36 °F ± 1 °F constantly for the duration of the test, or one in which the temperature of next-to-vend beverages is averaged across all selections and over the entire length of the test, resulting in a single value of 36 °F (± 1 °F).

In the 2013 BVM Framework document, DOE requested comments on its consideration of clarifying the intent of the terminology ''throughout test'' with regard to maintaining the average next-to-vend temperature at 36 °F ± 1 °F in the DOE test procedure. Specifically, in the Framework document, DOE discussed clarifying the next-to-vend temperature condition as one where the average of all beverages in the next-to-vend position is maintained at 36 °F ± 1 °F at all times throughout the test. 78 FR 33262 (June 4, 2013). In response, DOE received a variety of comments. Royal and NAMA did not support this clarification, stating that DOE should average the temperature data across all next-to-vend selections and over the entire test period because there is no evidence that variations in temperatures will impact energy use as long as the temperature is averaged for the test period. Royal and NAMA further stated that vending machines have varying defrost schemes, and the individual next-to-vend selections or their average temperature may migrate outside the 36 °F (± 1 °F) range during defrost or other changes in refrigeration state. (Royal, No. 11 at p. 3; NAMA, No. 8 at p. 2) Royal also commented that while the current ± 1 °F tolerance is adequate, a one-sided tolerance (allowing temperatures to go below 35 °F but not above 37 °F) would provide more design freedom. (Royal, No. 7 at p. 53)

Additionally, Wittern commented that it contacted ASHRAE, which provided interpretations from two former ANSI/ASHRAE Standard 32.1 committee members that the temperature value to be used is the average of all test packages and not a tolerance applied to a single test package. (Wittern, No. 16 at p. 1) Wittern further commented that the current design is that the next-to-vend beverages in stack machines are the first hit with the cold air and that maintaining the average product temperature (± 1 °F) for each product in a stack machine would require major redesign to have all beverages hit equally with the supply air. (Wittern, No. 16 at p. 1) AMS stated that holding 60 or 70 cans within ± 1 °F is nearly impossible and would mean a dramatic increase in price. (AMS, No. 17 at p. 1) AMS stated that if such a specification is deemed necessary, ± 10 °F would be more appropriate. (AMS, No. 17 at p. 1) AMS also noted that because the ANSI/ASHRAE Standard 32.1 test method specifies an accuracy of ± 1 °F for temperature measurement equipment, temperature measurements can probably only be expected to record a ± 5 °F tolerance range with reasonable certainty. (AMS, No. 17 at p. 1)

DOE acknowledges commenters' concerns that maintaining each individual beverage within a ± 1 °F tolerance is unnecessarily rigorous and is not the intent of the DOE test procedure. DOE agrees with commenters that the average next-to-vend temperature should be both a spatial and temporal average. To remove any ambiguity from this requirement, DOE is proposing to clarify its test procedure by explicitly stating that the temperature of next-to-vend beverages shall be averaged across all next-to-vend beverages and over the entire time of the test, resulting in a single value of 36 °F (± 1 °F). Specifically, DOE proposes to incorporate a definition of integrated average temperature to read as follows integrated average temperature means the average of all standard test package measurements in the next-to-vend beverage positions taken during the test, expressed in degrees Fahrenheit (°F).

This clarification aligns with the general methodology for determining the temperature of internal refrigerated volumes for commercial refrigeration equipment and, as such, should be understood by the BVM industry to be a time-averaged value.

DOE requests comment on its proposed definition of ''integrated average temperature'' for beverage vending machines.

DOE requests comment on whether the proposed definition for ''integrated average temperature'' aligns with standard practice in industry, and whether any manufacturers have instead been maintaining the 36 °F (± 1 °F) next-to-vend temperature constantly throughout the test used for DOE certification.

7. Defining ''Fully Cooled''

The 2009 BVM final rule established DOE energy conservation standards for beverage vending machines in two equipment classes: Class A and Class B refrigerated beverage vending machines. 74 FR 44914, 44968 (Aug. 31, 2009). The distinguishing criterion between these two equipment classes is whether or not equipment is fully cooled. 10 CFR 431.292.

DOE regulations, however, have never included a definition for the term ''fully cooled.'' In the 2013 BVM Framework document, DOE included a suggested definition for consideration and comment. The definition under consideration for fully cooled beverage in the 2013 BVM Framework document means a refrigerated bottled or canned beverage vending machine within which each item in the beverage vending machine is brought to and stored at temperatures that fall within ± 2 °F of the average beverage temperature, which is the average of the

temperatures of all the items in the next-to-vend position for each selection.

DOE received comments regarding the definition of ''fully cooled'' in response to the 2013 BVM Framework document. AMS commented that the strict temperature control (± 2 °F) proposed in the framework definition is not practical, and probably impossible to achieve, and that temperatures vary widely, possibly as much as ± 10 °F, from front to rear and top to bottom in today's machines. (AMS, No. 17 at p. 6) AMS agreed with the rationale of the proposal, but stated that data taken from products not in the next-to-vend positions should only be used to determine whether such products are being cooled, without a strict temperature restriction. (AMS, No. 17 at p. 6) AMS suggested that if such products are at least 20 °F below the ambient temperature, the machine should be considered fully cooled. (AMS, No. 17 at p. 2) AMS suggested that plus or minus six degrees might be a more appropriate range. (AMS, No. 7 at p. 51) AMS went on to say that it understood the current definition of ''fully cooled'' as meaning that the machine's inherent design is based on an attempt to equally cool all products within the machine and thought that this is generally the interpretation used by the rest of the industry as well. (AMS, No. 17 at p. 6)

Wittern commented that its opaque-front beverage machines are zone-cooled for the most part, and that it believes the current equipment classes could be simplified to glass fronts with trays for Class A and closed fronts with stacks for Class B. (Wittern, No. 16 at p. 2)

Royal proposed to define a fully cooled vending machine as one in which the average temperature of all items in the next-to-vend position is within ± 1 °F during the 24-hour test period as defined in ANSI/ASHRAE Standard 32.1–2010. (Royal, No. 11 at p. 7) Royal also commented that DOE should stay within established and approved standards for definition purposes, rather than trying to define new standards and classifications. (Royal, No. 5 at p. 50) NAMA stated that they agreed with the current definition of ''fully cooled vending machine'' as they believe is specified in ANSI/ASHRAE Standard 32.1–2010. (NAMA, No. 8 at p. 8) AMS agreed that a definition of fully cooled based on average next-to-vend temperatures across the face of the machine would be better than a temperature band for each beverage. (AMS, No. 17 at p. 57)

The CA IOUs stated DOE should consider including a definition for zone-cooled if it is used in the definition of Class B equipment. (CA IOUs, No. 19 at p. 2) The CA IOUs requested that DOE work to establish a more descriptive definition of Class B equipment that describes them as what they are, which the CA IOUs understand to be zone-cooled, rather than by what they are not, to prevent confusion for marketplace actors who may not be familiar with the equipment. (CA IOUs, No. 19 at p. 2)

In light of the comments received, DOE is proposing the following definition of ''fully cooled'' which means a condition in which the refrigeration system of a beverage vending machine cools product throughout the entire refrigerated volume of a machine instead of being directed at a fraction (or zone) of the refrigerated volume as measured by the average temperature of the standard test packages in the furthest from the next-to-vend positions is no more than 10 °F above the integrated average temperature of the standard test packages.

This definition is predicated upon the different methods of cooling used in Class A and Class B machines and the customer utility provided by fully cooling the refrigerated space. Maintaining all refrigerated beverages within 10 °F of the next-to-vend beverage temperature typically allows customers to select from more beverages and ensures that the customer will receive a properly cooled product, regardless of the product's vertical location in the machine. In response to NAMA's proposal to apply the current definition of ''fully cooled vending machine'' as found in ANSI/ASHRAE Standard 32.1–2010, DOE has reviewed ANSI/ASHRAE Standard 32.1–2010 and did not find such a definition.

As discussed earlier, DOE considered an alternative definition for fully cooled beverage vending machine. That definition would distinguish between those beverage vending machines that bring a product closer to the temperature at which it will be dispensed as it is moved closer to the next-to-vend position in the machine (*i.e.,* zone-cooled beverage vending machines which hold the product in a vertical stack), and those units that are not designed to store products at temperatures other than the temperature at which the product will be dispensed. However, as suggested by interested parties in response to the 2013 BVM Framework Document, enforcing such a definition would require temperature measurements at each beverage location, which would be extremely burdensome to implement. In addition, requiring all beverages to be maintained at the next-to-vend temperature is an unrealistic requirement given the current designs of Class A machines. Instead, DOE is proposing temperature measurements at only the next-to-vend and furthest from next-to-vend temperature positions. DOE believes this is a reasonable number of additional temperature measurements such that the test procedure will not be unduly burdensome to conduct, while still providing a method to verify the location cooling method employed by the given machine. In addition, DOE selected a temperature range of 10 °F, as suggested by AMS, as a reasonable temperature bound to differentiate fully cooled beverage vending machines. DOE verified this proposed temperature range based on limited testing of refrigerated bottled or canned beverage vending machines currently available on the market to determine the typical temperature variability observed between the next-to-vend and furthest from next-to-vend beverages in Class A and Class B equipment, respectively. As such, DOE is proposing a more quantitative definition of fully cooled to unambiguously differentiate Class A and Class B equipment.

DOE believes that the proposed definition of ''fully cooled'' accurately reflects the differences in cooling method and design between fully cooled and non-fully cooled beverage vending machines, and, further, aligns with DOE's interpretation of fully cooled machines to date. Therefore, DOE does not anticipate that this proposal will change the equipment class or energy standard level for any equipment that is currently covered under existing standards.

Along with DOE's proposed definition for fully cooled, DOE also proposes to adopt a new test method that can be used to quantitatively differentiate between Class A and Class B equipment. As noted by Wittern, if temperature measurements are going to be used to determine which machines are fully cooled, the measurements must come from test packages in positions other than next-to-vend, because test packages in the next-to-vend position will be at the temperature at which they will be vended whether or not the machine is designed to equally cool all products within the machine. (Wittern, No. 16 at p. 2).

In response to the 2013 BVM Framework, DOE received several comments concerning additional temperature measurements. Wittern commented that it did not agree with the definition of ''fully cooled'' in the framework because it required temperature measurements of all products, which would not be practical

and would be extremely costly. Wittern also commented that the average of next-to-vend beverage temperature measurements is sufficient as a baseline to ensure compliance. (Wittern, No. 16 at p. 2) AMS agreed with the rationale of additional temperature measurement requirements but argued that the data collected should only be used in a general way. (AMS, No 17 at p. 2) The CA IOUs commented that DOE should consider requiring additional thermocouples throughout the different zones of the equipment in order to verify the equipment's cooling mechanism (fully cooled or zone-cooled), and added that DOE can refer to the test procedure for residential refrigeration equipment. (CA IOUs, No. 19 at p. 5) The Joint Comment stated that it supports additional product temperature measurements that could be used to verify a unit's equipment class. (Joint Comment, No. 13 at p. 2)

Royal and NAMA did not support the addition of requirements of temperature measurements at locations other than the next-to-vend position because the location of such thermocouples is not specified in ANSI/ASHRAE Standard 32.1–2010 and will increase the time and cost of testing, creating undue hardship on small manufacturers by requiring them to expand their laboratory equipment and resources. (Royal, No. 11 at p. 4; NAMA, No. 8 at p. 3) NAMA also commented that all temperature measurements should continue to be made in the next-to-vend package, focusing on the products that are conditioned for immediate sale to the consumer. (NAMA, No. 8 at p. 3) Wittern commented that it would prefer to minimize the number of thermocouples needed for the test, as it is almost maxed out on the capabilities of its data acquisition equipment. (Wittern, No. 16 at p. 2)

DOE acknowledges the comments of interested parties regarding the need for additional temperature measurements and the potential associated burden with such measurements, but notes that a quantitative and objective test method is required to unambiguously differentiate Class A and Class B equipment in cases where the appropriate categorization of equipment may not be clear. Therefore, in today's NOPR, DOE is proposing a test method to verify whether refrigerated bottled or canned beverage vending machines meet the definition of ''fully cooled.'' The proposed test method is based on the difference between the average next-to-vend temperature and the average temperature of standard test packages placed in the furthest from next-to-vend position during the test period. Specifically, DOE proposes to amend the regulatory text to clarify that a beverage vending machine is fully cooled if the difference between these two averages is no greater than 10 °F during the test period.

DOE recognizes the comments of interested parties stating that it is difficult to establish a strict range that will be universally applicable to all types of Class A and Class B refrigerated bottled or canned beverage vending machines. Specifically, it is possible that some machines that have next-to-vend beverages stored throughout the vertical axis of the usable refrigerated space could have differences between the average next-to-vend temperature and the average furthest from next-to-vend temperature (along the horizontal axis) that are greater than any range DOE may set. Conversely, machines that have next-to-vend beverages only in the bottom of the machine (stack machines) could have differences between the average next-to-vend temperature and the furthest from next-to-vend temperature (along the vertical access) that are less than any range DOE may set. However, DOE notes that a quantitative test is required to ensure consistent categorization among manufacturers and for appropriate application of the standards.

DOE believes that a 10 °F temperature range is sufficiently broad so that it will effectively categorize machines in which the entire refrigerated volume is fully cooled. DOE also notes that such a temperature range may encourage manufacturers of Class B, zone-cooled refrigerated bottled or canned beverage vending machines to ensure that the refrigeration system is, in fact, only cooling the bottom portion of the machine where the next-to-vend beverages are located, which is an inherently more energy efficient design. DOE does not believe a strict temperature range would create a loophole for manufacturers to modify the design of Class A machines such that the temperature requirement is not met and the equipment can be certified as a Class B machine due to the specific customer utility of fully cooled machines.

As such, DOE proposes to establish an optional test method for determining if a given refrigerated bottled or canned unit meets DOE's definition of ''fully cooled'' where standard test packages would be placed in representative locations furthest from each next-to-vend beverage location, in addition to every next-to-vend beverage position as is currently required. For beverage vending machines with horizontal product rows, or spirals, this would require a standard test package at the back of the horizontal product rows in the four corners of the machine (*e.g.,* bottom right, bottom left, top right, and top left). For beverage vending machines with standard products configured in a vertical stack, this would include an additional standard test package at the top of each stack. To determine if a given refrigerated bottled or canned beverage vending machine was fully cooled, manufacturers would determine the average temperature of the standard test packages in the furthest from the next-to-vend position over the entire test period and compare that value to the integrated average temperature of standard test packages in the next-to-vend beverage positions. If the difference between these two values is less than or equal to 10 °F, the tested unit would be considered fully cooled.

DOE notes that this test method would not be required to certify equipment but would be the method used by DOE to determine the appropriate equipment class for enforcement purposes. Therefore, DOE's proposed definition and test method would not require manufacturers to take any additional temperature measurements beyond what is currently specified in ANSI/ASHRAE Standard 32.1–2004, as incorporated, and ANSI/ASHRAE Standard 32.1–2010, as proposed. Even if manufacturers elect to perform this proposed test method for all certified BVM models, DOE does not believe this will significantly increase the burden of conducting the BVM test procedure. A detailed analysis of the incremental burden associated with the fully cooled validation procedure is included in section IV.B.

DOE requests comment on its proposed definition of ''fully cooled.'' DOE would further appreciate comment as to whether the proposed definition aligns with the classifications of Class A and Class B equipment currently used in industry.

DOE requests comment on the proposed fully cooled validation test method. Specifically, DOE requests comment as to whether a range of 10 °F is an appropriate threshold to differentiate fully cooled equipment and any incremental burden on manufacturers associated with the optional test method for determining if a BVM model meets the definition of ''fully cooled.''

8. Placement of Thermocouples During Testing

DOE has realized that there is currently a lack of specificity in the DOE test procedure regarding proper placement of thermocouple wires

during testing. DOE proposes to clarify that, in order to avoid compromising the thermal integrity of the vending machine, thermocouple wires should not be run through the dispensing door. Instead, the wires should be fed through the gasket, as it will form around them and maintain a better thermal seal for the cooled compartment. As such, DOE proposes to add text to the BVM test procedure in Appendix A and Appendix B specifying that sensors shall be installed in a manner that does not affect energy performance. Specifically, DOE proposes to amend the regulatory text to require that thermocouple wires be run through the door gasket and not through the dispensing door of the beverage vending machine such that the sensor pathway is sealed to prohibit airflow between the interior refrigerated volume and the ambient room air.

9. Establishing Testing Provisions at the Lowest Application Product Temperature

DOE's current test procedure requires that an average next-to-vend temperature of 36 °F ± 1 °F be maintained throughout the test, as required by the energy performance test (section 7.2) in ANSI/ASHRAE Standard 32.1–2004. ANSI/ASHRAE Standard 32.1–2010 contains the same requirement. DOE is aware that certain models of beverage vending machines available on the market are covered by DOE's test procedure and energy conservation standards, but are not designed to maintain the prescribed rating temperature, and thus cannot be tested in accordance with the DOE test procedure. Manufacturers of such equipment currently must request a test procedure waiver to comply with DOE's energy conservation standards in accordance with 10 CFR 431.401.

While DOE recognizes that the majority of covered beverage vending machines can be tested at the established rating temperature of 36 °F, DOE is aware of some unique BVM models that are designed to operate much higher than 36 °F and cannot operate at 36 °F. As such, in the 2013 BVM Framework document, DOE discussed adopting provisions for testing equipment that cannot operate at the specified next-to-vend beverage temperature at the equipment's lowest application product temperature. DOE added that, in this context, the lowest application product temperature would describe the lowest temperature at which the beverage vending machine is capable of operating and is often indicated by the lowest setting on a unit's thermostat. In response to the 2013 BVM Framework document, DOE received several comments regarding a proposed lowest application product temperature provision. Both Royal and NAMA disagreed with allowing BVM models that cannot achieve an average temperature of next-to-vend products of 36 °F (± 1 °F) to instead be tested at the lowest application product temperature, contending that test procedures should use ANSI-approved technical standards. (Royal, No. 11 at p. 3; NAMA, No. 8 at p. 3) Wittern saw no need for the lowest application product temperature provision. (Wittern, No. 16 at p. 2) AMS supported the provision as long as there is no attendant change in MDEC calculation. (AMS, No. 17 at p. 2)

DOE is proposing amendments to its test procedure for beverage vending machines to allow covered beverage vending machines that cannot achieve an average next-to-vend temperature of 36 °F (± 1 °F) to instead be tested at their lowest application product temperature. DOE believes that testing at the lowest application product temperature would best allow for the measurement of DEC of equipment that cannot maintain an average next-to-vend temperature of 36 °F (± 1 °F). The lowest application product temperature provision would be consistent with DOE's 2014 test procedure final rule for commercial refrigeration equipment, where an identical provision was adopted for commercial refrigeration equipment that could not maintain the required integrated average product temperature specified for its given equipment class. 79 FR 22277, 22297–22298, 22308 (April 21, 2014).

In the context of beverage vending machines, the lowest application product temperature would describe the lowest temperature at which a beverage vending machine model is capable of maintaining next-to-vend beverages and could correspond to the lowest setting on a unit's thermostat. For beverage vending machines that cannot maintain an average next-to-vend temperature of 36 °F (± 1 °F), the lowest application product temperature provision would specify a revised average beverage temperature for beverages in the next-to-vend position, but would not modify any other requirements of the DOE test procedure. Equipment tested and certified using the lowest application product temperature would be required to meet the standard applicable for its equipment class and refrigerated volume, and the manufacturer would be required to maintain records of the lowest application product temperature at which a given model is rated.

DOE requests comment on its proposal to adopt a lowest application product temperature provision for covered beverage vending machines that cannot be tested at the specified average next-to-vend temperature of 36 °F (± 1 °F).

DOE also requests comment on how the lowest application product temperature might be best determined for beverage vending machines and whether the lowest thermostat setting is a reasonable approach for most equipment. DOE requests comment on how to determine the lowest application product temperature for equipment without thermostats.

10. Clarifications to Certification and Reporting Requirements

DOE notes that 10 CFR 429.52(b)(2) contains requirements for certification reports for covered beverage vending machines. Specifically, DOE requires reporting of ''maximum average daily energy consumption.'' However, ANSI/ASHRAE Standard 32.1–2010 describes the test procedure for determining ''daily energy consumption'' as the measured result for a given model of beverage vending machine. To be consistent, DOE is proposing updating the reporting requirements at 10 CFR 429.52(b)(2) to reference ''daily energy consumption'' rather than ''maximum average daily energy consumption.'' DOE notes that it intends for manufacturers to include in their certification reports the measured ''daily energy consumption'' for each basic model of beverage vending machine. The ''maximum daily energy consumption'' referenced in 10 CFR 431.296 for a given model of beverage vending machine is the maximum permissible energy consumption (i.e., the energy conservation standard) level for that model, while the ''daily energy consumption'' is the measured energy consumption determined through the DOE test procedure. The ''daily energy consumption'' of a given BVM basic model measured in the DOE test procedure and reported in accordance with 10 CFR 429.52(b)(2) should be compared to the ''maximum daily energy consumption'' for the basic model's respective equipment class in the standard table in 10 CFR 431.296. Specifically, the ''daily energy consumption'' determined and reported for each BVM basic model shall not exceed the relevant ''maximum daily energy consumption'' value noted in the standard table. Therefore, DOE proposes to update the language at 10 CFR 429.52(b)(2) to request the ''daily energy consumption'' of covered models and update the language at 10 CFR 431.296 to specify that the ''daily energy consumption'' of refrigerated bottled or

canned shall not exceed the ''maximum daily energy consumption'' specified in the energy conservation standard table.

11. Treatment of Certain Accessories During Testing

In reviewing its test procedure for refrigerated bottled or canned beverage vending machines, DOE recognized that the existing test procedure does not clearly specify the appropriate operation of some components and accessories when conducting the DOE test procedure. Given this, DOE understands that there is room for misinterpretation of the requirements for equipment configuration where the DOE test procedure is currently ambiguous or silent. As such, DOE is proposing to clarify the proper configuration and operation of several specific components and accessories in the DOE test procedure.

DOE emphasizes that the clarifications discussed in this section III.A.11 serve only to unambiguously specify the intent of the current DOE test procedure. However, DOE recognizes that, because the DOE test procedure was previously silent or ambiguous on the specific treatment of some components, it is possible that some BVM manufacturers misinterpreted DOE's test procedure and, thus, some BVM models were tested inconsistently. Therefore, some BVM models may require recertification based on these new clarifications, but this is only because these models were not tested in a manner consistent with the DOE test procedure or the majority of BVM models. Since these clarifications do not represent new amendments or requirements when conducting the DOE test procedure, DOE believes that it is appropriate that the proposed revised and additional language be required for equipment testing as of 180 days after publication of any final rule adopting such revised or additional language.

DOE received several comments regarding the requirements for energy-consuming devices unrelated to lighting, refrigeration, or beverage dispensing in the DOE test procedure. AMS commented that ANSI/ASHRAE Standard 32.1 does not mention coin-changing, bill-validating, or cashless systems, one or more of which is always included on a vending machine and some of which may consume energy in amounts that might have a slight effect on DEC. AMS recommended the addition of a clarification that these devices are not required to be in place during testing. (AMS, No. 17 at p. 2) The Joint Comment requested that DOE clarify how machines with interactive touch screens or other energy-consuming features are tested under the current test procedure, and consider amending the test procedure to capture this energy use if it is not currently captured so that manufacturers will have an incentive to reduce this energy use. (Joint Comment, No. 13 at p. 2) Royal recommended an alternate energy specification for beverage vending machines that incorporates off-the-shelf components that contribute to increased energy use, but also have a parallel DOE requirement for energy use. Royal stated that the BVM energy conservation standard should include an appropriate allowance for incorporated components that must meet a separate DOE standard for energy use. (Royal, No. 11 at p. 8) Royal and NAMA commented that manufacturers are constantly being asked to develop equipment that combines other products and additional functionality beyond cooling of beverages, and that such equipment is generally considered to be outside the scope of the ANSI/ASHRAE Standard 32.1–2010 test procedure. Royal and NAMA further commented that they anticipate an increasing number of customer requests for such components. (Royal, No. 11 at p. 8; NAMA, No. 8 at p. 9)

In addition, Royal and NAMA commented that they offer ''heating mode'' for outdoor machines in cold climates as an optional accessory; however, this mode has very limited demand and therefore limited impact on annual power used by beverage vending machines in the United States. Royal recommended that DOE not evaluate this feature. (Royal, No. 11 at p. 12; NAMA, No. 8 at p. 15) Royal also commented that none of its vending machines for outdoor applications have heaters or hot gas defrost mode, and that heaters that are installed are probably an after-market component or an optional accessory. (Royal, No. 7 at p. 93)

AMS and Crane Merchandising (Crane) commented that they manufacture and sell machines with heaters for use in outside climates, although the quantities sold are very small and the heaters are only activated in sub-freezing conditions. (AMS, No. 17 at p. 11; Crane, No. 7 at p. 91) Accordingly, AMS recommended DOE disregard the issue altogether. (AMS, No.17 at p. 11) AMS added that, being at high efficiency on the cooling side generally means equally at high efficiency on the heating side. Because most of these heating systems are based on electricity, which is essentially 100-percent efficient at heating, AMS added that DOE can ignore additional energy use from these features. (AMS, No. 7 at p. 93)

In response to comments submitted by interested parties, DOE notes that any device that is integral to the intended operation of the beverage vending machine must be included in the test. In this context, DOE interprets integral to mean necessary for operation of the BVM model in a manner that meets the DOE definition for refrigerated bottled or canned beverage vending machine. That is, the accessory or component is required for the BVM model to cool bottled or canned beverages and/or dispense bottled or canned beverages on payment. In addition, any manually-controllable energy-consuming accessories that are integral to the performance of the beverage vending machine refrigeration system must be in place during testing if offered for sale with that basic model and must be tested at the most energy-consuming setting. An exception applies for accessories that are controlled by automatic controls, which shall be tested in the automatic state. Optional accessories that do not affect the measured energy use of covered equipment generally do not need to be included in the test. To clarify these requirements, DOE proposes to add language in Appendix A and Appendix B regarding the specific treatment of components and accessories during testing, including the specific exclusion of heaters installed solely for preventing the freezing of sealed beverages in the winter in extremely cold climates. The ensuing sections discuss the treatment of specific features, components, and accessories under the existing and any amended DOE test procedure provisions.

a. Money-Processing Equipment

Money-processing devices are integral to the vending function of the beverage vending machine and, accordingly, should be in place and functional during testing. Money-processing equipment include, but are not limited to coin mechanisms, bill validators, and credit card readers. When certifying a vending machine, the most energy-consuming combination of money-processing equipment should be used, and all other less energy-consumptive combinations may be listed as different models covered under that basic model. Alternatively, manufacturers may wish to certify and make representations regarding the energy use of each combination of money-processing equipment as a different basic model. In order to certify each combination as a separate basic model, a manufacturer would be required to maintain test data

from testing of the machine in each configuration.

b. Interior Lighting

Refrigerated bottled or canned beverage vending machines typically include lighting to illuminate the product, in the case of Class A equipment, or illuminate display panels that also serve as the physical walls of the beverage vending machine. In both cases, these lights are internal to the physical walls of the beverage vending machine and, thus, deemed integral to the operation of the equipment. The DOE test procedure, through incorporation of ANSI/ASHRAE Standard 32.1–2004, currently requires beverage vending machines to be tested with ''normal lighting and control settings.'' The revised ANSI/ASHRAE Standard 32.1–2010 includes the same requirement.

DOE recognizes that this specification could be interpreted differently in different circumstances and, as such, proposes to amend the regulatory text to clarify the treatment of internal lighting when conducting the DOE test procedure. Specifically, DOE proposes an amendment to the regulatory text stating that lighting that is contained within or is part of the physical boundary of the refrigerated bottled or canned beverage vending machine established by the top, bottom, and side panels of the equipment be placed in its maximum energy consuming state. DOE believes that the maximum energy consuming state is consistent with the ''normal'' setting and is the operation most commonly employed in the field. In DOE's experience, most beverage vending machines employ up to three lighting settings: ''on,'' ''dim,'' and ''off.'' To the extent that there are multiple ''on'' settings, DOE understands that these settings typically constitute various dimming settings and do not represent settings that are brighter or more-energy consuming than the expected field operation. More importantly, DOE believes that specifying that internal lighting be operated in the maximum energy consuming state provides clear and unambiguous instructions that are not subject to interpretation of testing personnel. DOE believes such a specification will result in consistent and repeatable test results for beverage vending machines under the DOE test procedure.

DOE finds this clarification to be applicable to equipment tested under Appendix A to demonstrate compliance with existing energy conservation standards, as well as to equipment testing using Appendix B to demonstrate compliance with any future energy conservation standards. Therefore, DOE proposes to add language to both Appendix A and Appendix B clarifying that internal lighting shall be operating in its maximum energy consuming state when conducting the DOE test procedure.

DOE requests comment on its proposal to clarify in Appendices A and B that internal lighting shall be operated in the maximum energy consuming state under the DOE test procedure.

DOE requests comment on whether the maximum energy consuming state for internal lighting is consistent with ''normal'' operation.

c. External Customer Display Signs, Lights, or Digital Screens

In addition to this typical internal case lighting. DOE understands that some refrigerated bottled or canned beverage vending machines may incorporate additional exterior lighting or signage, outside of the body of the refrigerated BVM cabinet. This lighting and signage is optional and is not integral to the cabinet. Further, this auxiliary signage does not illuminate product inside the body of the cabinet. In addition, some models may include touchscreens or lighted displays. DOE recognizes that external customer display signs, lighting, and digital screens will increase the energy use of refrigerated beverage vending machines that include those features, potentially significantly so. For example, the average energy use of televisions and digital screens is approximately 2.58 kWh/day in on mode and 0.01 kWh/day for televisions in stand-by mode [10] (Docket No. EERE–2010–BT–TP–0026, No. 27). The average energy use of a television in on mode represents between 50 and 100 percent of the energy use of an average beverage vending machine, depending on the BVM size and equipment class.

DOE notes that such external customer display signs, lighting, or digital screens are not explicitly addressed in the DOE test procedure or in ANSI/ASHRAE Standard 32.1–2004 and ANSI/ASHRAE Standard 32.1–2010. However, ASHRAE has issued an interpretation to ANSI/ASHRAE Standard 32.1–2010, which states that ''the Standard (32.1) addresses the refrigerated/delivery system portion of the machine. Thus, any peripheral devices, not necessary for the basic function of the vending machine are not addressed by Standard 32.1.'' Similarly, DOE finds that external customer display signs, lighting, or digital screens are peripheral to the primary functionality of a refrigerated bottled or canned beverage vending machine, as defined at 10 CFR 431. 292, and thus their energy use should not be accounted for in the measured DEC of BVM models.

Further, as the DOE test procedure does not provide guidance for how to operate such external customer display signs, lighting, and digital screens, it would be inconsistent with the DOE test procedure to include the energy use of external customer display signs, lighting, and digital screens in the measured DEC of BVM models. As such, in the current DOE test procedure, as specified and clarified in Appendix A in this test procedure NOPR, DOE proposes to clarify that customer display signs, lighting, and digital screens that are external to the refrigerated beverage vending machine and not integral to the operation of the primary refrigeration or vending functions (*e.g.,* allow consumers to make a product selection) may be disabled, disconnected, or otherwise de-energized. Lighting that is internal to the refrigerated beverage vending machine cabinet or necessary for the vending function must be placed in its maximum energy consuming state, as discussed in section III.A.11.b. and subsequently in this section III.A.11.c.

Some BVM models also include customer display signs, lighting, or digital screens that are integral to the functionality of the refrigerated beverage vending machine in that it cannot perform the primary refrigeration and vending functions if such equipment is disabled or removed. For example, if a digital screen is integrated into the cabinetry or controls of a BVM model such that it cannot be independently de-energized or disabled and/or the BVM cannot dispense product without the digital screen being energized, the digital screen would be deemed integral to the BVM model. In this case, the integral customer display signs, lighting, or digital screens should be put in its lowest energy-consuming state. If a digital screen performs the vending or money-processing function, that screen should be placed in its lowest energy-consuming state that still allows the money-processing feature to function. DOE believes that this will provide equitable treatment with other money-processing devices that must be

[10] Note that the DOE test procedure for televisions includes measurement of power consumed in on mode at different screen illumination levels and power consumed in several standby modes. 10 CFR 430.23. This average calculation of daily energy consumption represents an average of the power consumed in each of the on mode and standby mode, respectively, multiplied by 24 hours/day and divided by 1,000 watts/kilowatt.

energized, as specified in section III.A.11.a.

To clarify the treatment of external and integrated customer display signs, lighting, and digital screens, DOE proposes to add language to the test procedure in Appendix A specifying the treatment of these devices when certifying BVM models under the existing energy conservation standards. DOE notes that this includes television displays, as commented on by Royal and NAMA.

DOE notes, however, that the use of interactive, multi-purpose energized displays are becoming much more common in new equipment designs. As the use of such customer display signs, lighting, and digital screens become more ubiquitous in refrigerated bottled or canned beverage vending machine design, it may be important to include the energy use of such features in the measured DEC of BVM models. DOE notes that these energized displays are also becoming much more interactive and more commonly are integral to the refrigeration or vending functionality of the refrigerated beverage vending machine. Therefore, it may be more representative to capture some measure of energy use of external, integral customer display signs, lighting, and digital screens in the measured DEC of the BVM model.

Specifying, however, that external, integral customer display signs, lighting, and digital screens be operated as the equipment would typically be used in the field may significantly increase the energy use of BVM models and capturing the energy use of such auxiliary functions may not be representative of the primary refrigeration and vending functions of the refrigerated beverage vending machine. In addition, specifying typical field operation for the variety of equipment configurations and operating modes may significantly increase the complexity of testing BVM models.

As such, DOE believes that capturing the standby energy use of such external, integral customer display signs, lighting, and digital screens installed on a given BVM model would be a sufficiently representative and reasonable alternative that can be consistently implemented across BVM models. In this way, the energy use associated with the primary refrigeration and vending functions of the refrigerated beverage vending machine continue to constitute the majority of the measured DEC value, but the incremental standby energy use of any external customer display signs, lighting, and digital screens that are integral to the BVM model are minimally accounted for in a consistent and repeatable manner.

Therefore, DOE proposes that under the amended DOE test procedure presented in Appendix B, all external, integral customer display signs, lighting, and digital screens be placed in standby mode. For the purposes of the BVM test procedure, DOE proposes to incorporate a definition for standby mode, applicable to external, integral customer display signs, lighting, and digital screens in Appendix B. DOE proposes to define standby mode as the mode of operation in which any external, integral customer display signs, lighting, or digital screens are connected to mains power, do not produce the intended illumination, display, or interaction functionality, and can be switched into another mode automatically with only a remote user-generated or an internal signal. If the external, integral customer display signs, lighting, or digital screens do not have a standby mode, the integral customer display signs, lighting, or digital screens would be placed in the lowest energy-consuming state, similar to Appendix A. In addition, if a digital screen performs the vending or money-processing function, that screen should be placed in its lowest energy-consuming state that still allows the money-processing feature to function.

DOE notes that, under this proposal, all non-integral, external customer display signs, lighting, and digital screens that are purely auxiliary and can be independently energized and operated, would continue to be disconnected, disabled, or otherwise de-energized in Appendix B, as specified in Appendix A.

DOE requests comment on the range of equipment that should be addressed in this category of accessories and if the proposed terminology of customer display signs, lighting, and digital screens is sufficient to capture the variety of similar auxiliary energy-consuming accessories that might be installed on BVM models.

DOE requests comment on the treatment of external and integral customer display signs, lighting, and digital screens in Appendix A.

DOE requests comment on the proposed treatment of external and integral customer display signs, lighting, and digital screens in Appendix B. Specifically, DOE requests comment on whether disabling external devices and placing integral devices in standby mode or their lowest energy-consuming state is sufficiently representative of the energy use of refrigerated bottled or canned beverage vending machines.

DOE requests comment on the proposed definition of standby mode as the mode of operation in which the external, integral customer display signs, lighting, or digital screens is connected to mains power, does not produce the intended illumination, display, or interaction functionality, and can be switched into another mode automatically with only a remote user-generated or an internal signal.

For digital screens that also perform the vending or money-processing function, DOE requests comment on the proposal to place these screens in their lowest energy-consuming state that still allows the money-processing feature to function.

d. Anti-Sweat and Other Electric Resistance Heaters

Class A beverage vending machines may come equipped with anti-sweat electric resistance heaters that serve to evaporate any water that condenses on the surface of the door or walls during operation.

DOE proposes to amend the regulatory text to clarify that anti-sweat and other electric resistance heaters should be operational during testing under the DOE test procedure. Models with a user-selectable setting must be turned on and set to the maximum usage position. Models featuring an automatic, non-user-adjustable controller that turns on or off based on environmental conditions must be operating in the automatic state. Additionally, DOE proposes to amend the regulatory text to clarify that, if a unit is not shipped with a controller from the point of manufacture, and is intended to be used with a controller, the manufacturer must make representations of the basic model based upon the rated performance of that basic model as tested when equipped with an appropriate controller. DOE is proposing to add clarifying language in Appendix A and Appendix B to specify that anti-sweat or other electric resistance heaters must be installed and operated in their automatic state, if controlled, or in their maximum energy consuming position, if manually adjustable.

e. Condensate Pan Heaters and Pumps

Beverage vending machines capture water from the air entering the cabinet during operation by causing the water to condense and then freeze on the evaporator coil of the equipment. During a defrost cycle, this frost is melted, and the meltwater produced must be removed from the unit. In many types of equipment, this meltwater is collected in a pan beneath the unit.

Some models of beverage vending machines come equipped with electric resistance heaters that evaporate this water out of the pan and into the ambient air. Other models may come equipped with pumps that pump meltwater to an external drain.

In DOE's view, these electric resistance heaters and condensate pumps must be installed and operational during testing pursuant to the DOE test procedure as they would be used in the field during the entire test. The ''entire test'' includes stabilization, low power mode, and vending state test periods. Prior to the start of the stabilization period, the condensate pan should be dry. During the entirety of the period of the test following the start of the stabilization period, any condensate moisture generated should be allowed to accumulate in the pan, as it would during normal operations. Water should not be manually added to or removed from the condensate pan at any time during the entire test. If the condensate heater or pump is equipped with controls to initiate the operation of the heater or pump based on water level or ambient conditions, these controls may be enabled and the heater or pump should be operated in the automatic setting.

DOE is aware that manufacturers may offer condensate pan heaters and pumps such that they are shipped separately from, or not installed upon, the specific beverage vending machine unit with which they would be used in normal operation. DOE believes that, if the manufacturer offers a given basic model for sale with an available condensate pan heater or pump, the manufacturer must make representations of the performance of the basic model as tested with the feature in place. DOE is proposing to add clarifying language in Appendix A and Appendix B to specify that, during testing pursuant to the DOE test procedure, condensate pan heaters and pumps must be installed and operated as they would be used in the field.

f. Illuminated Temperature Displays

Manufacturers may equip some beverage vending machine models with illuminated displays that provide visual information to the equipment operator regarding, for example, the temperature inside the refrigerated case. DOE understands this feature to be integral to the design of the given model and proposes to amend the regulatory text to clarify that any illuminated temperature displays should be enabled during the test as they would be during normal field operation. DOE is proposing to add clarifying language in Appendix A and Appendix B to address illuminated temperature displays and alarms.

g. Condenser Filters

Manufacturers may offer models equipped with nonpermanent filters over a model's condenser coil to prevent particulates from blocking the condenser coil and reducing airflow. DOE believes that these filters should be removed during testing pursuant to the DOE test procedure, as such accessories are optional and are not required for operation of the refrigerated bottled or canned beverage vending machine. Further, these optional condenser filters are not expected to significantly impact energy use over the relatively short duration of the DOE test procedure and are more important for the long-term reliability of the equipment in the field. Therefore, to simplify testing of BVM models under the DOE test procedure, DOE proposes to add clarifying language to Appendix A and Appendix B that any optional condenser filters should be removed.

h. Security Covers

Manufacturers may offer for sale with a basic model an option to include straps or other devices to secure the beverage vending machine and prevent theft or tampering. Because such security devices are not anticipated to affect the measured energy use of covered equipment and will likely significantly complicate the loading and testing of BVM models, DOE intended that these security devices should be removed during testing under the DOE test procedure and proposes to add clarifying language to the proposed test procedures in Appendix A and Appendix B.

i. Coated Coils

Coated coils, generally specified for use in units that will be subjected to environments in which acids or oxidizers are present, are treated with an additional coating (such as a layer of epoxy or polymer) as a barrier to protect the bare metal of the coil from deterioration through environmental contact. DOE believes the existing DOE test procedure accurately accounts for the performance of all types of coils, including those with coatings, and that no additional clarifications are needed in the test procedure.

j. General Purpose Outlets

Some beverage vending machines may be offered for sale with integrated general purpose electrical outlets, which may be used to power additional equipment. DOE intended that, during testing pursuant to the DOE test procedure, no external load should be connected to the general purpose outlets contained within a unit and proposes to add clarifying language to Appendix A and Appendix B.

k. Crankcase Heaters and Electric Resistance Heaters for Cold Weather

Some BVM models feature crankcase heaters or electric resistance heaters designed to keep the compressor warm in order to maintain the refrigerant at optimal conditions. They also prevent freezing of refrigerated beverages contained in the unit when the unit is operating at extremely low ambient temperatures. In DOE's view, if present, crankcase heaters and other electric resistance heaters for cold weather should be operational during the test. Under this proposal, if a control system, such as a thermostat or electronic controller, is used to modulate the operation of the heater, it should be used as intended per the manufacturer's instructions. DOE is proposing to add clarifying language regarding testing units with crankcase heaters and electric resistance heaters for cold weather.

DOE acknowledges that the types of accessories and components that may be attached to a beverage vending machine are numerous and varied, as noted by Royal and NAMA. Regarding Royal's suggestion concerning calculation methods for different accessories, especially those that are covered under other DOE energy conservation standards, such as televisions, DOE believes that it is more straightforward and representative to measure the energy use of the BVM model directly, including any available energy-consuming accessories that are integral to the function of the beverage vending machine. Due to the variety of accessories that could be incorporated into a BVM model, DOE does not find it practical to incorporate calculations or algorithms into the DOE test procedure that would be sufficiently representative of the energy use of that specific BVM accessory and model. As such, DOE is not proposing any calculation-based methods for the purposes of establishing the energy use of BVM models or specific BVM accessories at this time.

DOE requests comment on its proposal to clarify the treatment of accessories in the DOE test procedure.

DOE also requests comment on any other accessories that may require special treatment or exemption.

B. Summary of the Test Procedure Revisions To Account for Low Power Modes

This NOPR also proposes an amendment to DOE's test procedure for beverage vending machines, to be included in a new Appendix B to 10 CFR part 431, subpart Q, which is intended to be used to demonstrate compliance with any new or amended standards established as a result of the associated ongoing energy conservation standards rulemaking (Docket No. EERE–2013–BT–STD–0022). This amendment would establish provisions to account for equipment with low power modes and is proposed to ensure greater accuracy in testing. The proposed amendment is discussed in the following subsections, including applicable comments received from interested parties, definitions, methods, and DOE's responses.

1. Characteristics of Low Power Modes

Many beverage vending machines are equipped with low power modes designed to be used during periods when demand for refrigerated beverages is low and there is opportunity to reduce equipment energy use without greatly affecting consumer utility. The features of these modes may include (but are not limited to) switching off or dimming lights, and raising the temperature set point (to which the unit cools the product) to a value higher than the temperature set point associated with the unit's vending mode. These low power modes are typically activated during periods when customer traffic is known or anticipated to be minimal or nonexistent (such as at night or when a facility is closed), though they may also be activated based on short-term historical vend patterns or after a specified length of inactivity. Some low power modes may be operated on fixed schedules, while others may operate based on sensor input such as that from a motion sensor or customer interface on the machine. Individual machines may have multiple low power modes, such as a fixed low power mode allowing the refrigeration system to shut off during periods when customers are not available and an active low power mode during vending periods that dims the lights when customer activity is not detected after a certain length of time.

ANSI/ASHRAE Standard 32.1–2004, the test method incorporated by reference in the current DOE test procedure, and ANSI/ASHRAE Standard 32.1–2010, the test method DOE proposes to incorporate by reference in this test procedure NOPR, both require that the vending machine be ''operated with normal lighting and control settings, using only those energy management controls that are permanently operational and not capable of being adjusted by a machine operator.'' (ANSI/ASHRAE Standard 32.1–2004 7.1.1(d)) These test procedures do not capture the widely available user-adjustable low power modes of operation in a representative manner, and manufacturers that offer this functionality are not able to reflect the increased efficiency of the unit under either of these test methods.

Additionally, these test methods do not specify how to test equipment that has permanently operational controls that can be adjusted. An example of such equipment could be a machine with lights that automatically dim after a certain period of inactivity, and where the length of the period of inactivity required to cause the lights to dim can be adjusted to one of several values by a machine operator. In such a case, the lighting controls are permanently operational, but adjustable by a machine operator.

Section 7.2.2.4 of ANSI/ASHRAE Standard 32.1–2004 and ANSI/ASHRAE Standard 32.1–2010 both specify that ''the test chamber and vending machine shall not be disturbed throughout the duration of the energy consumption test once the measurement instrumentation is in place.'' As already mentioned, DOE is aware that some currently available beverage vending machines come equipped with low power modes or features that become active after a certain period of inactivity. Due to the requirements of section 7.2.2.4 of ANSI/ASHRAE Standard 32.1 (both 2004 and 2010 versions), it is possible for such features to become active during the test period for unrepresentative periods of time.

2. Comments Received by Interested Parties

DOE received a variety of comments on the 2013 BVM Framework describing the current use of low power modes in BVM testing and the low power modes currently available on the market. Some of these comments supported capturing the effect of low power modes and even suggested approaches to account for low power modes in the test procedure. Other commenters opposed accounting for low power mode for several reasons.

NAMA commented that all equipment should be tested as supplied by the factory, and only low power modes that cannot be disabled by the end user should be included in the test because allowing other low power modes creates the opportunity for the misrepresentation of the equipment's energy use and ambiguity within the test method. (NAMA, No. 13 at p. 2) Royal and NAMA each commented that models with user-adjustable controls that cannot be disabled should be operated in accordance with the manufacturer's recommended mode of operation under normal conditions or as shipped by the manufacturer, whichever results in higher energy use. (Royal, No. 11 at p. 5; NAMA, No. 8 at p. 4) The Joint Comment requested that DOE clarify how controls that cannot be adjusted in the field are currently captured by the DOE test procedures, and stated that the current application of the DOE test procedure may not be adequately reflecting field energy use. (Joint Comment, No. 13 at p. 2) The CA IOUs encouraged DOE to try to ensure that the output of the test procedure comes close to representing the real-world energy use of equipment installed in the field, consistent with EPCA requirements, and especially that low power modes do not allow lights to be dimmed or powered off for uncharacteristically long periods of time as ANSI/ASHRAE Standard 32.1 currently permits. (CA IOUs, No. 19 at p. 4)

NAMA commented that, as it understands, some equipment has power management functions installed by the original equipment manufacturer that cannot be disabled by the end user in any way and, therefore, are active during the ANSI/ASHRAE Standard 32.1 test, but that some of this equipment has energy management settings that the user can modify that therefore does not meet the requirements of the ANSI/ASHRAE Standard 32.1 test settings as currently written. (NAMA, No. 8 at p. 4) Royal commented that its machines have energy management features that are built into the software but do not meet the requirement in ANSI/ASHRAE Standard 32.1–2010 because the user can modify the energy management settings, and low power modes are accordingly not used during testing. (Royal, No. 11 at p. 4) AMS stated that its equipment includes controls that can be used both to increase operating set point temperatures and to decrease lighting intensity during periods of no sales activity, but that in accordance with its interpretation of ANSI/ASHRAE Standard 32.1, these controls have never been used during testing. (AMS, No. 17 at p. 2) AMS further described the low power software in its machines, which includes lighting and refrigeration low power modes that are entered into either based on sales history or by operator programming, and noted that the

elevated temperature is prohibited if the health and safety controls are set for items such as milk, which is a beverage but also a perishable item that requires strict temperature control. (AMS, No. 17 at p. 3) AMS also commented that the field-allowable times of low power mode can vary widely; from 0 to 15 hours per day during the week and total weekend periods, and that any benchmark is just a benchmark and cannot be expected to exactly reflect the true activity of a specific machine in the field. (AMS, No. 17 at p. 3)

Royal did not support the creation of a provision to measure the low power modes of operation, stating that tests should not be conducted or accepted if the average product temperature cannot be maintained within 36 °F (± 1°F) as specified in ANSI/ASHRAE Standard 32.1–2010. (Royal, No. 8 at p. 5) NAMA commented that it does not support the creation of a provision to measure the impact of low power modes of operation, except in the case where an energy management system is incorporated into the original equipment manufacturer design of the vending machine and cannot be defeated or removed by the end user. (NAMA, No. 8 at p. 5) Wittern stated that it opposed the creation of a provision to measure the impact of low power modes of operation as it would add another level of complexity, and it wants to keep testing, reporting, and compliance related issues to a minimum. (Wittern, No. 16 at p. 2) AMS agreed that the present test method does not capture the energy savings potential of optional power-saving modes. (AMS, No. 17 at p. 4)

The CA IOUs commented that throughout the rulemaking process, DOE should collect information from industry, purchasers, and consumers on usage profiles of vending machines in order to best represent real-world energy use in the test procedure. (CA IOUs, No. 19 at p. 4) The CA IOUs also commented that DOE should include provisions to measure the energy use of beverage vending machines in low power modes and get an understanding of how such states are employed in installed equipment. (CA IOUs, No. 19 at p. 4) The Joint Comment stated that it generally supports the inclusion of test procedure provisions to capture the energy savings benefit of controls, but encouraged DOE to attempt to use field use data so that the test procedures can reasonably reflect the actual energy savings from these controls. (Joint Comment, No. 13 at p. 2) AMS recommended that if evaluation of energy-saving options is to be done at all, it should be done in a totally separate specification and procedure because the wide range of energy-saving options would be very difficult to standardize in the basic MDEC requirements. (AMS, No. 17 at p. 3) AMS further commented that if measurements of low power modes are made they should be done with fixed temperature, lighting, and any other low-energy settings that may be used and be done for a fixed period of time less than 24 hours with calculations applied to determine the potential savings per 24-hour period. (AMS, No. 17 at p. 3)

3. DOE's Proposed Low Power Mode Test Provisions

DOE is proposing to amend its test procedure to provide clear and consistent provisions for testing beverage vending machines both in low power mode and in vending environments and to indicate what settings are to be used for the testing of machines with energy management controls that are permanently operational (meaning those that cannot be disabled) but can be adjusted by the operator. DOE acknowledges the concerns of interested parties but believes that a BVM test procedure that accounts for low power modes of operation is necessary for accuracy of testing, since beverage vending machines are commonly equipped and operated with low power modes in the field. Sections a, b, and f of this section III.B.3 discuss definitions related to the low power mode test procedure, a physical test method DOE considered, and DOE's proposed method for accounting for low power modes of operation in the DOE test procedure, respectively.

a. Definitions Related to the Low Power Mode Test Procedure

DOE is proposing to allow manufacturers of equipment with a low power mode to enable those features during a fixed period of time during the BVM test procedure. DOE proposes to define ''low power mode'' as a state in which a beverage vending machine's lighting, refrigeration, and/or other energy-using systems are automatically adjusted (without user intervention) such that they consume less energy than they consume in an active vending environment when the beverage vending machine is capable of dispensing sealed beverages at the intended vending temperature (36 ± 1 °F).

DOE also notes that it may be beneficial to differentiate between low power modes that affect the refrigeration system and allow the cabinet temperature to increase during a specified period and those that affect other energy-consuming accessories, such as lighting, display signage, or vending equipment. As such, DOE proposes to define ''refrigeration system low power mode'' and ''accessory low power mode.'' Refrigeration system low power mode would be defined as a state in which a beverage vending machine's refrigeration system is in low power mode. To qualify as refrigeration system low power mode, the average next-to-vend temperature must automatically (without user intervention) raise to 40 °F or higher and remain above this threshold for at least one hour. ''Accessory low power mode'' would be defined as a state in which a beverage vending machine's lighting and/or other non-refrigeration energy-using systems are in low power mode. This may include, but is not limited to, dimming or turning off lights or display signage, but does not include adjustment of the refrigeration system.

DOE requests comment on its proposed definitions of ''low power mode,'' ''refrigeration low power mode,'' and ''accessory low power mode.''

b. Potential Low Power Mode Test Methods Based on Physical Testing

DOE considered several options to account for low power modes in the DOE test procedure for beverage vending machines, including physical testing and calculation-based methods. DOE recognizes that objectively determining the performance of low power mode operation by accounting for both refrigeration and accessory low power modes would be the most accurate way to best represent the variety of low power mode controls available. In addition, a physical test method would provide an unambiguous verification of low power mode efficacy and performance. As such, DOE considered an approach to account for low power modes of operation using two separate physical test procedures; one for the active vending state and one for the low power mode. This approach could combine the respective measured energy use from each test using a calculation. Such a method may be able to reflect the variations among different types of refrigeration low power modes and would physically verify the performance of the refrigeration low power mode. However, because this approach would not account for the pull-down from low power mode to return to vending state, DOE determined that a method that does not account for pull-down energy use is not sufficiently representative of the energy use of this

equipment over a representative cycle of use.

DOE also considered an approach in which equipment was allowed to enter low power mode, including both refrigeration and accessory low power modes, during a low power mode test period and required to return to the specified average next-to-vend temperature at the conclusion of the test. This would result in a test that included an 18-hour vending state test period, followed by a 6-hour low power mode test period, and finally a pull-down test period when the beverage vending machine would be required to return to 36 ± 1 °F for a duration of time, for example 1 minute, prior to concluding the test. The energy use associated with the 6-hour low power mode test period would then be adjusted to account for the length of the pull-down period to represent the energy use associated with a 6-hour period when vending is not required. For example, for a BVM model that took 1 hour to pull down, the energy use associated with the 6-hour low power mode test period would be reduced by 1 hour (*i.e.,* multiplied by 5/6). The measured DEC for that BVM model would then consist of the energy use associated with the vending state test period, the pull-down test period, and the adjusted low power mode test period. Such a method would provide an accurate representation of the variety of low power modes used in beverage vending machines over a 24-hour cycle of use.

While physical testing of low power mode and any necessary pull-down requirements would be the most accurate test method to account for both accessory and refrigeration low power modes of operation, it is DOE's understanding that refrigeration low power modes are extremely variable in terms of their control strategies and operation and, thus, this method may be difficult to implement in a repeatable manner. For example, some refrigerated beverage vending machines may have a pull-down period in excess of 6-hours, in which case this method would not be appropriate. For those models, the energy consumed during the low power mode test period and the pull-down test period could be scaled to 6-hours and added to the vending state test period energy use. However, such an approach would benefit beverage vending machines with pull-down periods longer than 6-hours and may provide a means for manufacturers to exploit the test procedure by designing equipment with extremely slow pull-down periods. Since this would reduce customer utility, DOE does not believe pull-down periods in excess of 6-hours would be common, but the possibility still exists to unfairly advantage equipment with extremely long pull-down periods.

In addition, DOE believes that some refrigeration low power modes may require specific instructions from the manufacturer to modify or adjust the control systems precisely to accommodate the specific 6-hour time frame for low power mode operation, since the control variables are not always uniquely controllable via the user interface. This would also reduce the consistency and repeatability of such a physical test method and would make the method impractical to implement. Due to the difficulty of representing the wide variety of refrigeration low power modes in a consistent, fair, and reasonable manner, DOE determined that a purely physical test method may not be feasible.

c. Potential Low Power Mode Test Methods Using a Combination of Physical Testing for Accessory Low Power Mode and Calculated Credits for Refrigeration Low Power Mode

To address the issue with repeatability, DOE also considered an alternate calculation-based approach. In this method, the 6-hour low power mode test period would only employ the accessory low power modes and the refrigeration system low power mode would not be engaged. Specifically, accessory low power modes that do not affect the cabinet temperature may be activated to adjust lighting, display signs, vending equipment, and other energized accessories to their minimally energy-consuming state. However, all other requirements of the DOE test procedure remain unchanged, the unit being tested must remain connected to its power source throughout the test, and the test package temperature measurements taken during the low power mode test are incorporated into the integrated average temperature calculation. Under this method, refrigeration low power modes should not be enabled during the physical low power mode test. DOE believes that accessory low power modes are somewhat more consistent and easier to characterize under a physical test procedure and the resulting energy use reduction associated with the accessory low power mode test procedure will accurately represent the efficacy of accessory low power mode controls.

DOE is aware, however, that beverage vending machines may be equipped with refrigeration low power modes that have the capability of saving energy in the field when the amount of extra energy consumption required to pull down from the elevated temperatures is less than the amount of energy saved during the refrigeration low power mode when the cabinet temperature is above the vending temperature. To account for the energy use of the refrigeration low power mode and the associated pull-down period in a consistent and repeatable manner, DOE also considered providing a calculation credit to those machines equipped with a refrigeration low power mode. Specifically, DOE is proposing to amend its test procedure to allow a credit equal to 3 percent of the measured DEC of any unit equipped with a refrigeration low power mode.

DOE developed the 3 percent value based upon data from tests of the refrigeration low power modes of five different models (four Class A and one Class B). All units were tested by a third-party test laboratory using the current DOE BVM test procedure. The models selected represented a cross-section of the largest BVM manufacturers in the United States. Each unit was programmed to enter the low power mode at a specified time after temperature stabilization had been achieved and to exit the low power mode at a second specified time. Data was collected throughout the duration of the low power mode and continuously through the ensuing pull-down period until the next-to-vend beverage temperature was again within the DOE test-specified 36 °F ± 1 °F.

The resulting test data was used to calculate approximate energy savings during a 6-hour window during which the average next-to-vend temperature was outside of the bounds of the required value for the DOE test procedure. This would correspond to the unit entering the refrigeration low power mode during a time when vending would not be expected to occur, and DOE used 6 hours as a representative duration of time for such a period. The energy consumption from the beginning of the window until the cabinet temperature had risen to a particular average next-to-vend temperature T_{max} was added to the pulldown energy use from that same T_{max} back to within the DOE test specified 36 °F ± 1 °F average next-to-vend temperature. T_{max} was selected such that the time spent in the low power mode plus the time spent to pull down was as close to 6 hours as possible within the resolution of the data, without being over 6 hours. The low power mode energy consumption was calculated as the sum of the energy consumption during the period when the temperature was ''out-of-bounds,'' the energy consumption in that portion

of the pulldown, and, in order to account for the fact that lighting low power modes were employed with refrigeration low power modes, the amount of lighting energy that would have been used for normal operation in active vending mode was assumed during the duration of the low power mode. A DEC value was generated by using the ''out-of-bounds'' energy consumption and the time-averaged steady state energy consumption from the DOE test procedure scaled by the remaining time to 24 hours. The percent savings from the refrigeration low power mode was then calculated by comparing this DEC to the DEC results of the DOE test procedure for the same unit.

Using this method, the energy savings from refrigeration low power modes in units tested averaged approximately 2.4%. DOE estimated that its methodology was conservative, because the out of bounds time used in the calculations was always less than the 6 hours out of bounds time being used as representative of typical applications. Therefore, DOE rounded up, using 3% as an estimate of savings attributable to refrigeration low power modes. In light of this initial investigation, DOE believes that 3 percent is representative of the refrigeration low power mode that is activated such that the average next-to-vend temperature is raised for a total of 6 hours, including both low power mode and pull-down, and therefore aligns with the methodology DOE is proposing for testing of other low power modes. DOE believes that a calculated energy credit will provide a reasonable representation of refrigeration low power modes without sacrificing test procedure repeatability, favoring specific technologies, or unnecessarily increasing burden.

d. Refrigeration Low Power Mode Verification Test Protocol

DOE recognizes that a calculated energy credit will not account for differences in performance or efficacy among different types of refrigeration low power modes and will not objectively verify the performance or existence of a refrigerated low power mode. Therefore, a procedure to verify the existence of a refrigeration low power mode, as defined, may be required to prevent BVM models from taking the 3 percent refrigeration low power mode credit without an effective refrigeration low power mode included in that BVM model. Such a refrigeration low power mode verification test method would include initiating the refrigeration low power mode after completion of the 24-hour BVM test period, including the 18-hour active vending test period and the 6-hour low power mode test period, and recording the average temperature of the standard test packages in the next-to-vend beverage positions for the next 2 hours. Over the course of this 2-hour period, the instantaneous average next-to-vend beverage temperatures, that is the spatial average of all next-to-vend beverages, must increase above 40 °F and remain above 40 °F for at least one hour. The refrigerated beverage vending machine must also be capable of automatically returning itself to its normal operating conditions at the conclusion of the refrigeration low power mode. Therefore, at the conclusion of the 2-hour refrigeration low power mode verification test period, the refrigerated beverage vending machine must return to normal vending temperatures automatically without direct physical intervention by testing personnel. DOE notes that this validation test is not required to verify the DEC of BVM models but will be employed by DOE for enforcement purposes to verify the existence of a refrigeration low power mode.

e. DOE's Proposed Low Power Mode Test Method

After considering the various methods, DOE determined that the calculation-based approach to accounting for refrigeration low power modes is the best methodology available to ensure accuracy of representation of energy use, consistent and equitable treatment among models and repeatability of the test procedure without making the test method unduly burdensome to conduct. In contrast, DOE is proposing to establish a physical test that consists of a 6-hour time period that allows accessory low power modes that automatically disable or adjust lighting, displays, or other low power mode systems to be enabled to account for accessory low power modes, and a separate calculation approach to account for refrigeration low power modes.

Under this proposal, equipment with a low power mode would stabilize and operate under normal test procedure conditions, with all equipment and accessories energized as they would be when the equipment is capable of actively refrigerating and vending sealed beverages and as specified in section III.A.11, for the first 18 hours of the test period. In addition, unless specified otherwise by another portion of the test procedure, DOE is proposing that all low power mode control features that cannot be disabled, but can be adjusted, are to be adjusted such that the DEC is maximized, to best represent the likely performance of the equipment in the field in active vending mode. DOE is also proposing to adopt in its test procedure a modification to ANSI/ASHRAE Standard 32.1 requiring that any party performing the test procedure provide, if necessary, any physical stimuli or other input to the machine that may be needed to prevent automatic activation of low power modes during the vending state test period. Such stimuli could include creating movement near a unit being tested or pressing a selection button on the machine (without vending a test package). In the example above, in which the lights on a particular BVM dim after extended inactivity, the setting specified would be the one with the longest period of inactivity required before the lights would dim and periodic physical stimuli would be needed based on that period to prevent the lights from dimming. This would be most representative of the energy use of the equipment in active vending mode, when the equipment is capable of refrigerating and dispensing sealed beverages.

For equipment with a low power mode, the low power mode may be enabled for no more than the final 6 hours of the test, or from hour 18 to hour 24 of the 24-hour test. The 6-hour low power mode test period is intended to represent off hours between two periods of vending. The low power mode should account for both refrigeration system low power modes and accessory low power modes. While there is a wide range of types of low power mode controls and time periods, for which these controls are enabled, DOE believes a timeframe of 6 hours is a reasonable representation of average field use.

To determine the measured DEC of a given BVM model equipped with a refrigeration low power mode, the energy use measured during the 24-hour BVM test procedure, including the 6-hour accessory low power mode test period if applicable, will be reduced by 3 percent (or multiplied by 0.97).

Under this proposal, the rating metric for all equipment would continue to be the energy use measured during the total 24-hour test period, including any calculated adjustments.

Further, DOE proposes adopting a refrigeration low power mode validation procedure, to verify the existence and performance of the refrigeration low power mode on applicable BVM models. However, this refrigeration low power mode validation procedure will not be required for manufacturer certifications of compliance and will only be used to confirm the existence of

a refrigeration low power mode for the purposes of applying the refrigeration low power mode credit.

f. Equipment With Multiple Energy Use States

DOE recognizes that its proposal to only recognize and account for three operating modes, that is, refrigeration system low power mode, accessory low power mode, and active vending mode, may not account for equipment with multiple energy use states. For example, some equipment may have controls that automatically adjust lighting levels during periods of lower vending activity, such as times during a facility's normal operating hours when few or no purchases are occurring, in addition to the more dramatic low power mode that is engaged when the facility is closed. This situation may be representative of field use in some situations, such as schools, where there may be times of concentrated activity during the day interspersed with periods of inactivity during which a partial low power mode is entered.

DOE considered several approaches to account for these types of vending state low power modes. The first of these approaches is to permit an additional time period within the BVM test procedure during which lighting and control settings are permitted to be at manufacturer-recommended rather than maximum-energy-use settings and during which external inputs to prevent low power modes are not required. This could, for example, constitute 9 hours, or one-half of the remaining vending state test period after the 6-hour low power mode test period has been taken into account.

The second of these approaches is to continue allowing a single low power mode test period in the DOE test procedure, and to also offer a calculation-based energy offset to those machines equipped with additional low power modes designed to operate during active vending periods when the beverage vending machine is capable of dispensing sealed beverages at the intended vending temperature (36 ± 1 °F). This method would include calculation of the direct and indirect energy use associated with such vending state low power modes. To implement such a method, default assumptions would be necessary for the following variables:

(1) The length of time vending state low power modes are employed,

(2) the efficiency of the compressor,

(3) the features generally controlled by a vending state low power mode, and

(4) the portion of energy produced from the lights or other features that becomes heat in the case and increases the refrigeration load.

After consideration, DOE has decided to propose the methodology in which equipment is prohibited from entering low power modes of any kind outside of the 6-hour low power mode test period. A wide range of energy management systems are available in beverage vending machines, and DOE believes that an 18-hour time period representative of an active, vending state at full power followed by a 6-hour low power mode test period provides a consistent methodology for testing that is applicable to the most BVM models and is reasonably representative of field use. DOE also notes that the low power modes designed to operate during vending periods, such as the lighting controls discussed above, can be enabled during the low power mode test period and accounted for in the same manner as any other low power mode operation. Only in the case where a beverage vending machine is equipped with both a more aggressive low power mode, designed for periods of facility closure, and a partial low power mode, designed for periods of inactivity during operating hours, will the operation of the two different low power modes not be taken into account independently.

DOE requests comment on its proposal that units run at the most energy-consuming lighting and control settings, except as specified in section III.A.11, during the BVM test procedure, except for during the 6-hour low power mode test period.

DOE requests comment on its proposal to require, as part of the test procedure, whatever stimuli are necessary to prevent automatic activation of low power modes during the vending state test procedure.

DOE requests comment on whether its proposed method is representative of equipment that can use low power modes. DOE requests comment as to whether the proposed method reflects typical field use.

DOE requests comment on whether 6 hours is an appropriate length of time for the low power mode test period.

DOE requests information on the prevalence of non-cycling (variable-speed) compressors in the BVM industry.

DOE requests comment on whether a credit equal to 3 percent of the measured DEC is reflective of the 6 hours of time in refrigeration low power mode.

DOE requests comment on the refrigeration low power mode validation test and, particularly, if a one hour time period in which the instantaneous average of all standard test packages in the next-to-vend beverage position is maintained above 40 °F is appropriate to verify the performance of refrigeration low power modes.

DOE requests comment on whether a physical test method would be a more representative and accurate method to account for low power mode operation, including refrigeration low power mode.

IV. Regulatory Review

A. Review Under Executive Order 12866

The Office of Management and Budget (OMB) has determined that test procedure rulemakings do not constitute ''significant regulatory actions'' under section 3(f) of Executive Order 12866, ''Regulatory Planning and Review,'' 58 FR 51735 (Oct. 4, 1993). Accordingly, this action was not subject to review under the Executive Order by the Office of Information and Regulatory Affairs (OIRA) in OMB.

B. Review Under the Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires preparation of a regulatory flexibility analysis (RFA) for any rule that by law must be proposed for public comment, unless the agency certifies that the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. A regulatory flexibility analysis examines the impact of the rule on small entities and considers alternative ways of reducing negative effects. Also, as required by Executive Order 13272, ''Proper Consideration of Small Entities in Agency Rulemaking,'' 67 FR 53461 (Aug. 16, 2002), DOE published procedures and policies on February 19, 2003, to ensure that the potential impacts of its rules on small entities are properly considered during the DOE rulemaking process. 68 FR at 7990. DOE has made its procedures and policies available on the Office of the General Counsel's Web site: *http://energy.gov/gc/office-general-counsel.*

DOE reviewed this proposed rule, which would amend the test procedure for refrigerated beverage vending machines, under the provisions of the Regulatory Flexibility Act and the procedures and policies published on February 19, 2003. DOE tentatively concludes and certifies that the proposed rule, if adopted, would not result in a significant impact on a substantial number of small entities. The factual basis for this certification is set forth below.

For the BVM manufacturing industry, the Small Business Administration (SBA) has set a size threshold, which

defines those entities classified as ''small businesses'' for the purpose of the statute. DOE used the SBA's size standards to determine whether any small entities would be required to comply with the rule. The size standards are codified at 13 CFR part 121. The size standards are listed by North American Industry Classification System (NAICS) code and industry description and are available at *www.sba.gov/sites/default/files/files/Size_Standards_Table.pdf.* BVM manufacturers are classified under NAICS 333318, ''Other Commercial and Service Industry Machinery Manufacturing.'' The SBA sets a threshold of 1,000 employees or less for an entity to be considered as a small business for this category.

DOE conducted a market survey of small business manufacturers of equipment covered by this rulemaking using all available public information. DOE's research involved the review of individual company Web sites and marketing research tools (*e.g.,* Dun and Bradstreet reports, Manta) to create a list of companies that manufacture or sell beverage vending machines covered by this rulemaking. Using these sources, DOE identified seven manufacturers of beverage vending machines.

DOE then reviewed these data to determine whether the entities met the SBA's definition of a small business manufacturer of beverage vending machines and screened out companies that do not offer equipment covered by this rulemaking, do not meet the definition of a ''small business,'' or are foreign owned and operated. Based on this review, DOE has identified five companies that would be considered small manufacturers, which represents 71 percent of the national BVM manufacturers.

Table IV.1 stratifies the small businesses according to their number of employees. The smallest company has 2 employees and the largest company has 375 employees. The majority of the small businesses affected by this rulemaking (80 percent) have fewer than 200 employees. According to DOE's analysis, annual revenues associated with these small manufacturers were estimated at $107.3 million ($21.5 million average annual revenue per small manufacturer).

TABLE—IV.1 SMALL BUSINESS SIZE BY NUMBER OF EMPLOYEES

Number of employees	Number of small businesses	Percentage of small businesses	Cumulative percentage
1–25	2	40.0%	40.0%
26–50	0	0.0	40.0
51–75	1	20.0	60.0
76–100	0	0.0	60.0
101–200	1	20.0	80.0
201–300	0	0.0	80.0
301–400	1	20.0	100.0
401–500	0	0.0	100.0
501–1000	0	0.0	100.0
Total	5		

This NOPR proposes to update the industry test procedures referenced in the DOE test procedure for refrigerated beverage vending machines. In addition, DOE proposes to do the following:

(1) Eliminate the requirement of a test performed at the 90 °F ambient test condition;

(2) establish a procedure to test combination vending machines;

(3) clarify how to load the vending machine models when conducting the DOE test procedure;

(4) specify the characteristics of the standard product;

(5) clarify the next-to-vend temperature test condition;

(6) establish a definition of ''fully cooled'' to more clearly differentiate Class A and Class B equipment;

(7) specify the placement of thermocouples during testing;

(8) add provisions to allow for refrigerated beverage vending machines that cannot achieve the currently prescribed 36 °F average of next-to-vend beverage temperatures to be tested at the lowest application product temperature;

(9) clarify the treatment of specific components and accessories in the test procedure; and

(10) add a method to account for energy impacts of low power modes.

All beverage vending machines covered by this proposed rule are currently required to be tested using the DOE test procedure to show compliance with established energy conservation standards. Manufacturers must use the DOE test procedure established in the 2006 BVM test procedure final rule to demonstrate compliance with existing standards. That test procedure incorporates by reference ANSI/ASHRAE Standard 32.1–2004 and ANSI/AHAM HRF–1–2004 and consists of one 24-hour test at standard rating conditions to determine DEC of covered beverage vending machines during a representative cycle of use. 71 FR 71340, 71355 (Dec. 8, 2006). DOE estimates the cost of conducting the DOE test procedure as $5,000 per 24-hour test.

Six of the amendments proposed in this test procedure NOPR will not change the testing burden for covered equipment. These include the amendments discussing the test procedure for combination vending machines, loading the vending machines when conducting the test procedure, specifying the characteristics of the standard test package, clarifying the next-to-vend temperature test condition, establishing a definition of ''fully cooled,'' and specifying the placement of thermocouples during testing. Specifically, the amendments regarding the next-to-vend temperature condition and the definition of ''fully cooled'' serve only to establish new definitions that will clarify DOE's existing test procedure requirements.

This test procedure NOPR also proposes five amendments to the current DOE test procedure that may impact the test procedure burden. The expected incremental increases or decreases of costs for conducting the test procedure specific to each amendment proposed are discussed below.

As discussed in section III.A.1, updating the referenced industry test procedures will not change the test procedure burden because it will not change the technical requirements of the test procedure.

Eliminating testing at the 90 °F ambient test condition should substantially lessen the testing burden on manufacturers, as it decreases the

testing requirements from two tests, totaling approximately 120 hours duration, to one test of approximately 60 hours duration. DOE estimates the decrease in burden to be 10 hours of labor and 60 hours of facility use, which reduces the testing cost for each beverage vending machine unit by roughly $2,500, or half the cost of conducting the existing test procedure.

Establishing a definition and associated verification test method for determining if a given BVM model is ''fully cooled'' is not required for product certification. However, if manufacturers were to elect to verify equipment classification using this optional procedure, the incremental burden associated with doing so would be the placement and recording of temperature for 4 additional standard test packages. DOE estimates this cost as $5 in material costs and 4 hours of an engineer's time for each standard test package, which can be amortized over the total number of tested models. In addition, DOE estimates the incremental cost of a thermocouple and associated length of thermocouple wire as $30 per standard test package. The incremental burden associated with placing these additional standard test packages is estimated as approximately 30 minutes of an engineer's time for each test. DOE estimated the cost of an engineer's time based on an average hourly salary of $41.44 for an engineer completing this task.[11] Fringe benefits are estimated at 30 percent of total compensation, which brings the hourly costs to employers to $53.87.[12] DOE does not believe the additional calculations will induce any incremental burden when performing the DOE test procedure. In total, this optional test would increase the average test burden by approximately $61.18 for each model.

Establishing testing provisions at the lowest application product temperature affects only a very small percentage of equipment on the market, estimated to be less than 2 percent of shipments. Manufacturers who make equipment affected by this provision should experience a decrease in burden because they will no longer have to seek waivers for equipment that cannot maintain the 36 °F ± 1 °F average next-to-vend temperature for the duration of the test. For these manufacturers, DOE estimates a savings of 4 hours of labor for each BVM model, or $215.48 per model. DOE bases its estimate on the average hourly compensation for an engineer of $53.87, as previously estimated.

Clarifying the treatment of various and components and accessories in the DOE test procedure should not alter the technical requirements of the DOE test procedure, since these additional specifications are meant to clarify existing requirements. However, DOE understands that the treatment of some of these accessories and components may have been inconsistent due to lack of clarity or misinterpretation of the DOE test procedure. Therefore, DOE is accounting for the incremental burden associated with properly configuring BVM models for testing in accordance with these new component specifications. The specific clarifications pertain to money-processing equipment, interior lighting, external displays and screens, anti-sweat heaters, condensate pan heaters and pumps, illuminated temperature displays, condenser filters, security covers, coated coils, general purpose outlets, and crankcase heaters and electric resistance heaters for cold weather. The adjustments to these accessories will require additional attention by test personnel. DOE estimates that it may require up to an additional hour to make all the applicable adjustments before testing begins. DOE estimates the incremental costs associated with adjusting accessories as $53.87 for each tested model, based on the assumption that it would take an additional hour of an engineer's time to attend to the tested model at the same labor rate assumed previously, $53.87 per hour.

Amendments in this NOPR expanding the testing methodology to incorporate lighting and control settings to account for low power modes will require additional attention by test personnel. Specifically, DOE estimates it will require 1 hour to identify the appropriate time to initiate the low power mode test period and make any necessary adjustments to begin low power mode operation at that time. During the active vending mode test procedure, DOE estimates that it will take a maximum of 10 additional hours of an engineer's time to periodically monitor the operation of the tested unit and interact with the unit if necessary to ensure that the unit does not re-enter a low power mode state. DOE does not believe that multiplying the DEC by 0.97 will increase the burden associated with conducting the DOE test procedure. However, DOE is also proposing an optional refrigeration low power mode verification test that manufacturers may elect to perform to ensure their equipment meets the requirements of a refrigeration low power mode, which would increase the test burden. DOE estimates that this test would require an additional 4 hours of test time, 2 hours to allow the refrigeration low power mode to initiate and maintain the adjusted refrigeration state and an assumed 2 hours to return to 36 ± 1 °F to verify that the BVM model can automatically return to vending conditions. DOE estimates the incremental costs associated with conducting the low power mode test as $592.57 for each model tested, based on the assumption that it would take an engineer an additional 11 hours to attend to the tested model at the same labor rate assumed previously, $53.87 per hour. If also accounting for the optional refrigeration low power mode verification test method, the incremental cost of the low power mode test procedure amendments increases to $808.05.

All of the amendments and clarifications proposed in this NOPR, taken together, will result in an overall reduction in burden for manufacturers conducting the DOE test procedure due, primarily, to the removal of the requirement to test at the 90 °F ambient condition. On average, the cost of testing covered beverage vending machines would be reduced by approximately $1,900 per model, or by 40 percent per manufacturer, not including the optional tests that are not required for certification of BVM models.

DOE believes that the proposed test procedure amendments would not have a significant economic impact on a substantial number of small entities due to decreased testing cost burden. Therefore, the preparation of a regulatory flexibility analysis is not required. DOE will transmit the certification and supporting statement of factual basis to the Chief Counsel for Advocacy of the Small Business Administration for review under 5 U.S.C. 605(b).

DOE requests comment on its certification that the proposed test procedure changes will not have a significant impact on a substantial number of small entities.

C. Review Under the Paperwork Reduction Act

Manufacturers of refrigerated beverage vending machines must certify to DOE that their equipment complies with any applicable energy conservation standards. In certifying compliance, manufacturers must test their

[11] U.S. Department of Labor, Bureau of Labor Statistics. 2012. *National Occupational Employment and Wage Estimates.* Washington, DC. Available at *www.bls.gov/oes/current/oes_nat.htm#17-0000.*

[12] U.S. Department of Labor, Bureau of Labor Statistics. 2013. *Employer Costs for Employee Compensation—Management, Professional, and Related Employees.* Washington, DC.

equipment according to the DOE test procedure for refrigerated beverage vending machines, including any amendments adopted for that test procedure. DOE has established regulations for the certification and recordkeeping requirements for all covered consumer products and commercial equipment, including beverage vending machines. 76 FR 12422 (March 7, 2011). The collection-of-information requirement for the certification and recordkeeping is subject to review and approval by OMB under the Paperwork Reduction Act (PRA). This requirement has been approved by OMB under OMB Control Number 1910–1400. The public reporting burden for the certification is estimated to average 20 hours 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.

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.

D. Review Under the National Environmental Policy Act

In this proposed rule, DOE proposes amendments to its test procedure that may be used to implement future energy conservation standards for refrigerated beverage vending machines. DOE has determined that this rule falls into a class of actions that are categorically excluded from review under the National Environmental Policy Act of 1969 (NEPA; 42 U.S.C. 4321 *et seq.*). The rule is covered by Categorical Exclusion A5, for rulemakings that interpret or amend an existing rule without changing the environmental effect, as set forth in DOE's NEPA regulations in appendix A to subpart D, 10 CFR part 1021. This rule will not affect the quality or distribution of energy usage and therefore will not result in any environmental impacts. Accordingly, neither an environmental assessment nor an environmental impact statement is required.

E. Review Under Executive Order 13132

Executive Order 13132, ''Federalism,'' 64 FR 43255 (Aug. 4, 1999), imposes certain requirements on Federal agencies formulating and implementing policies or regulations that preempt State law or that have Federalism implications. The Executive Order requires agencies to examine the constitutional and statutory authority supporting any action that would limit the policymaking discretion of the States and to carefully assess the necessity for such actions. The Executive Order also requires agencies to have an accountable process to ensure meaningful and timely input by State and local officials in the development of regulatory policies that have Federalism implications. On March 14, 2000, DOE published a statement of policy describing the intergovernmental consultation process it will follow in the development of such regulations. 65 FR at 13735. DOE has examined this proposed rule and has determined that it 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. EPCA governs and prescribes Federal preemption of State regulations as to energy conservation for the equipment that is the subject of today's proposed rule. States can petition DOE for exemption from such preemption to the extent, and based on criteria, set forth in EPCA. (42 U.S.C. 6297(d)) No further action is required by Executive Order 13132.

F. Review Under Executive Order 12988

Regarding the review of existing regulations and the promulgation of new regulations, section 3(a) of Executive Order 12988, ''Civil Justice Reform,'' 61 FR 4729 (Feb. 7, 1996), imposes on Federal agencies the general duty to adhere to the following requirements: (1) Eliminate drafting errors and ambiguity; (2) write regulations to minimize litigation; (3) provide a clear legal standard for affected conduct rather than a general standard; and (4) promote simplification and burden reduction. Section 3(b) of Executive Order 12988 specifically requires that Executive agencies make every reasonable effort to ensure that the regulation: (1) Clearly specifies the preemptive effect, if any; (2) clearly specifies any effect on existing Federal law or regulation; (3) provides a clear legal standard for affected conduct while promoting simplification and burden reduction; (4) specifies the retroactive effect, if any; (5) adequately defines key terms; and (6) addresses other important issues affecting clarity and general draftsmanship under any guidelines issued by the Attorney General. Section 3(c) of Executive Order 12988 requires Executive agencies to review regulations in light of applicable standards in sections 3(a) and 3(b) to determine whether they are met or it is unreasonable to meet one or more of them. DOE has completed the required review and determined that, to the extent permitted by law, the proposed rule meets the relevant standards of Executive Order 12988.

G. Review Under the Unfunded Mandates Reform Act of 1995

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA; Pub.104–4) requires each Federal agency to assess the effects of Federal regulatory actions on State, local, and Tribal governments and the private sector. For proposed regulatory actions likely to result in a rule that may cause expenditures by State, local, and Tribal governments in the aggregate or by the private sector of $100 million or more in any one year (adjusted annually for inflation), section 202 of UMRA requires a Federal agency to publish estimates of the resulting costs, benefits, and other effects on the national economy. (2 U.S.C. 1532(a),(b)) The UMRA also requires a Federal agency to develop an effective process to permit timely input by elected officers of State, local, and Tribal governments on a proposed ''significant intergovernmental mandate'' and requires an agency plan for giving notice and opportunity for timely input to potentially affected small governments before establishing any requirements that might significantly or uniquely affect small governments. On March 18, 1997, DOE published a statement of policy on its process for intergovernmental consultation under UMRA. 62 FR at 12820. (This policy is also available at *http://energy.gov/gc/office-general-counsel*.) DOE reviewed today's proposed rule pursuant to UMRA and its policy, and DOE determined that the rule contains neither an intergovernmental mandate, nor a mandate that may result in the expenditure of $100 million or more in any year. Accordingly, no further assessment or analysis is required under UMRA.

H. Review Under the Treasury and General Government Appropriations Act, 1999

Section 654 of the Treasury and General Government Appropriations Act, 1999 (Pub. L. 105–277) requires Federal agencies to issue a Family Policymaking Assessment for any rule that may affect family well-being. This rule would not have any impact on the autonomy or integrity of the family as an institution. Accordingly, DOE has concluded that it is not necessary to prepare a Family Policymaking Assessment.

I. Review Under Executive Order 12630

Pursuant to Executive Order 12630, ''Governmental Actions and Interference with Constitutionally Protected Property Rights,'' 53 FR 8859 (March 15, 1988), DOE has determined that this proposed regulation, if promulgated as a final rule, would not result in any takings that might require compensation under the Fifth Amendment to the U.S. Constitution.

J. Review Under the Treasury and General Government Appropriations Act, 2001

Section 515 of the Treasury and General Government Appropriations Act, 2001 (44 U.S.C. 3516, note) provides for Federal agencies to review most disseminations of information to the public under guidelines established by each agency pursuant to general guidelines issued by OMB. The OMB's guidelines were published in 67 FR 8452 (Feb. 22, 2002), and DOE's guidelines were published in 67 FR 62446 (Oct. 7, 2002). DOE has reviewed today's proposed rule under the OMB and DOE guidelines, and has concluded that it is consistent with applicable policies in those guidelines.

K. Review Under Executive Order 13211

Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use,'' 66 FR 28355 (May 22, 2001), requires Federal agencies to prepare and submit to OIRA, Office of Management and Budget, a Statement of Energy Effects for any proposed significant energy action. A ''significant energy action'' is defined as any action by an agency that promulgated or is expected to lead to promulgation of a final rule, and that (1) is a significant regulatory action under Executive Order 12866, or any successor order; and (2) is likely to have a significant adverse effect on the supply, distribution, or use of energy; or (3) is designated by the Administrator of OIRA as a significant energy action. For any proposed significant energy action, the agency must give a detailed statement of any adverse effects on energy supply, distribution, or use should the proposal be implemented, and of reasonable alternatives to the action and their expected benefits on energy supply, distribution, and use.

This regulatory action to amend the test procedure for refrigerated bottled or canned beverage vending machines is not a significant regulatory action under Executive Order 12866 or any successor order. Moreover, it would not have a significant adverse effect on the supply, distribution, or use of energy, nor has it been designated as a significant energy action by the Administrator of OIRA. Therefore, it is not a significant energy action, and, accordingly, DOE has not prepared a Statement of Energy Effects for this rulemaking.

L. Review Under Section 32 of the Federal Energy Administration Act of 1974

Under section 301 of the Department of Energy Organization Act (Pub. L. 95–91), DOE must comply with section 32 of the Federal Energy Administration Act of 1974 (Pub. L. 93–275), as amended by the Federal Energy Administration Authorization Act of 1977 (Pub. L. 95–70). Section 32 provides in relevant part that, where a proposed rule authorizes or requires use of commercial standards, the notice of proposed rulemaking must inform the public of the use and background of such standards. (15 U.S.C. 788 section 32) In addition, section 32(c) requires DOE to consult with the Attorney General and the Chairman of the Federal Trade Commission (FTC) concerning the impact of the commercial or industry standards on competition.

This proposed rule incorporates testing methods contained in the following commercial standard: ANSI/ASHRAE Standard 32.1–2010, ''Methods of Testing for Rating Vending Machines for Sealed Beverages.'' DOE has evaluated this standard and is unable to conclude whether it fully complies with the requirements of section 32(b) of the Federal Energy Administration Act (*i.e.,* whether they were developed in a manner that fully provides for public participation, comment, and review).

As required by section 32(c) of the Federal Energy Administration Act of 1974 as amended, DOE will consult with the Attorney General and the Chairman of the Federal Trade Commission about the impact on competition of requiring manufacturers to use the test methods contained in this standard prior to prescribing a final rule.

V. Public Participation

A. Attendance at Public Meeting

The time, date, and location of the public meeting are listed in the **DATES** and **ADDRESSES** sections at the beginning of this document. If you plan to attend the public meeting, please notify Ms. Brenda Edwards at (202) 586–2945 or *Brenda.Edwards@ee.doe.gov.*

Please note that foreign nationals visiting DOE Headquarters are subject to advance security screening procedures. Any foreign national wishing to participate in the meeting should advise DOE as soon as possible by contacting Ms. Edwards to initiate the necessary procedures. Please also note that those wishing to bring laptops into the Forrestal Building will be required to obtain a property pass. Visitors should avoid bringing laptops, or allow an extra 45 minutes.

In addition, you can attend the public meeting via webinar. Webinar registration information, participant instructions, and information about the capabilities available to webinar participants will be published on DOE's Web site *http://www1.eere.energy.gov/buildings/appliance_standards/rulemaking.aspx/ruleid/73.* Participants are responsible for ensuring their systems are compatible with the webinar software.

B. Procedure for Submitting Prepared General Statements for Distribution

Any person who has plans to present a prepared general statement may request that copies of his or her statement be made available at the public meeting. Such persons may submit requests, along with an advance electronic copy of their statement in PDF (preferred), Microsoft Word or Excel, WordPerfect, or text (ASCII) file format, to the appropriate address shown in the **ADDRESSES** section at the beginning of this NOPR. The request and advance copy of statements must be received at least one week before the public meeting and may be emailed, hand-delivered, or sent by mail. DOE prefers to receive requests and advance copies via email. Please include a telephone number to enable DOE staff to make a follow-up contact, if needed.

C. Conduct of the Public Meeting

DOE will designate a DOE official to preside at the public meeting and may also use a professional facilitator to aid discussion. The meeting will not be a judicial or evidentiary-type public hearing, but DOE will conduct it in accordance with section 336 of EPCA (42 U.S.C. 6306). A court reporter will be present to record the proceedings and prepare a transcript. DOE reserves the right to schedule the order of presentations and to establish the procedures governing the conduct of the public meeting. After the public meeting and until the end of the comment period, interested parties may submit further comments on the proceedings and any aspect of the rulemaking.

The public meeting will be conducted in an informal, conference style. DOE will present summaries of comments received before the public meeting,

allow time for prepared general statements by participants, and encourage all interested parties to share their views on issues affecting this rulemaking. Each participant will be allowed to make a general statement (within time limits determined by DOE), before the discussion of specific topics. DOE will allow, as time permits, other participants to comment briefly on any general statements.

At the end of all prepared statements on a topic, DOE will permit participants to clarify their statements briefly and comment on statements made by others. Participants should be prepared to answer questions by DOE and by other participants concerning these issues. DOE representatives may also ask questions of participants concerning other matters relevant to this rulemaking. The official conducting the public meeting will accept additional comments or questions from those attending, as time permits. The presiding official will announce any further procedural rules or modification of the above procedures that may be needed for the proper conduct of the public meeting.

A transcript of the public meeting will be included in the docket, which can be viewed as described in the *Docket* section at the beginning of this NOPR. In addition, any person may buy a copy of the transcript from the transcribing reporter.

D. Submission of Comments

DOE will accept comments, data, and information regarding this proposed rule before or after the public meeting, but no later than the date provided in the **DATES** section at the beginning of this proposed rule. Interested parties may submit comments using any of the methods described in the **ADDRESSES** section at the beginning of this NOPR.

Any comments submitted must identify the NOPR for the test procedure for refrigerated beverage vending machines and provide docket number EE–2013–BT–TP–0045 and/or regulatory information number (RIN) number 1904–AD07.

Submitting comments via regulations.gov. The regulations.gov Web page will require you to provide your name and contact information. Your contact information will be viewable to DOE Building Technologies staff only. Your contact information will not be publicly viewable except for your first and last names, organization name (if any), and submitter representative name (if any). If your comment is not processed properly because of technical difficulties, DOE will use this information to contact you. If DOE cannot read your comment due to technical difficulties and cannot contact you for clarification, DOE may not be able to consider your comment.

However, your contact information will be publicly viewable if you include it in the comment or in any documents attached to your comment. Any information that you do not want to be publicly viewable should not be included in your comment, nor in any document attached to your comment. Persons viewing comments will see only first and last names, organization names, correspondence containing comments, and any documents submitted with the comments.

Do not submit to regulations.gov information for which disclosure is restricted by statute, such as trade secrets and commercial or financial information (hereinafter referred to as Confidential Business Information (CBI)). Comments submitted through regulations.gov cannot be claimed as CBI. Comments received through the Web site will waive any CBI claims for the information submitted. For information on submitting CBI, see the Confidential Business Information section.

DOE processes submissions made through regulations.gov before posting. Normally, comments will be posted within a few days of being submitted. However, if large volumes of comments are being processed simultaneously, your comment may not be viewable for up to several weeks. Please keep the comment tracking number that regulations.gov provides after you have successfully uploaded your comment.

Submitting comments via email, hand delivery, or mail. Comments and documents submitted via email, hand delivery, or mail also will be posted to regulations.gov. If you do not want your personal contact information to be publicly viewable, do not include it in your comment or any accompanying documents. Instead, provide your contact information in a cover letter. Include your first and last names, email address, telephone number, and optional mailing address. The cover letter will not be publicly viewable as long as it does not include any comments.

Include contact information each time you submit comments, data, documents, and other information to DOE. If you submit via mail or hand delivery, please provide all items on a CD, if feasible. It is not necessary to submit printed copies. No facsimiles (faxes) will be accepted.

Comments, data, and other information submitted to DOE electronically should be provided in PDF (preferred), Microsoft Word or Excel, WordPerfect, or text (ASCII) file format. Provide documents that are not secured, written in English and free of any defects or viruses. Documents should not contain special characters or any form of encryption and, if possible, they should carry the electronic signature of the author.

Campaign form letters. Please submit campaign form letters by the originating organization in batches of between 50 to 500 form letters per PDF or as one form letter with a list of supporters' names compiled into one or more PDFs. This reduces comment processing and posting time.

Confidential Business Information. Pursuant to 10 CFR 1004.11, any person submitting information that he or she believes to be confidential and exempt by law from public disclosure should submit via email, postal mail, or hand delivery two well-marked copies: One copy of the document marked confidential including all the information believed to be confidential, and one copy of the document marked non-confidential with the information believed to be confidential deleted. Submit these documents via email or on a CD, if feasible. DOE will make its own determination about the confidential status of the information and treat it according to its determination.

Factors of interest to DOE when evaluating requests to treat submitted information as confidential include: (1) A description of the items; (2) whether and why such items are customarily treated as confidential within the industry; (3) whether the information is generally known by or available from other sources; (4) whether the information has previously been made available to others without obligation concerning its confidentiality; (5) an explanation of the competitive injury to the submitting person which would result from public disclosure; (6) when such information might lose its confidential character due to the passage of time; and (7) why disclosure of the information would be contrary to the public interest.

It is DOE's policy that all comments may be included in the public docket, without change and as received, including any personal information provided in the comments (except information deemed to be exempt from public disclosure).

E. Issues on Which DOE Seeks Comment

Although DOE welcomes comments on any aspect of this proposal, DOE is particularly interested in receiving comments and views of interested parties concerning the following issues:

(1) DOE requests comment on the proposal to update its test procedure to incorporate by reference ANSI/ASHRAE Standard 32.1–2010.

(2) DOE requests comment on its proposal to update the referenced method of test for the measurement of refrigerated volume in its test procedure from section 5 of ANSI/AHAM HRF–1–2004 to Appendix C of ANSI/ASHRAE 3.1–2010.

(3) DOE requests comment on whether the methodology in Appendix C of ANSI/ASHRAE Standard 32.1–2010 for the measurement of refrigerated volume is more appropriate for beverage vending machines than the methodology outlined in section 4 of AHAM HRF–1–2008.

(4) DOE requests comment on its proposal to eliminate the requirement to conduct testing at the 90 °F ambient test condition.

(5) DOE requests comment on the applicability of the existing test procedure, as clarified, to combination vending machines.

(6) DOE proposes to add language to the DOE test procedure in Appendix A and Appendix B to clarify the loading requirements for covered BVM models.

(7) DOE requests comment on the proposed clarification that the standard product shall be 12-ounce cans or 20-ounce bottles, for BVM models that are capable of holding cans or bottles, respectively, filled with a liquid with a density of 1.0 g/mL ± 0.1 g/mL at 36 °F.

(8) DOE requests comment on the need to maintain the flexibility of specifying the standard product as that specified by the manufacturer for refrigerated bottled or canned beverage vending machines that are not capable of holding 12-ounce cans or 20-ounce bottles. DOE specifically requests examples of BVM models that might require this flexibility and what type of standard products they are tested with currently.

(9) DOE requests comment on the sufficiency of the existing requirements regarding standard test packages. If the existing language is not sufficiently clear, DOE requests comments and recommendations regarding what additional clarifications might be necessary to ensure consistency and repeatability of test results.

(10) DOE also requests comment on its proposed definition of ''integrated average temperature'' for beverage vending machines.

(11) DOE requests comment on whether the proposed definition for ''integrated average temperature'' aligns with standard practice in industry, and whether any manufacturers have been maintaining the 36 °F (± 1 °F) next-to-vend temperature constantly throughout the test used for DOE certification.

(12) DOE requests comment on its proposed definition of ''fully cooled.'' DOE would appreciate comment as to whether the proposed definition aligns with the classifications of Class A and Class B equipment used in industry.

(13) DOE requests comment on the proposed fully cooled validation test method. Specifically, DOE requests comment as to whether 10 °F is an appropriate threshold to differentiate fully cooled equipment and any incremental burden on manufacturers associated with the optional test method for determining if a BVM model meets the definition of ''fully cooled.''

(14) DOE requests comment on its proposal to adopt a lowest application product temperature provision for covered beverage vending machines that cannot be tested at the specified average next-to-vend temperature of 36 °F (± 1 °F).

(15) DOE also requests comment on how the lowest application product temperature might be best determined for beverage vending machines and whether the lowest thermostat setting is a reasonable approach for most equipment. DOE requests comment on how to determine the lowest application product temperature for equipment without thermostats.

(16) DOE requests comment on its proposal to allow covered equipment that cannot maintain the 36 °F (± 1 °F) average next-to-vend temperature to be tested at the lowest application product temperature without requesting a DOE waiver.

(17) DOE requests comment on its proposal to clarify in Appendix A and B that internal lighting shall be operated in the maximum energy consuming state under the DOE test procedure.

(18) DOE requests comment on whether the maximum energy consuming state for internal lighting is consistent with ''normal'' operation.

(19) DOE requests comment on the range of equipment that should be addressed in this category of accessories and if the proposed terminology of customer display signs, lighting, and digital screens is sufficient to capture the variety of similar auxiliary energy-consuming accessories that might be installed on BVM models.

(20) DOE requests comment on the treatment of external and integral customer display signs, lighting, and digital screens in Appendix A.

(21) DOE requests comment on the proposed treatment of external and integral customer display signs, lighting, and digital screens in Appendix B. Specifically, DOE requests comment on whether disabling external devices and placing integral devices in standby mode or their lowest energy-consuming state is sufficiently representative of the energy use of refrigerated bottled or canned beverage vending machines.

(22) DOE requests comment on the proposed definition of standby mode as the mode of operation in which the external, integral customer display signs, lighting, or digital screens is connected to mains power, does not produce the intended illumination, display, or interaction functionality, and can be switched into another mode automatically with only a remote user-generated or an internal signal.

(23) For digital screens that also perform the vending or money-processing function, DOE requests comment on the proposal to place these screens in their lowest energy-consuming state that still allows the money-processing feature to function.

(24) DOE requests comment on its proposal to clarify the treatment of accessories in the DOE test procedure.

(25) DOE also requests comment on any other accessories that may require special treatment or exemption.

(26) DOE requests comment on its proposed definitions of ''low power mode,'' ''refrigeration low power mode,'' and ''accessory low power mode.''

(27) DOE requests comment on its proposal that units run at the most energy-consuming lighting and control settings, except as specified in section III.A.11, during the BVM test procedure, except for during the 6-hour low power mode test period.

(28) DOE requests comment on its proposal to require, as part of the test procedure, whatever stimuli are necessary to prevent automatic activation of low power modes during the vending state test procedure.

(29) DOE requests comment on its proposed method for accounting for equipment that can use low power modes. DOE requests comment as to whether this proposed method reflects typical field use.

(30) DOE requests comment on whether 6 hours is an appropriate length of time for the low power mode test period.

(31) DOE requests information on the prevalence of non-cycling (variable-speed) compressors in the BVM industry.

(32) DOE requests comment on whether a credit equal to 3 percent of the measured DEC is reflective of the 6 hours of time in refrigeration low power mode.

(33) DOE requests comment on the refrigeration low power mode validation

test and, particularly, if a one hour time period in which the instantaneous average of all standard test packages in the next-to-vend beverage position is maintained above 40 °F is appropriate to verify the performance of refrigeration low power modes.

(34) DOE requests comment on whether a physical test method would be a more representative and accurate method to account for low power mode operation, including refrigeration low-power mode.

(35) DOE requests comment on its certification that the proposed test procedure changes will not have a significant impact on a substantial number of small entities.

VI. Approval of the Office of the Secretary

The Secretary of Energy has approved publication of this proposed rule.

List of Subjects

10 CFR Part 429

Administrative practice and procedure, Confidential business information, Energy conservation, Household appliances, Reporting and recordkeeping requirements.

10 CFR Part 431

Administrative practice and procedure, Confidential business information, Energy conservation test procedures, Incorporation by reference, Reporting and recordkeeping requirements.

Issued in Washington, DC, on August 1, 2014.

Kathleen B. Hogan,

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

For the reasons set forth in the preamble, DOE is proposing to amend parts 429 and 431 of chapter II of title 10, of the Code of Federal Regulations, as set forth below:

PART 429—CERTIFICATION, COMPLIANCE, AND ENFORCEMENT FOR CONSUMER PRODUCTS AND COMMERCIAL AND INDUSTRIAL EQUIPMENT

■ 1. The authority citation for part 429 continues to read as follows:

Authority: 42 U.S.C. 6291–6317.

■ 2. Section 429.52 is amended by revising paragraph (b)(2) to read as follows:

§ 429.52 Refrigerated bottled or canned beverage vending machines.

* * * * *

(b) * * *

(2) Pursuant to § 429.12(b)(13), a certification report shall include the following additional product-specific information: When using Appendix A of this part, the daily energy consumption in kilowatt hours per day (kWh/day), the refrigerated volume (V) in cubic feet (ft^3), and the lowest application product temperature, if applicable. When using Appendix B, the daily energy consumption in kilowatt hours per day (kWh/day), the refrigerated volume (V) in cubic feet (ft^3), whether testing was conducted using an accessory low power mode, whether testing was conducted using a refrigeration low power mode, and, if applicable, the lowest application product temperature.

PART 431—ENERGY EFFICIENCY PROGRAM FOR CERTAIN COMMERCIAL AND INDUSTRIAL EQUIPMENT

■ 3. The authority citation for part 431 continues to read as follows:

Authority: 42 U.S.C. 6291–6317.

■ 4. Section 431.291 is revised to read as follows:

§ 431.291 Scope.

This subpart specifies test procedures and energy conservation standards for certain commercial refrigerated bottled or canned beverage vending machines, pursuant to part A of Title III of the Energy Policy and Conservation Act, as amended, 42 U.S.C. 6291–6309. The regulatory provisions of §§ 430.33 and 430.34 and subparts D and E of 10 CFR part 430 of this chapter are applicable to refrigerated bottled or canned beverage vending machines.

■ 5. Section 431.292 is amended by adding in alphabetical order the definitions for ''Fully cooled,'' ''Integrated average temperature,'' and ''Lowest application product temperature,'' to read as follows:

§ 431.292 Definitions concerning refrigerated bottled or canned beverage vending machines.

* * * * *

Fully cooled means a condition in which the refrigeration system of a beverage vending machine cools product throughout the entire refrigerated volume of a machine instead of being directed at a fraction (or zone) of the refrigerated volume as measured by the average temperature of the standard test packages in the furthest from the next-to-vend positions being no more than 10 °F above the integrated average temperature of the standard test packages.

Integrated average temperature means the average temperature of all standard test package measurements in the next-to-vend beverage positions taken during the test, expressed in degrees Fahrenheit (°F).

Lowest application product temperature means the lowest integrated average temperature a given basic model is capable of maintaining so as to comply with the temperature stabilization requirements specified in section 7.2.2.2 of ANSI/ASHRAE 32.1 (incorporated by reference, see § 431.293).

* * * * *

■ 6. Section 431.293 is amended by revising paragraph (b)(1) and removing and reserving paragraph (b)(2).

The revision reads as follows:

§ 431.293 Materials incorporated by reference.

* * * * *

(b) * * *

(1) ANSI/ASHRAE Standard 32.1–2010, (''ANSI/ASHRAE 32.1''), ''Methods of Testing for Rating Vending Machines for Sealed Beverages,'' approved June 26, 2010, IBR approved for appendices A and B to subpart Q.

* * * * *

■ 7. Section 431.294 is amended by revising paragraph (b) to read as follows:

§ 431.294 Uniform test method for the measurement of energy consumption of refrigerated bottled or canned beverage vending machines.

* * * * *

(b) *Testing and calculations.* Determine the daily energy consumption of each covered refrigerated bottled or canned beverage vending machine by conducting the appropriate test procedure set forth in appendix A or B to this subpart.

§ 431.296 [Amended]

■ 8. Section 431.296 is amended by removing the word ''maximum'' after ''shall have a'' in the introductory text

■ 9. Subpart Q of part 431 is amended by adding appendices A and B to read as follows:

Appendix A to Subpart Q of Part 431—Uniform Test Method for the Measurement of Energy Consumption of Refrigerated Bottled or Canned Beverage Vending Machines

Note: After [date 30 days after publication of the final rule in the **Federal Register**] and prior to [date 180 days after publication of the final rule in the **Federal Register**], manufacturers must make any representations with respect to the energy use or efficiency of refrigerated bottled or canned beverage vending machines in accordance with the results of testing pursuant to this Appendix A or the procedures in 10 CFR 431.294 as it appeared

in the 10 CFR parts 200 to 499 edition revised as of January 1, 2014. After [date 180 days after date of publication of the final rule], manufacturers must make any representations with respect to energy use or efficiency in accordance with the results of testing pursuant to this appendix to demonstrate compliance with the energy conservation standards at 10 CFR 431.296, for which compliance was required as of August 31, 2012.

1. *General.* Section 3, ''Definitons,'' and section 4, ''Instruments,'' of ANSI/ASHRAE 32.1 (incorporated by reference; see § 431.293) apply to this appendix. In cases where there is a conflict, the language of the test procedure in this appendix takes precedence over ANSI/ASHRAE 32.1.

2. *Test Procedure.*

2.1. *Test Conditions.*

2.1.1. *Equipment Loading.* Configure refrigerated bottled or canned beverage vending machines to hold the maximum number of standard products and place a standard test package in each next-to-vend position.

2.1.1.1. *Standard Products.* The standard product shall be standard 12-ounce aluminum beverage cans filled with a liquid with a density of 1.0 grams per milliliter (g/mL) ± 0.1 g/mL at 36 °F. For product storage racks that are not capable of holding 12-ounce cans, but are capable of holding 20-ounce bottles, the standard product shall be 20-ounce plastic bottles filled with a liquid with a density of 1.0 g/mL ± 0.1 g/mL at 36 °F. For product storage racks that are not capable of holding 12-ounce cans or 20-ounce bottles, the standard product shall be the packaging and contents specified by the manufacturer as the standard product (*i.e.,* the specific merchandise the refrigerated bottled or canned beverage vending machine is designed to vend).

2.1.1.2. *Standard Test Packages.* A standard test package is a standard product, as specified in 2.1.1.1, altered to include a temperature-measuring instrument at its center of mass.

2.1.2. *Average Beverage Temperature.* The integrated average temperature measured during the test must be within ± 1 °F of the average beverage temperature specified in section 6.1 of ANSI/ASHRAE 32.1 (incorporated by reference, see § 431.293) (*i.e.,* 36 °F) or the lowest application product temperature for models tested in accordance with paragraph 2.1.4 of this appendix.

2.1.3. *Ambient Test Conditions.* Test the refrigerated bottled or canned beverage vending machine at the test condition of 75 °F ± 2 °F (23.9 °C ± 1 °C) ambient temperature and 45 percent ± 5 percent relative humidity.

2.1.4. *Lowest Application Product Temperature.* If a refrigerated bottled or canned beverage vending machine is not capable of maintaining an integrated average temperature of 36 °F (± 1 °F), the unit must be tested at the lowest application product temperature, as defined in § 431.292. For refrigerated bottled or canned beverage vending machines equipped with a thermostat, the lowest application product temperature is the integrated average temperature achieved at the lowest thermostat setting.

2.2. *Determination of Daily Energy Consumption.* Except as provided in this appendix, the test procedure for energy consumption of refrigerated bottled or canned beverage vending machines shall be conducted in accordance with the methods specified in section 6, ''Test Conditions;'' and sections 7.1 through 7.2.3.2 under ''Test Procedures'' of ANSI/ASHRAE 32.1 (incorporated by reference, see § 431.293).

2.2.1. *Temperature Measurement.* The integrated average temperature of next-to-vend beverages shall be measured in a standard test packages in each next-to-vend position for each selection, as specified in section 7.2.2.1 of ANSI/ASHRAE 32.1 (incorporated by reference, see § 431.293). Do not run thermocouple wire and other measurement apparatus through the dispensing door; thermocouple wire and other measurement apparatus may be run through the gasket, provided that the gasket is fully compressed around the intruding wire and sealed to minimize air flow between the interior refrigerated volume and the ambient room air.

2.2.2. *Accessories.* All standard components that would be used during normal operation of the model in the field shall be in place during testing and shall be set to the maximum energy-consuming setting if manually adjustable, except that the specific components and accessories listed in the subsequent sections shall be operated as stated. Instead of testing pursuant to section 7.2.2.4 of ANSI/ASHRAE 32.1 (incorporated by reference, see § 431.293), provide, if necessary, any physical stimuli or other input to the machine needed to prevent automatic activation of energy management systems that can be adjusted by the machine operator during the test period. Automatic energy management systems that cannot be adjusted by the machine operator may be enabled, as specified by section 7.2.1 of ANSI/ASHRAE 32.1.

2.2.2.1 *Money-Processing Devices.* Money-processing devices must be in place and functional during testing.

2.2.2.2. *Internal Lighting.* All lighting that is contained within or is part of the internal physical boundary of the refrigerated bottled or canned beverage vending machine, as established by the top, bottom, and side panels of the equipment, shall be placed in its maximum energy consuming state.

2.2.2.3. *External Customer Display Signs, Lighting, and Digital Screens.* All external customer display signs, lighting, and digital screens that are independent from the refrigeration or vending performance of the refrigerated bottled or canned beverage vending machine must be disconnected, disabled, or otherwise de-energized for the duration of testing. Customer display signs, lighting, and digital screens that are integrated into the BVM cabinet or controls such that they cannot be de-energized without disabling the refrigeration or vending functions of the refrigerated bottled or canned beverage vending machine or modifying the circuitry must be placed in their lowest energy-consuming state. This includes television displays and other supplemental lighting that exists for advertising or display purposes. Digital displays that also serve a vending or money-processing function must be placed in the lowest energy-consuming state that still allows the money-processing feature to function.

2.2.2.4. *Anti-sweat and Other Electric Resistance Heaters.* Anti-sweat and other electric resistance heaters must be operational during the entirety of the test procedure. Models with a user-selectable setting must have the heaters energized and set to the maximum usage position. Models featuring an automatic, non-user-adjustable controller that turns on or off based on environmental conditions must be operating in the automatic state.

2.2.2.5. *Condensate Pan Heaters and Pumps.* All electric resistance condensate heaters and condensate pumps must be installed and operational during the test. Prior to the start of the stabilization period, as defined by ANSI/ASHRAE 32.1 (incorporated by reference, see § 431.293), the condensate pan must be dry. Following the start of the stabilization period, allow any condensate moisture generated to accumulate in the pan. Do not manually add or remove water from the condensate pan at any time during the test.

2.2.2.6. *Illuminated Temperature Displays.* All illuminated temperature displays shall be energized and operated

during the test as they would be during normal field operation.

2.2.2.7. *Condenser Filters.* Remove any nonpermanent filters provided to prevent particulates from blocking a model's condenser coil.

2.2.2.8. *Security Covers.* Remove any devices used to secure the model from theft or tampering.

2.2.2.9. *General Purpose Outlets.* During the test, do not connect any external load to any general purpose outlets available on a unit.

2.2.2.10. *Crankcase Heaters and Other Electric Resistance Heaters for Cold Weather.* Crankcase heaters and other electric resistance heaters for cold weather must be operational during the test. If a control system, such as a thermostat or electronic controller, is used to modulate the operation of the heater, it must be activated during the test.

3. *Determination of Refrigerated Volume and Vendible Capacity.*

3.1. Determine ''refrigerated volume'' of refrigerated bottled or canned beverage vending machines in accordance with Appendix C, ''Measurement of Volume,'' of ANSI/ASHRAE 32.1 (incorporated by reference, see § 431.293). For combination vending machines, the ''refrigerated volume'' is only that portion of the refrigerated bottled or canned beverage vending machine that is actively refrigerated.

3.2. Determine ''vendible capacity'' of refrigerated bottled or canned beverage vending machines in accordance with the first paragraph of section 5, ''Vending Machine Capacity,'' of ANSI/ASHRAE 32.1, (incorporated by reference, see § 431.293). For combination vending machines, the ''vendible capacity'' is the entire volume from which product may be vended, whether or not that volume is refrigerated.

4. *Verification of Fully Cooled Refrigerated Bottled or Canned Beverage Vending Machines.*

To determine if a refrigerated bottled or canned beverage vending machine model is fully cooled, install standard test packages in the furthest from the next-to-vend positions. For a beverage vending machine with horizontal product rows, or spirals, this would require a standard test package at the back of the horizontal product rows in the four corners of the machine (*e.g.,* bottom right, bottom left, top right, and top left). For a beverage vending machine with standard products configured in a vertical stack, this would require a standard test package at the top of each stack. Calculate the average temperature of all the standard test packages in the furthest from the next-to-vend position over the entire test period. Subtract this value from the integrated average temperature of standard test packages in the next-to-vend beverage positions. If the difference between these two values is less than or equal to 10 °F, the tested unit is fully cooled.

Appendix B to Subpart Q of Part 431—Uniform Test Method for the Measurement of Energy Consumption of Refrigerated Bottled or Canned Beverage Vending Machines

Note: After [date 30 days after publication of the final rule in the **Federal Register**] and prior to [date 180 days after publication of the final rule in the **Federal Register**], manufacturers must make any representations with respect to the energy use or efficiency of refrigerated bottled or canned beverage vending machines in accordance with the results of testing pursuant to Appendix A or the procedures in 10 CFR 431.294 as it appeared in the 10 CFR parts 200 to 499 edition revised as of January 1, 2014. After [date 180 days after date of publication of the final rule], manufacturers must make any representations with respect to energy use or efficiency in accordance with the results of testing pursuant to Appendix A of this Subpart to demonstrate compliance with the energy conservation standards at 10 CFR 431.296, for which compliance was required as of August 31, 2012.

Alternatively, manufacturers may make representations based on testing in accordance with this appendix prior to the compliance date of any amended energy conservation standards, provided that such representations demonstrate compliance with such amended energy conservation standards. Any representations made on or after the compliance date of any amended energy conservation standards, must be made in accordance with the results of testing pursuant to Appendix B.

1. *General.*

1.1 In cases where there is a conflict, the language of the test procedure in this appendix takes precedence over ANSI/ASHRAE 32.1 (incorporated by reference, see § 431.293).

1.2. *Definitions.* Section 3, ''Definitions,'' and section 4, ''Instruments,'' of ANSI/ASHRAE 32.1 (incorporated by reference, see § 431.293) apply to this appendix.

Accessory low power mode means a state in which a beverage vending machine's lighting and/or other energy-using systems, except the refrigeration system, are in low power mode. This may include, but is not limited to, dimming or turning off lights but does not include adjustment of the refrigeration system.

Low power mode means a state in which a beverage vending machine's lighting, refrigeration, and/or other energy-using systems are automatically adjusted (without user intervention) such that they consume less energy than they consume in an active vending environment.

Refrigeration low power mode means a state in which a beverage vending machine's refrigeration system is in low power mode. To qualify as low power mode, the average next-to-vend temperature must automatically (without user intervention) rise to at least 4 °F above the integrated average temperature or lowest application product temperature, as applicable, and remain above this threshold for at least one hour.

Standby mode means the mode of operation in which any external, integral customer display signs, lighting, or digital screens are connected to mains power; do not produce the intended illumination, display, or interaction functionality; and can be switched into another mode automatically with only a remote user-generated or an internal signal.

2. *Test Procedure.*

2.1. *Test Conditions.*

2.1.1. *Equipment Loading.* Configure refrigerated bottled or canned beverage vending machines to hold the maximum number of standard products, and place a standard test package in each next-to-vend position. For combination vending machines, only load the refrigerated volume with standard test packages.

2.1.1.1. *Standard Products.* The standard product shall be standard 12-ounce aluminum beverage cans filled with a liquid with a density of 1.0 grams per milliliter (g/mL) ± 0.1 g/mL at 36 °F. For product storage racks that are not capable of holding 12-ounce cans, but are capable of holding 20-ounce bottles, the standard product shall be 20-ounce plastic bottles filled with a liquid with a density of 1.0 g/mL ± 0.1 g/mL at 36 °F. For product storage racks that are not capable of holding 12-ounce cans or 20-ounce bottles, the standard product shall be the packaging and contents specified by the manufacturer as the standard product (*i.e.,* the specific merchandise the refrigerated bottled or canned beverage vending machine is designed to vend).

2.1.1.2. *Standard Test Packages.* A standard test package is a standard product, as specified in 2.1.1.1, altered to include a temperature-measuring instrument at its center of mass.

2.1.2. *Average Beverage Temperature.* The integrated average temperature measured during the vending state test period must be within ± 1 °F of the

average beverage temperature specified in section 6.1 of ANSI/ASHRAE 32.1 (incorporated by reference, see § 431.293) (*i.e.,* 36 °F) or the lowest application product temperature for models tested in accordance with paragraph 2.1.4 of this appendix).

2.1.3. *Ambient Test Conditions.* Test the refrigerated bottled or canned beverage vending machine at the test condition of 75 °F ± 2 °F (23.9 °C ± 1 °C) ambient temperature and 45 percent ± 5 percent relative humidity.

2.1.4. *Lowest Application Product Temperature.* If a refrigerated bottled or canned beverage vending machine is not capable of maintaining an integrated average temperature of 36 °F (± 1 °F), the unit must be tested at the lowest application product temperature, as defined in § 431.292. For refrigerated bottled or canned beverage vending machines equipped with a thermostat, the lowest application product temperature is the integrated average temperature achieved at the lowest thermostat setting.

2.2. *Determination of Daily Energy Consumption.* Except as provided in this appendix, the test procedure for energy consumption of refrigerated bottled or canned beverage vending machines shall be conducted in accordance with the test procedures specified in section 6, ''Test Conditions;'' and sections 7.1 through 7.2.3.2 under ''Test Procedures,'' of ANSI/ASHRAE 32.1, ''Methods of Testing for Rating Vending Machines Sealed Beverages'' (incorporated by reference, see § 431.293). In section 7.2.3.1 of ANSI/ASHRAE 32.1, the energy consumed during the test (E_T) shall be the energy measured during the vending mode test period and accessory low power mode test period, as specified in section 2.2.2 and 2.2.3, as applicable.

2.2.1. *Temperature Measurement.* The integrated average temperature of next-to-vend beverages shall be measured in a standard test packages in each next-to-vend position for each selection, as specified in section 7.2.2.1 of ANSI/ASHRAE 32.1 (incorporated by reference, see § 431.293). Do not run thermocouple wire and other measurement apparatus through the dispensing door; thermocouple wire and other measurement apparatus may be run through the gasket such that the gasket is fully compressed around the intruding wire and sealed to minimize air flow between the interior refrigerated volume and the ambient room air.

2.2.2. *Vending Mode Test Period.* The vending mode test period begins immediately following the stabilization period and continues for 18 hours for equipment with an accessory low power mode or for 24 hours for equipment without an accessory low power mode. For the vending mode test period, equipment that has energy-saving features that cannot be disabled shall be set to the most energy-consuming settings, except for as specified in paragraph 2.2.4. In addition, all energy management systems shall be disabled. Instead of testing pursuant to sections 7.1.1(d) and 7.2.2.4 of ANSI/ASHRAE 32.1 (incorporated by reference, see § 431.293), provide, if necessary, any physical stimuli or other input to the machine needed to prevent automatic activation of low power modes during the vending mode test period.

2.2.3. *Accessory Low Power Mode Test Period.* For equipment with an accessory low power mode the accessory low power mode may be engaged for 6 hours, beginning 18 hours after the temperature stabilization requirements established in ANSI/ASHRAE 32.1 (incorporated by reference, see § 431.293) have been met, and continuing until the end of the 24-hour test period. During the accessory low power mode test, operate the refrigerated bottled or canned beverage vending machine with the lowest energy-consuming lighting and control settings that constitute an accessory low power mode. The specification and tolerances for average beverage temperature in section 6.1 of ANSI/ASHRAE 32.1 still apply, and any refrigeration low power mode must not be engaged. Instead of testing pursuant to sections 7.1.1(d) and 7.2.2.4 of ANSI/ASHRAE 32.1, provide, if necessary, any physical stimuli or other input to the machine needed to prevent automatic activation of refrigeration low power modes during the vending mode test period.

2.2.3.1. *Refrigeration Low Power Mode.* For refrigerated bottled or canned beverage vending machines with a refrigeration low power mode multiply the primary rated energy consumption per day (E_T) by 0.97 to determine the daily energy consumption of the unit tested.

2.2.4. *Accessories.* Unless specified otherwise in this appendix, all standard components that would be used during normal operation of the basic model in the field shall be in place during testing and shall be set to the maximum energy-consuming setting if manually adjustable. Components with controls that are permanently operational and cannot be adjusted by the machine operator shall be operated in their normal setting and consistent with the requirements of 2.2.2 and 2.2.3 of this appendix. The specific components and accessories listed in the subsequent sections shall be operated as stated during the test, except when controlled as part of a low power mode during the low power mode test period.

2.2.4.1 *Money-Processing Devices.* Money-processing devices must be in place and functional during testing.

2.2.4.2. *Internal Lighting.* All lighting that is contained within or is part of the internal physical boundary of the refrigerated bottled or canned beverage vending machine, as established by the top, bottom, and side panels of the equipment, shall be placed in its maximum energy consuming state.

2.2.4.3. *External Customer Display Signs, Lights, and Digital Screens.* All external customer display signs, lighting, and digital screens that are independent from the refrigeration or vending performance of the refrigerated bottled or canned beverage vending machine must be disconnected, disabled, or otherwise de-energized for the duration of testing. Customer display signs, lighting, and digital screens that are integrated into the beverage vending machine cabinet or controls such that they cannot be de-energized without disabling the refrigeration or vending functions of the refrigerated bottled or canned beverage vending machine or modifying the circuitry must be placed in standby mode, if available, or their lowest energy-consuming state. This includes television displays and other supplemental lighting that exists for advertising or display purposes. Digital displays that also serve a vending or money-processing function must be placed in the lowest energy-consuming state that still allows the money-processing feature to function.

2.2.4.4. *Anti-sweat or Other Electric Resistance Heaters.* Anti-sweat or other electric resistance heaters must be operational during the entirety of the test procedure. Models with a user-selectable setting must have the heaters energized and set to the maximum usage position. Models featuring an automatic, non-user-adjustable controller that turns on or off based on environmental conditions must be operating in the automatic state.

2.2.4.5. *Condensate Pan Heaters and Pumps.* All electric resistance condensate heaters and condensate pumps must be installed and operational during the test. Prior to the start of the stabilization period, as defined by ANSI/ASHRAE 32.1 (incorporated by reference, see § 431.293), the condensate pan must be dry. Following the start of the stabilization period, allow any condensate moisture generated to

accumulate in the pan. Do not manually add or remove water from the condensate pan at any time during the test. Any automatic controls that initiate the operation of the condensate pan heater or pump based on water level or ambient conditions must be enabled and operated in the automatic setting.

2.2.4.6. *Illuminated Temperature Displays.* All illuminated temperature displays shall be energized and operated during the test as they would be during normal field operation.

2.2.4.7. *Condenser Filters.* Remove any nonpermanent filters provided to prevent particulates from blocking a model's condenser coil.

2.2.4.8. *Security Covers.* Remove any devices used to secure the model from theft or tampering.

2.2.4.9. *General Purpose Outlets.* During the test, do not connect any external load to any general purpose outlets available on a unit.

2.2.4.10. *Crankcase Heaters and Other Electric Resistance Heaters for Cold Weather.* Crankcase heaters and other electric resistance heaters for cold weather must be operational during the test. If a control system, such as a thermostat or electronic controller, is used to modulate the operation of the heater, it must be activated during the test.

3. *Determination of Refrigeration Volume and Vendible Capacity.*

3.1. Determine ''refrigerated volume'' of refrigerated bottled or canned beverage vending machines in accordance with Appendix C, ''Measurement of Volume,'' of ANSI/ASHRAE 32.1 (incorporated by reference, see § 431.293). For combination vending machines, the ''refrigerated volume'' is only that portion of the refrigerated bottled or canned beverage vending machine that is actively refrigerated.

3.2. Determine ''vendible capacity'' of refrigerated bottled or canned beverage vending machines in accordance with the first paragraph of section 5, ''Vending Machine Capacity,'' of ANSI/ASHRAE 32.1 (incorporated by reference, see § 431.293). For combination vending machines, the ''vendible capacity'' is the entire volume from which product may be vended, whether or not that volume is actively refrigerated.

4. *Verification Tests.*

These test methods are not required for the certification of refrigerated bottled or canned beverage vending machines.

4.1 *Verification of Fully Cooled Refrigerated Bottled or Canned Beverage Vending Machines.* To determine if a refrigerated bottled or canned beverage vending machine model is fully cooled, install standard test packages in the furthest from the next-to-vend positions. For a beverage vending machine with horizontal product rows, or spirals, this would require a standard test package at the back of the horizontal product rows in the four corners of the machine (*e.g.,* bottom right, bottom left, top right, and top left). For a beverage vending machines with standard products configured in a vertical stack, this would require a standard test package at the top of each stack. Calculate the average temperature of all the standard test packages in the furthest from the next-to-vend position over the entire test period and subtract this value from the integrated average temperature of standard test packages in the next-to-vend beverage positions. If the difference between these two values is less than or equal to 10 °F, the tested unit is fully cooled.

4.2 *Refrigeration Low Power Mode Validation Test Method.* To verify the existence of a refrigeration low power mode initiate the refrigeration low power mode after completion of the 6-hour low power mode test period and record the average temperature of the standard test packages in the next-to-vend beverage positions for the next 2 hours. Over the course of this 2-hour period, the instantaneous average next-to-vend beverage temperatures, that is the spatial average of all next-to-vend beverages, must increase above 40 °F and remain above 40 °F for at least 1 hour. At the conclusion of the 2-hour refrigeration low power mode verification test period, the refrigerated beverage vending machine must return to 36 ± 1 °F automatically without direct physical intervention. Record the average temperature of the standard test packages in the next-to-vend beverage positions until the average temperature returns to at least 37 °F.3

[FR Doc. 2014–18801 Filed 8–8–14; 8:45 am]

BILLING CODE 6450–01–P

FEDERAL REGISTER

Vol. 79 Monday,

No. 154 August 11, 2014

Part III

Department of the Interior

Fish and Wildlife Service

50 CFR Part 20

Migratory Bird Hunting; Proposed Migratory Bird Hunting Regulations on Certain Federal Indian Reservations and Ceded Lands for the 2014–15 Season; Proposed Rule

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 20

[Docket No. FWS–HQ–MB–2014–0017; FF09M21200–134–FXMB1231099BPP0]

RIN 1018–AZ80

Migratory Bird Hunting; Proposed Migratory Bird Hunting Regulations on Certain Federal Indian Reservations and Ceded Lands for the 2014–15 Season

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The U.S. Fish and Wildlife Service (hereinafter, Service or we) proposes special migratory bird hunting regulations for certain Tribes on Federal Indian reservations, off-reservation trust lands, and ceded lands for the 2014–15 migratory bird hunting season.

DATES: You must submit comments on the proposed regulations by August 21, 2014.

ADDRESSES: You may submit comments on the proposals by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments on Docket No. FWS–HQ–MB–2014–0017.
- *U.S. mail or hand delivery:* Public Comments Processing, Attn: FWS–HQ–MB–2014–0017; Division of Policy and Directives Management; U.S. Fish and Wildlife Service; U.S. Fish & Wildlife Headquarters, MS: BPHC; 5275 Leesburg Pike, Falls Church, VA 22041–3803.

We will post all comments on *http://www.regulations.gov.* This generally means that we will post any personal information you provide us (see the Public Comments section below for more information).

FOR FURTHER INFORMATION CONTACT: Ron W. Kokel, U.S. Fish and Wildlife Service, Department of the Interior, MS: MB, 5275 Leesburg Pike, Falls Church, VA 22041–3803; (703) 358–1967.

SUPPLEMENTARY INFORMATION: In the April 30, 2014, **Federal Register** (79 FR 24512), we requested proposals from Indian Tribes wishing to establish special migratory bird hunting regulations for the 2014–15 hunting season, under the guidelines described in the June 4, 1985, **Federal Register** (50 FR 23467). In this supplemental proposed rule, we propose special migratory bird hunting regulations for 31 Indian Tribes, based on the input we received in response to the April 30, 2014, proposed rule, and our previous rules. As described in that proposed rule, the promulgation of annual migratory bird hunting regulations involves a series of rulemaking actions each year. This proposed rule is part of that series.

We developed the guidelines for establishing special migratory bird hunting regulations for Indian Tribes in response to tribal requests for recognition of their reserved hunting rights and, for some Tribes, recognition of their authority to regulate hunting by both tribal and nontribal hunters on their reservations. The guidelines include possibilities for:

(1) On-reservation hunting by both tribal and nontribal hunters, with hunting by nontribal hunters on some reservations to take place within Federal frameworks but on dates different from those selected by the surrounding State(s);

(2) On-reservation hunting by tribal members only, outside of the usual Federal frameworks for season dates and length, and for daily bag and possession limits; and

(3) Off-reservation hunting by tribal members on ceded lands, outside of usual framework dates and season length, with some added flexibility in daily bag and possession limits.

In all cases, the regulations established under the guidelines must be consistent with the March 10 to September 1 closed season mandated by the 1916 Convention between the United States and Great Britain (for Canada) for the Protection of Migratory Birds (Treaty). The guidelines apply to those Tribes having recognized reserved hunting rights on Federal Indian reservations (including off-reservation trust lands) and on ceded lands. They also apply to establishing migratory bird hunting regulations for nontribal hunters on all lands within the exterior boundaries of reservations where Tribes have full wildlife management authority over such hunting or where the Tribes and affected States otherwise have reached agreement over hunting by nontribal hunters on lands owned by non-Indians within the reservation.

Tribes usually have the authority to regulate migratory bird hunting by nonmembers on Indian-owned reservation lands, subject to Service approval. The question of jurisdiction is more complex on reservations that include lands owned by non-Indians, especially when the surrounding States have established or intend to establish regulations governing hunting by non-Indians on these lands. In such cases, we encourage the Tribes and States to reach agreement on regulations that would apply throughout the reservations. When appropriate, we will consult with a Tribe and State with the aim of facilitating an accord. We also will consult jointly with tribal and State officials in the affected States where Tribes wish to establish special hunting regulations for tribal members on ceded lands. Because of past questions regarding interpretation of what events trigger the consultation process, as well as who initiates it, we provide the following clarification.

We routinely provide copies of **Federal Register** publications pertaining to migratory bird management to all State Directors, Tribes, and other interested parties. It is the responsibility of the States, Tribes, and others to notify us of any concern regarding any feature(s) of any regulations. When we receive such notification, we will initiate consultation.

Our guidelines provide for the continued harvest of waterfowl and other migratory game birds by tribal members on reservations where such harvest has been a customary practice. We do not oppose this harvest, provided it does not take place during the closed season defined by the Treaty, and does not adversely affect the status of the migratory bird resource. Before developing the guidelines, we reviewed available information on the current status of migratory bird populations, reviewed the current status of migratory bird hunting on Federal Indian reservations, and evaluated the potential impact of such guidelines on migratory birds. We concluded that the impact of migratory bird harvest by tribal members hunting on their reservations is minimal.

One area of interest in Indian migratory bird hunting regulations relates to hunting seasons for nontribal hunters on dates that are within Federal frameworks, but which are different from those established by the State(s) where the reservation is located. A large influx of nontribal hunters onto a reservation at a time when the season is closed in the surrounding State(s) could result in adverse population impacts on one or more migratory bird species. The guidelines make this unlikely, and we may modify regulations or establish experimental special hunts, after evaluation of information obtained by the Tribes.

We believe the guidelines provide appropriate opportunity to accommodate the reserved hunting rights and management authority of Indian Tribes while ensuring that the migratory bird resource receives necessary protection. The conservation of this important international resource

is paramount. Further, the guidelines should not be viewed as inflexible. In this regard, we note that they have been employed successfully since 1985. We believe they have been tested adequately and, therefore, we made them final beginning with the 1988–89 hunting season (53 FR 31612, August 18, 1988). We should stress here, however, that use of the guidelines is not mandatory and no action is required if a Tribe wishes to observe the hunting regulations established by the State(s) in which the reservation is located.

Service Migratory Bird Regulations Committee Meetings

Participants at the June 25–26, 2014, meetings reviewed information on the current status of migratory shore and upland game birds and developed 2014–15 migratory game bird regulations recommendations for these species plus regulations for migratory game birds in Alaska, Puerto Rico, and the U.S. Virgin Islands; special September waterfowl seasons in designated States; special sea duck seasons in the Atlantic Flyway; and extended falconry seasons. In addition, we reviewed and discussed preliminary information on the status of waterfowl.

Participants at the previously announced July 30–31, 2014, meetings will review information on the current status of waterfowl and develop recommendations for the 2014–15 regulations pertaining to regular waterfowl seasons and other species and seasons not previously discussed at the early-season meetings. In accordance with Department of the Interior policy, these meetings are open to public observation and you may submit comments on the matters discussed.

Population Status and Harvest

Preliminary information on the status of waterfowl and information on the status and harvest of migratory shore and upland game birds was excerpted from various reports and provided in the July 31, 2014, **Federal Register** (79 FR 44580). For more detailed information on methodologies and results, you may obtain complete copies of the various reports at the address indicated under **FOR FURTHER INFORMATION CONTACT** or from our Web site at *http://www.fws.gov/migratorybirds/NewsPublicationsReports.html.*

Hunting Season Proposals From Indian Tribes and Organizations

For the 2014–15 hunting season, we received requests from 25 Tribes and Indian organizations. In this proposed rule, we respond to these requests and also evaluate anticipated requests for six Tribes from whom we usually hear but from whom we have not yet received proposals. We actively solicit regulatory proposals from other tribal groups that are interested in working cooperatively for the benefit of waterfowl and other migratory game birds. We encourage Tribes to work with us to develop agreements for management of migratory bird resources on tribal lands.

It should be noted that this proposed rule includes generalized regulations for both early- and late-season hunting. A final rule will be published in a late-August 2014 **Federal Register** that will include tribal regulations for the early-hunting season. Early seasons generally begin around September 1 each year, and most commonly include such species as American woodcock, sandhill cranes, mourning doves, and white-winged doves. Late seasons generally begin on or around September 24, and most commonly include waterfowl species.

In this current rulemaking, because of the compressed timeframe for establishing regulations for Indian Tribes and because final frameworks dates and other specific information are not available, the regulations for many tribal hunting seasons are described in relation to the season dates, season length, and limits that will be permitted when final Federal frameworks are announced for early- and late-season regulations. For example, daily bag and possession limits for ducks on some areas are shown as the same as permitted in Pacific Flyway States under final Federal frameworks, and limits for geese will be shown as the same permitted by the State(s) in which the tribal hunting area is located.

The proposed frameworks for early-season regulations were published in the **Federal Register** on July 31, 2014 (79 FR 44580); early-season final frameworks will be published in late August. Proposed late-season frameworks for waterfowl and coots will be published in mid-August, and the final frameworks for the late seasons will be published in mid-September. We will notify affected Tribes of season dates, bag limits, etc., as soon as final frameworks are established. As previously discussed, no action is required by Tribes wishing to observe migratory bird hunting regulations established by the State(s) where they are located. The proposed regulations for the 31 Tribes that meet the established criteria are shown below.

(a) Colorado River Indian Tribes, Colorado River Indian Reservation, Parker, Arizona (Tribal Members and Nontribal Hunters)

The Colorado River Indian Reservation is located in Arizona and California. The Tribes own almost all lands on the reservation, and have full wildlife management authority.

In their 2014–15 proposal, the Colorado River Indian Tribes request split dove seasons. They propose that their early season begin September 1 and end September 15, 2014. Daily bag limits would be 10 mourning or white-winged doves in the aggregate. The late season for doves is proposed to open November 8, 2014, and close December 22, 2014. The daily bag limit would be 10 mourning doves. The possession limit would be twice the daily bag limit after the first day of the season. Shooting hours would be from one-half hour before sunrise to noon in the early season and until sunset in the late season. Other special tribally set regulations would apply.

The Tribes also propose duck hunting seasons. The season would open October 17, 2014, and close January 26, 2015. The Tribes propose the same season dates for mergansers, coots, and common moorhens. The daily bag limit for ducks, including mergansers, would be seven, except that the daily bag limits could contain no more than two hen mallards, two redheads, two Mexican ducks, two goldeneye, three scaup, one pintail, two cinnamon teal, and one canvasback. The possession limit would be twice the daily bag limit after the first day of the season. The daily bag and possession limit for coots and common moorhens would be 25, singly or in the aggregate. Shooting hours would be from one-half hour before sunrise to sunset.

For geese, the Colorado River Indian Tribes propose a season of October 19, 2014, through January 20, 2015. The daily bag limit for geese would be three light geese and three dark geese. The possession limit would be six light geese and six dark geese after opening day. Shooting hours would be from one-half hour before sunrise to sunset.

In 1996, the Tribes conducted a detailed assessment of dove hunting. Results showed approximately 16,100 mourning doves and 13,600 white-winged doves were harvested by approximately 2,660 hunters who averaged 1.45 hunter-days. Field observations and permit sales indicate that fewer than 200 hunters participate in waterfowl seasons. Under the proposed regulations described here and

based upon past seasons, we and the Tribes estimate harvest will be similar.

Hunters must have a valid Colorado River Indian Reservation hunting permit and a Federal Migratory Bird Stamp in their possession while hunting. Other special tribally set regulations would apply. As in the past, the regulations would apply both to tribal and nontribal hunters, and nontoxic shot is required for waterfowl hunting.

We propose to approve the Colorado River Indian Tribes regulations for the 2014–15 hunting season, given the seasons' dates fall within final flyway frameworks (applies to nontribal hunters only).

(b) Confederated Salish and Kootenai Tribes, Flathead Indian Reservation, Pablo, Montana (Tribal and Nontribal Hunters)

For the past several years, the Confederated Salish and Kootenai Tribes and the State of Montana have entered into cooperative agreements for the regulation of hunting on the Flathead Indian Reservation. The State and the Tribes are currently operating under a cooperative agreement signed in 1990, which addresses fishing and hunting management and regulation issues of mutual concern. This agreement enables all hunters to utilize waterfowl hunting opportunities on the reservation.

As in the past, tribal regulations for nontribal hunters would be at least as restrictive as those established for the Pacific Flyway portion of Montana. Goose, duck, and coot season dates would also be at least as restrictive as those established for the Pacific Flyway portion of Montana. Shooting hours for waterfowl hunting on the Flathead Reservation are sunrise to sunset. Steel shot or other federally approved nontoxic shots are the only legal shotgun loads on the reservation for waterfowl or other game birds.

For tribal members, the Tribe proposes outside frameworks for ducks and geese of September 1, 2014, through March 9, 2015. Daily bag and possession limits were not proposed for tribal members.

The requested season dates and bag limits are similar to past regulations. Harvest levels are not expected to change significantly. Standardized check station data from the 1993–94 and 1994–95 hunting seasons indicated no significant changes in harvest levels and that the large majority of the harvest is by nontribal hunters.

We propose to approve the Tribes' request for special migratory bird regulations for the 2014–15 hunting season.

(c) Fond du Lac Band of Lake Superior Chippewa Indians, Cloquet, Minnesota (Tribal Members Only)

Since 1996, the Service and the Fond du Lac Band of Lake Superior Chippewa Indians have cooperated to establish special migratory bird hunting regulations for tribal members. The Fond du Lac's May 26, 2014, proposal covers land set apart for the band under the Treaties of 1837 and 1854 in northeastern and east-central Minnesota and the Band's Reservation near Duluth.

The band's proposal for 2014–15 is essentially the same as that approved last year except for an expansion of the sandhill crane season to include both the 1854 and 1837 ceded territories only and not reservation lands. The proposed 2014–15 waterfowl hunting season regulations for Fond du Lac are as follows:

Ducks

A. 1854 and 1837 Ceded Territories:
Season Dates: Begin September 13 and end November 30, 2014.
Daily Bag Limit: 18 ducks, including no more than 12 mallards (only 3 of which may be hens), 9 black ducks, 9 scaup, 9 wood ducks, 9 redheads, 9 pintails, and 9 canvasbacks.
B. Reservation:
Season Dates: Begin September 1 and end November 24, 2014.
Daily Bag Limit: 12 ducks, including no more than 8 mallards (only 2 of which may be hens), 6 black ducks, 6 scaup, 6 redheads, 6 pintails, 6 wood ducks, and 6 canvasbacks.

Mergansers

A. 1854 and 1837 Ceded Territories:
Season Dates: Begin September 13 and end November 30, 2014.
Daily Bag Limit: 15 mergansers, including no more than 6 hooded mergansers.
B. Reservation:
Season Dates: Begin September 1 and end November 24, 2014.
Daily Bag Limit: 10 mergansers, including no more than 4 hooded mergansers.

Canada Geese

A. 1854 and 1837 Ceded Territories:
Season Dates: Begin September 13 and end November 30, 2014.
Daily Bag Limit: 20 geese.
B. Reservation:
Season Dates: Begin September 1 and end November 24, 2014.
Daily Bag Limit: 20 geese.

Sandhill Cranes: 1854 and 1837 Ceded Territories Only

Season Dates: Begin September 1 and end November 30, 2014.
Daily Bag Limit: One sandhill crane. A crane carcass tag is required prior to hunting.

Coots and Common Moorhens (Common Gallinules)

A. 1854 and 1837 Ceded Territories:
Season Dates: Begin September 13 and end November 30, 2014.
Daily Bag Limit: 20 coots and common moorhens, singly or in the aggregate.
B. Reservation:
Season Dates: Begin September 1 and end November 24, 2014.
Daily Bag Limit: 20 coots and common moorhens, singly or in the aggregate.

Sora and Virginia Rails: All Areas

A. 1854 and 1837 Ceded Territories:
Season Dates: Begin September 1 and end November 30, 2014.
Daily Bag Limit: 25 sora and Virginia rails, singly or in the aggregate.
B. Reservation:
Season Dates: Begin September 1 and end November 24, 2014.
Daily Bag Limit: 25 sora and Virginia rails, singly or in the aggregate.

Common Snipe

A. 1854 and 1837 Ceded Territories:
Season Dates: Begin September 1 and end November 30, 2014.
Daily Bag Limit: Eight common snipe.
B. Reservation:
Season Dates: Begin September 1 and end November 24, 2014.
Daily Bag Limit: Eight common snipe.

Woodcock

A. 1854 and 1837 Ceded Territories:
Season Dates: Begin September 1 and end November 30, 2014.
Daily Bag Limit: Three woodcock.
B. Reservation:
Season Dates: Begin September 1 and end November 25, 2014.
Daily Bag Limit: Three woodcock.

Mourning Dove

A. 1854 and 1837 Ceded Territories:
Season Dates: Begin September 1 and end November 30, 2014.
Daily Bag Limit: 30 mourning doves.
B. Reservation:
Season Dates: Begin September 1 and end October 30, 2014.
Daily Bag Limit: 30 mourning doves.

The following general conditions apply:

1. While hunting waterfowl, a tribal member must carry on his/her person a valid Ceded Territory License.
2. Shooting hours for migratory birds are one-half hour before sunrise to one-half hour after sunset.
3. Except as otherwise noted, tribal members will be required to comply

with tribal codes that will be no less restrictive than the provisions of Chapter 10 of the Model Off-Reservation Code. Except as modified by the Service rules adopted in response to this proposal, these amended regulations parallel Federal requirements in 50 CFR part 20 as to hunting methods, transportation, sale, exportation, and other conditions generally applicable to migratory bird hunting.

4. Band members in each zone will comply with State regulations providing for closed and restricted waterfowl hunting areas.

5. There are no possession limits for migratory birds. For purposes of enforcing bag limits, all migratory birds in the possession or custody of band members on ceded lands will be considered to have been taken on those lands unless tagged by a tribal or State conservation warden as having been taken on-reservation. All migratory birds that fall on reservation lands will not count as part of any off-reservation bag or possession limit.

The band anticipates harvest will be fewer than 500 ducks and geese, and fewer than 10 sandhill cranes.

We propose to approve the request for special migratory bird hunting regulations for the Fond du Lac Band of Lake Superior Chippewa Indians.

(d) Grand Traverse Band of Ottawa and Chippewa Indians, Suttons Bay, Michigan (Tribal Members Only)

In the 1995–96 migratory bird seasons, the Grand Traverse Band of Ottawa and Chippewa Indians and the Service first cooperated to establish special regulations for waterfowl. The Grand Traverse Band is a self-governing, federally recognized Tribe located on the west arm of Grand Traverse Bay in Leelanau County, Michigan. The Grand Traverse Band is a signatory Tribe of the Treaty of 1836. We have approved special regulations for tribal members of the 1836 treaty's signatory Tribes on ceded lands in Michigan since the 1986–87 hunting season.

For the 2014–15 season, the Tribe requests that the tribal member duck season run from September 15, 2014, through January 15, 2015. A daily bag limit of 20 would include no more than 5 pintail, 5 canvasback, 1 hooded merganser, 5 black ducks, 5 wood ducks, 3 redheads, and 9 mallards (only 4 of which may be hens).

For Canada and snow geese, the Tribe proposes a September 1 through November 30, 2014, and a January 1 through February 8, 2015, season. For white-fronted geese and brant, the Tribe proposes a September 20 through November 30, 2014, season. The daily bag limit for Canada and snow geese would be 10, and the daily bag limit for white-fronted geese and including brant would be 5 birds. We further note that, based on available data (of major goose migration routes), it is unlikely that any Canada geese from the Southern James Bay Population will be harvested by the Tribe.

For woodcock, the Tribe proposes a September 1 through November 14, 2014, season. The daily bag limit will not exceed five birds. For mourning doves, snipe, and rails, the Tribe proposes a September 1 through November 14, 2014, season. The daily bag limit would be 10 per species.

All other Federal regulations contained in 50 CFR part 20 would apply. The Tribe proposes to monitor harvest closely through game bag checks, patrols, and mail surveys. Harvest surveys from the 2013–14 hunting season indicated that approximately 30 tribal hunters harvested an estimated 100 ducks and 45 Canada geese.

We propose to approve the Grand Traverse Band of Ottawa and Chippewa Indians 2014–15 special migratory bird hunting proposal.

(e) Great Lakes Indian Fish and Wildlife Commission, Odanah, Wisconsin (Tribal Members Only)

Since 1985, various bands of the Lake Superior Tribe of Chippewa Indians have exercised judicially recognized, off-reservation hunting rights for migratory birds in Wisconsin. The specific regulations were established by the Service in consultation with the Wisconsin Department of Natural Resources and the Great Lakes Indian Fish and Wildlife Commission (GLIFWC) (GLIFWC is an intertribal agency exercising delegated natural resource management and regulatory authority from its member Tribes in portions of Wisconsin, Michigan, and Minnesota). Beginning in 1986, a Tribal season on ceded lands in the western portion of the Michigan Upper Peninsula was developed in coordination with the Michigan Department of Natural Resources. We have approved regulations for Tribal members in both Michigan and Wisconsin since the 1986–87 hunting season. In 1987, GLIFWC requested, and we approved, regulations to permit Tribal members to hunt on ceded lands in Minnesota, as well as in Michigan and Wisconsin. The States of Michigan and Wisconsin originally concurred with the regulations, although both Wisconsin and Michigan have raised various concerns over the years. Minnesota did not concur with the original regulations, stressing that the State would not recognize Chippewa Indian hunting rights in Minnesota's treaty area until a court with jurisdiction over the State acknowledges and defines the extent of these rights. In 1999, the U.S. Supreme Court upheld the existence of the tribes' treaty reserved rights in *Minnesota* v. *Mille Lacs Band,* 199 S.Ct. 1187 (1999).

We acknowledge all of the States' concerns, but point out that the U.S. Government has recognized the Indian treaty reserved rights, and that acceptable hunting regulations have been successfully implemented in Minnesota, Michigan, and Wisconsin. Consequently, in view of the above, we have approved regulations since the 1987–88 hunting season on ceded lands in all three States. In fact, this recognition of the principle of treaty reserved rights for band members to hunt and fish was pivotal in our decision to approve a 1991–92 season for the 1836 ceded area in Michigan. Since then, in the 2007 Consent Decree the 1836 Treaty Tribes' and Michigan Department of Natural Resources and Environment established court-approved regulations pertaining to off-reservation hunting rights for migratory birds.

For 2014, the GLIFWC proposes off-reservation special migratory bird hunting regulations on behalf of the member Tribes of the Voigt Intertribal Task Force of the GLIFWC (for the 1837 and 1842 Treaty areas in Wisconsin and Michigan), the Mille Lacs Band of Ojibwe and the six Wisconsin Bands (for the 1837 Treaty area in Minnesota), and the Bay Mills Indian Community (for the 1836 Treaty area in Michigan). Member Tribes of the Task Force are: the Bad River Band of the Lake Superior Tribe of Chippewa Indians, the Lac Courte Oreilles Band of Lake Superior Chippewa Indians, the Lac du Flambeau Band of Lake Superior Chippewa Indians, the Red Cliff Band of Lake Superior Chippewa Indians, the St. Croix Chippewa Indians of Wisconsin, and the Sokaogon Chippewa Community (Mole Lake Band), all in Wisconsin; the Mille Lacs Band of Chippewa Indians and the Fond du Lac Band of Lake Superior Chippewa Indians in Minnesota; and the Lac Vieux Desert Band of Chippewa Indians and the Keweenaw Bay Indian Community in Michigan.

The GLIFWC 2014 proposal has several significant changes from regulations approved last season. In the 1837 and 1842 Treaty Areas, the GLIFWC proposal would allow the use of electronic calls; would extend shooting hours to 40 minutes before

sunrise and after sunset in the 1837 and 1842 ceded territories; would allow the first hunting season of swans; and would remove restrictions on the use and placement of (non-living) decoys in Wisconsin.

GLIFWC states that the proposed regulatory changes are intended to provide tribal members a harvest opportunity within the scope of rights reserved in their various treaties and increase tribal subsistence harvest opportunities, while protecting migratory bird populations. Under the GLIFWC's proposed regulations, GLIFWC expects total ceded territory harvest to be approximately 1,650 ducks, 375 geese, 20 sandhill cranes, and 20 swans, which is roughly similar to anticipated levels in previous years for those species for which seasons were established. GLIWFC further anticipates that tribal harvest will remain low given the small number of tribal hunters and the limited opportunity to harvest more than a small number of birds on most hunting trips.

Recent GLIFWC harvest surveys (1996–98, 2001, 2004, and 2007–08, 2011, and 2012) indicate that tribal off-reservation waterfowl harvest has averaged fewer than 1,100 ducks and 250 geese annually. In the latest survey year for which we have specific results (2012), an estimated 86 hunters took an estimated 1,090 trips and harvested 1,799 ducks (1.7 ducks per trip) and 822 geese. Analysis of hunter survey data over 1996–2012 indicates a general downward trend in both harvest and hunter participation. While we acknowledge that tribal harvest and participation has declined in recent years, we do not believe that some of the GLIFWC's proposal for tribal waterfowl seasons on ceded lands in Wisconsin, Michigan, and Minnesota for the 2014–15 season is in the best interest of the conservation of migratory birds. More specific discussion follows below.

Allowing Electronic Calls

As we have stated the last three years (76 FR 54676, September 1, 2011; 77 FR 54451, September 5, 2012; 78 FR 53218, August 28, 2013), the issue of allowing electronic calls and other electronic devices for migratory game bird hunting has been highly debated and highly controversial over the last 40 years, similar to other prohibited hunting methods such as baiting. Electronic calls, i.e., the use or aid of recorded or electronic amplified bird calls or sounds, or recorded or electrically amplified imitations of bird calls or sounds to lure or attract migratory game birds to hunters, was Federally prohibited in 1957, because of their effectiveness in attracting and aiding the harvest of ducks and geese and are generally not considered a legitimate component of hunting. In 1999, after much debate, the migratory bird regulations were revised to allow the use of electronic calls for the take of light geese (lesser snow geese and Ross geese) during a light-goose-only season when all other waterfowl and crane hunting seasons, excluding falconry, were closed (64 FR 7507, February 16, 1999; 64 FR 71236, December 20, 1999; 73 FR 65926, November 5, 2008). The regulations were also changed in 2006, to allow the use of electronic calls for the take of resident Canada geese during Canada-goose-only September seasons when all other waterfowl and crane seasons, excluding falconry, were closed (71 FR 45964, August 10, 2006). In both instances, these changes were made in order to significantly increase the harvest of these species due to either serious population overabundance, depredation issues, or public health and safety issues, or a combination of these.

Available information from the use of additional hunting methods, such as electronic calls, during the special light-goose seasons indicate that total harvest increased approximately 50 to 69 percent. On specific days when light-goose special regulations were in effect, the mean light goose harvest increased 244 percent. One research study found that lesser snow goose flocks were 5.0 times more likely to fly within gun range (≤50 meters) in response to electronic calls than to traditional calls, and the mean number of snow geese killed per hour per hunter averaged 9.1 times greater for electronic calls than for traditional calls. While these results are only directly applicable to light geese, we believe these results are applicable to most waterfowl species, and indicative of some likely adverse harvest impacts on other geese and ducks.

Removal of the electronic call prohibition would be inconsistent with our long-standing conservation concerns. Given available evidence on the effectiveness of electronic calls, and the large biological uncertainty surrounding any widespread use of electronic calls, we believe the potential for overharvest could contribute to long-term population declines. Further, migratory patterns could be affected, and it is possible that hunter participation could increase beyond GLIFWC's estimates (50 percent) and could result in additional conservation impacts, particularly on locally breeding populations. Thus, we continue to not support allowing the use of electronic calls in the 1837 and 1842 Treaty Areas.

Additionally, given the fact that tribal waterfowl hunting covered by this proposal would occur on ceded lands that are not in the ownership of the Tribes, we believe the use of electronic calls to take waterfowl would lead to confusion on the part of the public, wildlife-management agencies, and law enforcement officials in implementing the requirements of 50 CFR part 20. Further, similar to the impacts of baiting, uncertainties concerning the zone of influence attributed to the use of electronic calls could potentially increase harvest from nontribal hunters operating within areas electronic calls are being used during the dates of the general hunt, thereby posing risks to the migratory patterns and distribution of migratory waterfowl.

Lastly, we remind GLIFWC that electronic calls generally are permitted for the take of resident Canada geese during Canada-goose-only September seasons when all other waterfowl and crane seasons are closed (generally September 1–15 in the areas in question). However, in the case of GLIFWC's proposed seasons, electronic calls could be not used since GLIFWC has elected a September 1 duck season opener. This specific regulatory change was implemented in 2006, in order to significantly control resident Canada geese due to widespread population overabundance, depredation issues, and public health and safety issues.

Expanded Shooting Hours

Normally, shooting hours for migratory game birds are one-half hour before sunrise to sunset. A number of reasons and concerns have been cited for extending shooting hours past sunset. Potential impacts to some locally breeding populations (e.g., wood ducks), hunter safety, difficulty of identifying birds, retrieval of downed birds, and impacts on law enforcement are some of the normal concerns raised when discussing potential expansions of shooting hours. However, despite these concerns, in 2007, we supported the expansion of shooting hours by 15 minutes after sunset in the 1837, 1842, and 1836 Treaty Areas (72 FR 58452, October 15, 2007). We had previously supported this expansion in other tribal areas and have not been made aware of any wide-scale problems. Further, at that time, we believed that the continuation of a specific species restriction within the daily bag limit for mallards, and the implementation of a species restriction within the daily bag limit for wood ducks, would allay potential conservation concerns for these species. We supported the increase with the understanding that the

Tribe and we would closely monitor tribal harvest.

In 2012, in deference to tribal traditions and in the interest of cooperation, and in spite of our previously identified concerns regarding species identification, species conservation of locally breeding populations, retrieval of downed birds, hunter safety, and law enforcement impacts, we approved shooting 30 minutes after sunset (an extension of 15 minutes from the then-current 15 minutes after sunset) (77 FR 54451, September 5, 2012). This was consistent with other Tribes in the general area (Fond du Lac, Leech Lake, Oneida, Sault Ste Marie, and White Earth). Extending shooting hours on both the front end and the back end of the day to 40 minutes before sunrise and 40 minutes after sunset as GLIWFC has proposed would be contrary to public safety and only heightens our previously identified concerns. We see no viable remedies to allay our concerns. Shooting this early or late would also significantly increase the potential take of non-game birds. Thus, we cannot support increasing the shooting hours by an additional 10 minutes in the 1837 and 1842 Treaty Areas (to 40 minutes before sunrise and 40 minutes after sunset).

Swan Season

As we stated the last two years (77 FR 54451, September 5, 2012; 78 FR 53218, August 28, 2013), we are not opposed to the establishment of a tundra swan season in Wisconsin. Further, we are not conceptually opposed to the establishment of a general swan season. However, before the establishment of such a season in the ceded territory areas in question, we stated that there were several significant concerns and special considerations. We believe that GLIFWC has addressed those concerns with their current proposal.

First, the proposed areas in question are home to significant numbers of trumpeter swans. While the GLIFWC's proposed season is for both tundra and trumpeter swans, there are important differences that require careful consideration. Many cooperators, including GLIFWC, worked together to reestablish a breeding trumpeter swan population in the Great Lakes. These efforts have been largely successful with the removal of this species from Wisconsin's endangered species list in 2009. After a 25-year recovery program, there are currently about 200 breeding pairs in Wisconsin. Further, within Wisconsin, the northern ceded territory is an area of high trumpeter swan use containing over 80 percent of the breeding pairs. While we believe it is always best to avoid such areas either temporally or geographically to the extent possible, and to focus hunting efforts on the primary tundra swan migration concentrations while avoiding areas of significant trumpeter swan numbers, most such areas are located outside of the ceded territories of northern Wisconsin.

To address concerns about the potential harvest of trumpeter swans by tribal hunters hunting during a general swan season, GLIFWC has proposed 2 significant conditions. First, all harvested swans would have to be registered by presenting the fully-feathered carcass to a tribal registration station or GLIFWC warden. This requirement would allow the harvested bird to be identified as to the species. Second, if the total number of trumpeter swans harvested reaches 10, the swan season would be closed by emergency tribal rule. Hunters would be expected to check GLIFWC's Web site each day they hunt to determine the current season status. We believe both of these proposed restrictions will significantly limit any potential impacts to trumpeter swans. Further, GLIWFC's proposal to not open the season until November 1, when they state that migrant swans have typically arrived into the ceded areas in appreciable numbers, contributes to alleviating our concerns regarding the potential take of trumpeter swans. GLIFWC anticipates a total swan harvest of fewer than 20 birds (tundra and trumpeter).

For these reasons, we believe that a tribal swan hunting season in the ceded territory should be implemented this year.

Remove Restrictions on Decoy Use in Wisconsin

In Wisconsin, State law requires that decoys may not be placed more than an hour before legal shooting hours or left out more than 20 minutes after legal shooting hours. As we stated in 2011 concerning a similar decoy restriction in Michigan (76 FR 54676, September 1, 2011), and in 2012 concerning this restriction (77 FR 54451, September 5, 2012), while we believe that there may be safety concerns with elimination of such a restriction, we take no position on the relative need or lack of need for such a restriction. Other than regulations on National Wildlife Refuges and other Federal lands, there are no Federal restrictions requiring the removal of unattended decoys.

Additionally, given the fact that tribal waterfowl hunting covered by this rule would occur on ceded lands that are not in the ownership of the Tribes, we believe the use of unattended decoys to ''reserve'' hunting areas in public waters (i.e., those lands in the ceded territories outside of lands directly controlled by the Tribes) could lead to confusion and frustration on the part of the public, hunters, wildlife-management agencies, and law enforcement officials due to the inherent difficulties of different sets of hunting regulations for different areas and groups of hunters. While we have included GLIFWC's proposed language regarding the restriction in their General Conditions portion of their proposed regulations as a courtesy, we view this issue as a Tribal–State issue, and the Service takes no position on it in this proposed rule.

The proposed 2014–15 waterfowl hunting season regulations apply to all treaty areas (except where noted) for GLIFWC as follows:

Ducks

Season Dates: Begin September 1 and end December 31, 2014.

Daily Bag Limit: 50 ducks in the 1837 and 1842 Treaty Area; 30 ducks in the 1836 Treaty Area.

Mergansers

Season Dates: Begin September 1 and end December 31, 2014.

Daily Bag Limit: 10 mergansers.

Geese

Season Dates: Begin September 1 and end December 31, 2014. In addition, any portion of the ceded territory that is open to State-licensed hunters for goose hunting outside of these dates will also be open concurrently for tribal members.

Daily Bag Limit: 20 geese in aggregate.

Other Migratory Birds

A. Coots and Common Moorhens (Common Gallinules):

Season Dates: Begin September 1 and end December 31, 2014.

Daily Bag Limit: 20 coots and common moorhens (common gallinules), singly or in the aggregate.

B. Sora and Virginia Rails:

Season Dates: Begin September 1 and end December 31, 2014.

Daily Bag and Possession Limits: 20, singly, or in the aggregate, 25.

C. Common Snipe:

Season Dates: Begin September 1 and end December 31, 2014.

Daily Bag Limit: 16 common snipe.

D. Woodcock:

Season Dates: Begin September 2 and end December 31, 2014.

Daily Bag Limit: 10 woodcock.

E. Mourning Dove: 1837 and 1842 Ceded Territories only.

Season Dates: Begin September 1 and end November 9, 2014.

Daily Bag Limit: 15 mourning doves.

F. Sandhill Cranes: 1837 and 1842 Ceded Territories only.

Season Dates: Begin September 1 and end December 31, 2014.

Daily Bag Limit: 2 cranes.

G. Swans: 1837 and 1842 Ceded Territories only.

Season Dates: Begin November 1 and end December 31, 2014.

Daily Bag Limit: 2 swans. All harvested swans must be registered by presenting the fully-feathered carcass to a tribal registration station or GLIFWC warden. If the total number of trumpeter swans harvested reaches 10, the swan season will be closed by emergency tribal rule.

General Conditions

A. All tribal members will be required to obtain a valid tribal waterfowl hunting permit.

B. Except as otherwise noted, tribal members will be required to comply with tribal codes that will be no less restrictive than the model ceded territory conservation codes approved by Federal courts in the *Lac Courte Oreilles* v. *State of Wisconsin (Voigt)* and *Mille Lacs Band* v. *State of Minnesota* cases. Chapter 10 in each of these model codes regulates ceded territory migratory bird hunting. Both versions of Chapter 10 parallel Federal requirements as to hunting methods, transportation, sale, exportation, and other conditions generally applicable to migratory bird hunting. They also automatically incorporate by reference the Federal migratory bird regulations adopted in response to this proposal.

C. Particular regulations of note include:

1. Nontoxic shot will be required for all waterfowl hunting by tribal members.

2. Tribal members in each zone will comply with tribal regulations providing for closed and restricted waterfowl hunting areas. These regulations generally incorporate the same restrictions contained in parallel State regulations.

3. There are no possession limits, with the exception of 2 swans (in the aggregate) and 25 rails (in the aggregate). For purposes of enforcing bag limits, all migratory birds in the possession and custody of tribal members on ceded lands will be considered to have been taken on those lands unless tagged by a tribal or State conservation warden as taken on reservation lands. All migratory birds that fall on reservation lands will not count as part of any off-reservation bag or possession limit.

4. The baiting restrictions included in the respective section 10.05(2)(h) of the model ceded territory conservation codes will be amended to include language which parallels that in place for nontribal members as published at 64 FR 29799, June 3, 1999.

5. The shell limit restrictions included in the respective section 10.05(2)(b) of the model ceded territory conservation codes will be removed.

6. Hunting hours shall be from a half hour before sunrise to 30 minutes after sunset.

7. Duck Blind and Decoys:

A. Michigan: Tribal members hunting in Michigan will comply with duck blind and decoy regulations contained in the tribal conservation codes listed above under item 4, except that unattended decoys can be kept out overnight in the Michigan portion of the 1842 ceded territory.

B. Wisconsin: Tribal members hunting in Wisconsin will comply with duck blind regulations contained in the tribal conservation codes listed above under Item 4, but there shall be no restrictions on decoy use except for the prohibition on using live decoys.

We propose to approve the above GLIFWC regulations for the 2014–15 hunting season.

(f) Jicarilla Apache Tribe, Jicarilla Indian Reservation, Dulce, New Mexico (Tribal Members and Nontribal Hunters)

The Jicarilla Apache Tribe has had special migratory bird hunting regulations for tribal members and nonmembers since the 1986–87 hunting season. The Tribe owns all lands on the reservation and has recognized full wildlife management authority. In general, the proposed seasons would be more conservative than allowed by the Federal frameworks of last season and by States in the Pacific Flyway.

The Tribe proposes a 2014–15 waterfowl and Canada goose season beginning October 11, 2014, and a closing date of November 30, 2014. Daily bag and possession limits for waterfowl would be the same as Pacific Flyway States. The Tribe proposes a daily bag limit for Canada geese of two. Other regulations specific to the Pacific Flyway guidelines for New Mexico would be in effect.

During the Jicarilla Game and Fish Department's 2012–13 season, estimated duck harvest was 132, which is within the historical harvest range. The species composition included mainly mallards, northern shovelor, gadwall, American wigeon, and teal. The estimated harvest of geese was 9 birds.

The proposed regulations are essentially the same as were established last year. The Tribe anticipates the maximum 2014–15 waterfowl harvest would be around 300 ducks and 30 geese.

We propose to approve the Tribe's requested 2014–15 hunting seasons.

(g) Kalispel Tribe, Kalispel Reservation, Usk, Washington (Tribal Members and Nontribal Hunters)

The Kalispel Reservation was established by Executive Order in 1914, and currently comprises approximately 4,600 acres. The Tribe owns all Reservation land and has full management authority. The Kalispel Tribe has a fully developed wildlife program with hunting and fishing codes. The Tribe enjoys excellent wildlife management relations with the State. The Tribe and the State have an operational memorandum of understanding with emphasis on fisheries but also for wildlife.

The nontribal member seasons described below pertain to a 176-acre waterfowl management unit and 800 acres of reservation land with a guide for waterfowl hunting. The Tribe is utilizing this opportunity to rehabilitate an area that needs protection because of past land use practices, as well as to provide additional waterfowl hunting in the area. Beginning in 1996, the requested regulations also included a proposal for Kalispel-member-only migratory bird hunting on Kalispel-ceded lands within Washington, Montana, and Idaho.

For the 2014–15 migratory bird hunting seasons, the Kalispel Tribe proposes tribal and nontribal member waterfowl seasons. The Tribe requests that both duck and goose seasons open at the earliest possible date and close on the latest date under Federal frameworks.

For nontribal hunters on reservation, the Tribe requests the seasons open at the earliest possible date and remain open, for the maximum amount of open days. Specifically, the Tribe requests that the season for ducks begin September 20, 2014, and end September 22, 2014, open again beginning September 27, and end September 29, 2014, and then begin October 1, 2014, and end January 20, 2015. In that period, nontribal hunters would be allowed to hunt approximately 103 days. Hunters should obtain further information on specific hunt days from the Kalispel Tribe.

For nontribal hunters on reservation, the Tribe also requests the season for geese run from September 6 to September 14, 2014, and from October 1, 2014, to January 20, 2015. Total number of days should not exceed 107. Nontribal hunters should obtain further information on specific hunt days from

the Tribe. Daily bag and possession limits would be the same as those for the State of Washington.

The Tribe reports past nontribal harvest of 1.5 ducks per day. Under the proposal, the Tribe expects harvest to be similar to last year, that is, fewer than 100 geese and 200 ducks.

All other State and Federal regulations contained in 50 CFR part 20, such as use of nontoxic shot and possession of a signed migratory bird hunting stamp, would be required.

For tribal members on Kalispel-ceded lands, the Kalispel Tribe proposes season dates for ducks of September 20, 2014, through January 20, 2015, and for geese of September 6, 2014, through January 20, 2015. Daily bag and possession limits would parallel those in the Federal regulations contained in 50 CFR part 20.

The Tribe reports that there was no tribal harvest. Under the proposal, the Tribe expects harvest to be fewer than 200 birds for the season with fewer than 100 geese. Tribal members would be required to possess a signed Federal migratory bird stamp and a tribal ceded lands permit.

We propose to approve the regulations requested by the Kalispel Tribe, provided that the nontribal seasons conform to Treaty limitations and final Federal frameworks for the Pacific Flyway.

(h) Klamath Tribe, Chiloquin, Oregon (Tribal Members Only)

The Klamath Tribe currently has no reservation, per se. However, the Klamath Tribe has reserved hunting, fishing, and gathering rights within its former reservation boundary. This area of former reservation, granted to the Klamaths by the Treaty of 1864, is over 1 million acres. Tribal natural resource management authority is derived from the Treaty of 1864, and carried out cooperatively under the judicially enforced Consent Decree of 1981. The parties to this Consent Decree are the Federal Government, the State of Oregon, and the Klamath Tribe. The Klamath Indian Game Commission sets the seasons. The tribal biological staff and tribal regulatory enforcement officers monitor tribal harvest by frequent bag checks and hunter interviews.

For the 2014–15 season, we have not yet heard from the Tribe; however, the Tribe usually requests proposed season dates of October 1, 2014, through January 31, 2015. Daily bag limits would be 9 for ducks, 9 for geese, and 9 for coot, with possession limits twice the daily bag limit. Shooting hours would be one-half hour before sunrise to one-half hour after sunset. Steel shot is required.

Based on the number of birds produced in the Klamath Basin, this year's harvest would be similar to last year's. Information on tribal harvest suggests that more than 70 percent of the annual goose harvest is local birds produced in the Klamath Basin.

If we receive a proposal that matches the Tribe's usual request, we propose to approve those 2014–15 special migratory bird hunting regulations.

(i) Leech Lake Band of Ojibwe, Cass Lake, Minnesota (Tribal Members Only)

The Leech Lake Band of Ojibwe is a federally recognized Tribe located in Cass Lake, Minnesota. The reservation employs conservation officers to enforce conservation regulations. The Service and the Tribe have cooperatively established migratory bird hunting regulations since 2000.

For the 2014–15 season, the Tribe requests a duck season starting on September 13 and ending December 31, 2014, and a goose season to run from September 1 through December 31, 2014. Daily bag limits for ducks would be 10, including no more than 5 pintail, 5 canvasback, and 5 black ducks. Daily bag limits for geese would be 10. Possession limits would be twice the daily bag limit. Shooting hours are one-half hour before sunrise to one-half hour after sunset.

The annual harvest by tribal members on the Leech Lake Reservation is estimated at 250 to 500 birds.

We propose to approve the Leech Lake Band of Ojibwe's requested 2014–15 special migratory bird hunting season.

(j) Little River Band of Ottawa Indians, Manistee, Michigan (Tribal Members Only)

The Little River Band of Ottawa Indians is a self-governing, federally recognized Tribe located in Manistee, Michigan, and a signatory Tribe of the Treaty of 1836. We have approved special regulations for tribal members of the 1836 treaty's signatory Tribes on ceded lands in Michigan since the 1986–87 hunting season. Ceded lands are located in Lake, Mason, Manistee, and Wexford Counties. The Band normally proposes regulations to govern the hunting of migratory birds by Tribal members within the 1836 Ceded Territory as well as on the Band's Reservation.

For the 2014–15 season, the Little River Band of Ottawa Indians proposes a duck and merganser season from September 12, 2014, through January 25, 2015. A daily bag limit of 12 ducks would include no more than 2 pintail, 2 canvasback, 3 black ducks, 3 wood ducks, 3 redheads, 6 mallards (only 2 of which may be a hen), and 1 hooded merganser. Possession limits would be twice the daily bag limit.

For white-fronted geese, snow geese, and brant, the Tribe proposes a September 19 through November 30, 2014, season. Daily bag limits would be five geese.

For Canada geese only, the Tribe proposes a September 1, 2014, through February 8, 2015, season with a daily bag limit of five. The possession limit would be twice the daily bag limit.

For snipe, woodcock, rails, and mourning doves, the Tribe proposes a September 1 to November 14, 2014, season. The daily bag limit would be 10 common snipe, 5 woodcock, 10 rails, and 10 mourning doves. Possession limits for all species would be twice the daily bag limit.

The Tribe monitors harvest through mail surveys. General conditions are as follows:

A. All tribal members will be required to obtain a valid tribal resource card and 2014–15 hunting license.

B. Except as modified by the Service rules adopted in response to this proposal, these amended regulations parallel all Federal regulations contained in 50 CFR part 20.

C. Particular regulations of note include:

(1) Nontoxic shot will be required for all waterfowl hunting by tribal members.

(2) Tribal members in each zone will comply with tribal regulations providing for closed and restricted waterfowl hunting areas. These regulations generally incorporate the same restrictions contained in parallel State regulations.

D. Tribal members hunting in Michigan will comply with tribal codes that contain provisions parallel to Michigan law regarding duck blinds and decoys.

We plan to approve Little River Band of Ottawa Indians' requested 2014–15 special migratory bird hunting seasons.

(k) The Little Traverse Bay Bands of Odawa Indians, Petoskey, Michigan (Tribal Members Only)

The Little Traverse Bay Bands of Odawa Indians (LTBB) is a self-governing, federally recognized Tribe located in Petoskey, Michigan, and a signatory Tribe of the Treaty of 1836. We have approved special regulations for tribal members of the 1836 treaty's signatory Tribes on ceded lands in Michigan since the 1986–87 hunting season.

For the 2014–15 season, the Little Traverse Bay Bands of Odawa Indians propose regulations similar to those of other Tribes in the 1836 treaty area. LTBB proposes the regulations to govern the hunting of migratory birds by tribal members on the LTBB reservation and within the 1836 Treaty Ceded Territory. The tribal member duck and merganser season would run from September 15, 2014, through January 31, 2015. A daily bag limit of 20 ducks and 10 mergansers would include no more than 5 hen mallards, 5 pintail, 5 canvasback, 5 scaup, 5 hooded merganser, 5 black ducks, 5 wood ducks, and 5 redheads.

For Canada geese, the LTBB proposes a September 1, 2014, through February 8, 2015, season. The daily bag limit for Canada geese would be 20 birds. We further note that, based on available data (of major goose migration routes), it is unlikely that any Canada geese from the Southern James Bay Population would be harvested by the LTBB. Possession limits are twice the daily bag limit.

For woodcock, the LTBB proposes a September 1 to December 1, 2014, season. The daily bag limit will not exceed 10 birds. For snipe, the LTBB proposes a September 1 to December 31, 2014, season. The daily bag limit will not exceed 16 birds. For mourning doves, the LTBB proposes a September 1 to November 14, 2014, season. The daily bag limit will not exceed 15 birds. For Virginia and sora rails, the LTBB proposes a September 1 to December 31, 2014, season. The daily bag limit will not exceed 20 birds per species. For coots and gallinules, the LTBB proposes a September 15 to December 31, 2014, season. The daily bag limit will not exceed 20 birds per species. The possession limit will not exceed 2 days' bag limit for all birds.

The LTBB also proposes a sandhill crane season to begin September 1 and end December 1, 2014. The daily bag limit will not exceed one bird. The possession limit will not exceed two times the bag limit.

All other Federal regulations contained in 50 CFR part 20 would apply.

Harvest surveys from 2013–14 hunting season indicated that approximately 13 hunters harvested 7 different waterfowl species. The LTBB proposes to monitor harvest closely through game bag checks, patrols, and mail surveys. In particular, the LTBB proposes monitoring the harvest of Southern James Bay Canada geese and sandhill cranes to assess any impacts of tribal hunting on the population.

We propose to approve the Little Traverse Bay Bands of Odawa Indians' requested 2014–15 special migratory bird hunting regulations.

(l) Lower Brule Sioux Tribe, Lower Brule Reservation, Lower Brule, South Dakota (Tribal Members and Nontribal Hunters)

The Lower Brule Sioux Tribe first established tribal migratory bird hunting regulations for the Lower Brule Reservation in 1994. The Lower Brule Reservation is about 214,000 acres in size and is located on and adjacent to the Missouri River, south of Pierre. Land ownership on the reservation is mixed, and until recently, the Lower Brule Tribe had full management authority over fish and wildlife via a memorandum of agreement (MOA) with the State of South Dakota. The MOA provided the Tribe jurisdiction over fish and wildlife on reservation lands, including deeded and U.S. Army Corps of Engineers-taken lands. For the 2014–15 season, the two parties have come to an agreement that provides the public a clear understanding of the Lower Brule Sioux Wildlife Department license requirements and hunting season regulations. The Lower Brule Reservation waterfowl season is open to tribal and nontribal hunters.

For the 2014–15 migratory bird hunting season, the Lower Brule Sioux Tribe proposes a nontribal member duck, merganser, and coot season length of 107 days, or the maximum number of days allowed by Federal frameworks in the High Plains Management Unit for this season. The Tribe proposes a duck season from October 11, 2014, through January 15, 2015. The daily bag limit would be six birds or maximum amount federal regulations allow, including no more than two hen mallard and five mallards total, two pintail, two redhead, two canvasback, three wood duck, three scaup, and one mottled duck. The daily bag limit for mergansers would be five, only two of which could be a hooded merganser. The daily bag limit for coots would be 15. Possession limits would be three times the daily bag limits.

The Tribe's proposed nontribal-member Canada goose season would run from November 1, 2014, through February 15, 2015 (107-day season length), with a daily bag limit of six Canada geese. The Tribe's proposed nontribal member white-fronted goose season would run from November 1, 2014, through January 27, 2015, with a daily bag and possession limits concurrent with Federal regulations. The Tribe's proposed nontribal-member light goose season would run from November 1, 2014, through February 15, 2015, and February 16 through May 3, 2015. The light goose daily bag limit would be 20 or maximum amount federal regulations allow with no possession limits.

For tribal members, the Lower Brule Sioux Tribe proposes a duck, merganser, and coot season from September 1, 2014, through March 10, 2015. The daily bag limit would be six ducks, including no more than two hen mallard and five mallards total, two pintail, two redheads, two canvasback, three wood ducks, three scaup, and one mottled duck or the maximum amount federal regulations allow. The daily bag limit for mergansers would be five, only two of which could be hooded mergansers. The daily bag limit for coots would be 15. Possession limits would be three times the daily bag limits.

The Tribe's proposed Canada goose season for tribal members would run from September 1, 2014, through March 10, 2015, with a daily bag limit of six Canada geese. The Tribe's proposed white-fronted goose tribal season would run from September 1, 2014, through March 10, 2015, with a daily bag limit of two white-fronted geese or the maximum that Federal regulations allow. The Tribe's proposed light goose tribal season would run from September 1, 2014, through March 10, 2015, and March 11, 2015 through May 3, 2015. The light goose daily bag limit would be 20 or the maximum that Federal regulations allow, with no possession limits.

In the 2012–13 season, non-tribal members harvested 414 geese and 658 ducks. In the 2012–13 season, duck harvest species composition was primarily mallard (69 percent), gadwall, and green-winged teal (10 percent each).

The Tribe anticipates a duck harvest similar to those of the previous 3 years and a goose harvest below the target harvest level of 3,000 to 4,000 geese. All basic Federal regulations contained in 50 CFR part 20, including the use of nontoxic shot, Migratory Waterfowl Hunting and Conservation Stamps, etc., would be observed by the Tribe's proposed regulations. In addition, the Lower Brule Sioux Tribe has an official Conservation Code that was established by Tribal Council Resolution in June 1982 and updated in 1996.

We plan to approve the Tribe's requested regulations for the Lower Brule Reservation given that the seasons' dates fall within final Federal flyway frameworks (applies to nontribal hunters only).

(m) Lower Elwha Klallam Tribe, Port Angeles, Washington (Tribal Members Only)

Since 1996, the Service and the Point No Point Treaty Tribes, of which Lower Elwha was one, have cooperated to

establish special regulations for migratory bird hunting. The Tribes are now acting independently, and the Lower Elwha Klallam Tribe would like to establish migratory bird hunting regulations for tribal members for the 2014–15 season. The Tribe has a reservation on the Olympic Peninsula in Washington State and is a successor to the signatories of the Treaty of Point No Point of 1855.

For the 2014–15 season, the Lower Elway Klallam Tribe requests special migratory bird hunting regulations for ducks (including mergansers), geese, coots, band-tailed pigeons, snipe, and mourning doves. The Lower Elwha Klallam Tribe requests a duck and coot season from September 13, 2014, to January 4, 2015. The daily bag limit will be seven ducks, including no more than two hen mallards, one pintail, one canvasback, and two redheads. The daily bag and possession limit on harlequin duck will be one per season. The coot daily bag limit will be 25. The possession limit will be twice the daily bag limit, except as noted above.

For geese, the Tribe requests a season from September 13, 2014, to January 4, 2015. The daily bag limit will be four, including no more than three light geese. The season on Aleutian Canada geese will be closed.

For brant, the Tribe proposes to close the season.

For mourning doves, band-tailed pigeon, and snipe, the Tribe requests a season from September 1, 2014, to January 11, 2015, with a daily bag limit of 10, 2, and 8, respectively. The possession limit will be twice the daily bag limit.

All Tribal hunters authorized to hunt migratory birds are required to obtain a tribal hunting permit from the Lower Elwha Klallam Tribe pursuant to tribal law. Hunting hours would be from one-half hour before sunrise to sunset. Only steel, tungsten-iron, tungsten-polymer, tungsten-matrix, and tin shot are allowed for hunting waterfowl. It is unlawful to use or possess lead shot while hunting waterfowl.

The Tribe typically anticipates harvest to be fewer than 10 birds. Tribal reservation police and Tribal fisheries enforcement officers have the authority to enforce these migratory bird hunting regulations.

The Service proposes to approve the request for special migratory bird hunting regulations for the Lower Elwha Klallam Tribe.

(n) Makah Indian Tribe, Neah Bay, Washington (Tribal Members Only)

The Makah Indian Tribe and the Service have been cooperating to establish special regulations for migratory game birds on the Makah Reservation and traditional hunting land off the Makah Reservation since the 2001–02 hunting season. Lands off the Makah Reservation are those contained within the boundaries of the State of Washington Game Management Units 601–603.

The Makah Indian Tribe proposes a duck and coot hunting season from September 27, 2014, to January 25, 2015. The daily bag limit is seven ducks, including no more than five mallards (only two hen mallard), one canvasback, one pintail, three scaup, and one redhead. The daily bag limit for coots is 25. The Tribe has a year-round closure on wood ducks and harlequin ducks. Shooting hours for all species of waterfowl are one-half hour before sunrise to sunset.

For geese, the Tribe proposes that the season open on September 27, 2014, and close January 25, 2015. The daily bag limit for geese is four and one brant. The Tribe notes that there is a year-round closure on Aleutian and dusky Canada geese.

For band-tailed pigeons, the Tribe proposes that the season open September 13, 2014, and close October 26, 2014. The daily bag limit for band-tailed pigeons is two.

The Tribe anticipates that harvest under this regulation will be relatively low since there are no known dedicated waterfowl hunters and any harvest of waterfowl or band-tailed pigeons is usually incidental to hunting for other species, such as deer, elk, and bear. The Tribe expects fewer than 50 ducks and 10 geese to be harvested during the 2014–15 migratory bird hunting season.

All other Federal regulations contained in 50 CFR part 20 would apply. The following restrictions are also usually proposed by the Tribe:

(1) As per Makah Ordinance 44, only shotguns may be used to hunt any species of waterfowl. Additionally, shotguns must not be discharged within 0.25 miles of an occupied area.

(2) Hunters must be eligible, enrolled Makah tribal members and must carry their Indian Treaty Fishing and Hunting Identification Card while hunting. No tags or permits are required to hunt waterfowl.

(3) The Cape Flattery area is open to waterfowl hunting, except in designated wilderness areas, or within 1 mile of Cape Flattery Trail, or in any area that is closed to hunting by another ordinance or regulation.

(4) The use of live decoys and/or baiting to pursue any species of waterfowl is prohibited.

(5) Steel or bismuth shot only for waterfowl is allowed; the use of lead shot is prohibited.

(6) The use of dogs is permitted to hunt waterfowl.

The Service proposes to approve the Makah Indian Tribe's requested 2014–15 special migratory bird hunting regulations.

(o) Navajo Nation, Navajo Indian Reservation, Window Rock, Arizona (Tribal Members and Nontribal Hunters)

Since 1985, we have established uniform migratory bird hunting regulations for tribal members and nonmembers on the Navajo Indian Reservation (in parts of Arizona, New Mexico, and Utah). The Navajo Nation owns almost all lands on the reservation and has full wildlife management authority.

For the 2014–15 season, the Tribe requests the earliest opening dates and longest duck, mergansers, Canada geese and coots seasons, and the same daily bag and possession limits allowed to Pacific Flyway States under final Federal frameworks for tribal and non-tribal members.

For both mourning dove and band-tailed pigeons, the Navajo Nation proposes seasons of September 1 through September 30, 2014, with daily bag limits of 10 and 5, respectively. Possession limits would be twice the daily bag limits.

The Nation requires tribal members and nonmembers to comply with all basic Federal migratory bird hunting regulations in 50 CFR part 20 pertaining to shooting hours and manner of taking. In addition, each waterfowl hunter 16 years of age or over must carry on his/her person a valid Migratory Bird Hunting and Conservation Stamp (Duck Stamp), which must be signed in ink across the face. Special regulations established by the Navajo Nation also apply on the reservation.

The Tribe anticipates a total harvest of fewer than 500 mourning doves; fewer than 10 band-tailed pigeons; fewer than 1,000 ducks, coots, and mergansers; and fewer than 1,000 Canada geese for the 2014–15 season. The Tribe measures harvest by mail survey forms. Through the established Navajo Nation Code, titles 17 and 18, and 23 U.S.C. 1165, the Tribe will take action to close the season, reduce bag limits, or take other appropriate actions if the harvest is detrimental to the migratory bird resource.

We propose to approve those the Navajo Nation's 2014–15 special migratory bird hunting regulations.

(p) Oneida Tribe of Indians of Wisconsin, Oneida, Wisconsin (Tribal Members Only)

Since 1991–92, the Oneida Tribe of Indians of Wisconsin and the Service have cooperated to establish uniform regulations for migratory bird hunting by tribal and nontribal hunters within the original Oneida Reservation boundaries. Since 1985, the Oneida Tribe's Conservation Department has enforced the Tribe's hunting regulations within those original reservation limits. The Oneida Tribe also has a good working relationship with the State of Wisconsin and the majority of the seasons and limits are the same for the Tribe and Wisconsin.

In a May 30, 2014, letter, the Tribe proposes special migratory bird hunting regulations. For ducks, the Tribe describes the general outside dates as being September 20 through December 7, 2014, with a closed segment of November 22 to 30, 2014. The Tribe proposes a daily bag limit of six birds, which could include no more than six mallards (three hen mallards), six wood duck, one redhead, two pintail, and one hooded merganser.

For geese, the Tribe requests a season between September 1 and December 31, 2014, with a daily bag limit of five Canada geese. The Tribe will close the season November 22 to 30, 2014. If a quota of 500 geese is attained before the season concludes, the Tribe will recommend closing the season early.

For woodcock, the Tribe proposes a season between September 6 and November 2, 2014, with a daily bag and possession limit of two and four, respectively.

For mourning dove, the Tribe proposes a season between September 6 and November 2, 2014, with a daily bag and possession limit of 10 and 20, respectively.

The Tribe proposes shooting hours be one-half hour before sunrise to one-half hour after sunset. Nontribal hunters hunting on the Reservation or on lands under the jurisdiction of the Tribe must comply with all State of Wisconsin regulations, including shooting hours of one-half hour before sunrise to sunset, season dates, and daily bag limits. Tribal members and nontribal hunters hunting on the Reservation or on lands under the jurisdiction of the Tribe must observe all basic Federal migratory bird hunting regulations found in 50 CFR part 20, with the following exceptions: Oneida members would be exempt from the purchase of the Migratory Waterfowl Hunting and Conservation Stamp (Duck Stamp); and shotgun capacity is not limited to three shells.

The Service proposes to approve the request for 2014–15 special migratory bird hunting regulations for the Oneida Tribe of Indians of Wisconsin.

(q) Point No Point Treaty Council Tribes, Kingston, Washington (Tribal Members Only)

We are establishing uniform migratory bird hunting regulations for tribal members on behalf of the Point No Point Treaty Council Tribes, consisting of the Port Gamble S'Klallam and Jamestown S'Klallam Tribes. The two tribes have reservations and ceded areas in northwestern Washington State and are the successors to the signatories of the Treaty of Point No Point of 1855. These proposed regulations will apply to tribal members both on and off reservations within the Point No Point Treaty Areas; however, the Port Gamble S'Klallam and Jamestown S'Klallam Tribal season dates differ only where indicated below.

For the 2014–15 season, the Point No Point Treaty Council requests special migratory bird hunting regulations for the 2014–15 hunting season for both the Jamestown S'Klallam and Port Gamble S'Klallam Tribes. For ducks and coots hunting season, the Jamestown S'Klallam Tribe season would open September 13, 2014, and close February 1, 2015. The Port Gamble S'Klallam Tribes season would open from September 2, 2014, to January 31, 2015. The daily bag limit would be seven ducks, including no more than two hen mallards, one canvasback, one pintail, two redhead, and four scoters. The daily bag limit for coots would be 25. The daily bag limit and possession limit on harlequin ducks would be one per season. The daily possession limits are double the daily bag limits except where noted.

For geese, the Point No Point Treaty Council proposes the season open on September 9, 2014, and close March 10, 2015, for the Jamestown S'Klallam Tribe, and open on September 14, 2014, and close March 9, 2015, for the Port Gamble S'Klallam Tribe. The daily bag limit for geese would be four, not to include more than three light geese. The Council notes that there is a year-round closure on dusky Canada geese. For brant, the Council proposes the season open on November 9, 2014, and close January 31, 2015, for the Port Gamble S'Klallam Tribe, and open on January 10 and close January 25, 2015, for the Jamestown S'Klallam Tribe. The daily bag limit for brant would be two.

For band-tailed pigeons, the Port Gamble S'Klallam Tribe season would open September 2, 2014, and close March 9, 2015. The Jamestown S'Klallam Tribe season would open September 13, 2014, and close January 18, 2015. The daily bag limit for band-tailed pigeons would be two. For snipe, the Port Gamble S'Klallam Tribe season would open September 2, 2014, and close March 9, 2015. The Jamestown S'Klallam Tribe season would open September 13, 2014, and close March 10, 2015. The daily bag limit for snipe would be eight. For mourning dove, the Port Gamble S'Klallam Tribe season would open September 2, 2014, and close January 31, 2015. The Jamestown S'Klallam Tribe would open September 13, 2014, and close January 18, 2015. The daily bag limit for mourning dove would be 10.

The Tribe anticipates a total harvest of fewer than 200 birds for the 2014–15 season. The tribal fish and wildlife enforcement officers have the authority to enforce these tribal regulations.

We propose to approve the Point No Point Treaty Council Tribe's requested 2014–15 special migratory bird seasons.

(r) Saginaw Tribe of Chippewa Indians, Mt. Pleasant, Michigan (Tribal Members Only)

The Saginaw Tribe of Chippewa Indians is a federally recognized, self-governing Indian Tribe, located on the Isabella Reservation lands bound by Saginaw Bay in Isabella and Arenac Counties, Michigan.

In a May 15, 2014, letter, the Tribe proposes special migratory bird hunting regulations. For ducks, mergansers, and common snipe, the Tribe proposes outside dates as September 1, 2014, through January 31, 2015. The Tribe proposes a daily bag limit of 20 ducks, which could include no more than five each of the following: hen mallards; wood duck; black duck; pintail; red head; scaup; and canvasback. The merganser daily bag limit is 10 with no more than 5 hooded mergansers and 16 for common snipe.

For geese, coot, gallinule, sora, and Virginia rail, the Tribe requests a season from September 1, 2014, to January 31, 2015. The daily bag limit for geese is 20, in the aggregate. The daily bag limit for coot, gallinule, sora, and Virginia rail is 20 in the aggregate.

For woodcock and mourning dove, the Tribe proposes a season between September 1, 2014, and January 31, 2015, with daily bag limits of 10 and 25, respectively.

For sandhill crane, the Tribe proposes a season between September 1, 2014, and January 31, 2015, with a daily bag limit of one.

All Saginaw Tribe members exercising hunting treaty rights are required to comply with Tribal Ordinance 11. Hunting hours would be

from one-half hour before sunrise to one-half hour after sunset. All other regulations in 50 CFR part 20 apply including the use of only nontoxic shot for hunting waterfowl.

The Service proposes to approve the request for 2014–15 special migratory bird hunting regulations for the Saginaw Tribe of Chippewa Indians.

(s) Sault Ste. Marie Tribe of Chippewa Indians, Sault Ste. Marie, Michigan (Tribal Members Only)

The Sault Ste. Marie Tribe of Chippewa Indians is a federally recognized, self-governing Indian Tribe, distributed throughout the eastern Upper Peninsula and northern Lower Peninsula of Michigan. The Tribe has retained the right to hunt, fish, trap, and gather on the lands ceded in the Treaty of Washington (1836).

In a May 27, 2014, letter, the Tribe proposes special migratory bird hunting regulations. For ducks, mergansers, and common snipe, the Tribe proposes outside dates as September 15 through December 31, 2014. The Tribe proposes a daily bag limit of 20 ducks, which could include no more than 10 mallards (5 hen mallards), 5 wood duck, 5 black duck, and 5 canvasback. The merganser daily bag limit is 10 in the aggregate and 16 for common snipe.

For geese, coot, gallinule, sora, and Virginia rail, the Tribe requests a season from September 1 to December 31, 2014. The daily bag limit for geese is 20, in the aggregate. The daily bag limit for coot, gallinule, sora, and Virginia rail is 20 in the aggregate.

For woodcock, the Tribe proposes a season between September 2 and December 1, 2014, with a daily bag and possession limit of 10 and 20, respectively.

For mourning dove, the Tribe proposes a season between September 1 and November 14, 2014, with a daily bag and possession limit of 10 and 20, respectively.

In 2013, the total estimated waterfowl hunters was 261. All Sault Ste. Marie Tribe members exercising hunting treaty rights within the 1836 Ceded Territory are required to submit annual harvest reports including date of harvest, number and species harvested, and location of harvest. Hunting hours would be from one-half hour before sunrise to one-half hour after sunset. All other regulations in 50 CFR part 20 apply including the use of only nontoxic shot for hunting waterfowl.

The Service proposes to approve the request for 2014–15 special migratory bird hunting regulations for the Sault Ste. Marie Tribe of Chippewa Indians.

(t) Shoshone-Bannock Tribes, Fort Hall Indian Reservation, Fort Hall, Idaho (Nontribal Hunters)

Almost all of the Fort Hall Indian Reservation is tribally owned. The Tribes claim full wildlife management authority throughout the reservation, but the Idaho Fish and Game Department has disputed tribal jurisdiction, especially for hunting by nontribal members on reservation lands owned by non-Indians. As a compromise, since 1985, we have established the same waterfowl hunting regulations on the reservation and in a surrounding off-reservation State zone. The regulations were requested by the Tribes and provided for different season dates than in the remainder of the State. We agreed to the season dates because they would provide additional protection to mallards and pintails. The State of Idaho concurred with the zoning arrangement. We have no objection to the State's use of this zone again in the 2014–15 hunting season, provided the duck and goose hunting season dates are the same as on the reservation.

In a proposal for the 2014–15 hunting season, the Shoshone-Bannock Tribes request a continuous duck (including mergansers) season, with the maximum number of days and the same daily bag and possession limits permitted for Pacific Flyway States under the final Federal frameworks. The Tribes propose a duck and coot season with, if the same number of hunting days is permitted as last year, an opening date of October 4, 2014, and a closing date of January 18, 2015. The Tribes anticipate harvest will be about 7,000 ducks.

The Tribes also request a continuous goose season with the maximum number of days and the same daily bag and possession limits permitted in Idaho under Federal frameworks. The Tribes propose that, if the same number of hunting days is permitted as in previous years, the season would have an opening date of October 4, 2014, and a closing date of January 18, 2015. The Tribes anticipate harvest will be about 5,000 geese.

The Tribes request a common snipe season with the maximum number of days and the same daily bag and possession limits permitted in Idaho under Federal frameworks. The Tribes propose that, if the same number of hunting days is permitted as in previous years, the season would have an opening date of October 4, 2014, and a closing date of January 18, 2015.

Nontribal hunters must comply with all basic Federal migratory bird hunting regulations in 50 CFR part 20 pertaining to shooting hours, use of steel shot, and manner of taking. Special regulations established by the Shoshone-Bannock Tribes also apply on the reservation.

We note that the requested regulations are nearly identical to those of last year, and we propose to approve them for the 2014–15 hunting season given that the seasons' dates fall within the final Federal flyway frameworks (applies to nontribal hunters only).

(u) Skokomish Tribe, Shelton, Washington (Tribal Members Only)

Since 1996, the Service and the Point No Point Treaty Tribes, of which the Skokomish Tribe was one, have cooperated to establish special regulations for migratory bird hunting. The Tribes have been acting independently since 2005, and the Skokomish Tribe would like to establish migratory bird hunting regulations for tribal members for the 2014–15 season. The Tribe has a reservation on the Olympic Peninsula in Washington State and is a successor to the signatories of the Treaty of Point No Point of 1855.

We have not yet received a proposal from the Skokomish Tribe at this time. The Skokomish Tribe usually requests a duck and coot season from September 16, 2014, to February 28, 2015. The daily bag limit is seven ducks, including no more than two hen mallards, one pintail, one canvasback, and two redheads. The daily bag and possession limit on harlequin duck is one per season. The coot daily bag limit is 25. The possession limit is twice the daily bag limit, except as noted above.

For geese, the Tribe usually requests a season from September 16, 2014, to February 28, 2015. The daily bag limit is four, including no more than three light geese. The season on Aleutian Canada geese is usually closed. For brant, the Tribe usually proposes a season from November 1, 2014, to February 15, 2015, with a daily bag limit of two. The possession limit is twice the daily bag limit.

For mourning doves, band-tailed pigeon, and snipe, the Tribe usually requests a season from September 16, 2014, to February 28, 2015, with a daily bag limit of 10, 2, and 8, respectively. The possession limit is twice the daily bag limit.

All Tribal hunters authorized to hunt migratory birds are required to obtain a tribal hunting permit from the Skokomish Tribe pursuant to tribal law. Hunting hours would be from one-half hour before sunrise to sunset. Only steel, tungsten-iron, tungsten-polymer, tungsten-matrix, and tin shot are allowed for hunting waterfowl. It is

unlawful to use or possess lead shot while hunting waterfowl.

The Tribe anticipates harvest to be fewer than 150 birds. The Skokomish Public Safety Office enforcement officers have the authority to enforce these migratory bird hunting regulations.

If we receive a proposal that matches the Tribe's usual request, we propose to approve the Skokomish Tribe's 2014–15 migratory bird hunting season.

(v) Spokane Tribe of Indians, Spokane Indian Reservation, Wellpinit, Washington (Tribal Members Only)

The Spokane Tribe of Indians wishes to establish waterfowl seasons on their reservation for its membership to access as an additional resource. An established waterfowl season on the reservation will allow access to a resource for members to continue practicing a subsistence lifestyle.

The Spokane Indian Reservation is located in northeastern Washington State. The reservation comprises approximately 157,000 acres. The boundaries of the Reservation are the Columbia River to the west, the Spokane River to the south (now Lake Roosevelt), Tshimikn Creek to the east, and the 48th Parallel as the north boundary. Tribal membership comprises approximately 2,300 enrolled Spokane Tribal Members.

These proposed regulations would allow Tribal Members, spouses of Spokane Tribal Members, and first-generation descendants of a Spokane Tribal Member with a tribal permit and Federal Waterfowl stamp an opportunity to utilize the reservation and ceded lands for waterfowl hunting. These regulations would also benefit tribal membership through access to this resource throughout Spokane Tribal ceded lands in eastern Washington. By Spokane Tribal Referendum, spouses of Spokane Tribal Members and children of Spokane Tribal Members not enrolled are allowed to harvest game animals within the Spokane Indian Reservation with the issuance of hunting permits.

For the 2014–15 season, the Tribe requests to establish duck seasons that would run from September 2, 2014, through January 31, 2015. The tribe is requesting the daily bag limit for ducks to be consistent with final Federal frameworks. The possession limit is twice the daily bag limit.

The Tribe proposes a season on geese starting September 2, 2014, and ending on January 31, 2015. The tribe is requesting the daily bag limit for geese to be consistent with final Federal frameworks. The possession limit is twice the daily bag limit.

Based on the quantity of requests the Spokane Tribe of Indians has received, the tribe anticipates harvest levels for the 2014–15 season for both ducks and geese to be fewer than 100 total birds with goose harvest at fewer than 50. Hunter success will be monitored through mandatory harvest reports returned within 30 days of the season closure.

We propose to approve the Spokane Tribe's requested 2014–15 special migratory bird hunting regulations.

(w) Squaxin Island Tribe, Squaxin Island Reservation, Shelton, Washington (Tribal Members Only)

The Squaxin Island Tribe of Washington and the Service have cooperated since 1995, to establish special tribal migratory bird hunting regulations. These special regulations apply to tribal members on the Squaxin Island Reservation, located in western Washington near Olympia, and all lands within the traditional hunting grounds of the Squaxin Island Tribe.

For the 2014–15 season, the Tribe requests to establish duck and coot seasons that would run from September 1, 2014, through January 15, 2015. The daily bag limit for ducks would be five per day and could include only one canvasback. The season on harlequin ducks is closed. For coots, the daily bag limit is 25. For snipe, the Tribe proposes that the season start on September 15, 2014, and end on January 15, 2015. The daily bag limit for snipe would be eight. For band-tailed pigeon, the Tribe proposes that the season start on September 1, 2014, and end on December 31, 2014. The daily bag limit would be five. The possession limit would be twice the daily bag limit.

The Tribe proposes a season on geese starting September 15, 2014, and ending on January 15, 2015. The daily bag limit for geese would be four, including no more than two snow geese. The season on Aleutian and cackling Canada geese would be closed. For brant, the Tribe proposes that the season start on September 1, 2014, and end on December 31, 2014. The daily bag limit for brant would be two. The possession limit would be twice the daily bag limit.

We propose to approve the Tribe's 2014–15 special migratory bird hunting regulations.

(x) Stillaguamish Tribe of Indians, Arlington, Washington (Tribal Members Only)

The Stillaguamish Tribe of Indians and the Service have cooperated to establish special regulations for migratory game birds since 2001. For the 2014–15 season, the Tribe requests regulations to hunt all open and unclaimed lands under the Treaty of Point Elliott of January 22, 1855, including their main hunting grounds around Camano Island, Skagit Flats, and Port Susan to the border of the Tulalip Tribes Reservation. Ceded lands are located in Whatcom, Skagit, Snohomish, and Kings Counties, and a portion of Pierce County, Washington. The Stillaguamish Tribe of Indians is a federally recognized Tribe and reserves the Treaty Right to hunt (*U.S.* v. *Washington*).

We have yet to hear from the Stillaguamish Tribe of Indians; however the Tribe usually proposes their duck (including mergansers) and goose seasons run from October 1, 2014, to February 15, 2015. The daily bag limit on ducks (including sea ducks and mergansers) is 10. For geese, the daily bag limit is six. Possession limits are totals of these two daily bag limits.

The Tribe usually proposes that coot, brant, and snipe seasons run from October 1, 2014, to January 31, 2015. The daily bag limit for coot is 25. The daily bag limit on brant is three. The daily bag limit for snipe is 10. Possession limits are twice the daily bag limit.

The Tribe usually proposes that band-tailed pigeon and dove seasons run from September 1, 2014, to October 31, 2014. The daily bag limit for band-tailed pigeon is four. The daily bag limit on dove is 10. Possession limits are twice the daily bag limit.

Harvest is regulated by a punch card system. Tribal members hunting on lands under this proposal will observe all basic Federal migratory bird hunting regulations found in 50 CFR part 20, which will be enforced by the Stillaguamish Tribal law enforcement. Tribal members are required to use steel shot or a nontoxic shot as required by Federal regulations.

The Tribe usually anticipates a total harvest of 200 ducks, 100 geese, 50 mergansers, 100 coots, and 100 snipe. Anticipated harvest needs include subsistence and ceremonial needs. Certain species may be closed to hunting for conservation purposes, and consideration for the needs of certain species will be addressed.

The Service proposes to approve the Stillaguamish Tribe's request for 2014–15 special migratory bird hunting regulations upon receipt of the proposal.

(y) Swinomish Indian Tribal Community, LaConner, Washington (Tribal Members Only)

In 1996, the Service and the Swinomish Indian Tribal Community began cooperating to establish special

regulations for migratory bird hunting. The Swinomish Indian Tribal Community is a federally recognized Indian Tribe consisting of the Swinomish, Lower Skagit, Samish, and Kikialous. The Swinomish Reservation was established by the Treaty of Point Elliott of January 22, 1855, and lies in the Puget Sound area north of Seattle, Washington.

We have not yet heard from the Swinomish Indian Tribal Community. For the 2014–15 season, the Tribal Community usually requests to establish a migratory bird hunting season on all areas that are open and unclaimed and consistent with the meaning of the treaty. The Tribal Community usually requests to establish duck, merganser, Canada goose, brant, and coot seasons opening on the earliest possible date allowed by the final Federal frameworks for the Pacific Flyway and closing 30 days after the State of Washington closes its season. On reservation, the Tribal Community usually requests to establish duck, merganser, Canada goose, brant, and coot seasons opening on the earliest possible date allowed by the final Federal frameworks for the Pacific Flyway and closing March 9, 2015. The Swinomish Indian Tribal Community usually requests an additional three birds of each species over the numbers allowed by the State for daily bag and possession limits.

The Community usually anticipates that the regulations will result in the harvest of approximately 600 ducks and 200 geese. The Swinomish utilize a report card and permit system to monitor harvest and will implement steps to limit harvest where conservation is needed. All tribal regulations will be enforced by tribal fish and game officers.

If we receive a proposal that matches the Tribe's usual request, we propose to approve those 2014–15 special migratory bird hunting regulations.

(z) The Tulalip Tribes of Washington, Tulalip Indian Reservation, Marysville, Washington (Tribal Members Only)

The Tulalip Tribes are the successors in interest to the Tribes and bands signatory to the Treaty of Point Elliott of January 22, 1855. The Tulalip Tribes' government is located on the Tulalip Indian Reservation just north of the City of Everett in Snohomish County, Washington. The Tribes or individual tribal members own all of the land on the reservation, and they have full wildlife management authority. All lands within the boundaries of the Tulalip Tribes Reservation are closed to nonmember hunting unless opened by Tulalip Tribal regulations.

The Tribe proposes tribal hunting regulations for the 2014–15 season. Migratory waterfowl hunting by Tulalip Tribal members is authorized by Tulalip Tribal Ordinance No. 67. For ducks, mergansers, coot, and snipe, the proposed season for tribal members is from September 3, 2014, through February 28, 2015. Daily bag and possession limits would be 7 and 14 ducks, respectively, except that for blue-winged teal, canvasback, harlequin, pintail, and wood duck, the bag and possession limits would be the same as those established in accordance with final Federal frameworks. For coot, daily bag and possession limits are 25 and 50, respectively, and for snipe 8 and 16, respectively. Ceremonial hunting may be authorized by the Department of Natural Resources at any time upon application of a qualified tribal member. Such a hunt must have a bag limit designed to limit harvest only to those birds necessary to provide for the ceremony.

For geese, tribal members propose a season from September 3, 2014, through February 28, 2015. The goose daily bag and possession limits would be 7 and 14, respectively, except that the bag limits for brant, cackling Canada geese, and dusky Canada geese would be those established in accordance with final Federal frameworks.

All hunters on Tulalip Tribal lands are required to adhere to shooting hour regulations set at one-half hour before sunrise to sunset, special tribal permit requirements, and a number of other tribal regulations enforced by the Tribe. Each nontribal hunter 16 years of age and older hunting pursuant to Tulalip Tribes' Ordinance No. 67 must possess a valid Federal Migratory Bird Hunting and Conservation Stamp and a valid State of Washington Migratory Waterfowl Stamp. Each hunter must validate stamps by signing across the face.

Although the season length requested by the Tulalip Tribes appears to be quite liberal, harvest information indicates a total take by tribal and nontribal hunters of fewer than 1,000 ducks and 500 geese annually.

We propose to approve the Tulalip Tribe's request for 2014–15 special migratory bird hunting regulations.

(aa) Upper Skagit Indian Tribe, Sedro Woolley, Washington (Tribal Members Only)

The Upper Skagit Indian Tribe and the Service have cooperated to establish special regulations for migratory game birds since 2001. The Tribe has jurisdiction over lands within Skagit, Island, and Whatcom Counties, Washington. The Tribe issues tribal hunters a harvest report card that will be shared with the State of Washington.

For the 2014–15 season, the Tribe requests a duck season starting October 1, 2014, and ending February 28, 2015. The Tribe proposes a daily bag limit of 15 with a possession limit of 20. The Tribe requests a coot season starting October 1, 2014, and ending February 15, 2015. The coot daily bag limit is 20 with a possession limit of 30.

The Tribe proposes a goose season from October 1, 2014, to February 28, 2015, with a daily bag limit of 7 geese and a possession limit of 10. For brant, the Tribe proposes a season from November 1 to November 10, 2014, with a daily bag and possession limit of 2.

The Tribe proposes a mourning dove season between September 1 and December 31, 2014, with a daily bag limit of 12 and possession limit of 15.

The anticipated migratory bird harvest under this proposal would be 100 ducks, 5 geese, 2 brant, and 10 coots. Tribal members must have the tribal identification and tribal harvest report card on their person to hunt. Tribal members hunting on the Reservation will observe all basic Federal migratory bird hunting regulations found in 50 CFR part 20, except shooting hours would be 15 minutes before official sunrise to 15 minutes after official sunset.

We propose to approve the Tribe's 2014–15 special migratory bird hunting regulations.

(bb) Wampanoag Tribe of Gay Head, Aquinnah, Massachusetts (Tribal Members Only)

The Wampanoag Tribe of Gay Head is a federally recognized Tribe located on the island of Martha's Vineyard in Massachusetts. The Tribe has approximately 560 acres of land, which it manages for wildlife through its natural resources department. The Tribe also enforces its own wildlife laws and regulations through the natural resources department.

For the 2014–15 season, we have not yet heard from the Tribe. The Tribe usually proposes a duck season of October 14, 2014, through February 22, 2015. The Tribe usually proposes a daily bag limit of eight birds, which could include no more than four hen mallards, four mottled ducks, one fulvous whistling duck, four mergansers, three scaup, two hooded mergansers, three wood ducks, one canvasback, two redheads, two pintail, and four of all other species not listed. The season for harlequin ducks is usually closed. The Tribe usually proposes a teal (green-winged and blue)

season of October 10, 2014, through February 22, 2015. A daily bag limit of six teal would be in addition to the daily bag limit for ducks.

For sea ducks, the Tribe usually proposes a season between October 7, 2014, and February 22, 2015, with a daily bag limit of seven, which could include no more than one hen eider and four of any one species unless otherwise noted above.

For Canada geese, the Tribe usually requests a season between September 4 and September 21, 2014, and October 28, 2014, and February 22, 2015, with a daily bag limit of 8 Canada geese. For snow geese, the tribe requests a season between September 4 to September 21, 2014, and November 25, 2014, to February 22, 2015, with a daily bag limit of 15 snow geese.

For woodcock, the Tribe usually proposes a season between October 10 and November 23, 2014, with a daily bag limit of three. For sora and Virginia rails, the Tribe usually requests a season of September 2, 2014, through November 10, 2014, with a daily bag limit of 5 sora and 10 Virginia rails. For snipe, the Tribe usually requests a season of September 2, 2014, through December 16, 2014, with a daily bag limit of 8.

Prior to 2012, the Tribe had 22 registered tribal hunters and estimates harvest to be no more than 15 geese, 25 mallards, 25 teal, 50 black ducks, and 50 of all other species combined. Tribal members hunting on the Reservation will observe all basic Federal migratory bird hunting regulations found in 50 CFR part 20. The Tribe requires hunters to register with the Harvest Information Program.

If we receive a proposal that matches the Tribe's usual request, we propose to approve those 2014–15 special migratory bird hunting regulations.

(cc) White Earth Band of Ojibwe, White Earth, Minnesota (Tribal Members Only)

The White Earth Band of Ojibwe is a federally recognized tribe located in northwest Minnesota and encompasses all of Mahnomen County and parts of Becker and Clearwater Counties. The reservation employs conservation officers to enforce migratory bird regulations. The Tribe and the Service first cooperated to establish special tribal regulations in 1999.

For the 2014–15 migratory bird hunting season, the White Earth Band of Ojibwe requests a duck season to start September 13 and end December 14, 2014. For ducks, they request a daily bag limit of 10, including no more than 2 mallards, 1 pintail, and 1 canvasback. For mergansers, the Tribe proposes the season to start September 13 and end December 14, 2014. The merganser daily bag limit would be five with no more than two hooded mergansers. For geese, the Tribe proposes an early season from September 1 through September 21, 2014, and a late season from September 22, 2014, through December 14, 2014. The early season daily bag limit is eight geese, and the late season daily bag limit is five geese.

For coots, the Tribe proposes a September 13 through December 14, 2014, season with daily bag limits of 20 coots. Shooting hours are one-half hour before sunrise to one-half hour after sunset. Nontoxic shot is required.

Based on past harvest surveys, the Tribe anticipates harvest of 1,000 to 2,000 Canada geese and 1,000 to 1,500 ducks. The White Earth Reservation Tribal Council employs four full-time conservation officers to enforce migratory bird regulations.

We propose to approve the Tribe's 2014–15 special migratory bird hunting regulations.

(dd) White Mountain Apache Tribe, Fort Apache Indian Reservation, Whiteriver, Arizona (Tribal Members and Nontribal Hunters)

The White Mountain Apache Tribe owns all reservation lands, and the Tribe has recognized full wildlife management authority. As in past years, the White Mountain Apache Tribe has requested regulations that are essentially unchanged from those agreed to since the 1997–98 hunting year.

The hunting zone for waterfowl is restricted and is described as: The length of the Black River west of the Bonito Creek and Black River confluence and the entire length of the Salt River forming the southern boundary of the reservation; the White River, extending from the Canyon Day Stockman Station to the Salt River; and all stock ponds located within Wildlife Management Units 4, 5, 6, and 7. Tanks located below the Mogollon Rim, within Wildlife Management Units 2 and 3, will be open to waterfowl hunting during the 2014–15 season. The length of the Black River east of the Black River/Bonito Creek confluence is closed to waterfowl hunting. All other waters of the reservation would be closed to waterfowl hunting for the 2014–15 season.

For nontribal and tribal hunters, the Tribe proposes a continuous duck, coot, merganser, gallinule, and moorhen hunting season, with an opening date of October 18, 2014, and a closing date of January 25, 2015. The Tribe proposes a separate pintail and canvasback season, with an opening date of October 18, 2014, and a closing date of November 30, 2014. The season on scaup is closed. The Tribe proposes a daily duck (including mergansers) bag limit of seven, which may include no more than two redheads, two pintail, seven mallards (including no more than two hen mallards), and one canvasback. The daily bag limit for coots, gallinules, and moorhens would be 25, singly or in the aggregate.

For geese, the Tribe proposes a season from October 18, 2014, through January 25, 2015. Hunting would be limited to Canada geese, and the daily bag limit would be three.

Season dates for band-tailed pigeons and mourning doves would run from September 1, and end September 15, 2014, in Wildlife Management Unit 10 and all areas south of Y–70 and Y–10 in Wildlife Management Unit 7, only. Proposed daily bag limits for band-tailed pigeons and mourning doves would be 3 and 10, respectively.

Possession limits for the above species are twice the daily bag limits. Shooting hours would be from one-half hour before sunrise to sunset. There would be no open season for sandhill cranes, rails, and snipe on the White Mountain Apache lands under this proposal.

A number of special regulations apply to tribal and nontribal hunters, which may be obtained from the White Mountain Apache Tribe Game and Fish Department.

We plan to approve the White Mountain Apache Tribe's requested 2014–15 special migratory bird hunting regulations.

(ee) Yankton Sioux Tribe, Marty, South Dakota (Tribal Members and Nontribal Hunters)

The Yankton Sioux Tribe has yet to submit a waterfowl hunting proposal for the 2014–15 season. The Yankton Sioux tribal waterfowl hunting season usually would be open to both tribal members and nontribal hunters. The waterfowl hunting regulations would apply to tribal and trust lands within the external boundaries of the reservation.

For ducks (including mergansers) and coots, we expect the Yankton Sioux Tribe to, as usual, propose a season starting October 9, 2014, and running for the maximum amount of days allowed under the final Federal frameworks. Daily bag and possession limits would be six ducks, which may include no more than five mallards (no more than two hens), one canvasback (when the season is open), two redheads, three scaup, one pintail, or two wood ducks. The bag limit for mergansers would be five, which would

include no more than one hooded merganser. The coot daily bag limit would be 15.

For geese, the Tribe will likely request a dark goose (Canada geese, brant, white-fronted geese) season starting October 29, 2014, and closing January 31, 2015. The daily bag limit would be three geese (including no more than one white-fronted goose or brant). Possession limits would be twice the daily bag limit.

For white geese, the proposed hunting season would start October 29, 2014, and run for the maximum amount of days allowed under the final Federal frameworks for the State of South Dakota. Daily bag and possession limits would equal the maximum allowed under Federal frameworks.

All hunters would have to be in possession of a valid tribal license while hunting on Yankton Sioux trust lands. Tribal and nontribal hunters must comply with all basic Federal migratory bird hunting regulations in 50 CFR part 20 pertaining to shooting hours and the manner of taking. Special regulations established by the Yankton Sioux Tribe also apply on the reservation.

During the 2005–06 hunting season, the Tribe reported that 90 nontribal hunters took 400 Canada geese, 75 light geese, and 90 ducks. Forty-five tribal members harvested fewer than 50 geese and 50 ducks.

If we receive a proposal that matches the Tribe's usual request, we propose to approve those 2014–15 special migratory bird hunting regulations.

Public Comments

The Department of the Interior's policy is, whenever possible, to afford the public an opportunity to participate in the rulemaking process. Accordingly, we invite interested persons to submit written comments, suggestions, or recommendations regarding the proposed regulations. Before promulgating final migratory game bird hunting regulations, we will consider all comments we receive. These comments, and any additional information we receive, may lead to final regulations that differ from these proposals.

You may submit your comments and materials concerning this proposed rule by one of the methods listed in the **ADDRESSES** section. We will not accept comments sent by email or fax. We will not consider hand-delivered comments that we do not receive, or mailed comments that are not postmarked, by the date specified in the **DATES** section.

We will post all comments in their entirety—including your personal identifying information—on *http://www.regulations.gov.* Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Comments and materials we receive, as well as supporting documentation we used in preparing this proposed rule, will be available for public inspection on *http://www.regulations.gov,* or by appointment, during normal business hours, at the U.S. Fish and Wildlife Service, Division of Migratory Bird Management, 5275 Leesburg Pike, Falls Church, VA 22041–3803.

For each series of proposed rulemakings, we will establish specific comment periods. We will consider, but possibly may not respond in detail to, each comment. As in the past, we will summarize all comments we receive during the comment period and respond to them after the closing date in the preambles of any final rules.

Required Determinations

Based on our most current data, we are affirming our required determinations made in the proposed rule; for descriptions of our actions to ensure compliance with the following statutes and Executive Orders, see our April 30, 2014, proposed rule (79 FR 24512):

- National Environmental Policy Act;
- Endangered Species Act;
- Regulatory Planning and Review;
- Regulatory Flexibility Act;
- Small Business Regulatory Enforcement Fairness Act;
- Paperwork Reduction Act;
- Unfunded Mandates Reform Act;
- Executive Orders 12630, 12988, 13175, 13132, and 13211.

List of Subjects in 50 CFR Part 20

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

The rules that eventually will be promulgated for the 2014–15 hunting season are authorized under 16 U.S.C. 703–712 and 16 U.S.C. 742 a–j.

Dated: July 29, 2014.

Rachel Jacobson,

Principal Deputy Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 2014–18861 Filed 8–8–14; 8:45 am]

BILLING CODE 4310–55–P

FEDERAL REGISTER

Vol. 79 Monday,

No. 154 August 11, 2014

Part IV

The President

Notice of August 7, 2014—Continuation of the National Emergency With Respect to Export Control Regulations

Federal Register
Vol. 79, No. 154
Monday, August 11, 2014

Presidential Documents

Title 3—

The President

Notice of August 7, 2014

Continuation of the National Emergency With Respect to Export Control Regulations

On August 17, 2001, consistent with the authority provided to the President under the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*), the President issued Executive Order 13222. In that order, he declared a national emergency with respect to the unusual and extraordinary threat to the national security, foreign policy, and economy of the United States in light of the expiration of the Export Administration Act of 1979 (50 U.S.C. App. 2401 *et seq.*). Because the Export Administration Act has not been renewed by the Congress, the national emergency declared on August 17, 2001, must continue in effect beyond August 17, 2014. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing for 1 year the national emergency declared in Executive Order 13222.

This notice shall be published in the *Federal Register* and transmitted to the Congress.

THE WHITE HOUSE,
August 7, 2014.

[FR Doc. 2014–19107
Filed 8–8–14; 11:15 am]
Billing code 3295–F4

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